

May 15, 2026

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

CITY OF BROKEN ARROW

The Honorable Debra Wimpee, Mayor
City of Broken Arrow
c/o Michael Spurgeon, City Manager
220 South First Street
Broken Arrow, OK 74012

MAY 20 REC'D 2026

CITY MANAGER'S OFFICE

Re: Notice of Violation No. SWM-040001-26-1
City of Broken Arrow MS4; Complaint Nos. 194237, 1944566, 195775
OPDES Permit No. OKR040001
Problem: Operational and Maintenance Violations

NOTICE OF VIOLATION

Pursuant to 27A O.S. § 2-3-502 and the Oklahoma Administrative Code ("OAC") 252:4-9-1, this is to provide you with notice of apparent violations ("NOV") of the Oklahoma Environmental Quality Code identified by the Department of Environmental Quality ("DEQ").

The City of Broken Arrow ("City") owns and operates a Municipal Separate Storm Sewer System ("MS4") that serves the residents of the City of Broken Arrow in Tulsa and Wagoner Counties in Oklahoma. The City's MS4 is under the regulatory jurisdiction of DEQ and is authorized to discharge pollutants to waters of the state only in accordance with the conditions and requirements set forth in the Phase II Small MS4 OKR04 General Permit ("OKR04 Permit"), with an effective date of June 1, 2021. The City is a Category 3 small MS4 because it serves a population greater than or equal to (\geq) 50,000 within an Urbanized Area, as determined by the U.S. Bureau of Census.

On February 18, 2025, DEQ received a confidential complaint concerning the lack of sediment controls installed at The Retreat, a residential development located on the southside of E. 101st St. S. at S. Indianwood Blvd., which was causing sediment to discharge off the construction site and flow onto surrounding property and into neighboring ponds causing siltation. The Retreat is located within the boundaries of the City's MS4.

On February 25, 2025, Chad Keller, Environmental Programs Specialist for DEQ, inspected the site and observed unmaintained control measures throughout The Retreat and evidence of sediment leaving the construction site and running into a neighboring pond.

On March 19, 2025, DEQ received a second confidential complaint stating that The Retreat was cleared of most trees and understory prior to construction of homes. As a result, there was significant runoff of sediment flowing into the creek and into the neighboring pond. The pond was filled with sediment due to unchecked berms throughout The Retreat.

On October 8, 2025, DEQ received a third anonymous complaint stating that The Retreat development was allowing sediment to discharge off the construction site and onto surrounding property, including ponds in the area, and silting them in. The complaint further stated that there were silt fences down in areas.

On October 10, 2025, Mr. Keller again inspected the site and documented nine (9) violations of the OKR10 General Permit ("OKR10 Permit"). Mr. Keller stated that it appeared the developer cut a road through the site, abandoned construction, and failed to install adequate control measures to handle the stormwater runoff.

On January 7, 2026, representatives from DEQ inspected The Retreat and noted ten (10) violations of the OKR10 Permit, which were included in an inspection report created by Nicholas Armour, E.I., District Representative for DEQ.

On January 12, 2026, representatives from DEQ, the City, and the Homeowners' Association ("Association") for the neighboring Lakes at Rabbit Run addition met to observe the sedimentation of the Association's detention pond. The amount of sediment that breached The Retreat's property line and entered the Association's detention pond was significant. Based on complaints received by DEQ, sediment has been discharging from The Retreat and onto the neighboring property since at least February 18, 2025.

This NOV is to inform the City that its failure to comply with the OKR04 Permit is a violation of the following provisions of the City's Authorization No. OKR040001:

OKR04 Permit Part V(C)(3)(a)(iii) states, "Remove the source of the illicit discharge."

OKR04 Permit Part V(C)(3)(a)(vi) states, "[E]nforce an ordinance . . . to effectively prohibit illicit discharges into your small MS4 and implement appropriate enforcement procedures and actions."

OKR04 Permit Part V(C)(4)(a)(i) states, "[E]nforce an ordinance . . . to require erosion and sediment controls as well as sanctions to ensure compliance."

OKR04 Permit Part V(C)(4)(a)(iii) states, "[E]nforce procedures for site inspection and enforcement of control measures including enforcement escalation procedures for recalcitrant or repeat offenders. Document inspection findings and take all necessary follow-up actions . . . to ensure site compliance."

OKR04 Permit Part V(C)(4) Table V-5 states, "Sites that have been identified as a threat to water quality (e.g. sites with recalcitrant or repeat offenders)" require the minimum frequency of construction site inspections for a Category 3 MS4 to be "once per month[.]"

OKR04 Permit Part V(C)(5)(a)(i) states, "[E]nforce a program to address stormwater runoff from new development . . . that disturb greater than or equal to one (1) acre . . . that

discharge into your small MS4. Your program must maintain pre-development runoff conditions and ensure that controls are in place that would prevent or minimize water quality impacts.”

OKR04 Permit Part V(C)(5)(a)(i) states, “[E]nforce . . . ordinances . . . to ensure adequate long-term operation and maintenance of BMPs that are installed during and left in place after the completion of a construction project.

Within fifteen (15) days of receipt of this NOV, the City must correct the violation(s) cited above and provide DEQ a written response detailing the specific actions taken and why such actions will prevent the recurrence of the cited violation(s). If any violation(s) cannot be corrected within fifteen (15) days, then you must submit a written response within fifteen (15) days detailing the reason(s) why along with an approvable corrective action plan (“CAP”) for addressing the violation(s). The CAP must include dates and tasks by which you will comply to ensure the violation(s) are corrected.

Submit all required documentation to the DEQ representative below:

Gabriel Stevens, Interim MS4 Coordinator
Water Quality Division
Department of Environmental Quality
P.O. Box 1176
Oklahoma City, Oklahoma 73101-1176

If you fail to either 1) correct the violation(s) and submit a written response or 2) submit a written response and an approvable CAP to DEQ within fifteen (15) days of receipt of this NOV, then DEQ may seek injunctive relief and/or issue an Order under which corrective action and/or administrative penalties may be assessed.

To ensure that progress is made toward correcting the cited violation(s), DEQ may offer you a Consent Order (“Order”). The Order would supersede this NOV. The new Order would include a schedule of tasks and an assessment of an administrative penalty. A portion of the assessed penalty may be eligible for deferral, pending your acceptance of and compliance with the terms of the Order. DEQ will provide you an opportunity to discuss the terms of a new Order and review the findings, task schedule, and proposed penalty before offering the Order for your agreement.

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If you have questions about the requirements of this NOV, or if you believe the violations have been cited in error, feel free to contact Mr. Stevens at Gabriel.Stevens@deq.ok.gov, the letterhead address, or at (405) 702-8148. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "George Russell IV". The signature is fluid and cursive, with a large, stylized "G" and "R".

George Russell IV, Director
Water Quality Division
Oklahoma Department of Environmental Quality

cc: Renato Ochoa, MS4 Coordinator, City of Broken Arrow