



SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT  
Governor

August 20, 2020

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Brea Clark, Chairperson  
Norman Utilities Authority  
c/o Chris Mattingly, Utilities Engineer  
City of Norman  
P.O. Box 370  
Norman, Oklahoma 73070-0370

Re: Consent Order 13-077- Addendum B  
Norman Utilities Authority Wastewater Treatment Facility  
Facility No. S-20616  
OPDES Permit No. OK0029190  
Problem(s): Permit Violation(s); OPDES Permit Compliance Schedule; TSS and Ammonia Exceeded Permit Limits; Fecal Coliform Monitoring Violation(s); DMR Violation(s); Submittal of Incomplete DMR(s)


Dear Ms. Clark:

Enclosed is the proposed Addendum B to Consent Order 13-077 that reflects a new agreement reached between the Norman Utilities Authority (Authority) and the Department of Environmental Quality (DEQ). The Consent Order is being amended in order to provide the Authority additional time to complete a revised Supplemental Environmental Project (SEP).

**Please sign and mail the original to me** at: Department of Environmental Quality, Water Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677. **A copy of the file stamped signed original will be returned to you.** If this Addendum is not signed and returned to DEQ within thirty (30) days of receipt, we will pursue other enforcement actions to ensure compliance.

If you have any questions or comments concerning this Addendum, please contact David Mercer, P.E., District Engineer, Municipal Wastewater Enforcement Section, Water Quality Division, DEQ, at (405) 702-8173 or write to Mr. Mercer at the letterhead address.

Sincerely,

  
Shellie R. Chard, Director  
Water Quality Division  
Oklahoma Department of Environmental Quality

Enclosure

cc: Chris Mattingly, Utilities Engineer, City of Norman



## **ADDENDUM B**

On August 28, 2014, the Department of Environmental Quality (“DEQ”) and the Norman Utilities Authority (“Respondent”) agreed to Consent Order 13-077 (“Order”). Paragraph 39.a of the Order required Respondent to complete a Supplemental Environmental Project (“SEP”) with associated expenditures in the amount of at least \$80,000 in lieu of paying a cash penalty. On September 23, 2014, DEQ approved an engineering report (“ER”) for the SEP that consisted of using effluent from Respondent’s water reclamation facility to process compost. On June 4, 2019, DEQ and Respondent agreed to amend the Order with Addendum A to provide Respondent additional time to complete its SEP. In accordance with Respondent’s proposal, the amended Order established the SEP completion due date as July 1, 2020.

On May 13, 2020, DEQ received a letter from Respondent stating that Respondent was unwilling to proceed with the approved SEP due to cost. The letter discussed alternatives for satisfying the SEP requirement of the Order, and mentioned installation of solar panels as one of the alternatives. The letter indicated that Respondent would need additional time to accommodate a change in the scope of the SEP. DEQ sent a response letter to Respondent on June 19, 2020.

On July 21, 2020, DEQ received an additional letter from Kenneth Komiske, Utilities Director for Respondent, which proposes installation of solar panels for the ultraviolet disinfection system at Respondent’s wastewater treatment facility, as the revised SEP. The letter also includes a revised schedule that proposes November 1, 2020, as the SEP completion date. The proposed revised schedule is the basis for this Addendum.

Pursuant to Paragraph 44 of the Order, the Parties agree to amend Paragraphs 39 and 48 of the Order as follows:

39. The Oklahoma Pollutant Discharge Elimination System Act, 27A O.S. §§ 2-6-201 through 2-6-206, authorizes DEQ to seek penalties of up to ten thousand dollars (\$10,000) per day of violation, for each day during which a violation of the permit continues. Based on the facts and circumstances of this case, DEQ assesses a total penalty of forty thousand dollars (\$40,000).

- a. The parties agree that, in lieu of paying a cash penalty, Respondent will complete the approved Supplemental Environmental Project (“SEP”) by November 1, 2020, in accordance with the schedule received by DEQ on July 21, 2020. Respondent agrees that expenditures reasonably associated with the SEP will be at least \$80,000. Respondent will submit documentation of completion of the SEP within 14 days after completion. If Respondent fails to complete the SEP by the date specified, the \$40,000 will become immediately due and payable to the DEQ.

All penalty payments shall be by check or money order payable to the Oklahoma Department of Environmental Quality (or ODEQ), showing the Case Number of this Consent Order, and delivered to:

Accounts Receivable  
Financial & Human Resources Management  
Department of Environmental Quality  
P.O. Box 2036  
Oklahoma City, OK 73101-2036

48. Unless otherwise specified, any report, notice or other communication required under this Order must be in writing and must be sent to:

**For DEQ:**

David Mercer, P.E., District Engineer  
Municipal Wastewater Enforcement Section  
Water Quality Division  
Department of Environmental Quality  
P.O. Box 1677  
Oklahoma City, Oklahoma 73101-1677

**For Respondent:**

Chris Mattingly, Utilities Engineer  
City of Norman  
P.O. Box 370  
Norman, Oklahoma 73069-0370

This Addendum will be attached to the Order. All other terms of the previously issued Order are binding as written.

This Addendum becomes effective on the date of the later of the two signatures below.

**FOR NORMAN UTILITIES AUTHORITY:**

**FOR OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY:**

\_\_\_\_\_  
**BREEA CLARK**  
**CHAIRPERSON**

\_\_\_\_\_  
**SCOTT A. THOMPSON**  
**EXECUTIVE DIRECTOR**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**