



**June 26, 2026**

**VIA EMAIL AND CERTIFIED MAIL**

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

**RE: RESPONSE TO NOTICE OF VIOLATION NO. SWM-040001-26-1**  
City of Broken Arrow MS4  
OPDES Permit No. OKR040001  
The Retreat / The Colony at Cedar Ridge Development

Dear Mr. Stevens:

The City of Broken Arrow ("City") submits this response to the Notice of Violation ("NOV") No. SWM-040001-26-1 issued by the Oklahoma Department of Environmental Quality ("DEQ"). While the City acknowledges the seriousness of the sediment discharge issues associated with this private development, the City respectfully, but firmly, disagrees with the conclusions presented in the NOV. In our opinion, the facts do not support a determination that the City failed to exercise enforcement authority under its Municipal Separate Storm Sewer System (MS4) program as authorized under the requirements of the State of Oklahoma's General Permit for Municipal Stormwater, herein titled OKR04 permit, and coupled with our local ordinances as codified in the Broken Arrow Municipal Code of Ordinances, Chapter 25.

Instead, the City contends this development highlights that our MS4 program is functioning as intended — identifying issues, enforcing requirements, compelling corrective action, and working to address conditions originating entirely on private property before the stormwater runoff enters into a public stormwater conveyance system.

### **I. MS4 Implementation Authority**

The City of Broken Arrow owns, operates, and maintains its MS4 Phase II program in accordance with the OKR04 permit. As such, the City maintains and enforces its Stormwater Management Program (SWMP) with the stated goal to manage the quality of stormwater discharged from the MS4.

In reference to this NOV, The Retreat / The Colony at Cedar Ridge (hereafter collectively called "The Retreat") is a privately owned development. As such, the development is not by definition a part of our publicly owned municipal separate storm sewer system. The conditions that have arisen, which led to this NOV being issued, originated exclusively on **privately owned property**. The City of Broken Arrow is **not** the Construction Site Operator for this development. Accordingly:

- The City does not have operational control over construction plans or specifications.
- The City does not exercise day-to-day control of site activities.
- The City did not create the disturbed conditions.
- The City did not abandon the construction site.
- The City does not control the construction operations of the private property owner as the developer or current possessor.

The City's role has solely been **regulatory and enforcement-based**. The City has consistently exercised this authority through its SWMP and under local ordinances, including the enforcement mechanisms established in our Municipal Code as referenced above and the City's Construction Activity Best Management Practices Guidance Manual (2023).

Through these ordinances, the City has several enforcement mechanisms at its disposal including, but not limited to:

- Site visits and coordination of findings with the responsible party
- Verbal Warnings
- Corrective Action Directives with a specified duration to comply
- Notice of Violations
- Stop Work Orders
- Withholding Building Permits
- Cessation of Building Inspections
- Withholding Certificates of Occupancy
- Cut off access to the MS4
- Cut off access to domestic water
- Citation of Non-Compliance resulting in Fines/Penalties
- Abatement and placement of Liens on the Property

## **II. Historical Background**

While the City contends this is an appropriate example of the MS4 program functioning as intended, it does also acknowledge the unique circumstances and complicated issues surrounding this particular development have delayed implementation of the appropriate measures necessary to adequately address the Corrective Actions issued by the City. The current status of the legalities playing out in the judicial system have adversely affected and impacted the compliance of the property owner or owners.

The unusual circumstances regarding this development — including property owner/developer abandonment, prolonged inactivity, foreclosure and possession issues, multiple lawsuits, complex grading patterns adjacent to existing ponds, and downstream ownership disputes on affected properties — have created unique challenges that fall outside the City's MS4 administrative authority. Even so, the City has issued repeated enforcement actions, conducted ongoing inspections, worked with all relevant property owners, and taken all reasonable steps allowed within its legal authority to compel corrective action.

