



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: GID-1415-13

File ID: GID-1415-13

Type: Permits

Status: Consent Item

Version: 2

Reference: Item No. 19

In Control: City Council

Department: Utilities Department

Cost:

File Created: 07/29/2014

File Name: DEQ CONSENT ORDER 13-077

Final Action:

Title: CONSIDERATION OF AUTHORIZATION FOR THE CHAIRMAN OF THE NORMAN UTILITIES AUTHORITY TO EXECUTE CONSENT ORDER NO. 13-077 BY THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) FOR THE NORMAN WATER RECLAMATION FACILITY NO. S-20616, PERMIT NO. OK0029190.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject authorization for the Chairman to execute voluntary Consent Order No. 13-077.

ACTION TAKEN: _____

Agenda Date: 08/12/2014

Agenda Number: 19

Attachments: Consent Order 13-077 Re-Offer Letter, Consent Order 13-077.pdf, Chronological Summary.pdf

Project Manager: Mark Daniels, Utilities Engineer

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File GID-1415-13

Body

BACKGROUND: The Oklahoma Pollutant Discharge Elimination System (OPDES) permit for the South Water Reclamation Facility (WRF), issued July 1, 2010 by Oklahoma Department of Environmental Quality (DEQ), required construction of new disinfection facilities and to attain compliance with final discharge limits by July 1, 2013. Prior to and concurrent with issuance of the OPDES permit, the Norman Utilities Authority (NUA) informed DEQ that the original schedule contained in the permit and listed below was not achievable.

1. Submit approvable Engineering Report (ER) by April 1, 2011.
2. Submit approvable Plans and Specifications (P&S) by January 1, 2012.
3. Begin construction of disinfection facilities by July 1, 2012.
4. Complete construction of disinfection facilities by May 1, 2013.
5. Attain compliance with final limits for Fecal Coliform and Total Residual Chlorine by July 1, 2013.

Since 2010, the NUA has been reporting progress to DEQ regarding completion of the above tasks as required by OPDES Permit No. OK0029190. Pertinent correspondences between the NUA and DEQ, and tasks completed to date are listed in the Chronological Event Summary included as Attachment 1. The DEQ has

issued the following notices to the NUA regarding the compliance schedule on our OPDES permit:

- On October 11, 2011, DEQ issued a Notice of Violation (NOV) regarding failure to submit ER by April 1, 2011 in accordance with Task 1.
- On August 16, 2012, DEQ issued an NOV for exceeding discharge limits for Total Suspended Solids (TSS) in March 2012 and Ammonia (NH4) in June 2012. As noted in our response, these violations were directly related to an extreme 24-hour rainfall event of 4.7 inches in March and a blower malfunction on June 24, 2012.
- On October 23, 2013, DEQ issued an NOV for failing to perform Fecal Coliform testing in accordance with Task 5. The NUA had previously advised DEQ we would not perform the testing since no disinfection facilities had been installed.

As noted herein, the NUA and the DEQ have been negotiating revisions to the compliance schedule contained in proposed Consent Order (CO) 13-077 since 2010. At this time, proposed CO 13-077 (attached) outlines previous correspondence and reflects the following revised task completion schedule:

1. Issue a swimming advisory for the segment of the Canadian River downstream of the WRF discharge until compliance with final limits for Fecal Coliform is obtained;
2. Submit a Supplemental Environmental Project ("SEP") work plan, with expenditures of at least \$80,000, including a schedule for implementation by November 30, 2014;
3. Complete construction of disinfection facilities by January 1, 2016;
4. Attain compliance with final limits for Fecal Coliform by July 1, 2016;
5. Complete construction of all facilities by January 1, 2017;
6. Attain compliance with final limits for Total Suspended Solids and Ammonia by July 1, 2017.

DISCUSSION: Construction of the WRF Phase 2 Improvements began on June 2, 2014. The construction contract with Archer Western Construction, LLC (AW) requires substantial completion of the Disinfection Facility by November 24, 2015, prior to the deadline for Task 3 above. Additionally, all work associated with the WRF Phase 2 Improvements is scheduled to be substantially complete by November 18, 2016, prior to the deadline for Task 5 above.

At this time, AW has cleared the area of the proposed Disinfection Facility; relocated a waterline and an electrical line, and is installing dewatering wells in preparation for excavation of the area. At present, AW's progress schedule indicates placing the Disinfection Facility into service on August 10, 2015; approximately 4.5 months ahead of the DEQ compliance schedule. Similarly, AW estimates placing the entire WRF into service on September 1, 2016; approximately 4 months ahead of the DEQ compliance schedule. Barring unforeseen delays, the compliance schedule tasks related to completion of construction and compliance with permit limits appears achievable.

New Task 1 requires the NUA to Issue a swimming advisory for the segment of the Canadian River downstream of the WRF discharge until compliance with final limits for Fecal Coliform is obtained. DEQ has indicated that this advisory may be communicated by a sign at any City owned entry point or in the form of a press release. DEQ has offered to assist in drafting the advisory and work will begin on this upon approval of the Consent Order by both parties.

New Task 2 requires the NUA to submit a Supplemental Environmental Project ("SEP") work plan, with expenditures of at least \$80,000, including a schedule for implementation by November 30, 2014. The DEQ and NUA have tentatively agreed that construction of a non-potable reclaimed water line from the WRF discharge to the Yard Waste Composting Facility would be an acceptable SEP. The DEQ is expected to approve the ER for utilizing Category 3 Reuse at the Yard Waste Composting Facility in the next 60 days. The estimated cost of this project is over the \$80,000 minimum amount and is currently approved in the FYE15 budget for just over \$200,000 in construction funding.

RECOMMENDATION: In summary, the NUA believes compliance with the proposed schedule in Consent Order 13-077 is achievable and recommends authorizing the Chairperson to sign Consent Order 13-077.