The original developer for the Retreat was Precision Project Management, INC (Precision) which is owned by Daniel Ruhl. Mr. Ruhl also owns Ruhl Properties LLC (Ruhl), and Asher Homes LLC (Asher), which both play a role in this development. When the development started, construction proceeded in the same manner as most other residential projects, with no major issues worth noting. At some point, the development started to stall. Precision failed to maintain the site in an appropriate manner. Likewise, they failed to respond to the City in a timely manner. When they did respond they became hostile and evasive in their communications. At this juncture in the project, the Conditional Final Plat had been approved and the majority of the infrastructure from Phase 1 had been constructed but not yet accepted by the City. In accordance with City ordinances, the property owner/developer filed the final plat with Tulsa County and individual lots were then sold to the builders. In fact, Asher, Ruhl, and Executive Homes (Executive) acquired multiple lots and began building homes. In a short amount of time, one (1) home was completed and sold to a new resident who moved into the house immediately.

It was around this time that the development was abandoned and there was a cessation of all construction activities on the site by Precision, Asher, and Ruhl. Subsequently, many of the properties underwent foreclosure. Asher filed bankruptcy which in turn froze many of the assets and properties, including

properties owned by Ruhl. City National Bank and Trust (Bank) took possession of the properties that were still owned by Precision, but not the other properties that had already been sold.

During this time, several other lawsuits were filed, including other lenders, Asher, Executive, Ruhl and Precision, as well as several private home buyers who were under contract to buy homes. All of these issues have greatly complicated enforcement efforts due to the uncertainty as to who is the rightful property owner and who has legal control of the collective property, as well as the individual properties. The City is legally required to address, coordinate, and work with the legal and rightful property owner(s). They are the only entities that can direct work on the said properties.

When it became clear that the Bank had control of the property, the City immediately engaged them in discussions regarding their property. They were willing to perform the work necessary in accordance with Corrective Actions issued for the Retreat. However, the Bank is not a developer. Because of their lack of experience and knowledge in the development and construction process, it took additional time for them to understand what work has been done, what issues remained to be done, and how to create a plan to move forward. It then took them time to bid out work and hire a contractor to conduct the work necessary to implement Corrective Actions from the development.

Throughout the period that construction activity actually occurred, the City's chief concern was sediment transport from the development off-site and onto neighboring properties, specifically The Lakes at Rabbit Run located immediately downstream. The Lakes at Rabbit Run had its own unique issues and disputes that were not related to The Retreat, but they greatly complicated enforcement of issues due to The Retreat.

The Lakes at Rabbit Run (The Lakes) is another privately owned development adjacent to The Retreat on the east side. It is a private gated community in which all of the infrastructure remains private. The development was further along than The Retreat, but it was still not complete during this time. Almost all of the neighborhood infrastructure was complete, with only punch list type items remaining. Most of the houses had been built and sold, but there were some houses still for sale, others still under construction, and some lots still available. The controlling party of the HOA was still the developer. More specifically, their stormwater conveyance and storage systems are privately owned and, therefore, are not a part of the public MS4.

The City received several complaints from homeowners within The Lakes. Some of these complaints were due to sediment transport and sediment deposition, as well as on-site erosion and corresponding siltation purportedly caused by The Retreat. Ironically, many of these complaints regarding The Lakes detention ponds are likely the result of their own developer's construction activities but they were certainly compounded by issues coming from The Retreat. While the City tried to coordinate with these residents and address the adverse impacts from The Retreat, the matter was significantly complicated since those residents who filed the complaints were **not** the rightful property owner of the ponds. They did not have the legal standing to represent the rightful property owner. The City has a legal obligation to work with the rightful property owner(s) or their expressly identified representatives when addressing these types of issues. To date, the rightful property owner(s) or representatives for the affected properties have not contacted nor filed any complaints with the City. This has only further complicated any corrective actions needed on their property because the City cannot legally grant permission to a property owner to access and perform construction on private property of another party.

### **III. Enforcement Chronology and Corrective Actions Implemented**

DEQ's conclusion that the City failed to enforce its MS4 obligations is inconsistent with the substantial enforcement actions implemented over an extended period. A summarized narrative of the City's enforcement efforts (a more detailed breakdown of enforcement efforts can be found in Exhibit A) includes:

- Multiple City inspections following complaints

- Multiple verbal warnings and requests for Corrective Actions
- Written Corrective Action NOVs and enforcement directives to the developer and responsible parties
- Directed developer to coordinate with the downstream HOA regarding sedimentation concerns
- Continued follow-up inspections to verify compliance and require additional corrective measures
- Stop Work Orders
- Holds on Building Permits and Certificates of Occupancy
- Issuing Penalties/Fines

In 2020, the Contractor, working for the developer started dirt work on the site without being issued an Earth Change Permit. The City conducted site inspections, issued a Stop Work Order, and provided a Notice to the Contractor that an Earth Change permit, along with an approved SWP3, was required before work could continue, and that additional BMPs needed to be installed immediately.

Throughout 2021 and 2022, the City conducted routine site inspections, having numerous verbal requests to better maintain their BMPs and install additional BMPs as the site changed.

In late 2022 and throughout 2023, the most significant construction activity occurred at The Retreat, and this is when the majority of the sediment deposition issues began for The Lakes at Rabbit Run. During this time, the City performed site inspections on nearly a weekly basis. In addition, the City issued numerous verbal requests for Corrective Actions, where at least 8 of those written Corrective Action grew to the more severe issuances of Correction Action Notice of Violations (NOVs). Likewise, the City issued multiple Stop Work Orders (SWOs). Moreover, the City withheld Building Inspections (BIs) on the homes under construction and placed a hold on the issuances of all new Building Permits (BPs) and Certificates of Occupancy (COOs).

In late 2023, sediment deposition increased in the private ponds owned by The Lakes' HOA. The buildup from the deposition became so significant that it began forming deltas. The City issued multiple Corrective Action NOVs and Stop Work Orders specifically requiring cleaning the sediment and repairing any other damage at The Lakes prior to any more work at The Retreat.

Soon after these enforcement actions, in early 2024, Precision abandoned the site, and Asher filed for bankruptcy. Immediately, the Bank foreclosed on Precision's remaining lots.

In fact, the Bank met with the City and discussed a path forward regarding the Corrective Actions in hopes of getting the site back into compliancy and getting the releases on the SWOs, BIs, and BPs. During that meeting, the City notified the Bank that they needed to file a Change of Ownership and a new NOI with ODEQ per the OKR10 permit.

The Bank continued to work with the City in good faith to get the site back into compliancy. In June 2024 a new contractor working with the Bank informed the City that all mitigation efforts were complete. The City performed multiple site inspections and determined there were still numerous issues with the site and sediment transport was still adversely impacting the downstream property. At this point, the City realized that the Bank did not have much experience in managing developments of this complexity, much less managing one with the requirements of the City's SWMP.

The City continued to coordinate with the Bank on what was required to bring the site back into compliancy. The corrective efforts were greatly complicated and delayed because the Bank hired a new professional team including a consulting engineering firm and a general contractor to assist them. The bank also notified the City that multiple lawsuits were filed involving the various property owners, developers, builders, and lenders.

The City required the Bank to meet with the downstream neighbors and the HOA. The Bank assured the residents and the City of its commitment to clean up the site, stop sediment transport from leaving the site, and repair any damage downstream caused by the sediment deposition.

On October 15, 2025, due to a lack of activity on the site and the failure of the bank to make any progress repairing damage downstream, the City issued a citation to the Bank, in care of Doug Stephens, President, for sediment transport exiting The Retreat and depositing on The Lakes' property. On November 18, 2025, the Bank appeared in Broken Arrow Municipal Court for a hearing related to its citation. At the direction of the Court, the Bank coordinated with and committed to the City that it would implement a better effort with a more comprehensive remediation plan.

In March 2026, the renewed remediation effort began. Since that time, the site has been cleaned up, existing BMPs have been better maintained, new BMPs have been installed and maintained, and the pond at The Lakes has been dredged and repaired.

This response demonstrates that the City has used nearly every tool available to us through our SWMP to enforce corrective actions and, more importantly, accomplish the goals and intent of the OKR04 and OKR10. The only tools available that the City did not utilize on this development were to cut off connections with the MS4 system, cut off access to domestic water, and abatement. The City explored and actively discussed cutting off access to the MS4 system and cutting off access to domestic water. It was determined that neither enforcement mechanism would be effective in this particular development since it was not presently tied to a public stormwater sewer system. It was effectively already cut off. The Retreat had no direct access to the MS4 system as it flowed through The Lakes and another private development even further downstream before entering the MS4 system. Cutting off that access had the potential to damage the downstream developments by limiting water to their ponds. Since the site had been abandoned, and there was no one actively trying to work on it, cutting off domestic water would have had no tangible effect on the responsible parties, so it was judged to be ineffective at encouraging Corrective Actions. In addition, there was one private homeowner in The Retreat who had moved into the residence, and cutting off domestic water would have hurt this property owner at no fault of their own.

The final tool the City had available was Abatement. The City was prepared to Abate the property as its final mechanism to enforce compliancy had all other methods failed. Fortunately, once the City started issuing Citations and associated fines, the Bank who had operational control of the site greatly increased its efforts to coordinate with the City and create a Remediation Plan for all Corrective Actions.

Lastly, the City and the Bank met on June 23, 2026, to discuss the final steps necessary to reach completion of the Remediation Plan and discuss a path forward to obtain substantial completion on the public infrastructure. Both parties agree that the site is nearly fully vegetated and that a few elements of the Remediation Plan still need to be better addressed, but the effort is nearing completion for on-site work.

It is crucial to note that as the site stands today, the required work to remedy the issues is in progress. Most of the required Corrective Actions have been implemented, and the Bank is actively working to bring the site into compliance with their OKR10 permit.

These actions demonstrate that the City used its authority appropriately and consistently. Noncompliance by private parties, including abandonment of the site, does not constitute a failure of MS4 enforcement on the part of the City.

#### **IV. Point-by-Point Response to Cited Violations**

Below is the City's unified response to each permit provision cited in the NOV, including the basis for disagreement.

### **1. OKR04 Part V(C)(3)(a)(iii)**

**DEQ Assertion:** The City failed to “remove the source of the illicit discharge.”

**City Response:** The City of Broken Arrow asserts that an illicit discharge did not occur at The Retreat. According to the OKR04 permit and 40 CFR S122.26(b)(2), the definition of an illicit discharge is:

“refers to any discharge to a MS4 that is not composed entirely of stormwater...”.

Furthermore, the MS4 is defined as:

“a conveyance or system of conveyances...that are:

1. Owned or operated by a state, city, town, borough, county, parish, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes...”

Sediment was documented to leave The Retreat and enter the ponds of The Lakes at Rabbit Run. However, no sediment was ever documented to enter the storm system of the City of Broken Arrow or any other public body. The ponds from The Lakes at Rabbit Run effectively served as a sedimentation basin. The City confirmed this on multiple occasions by inspecting the downstream ponds in the next subdivision. No sediment was ever documented and the ponds never changed color to match soil found in The Retreat and The Lakes at Rabbit Run.

The sediment leaving the site of The Retreat was still a violation of City Ordinances and was an item for the City to enforce in accordance with Chapter 25, but the City does not believe an illicit discharge occurred as defined by the OKR04.

The City maintains their stance that an illicit discharge did not occur, but had it occurred the City believes this provision applies where the MS4 operator controls or operates the source of the discharge. The City does not own, operate, or control the development or its construction activities and therefore cannot itself “remove” the source. The sediment originated from privately controlled land. The City enforced its ordinance, issued repeated directives, and required corrective actions consistent with its legal authority.

### **2. OKR04 Part V(C)(3)(a)(vi)**

**DEQ Assertion:** The City failed to enforce an ordinance prohibiting illicit discharges.

**City Response:** The City maintains their stance that an illicit discharge did not occur, but had it occurred the City did implement and enforce its ordinances. Inspections were conducted, verbal and written Corrective Actions were issued, Stop Work Orders were issued, Building Permits and Certificates of Occupancy were withheld, and citations were issued. The City utilized nearly all available tools under Chapter 25 including issuing a citation for stormwater discharge for the first time ever. Recurrence of private-party violations does not equate to failure to enforce.

### **3. OKR04 Part V(C)(4)(a)(i)**

**DEQ Assertion:** The City failed to “Enforce an ordinance...to require erosion and sediment controls as well as sanctions to ensure compliance.”.

**City Response:** The City requires erosion and sediment control through ordinance with Chapter 25. The City repeatedly enforced the ordinance utilizing actions allowed within the ordinance. Records show this was not a continuous failure of sediment control. There were multiple cycles of sediment leaving the site, the City taking action to enforce the ordinance, and the site coming back into compliance. These cycles show that the City’s enforcement was ensuring compliance. The City’s latest enforcement of issuing citations has been effective to compel compliance as the site stands today. Recurrence of private-party violations does not equate to a failure to enforce.

#### **4. OKR04 Part V(C)(4)(a)(iii)**

**DEQ Assertion:** The City failed to “Enforce 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.”

**City Response:** The City conducted inspections, documented findings, issued follow-up requirements, and escalated enforcement appropriately. The enforcement repeatedly did compel compliance and allowed the contractor to keep working. Recurrence of private-party violations does not equate to a failure to enforce. As the OKR04 Permit requires in Part V( C)(4)(a)(iii), the City escalated its enforcement as there were repeat offenses. The escalated enforcement is ultimately what led to Corrective Action being taken recently.

#### **5. OKR04 Part V(C)(4) Table V-5 (Inspection Frequency)**

**DEQ Assertion:** “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.”

**City Response:** The City conducted multiple inspections in response to complaints and as part of its enforcement process. Documentation demonstrates ongoing oversight in excess of once per month.

#### **6. OKR04 Part V(C)(5)(a)(i) — New Development Runoff**

**DEQ Assertion:** The City failed to “Enforce 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.”

**City Response:** Through its SWMP and Chapter 25 of the ordinances, the City required erosion control and BMPs. The City enforced its ordinance and conducted follow-up inspections. Recurrence of private-party violations does not equate to a failure to enforce. The City cannot assume operational control of abandoned or inactive private property.

#### **7. OKR04 Part V(C)(5)(a)(i) — Long-Term O&M of BMPs**

**DEQ Assertion:** The City failed to “Enforce... 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.”

**City Response:** Post-construction BMP obligations apply to complete developments with established structural controls. The cited conditions arise from unfinished private construction activities outside City control. The City enforced applicable pre-completion requirements under its ordinance.

Collectively, these responses demonstrate that the City complied with its MS4 obligations and that the cited violations are not supported by the facts.

### **V. Improvement**

As the City worked through this complex development, it conducted an internal review of the events that occurred and evaluated its own performance in handling the situation. The City maintains that it successfully exercised its enforcement authority under the MS4 program and in compliance with the OKR04. The internal review identified opportunities for improvement in how similar situations are managed in the future. In particular, the City is confident it can strengthen its processes through better

documentation and better communication both internally and externally. Furthermore, the City has already developed a more consistent program to conduct project site visits, above and beyond the requirements of OKR04. These more consistent site visit schedules will be voiced to the property owners before construction begins in attempt to garner a higher expectation from the start.

Although the City documented its site visits and the enforcement actions that occurred, it recognizes that this documentation could be more standardized and detailed. The City also conducted site visits more frequently than required by OKR04, but these visits were sporadic and generally occurred on an “as-needed” basis when issues arose. Given the challenges within this development, the City believes those visits could have been more frequent and conducted on a more regular basis.

To address these concerns, the City has already taken steps to strengthen its processes, including hiring new staff members to assume many of these responsibilities. It has also updated job descriptions, reassigned certain duties among staff, and provided additional training in Stormwater Quality. In addition, the City is developing and updating Standard Operating Procedures within the Engineering and Construction Department to establish clearer expectations for documentation, site visits, and their required frequency.

Also, due to this development, the City developed and issued a Construction Activity BMP Guidance Manual in July 2023. The purpose of this manual is essentially to advise and provide a mechanism for the City to better hold the property owners and its professional team members, specifically the engineers and contractors accountable for the proper installation, operation, and routine maintenance of the BMPs employed on a construction site. If the construction plans are lacking in detail, the manual is not. Likewise, the City is currently working on agreements for all property owners, contractors, and professional engineers who must execute in order to provide us with another mechanism to hold these parties accountable to the requirements of the City’s SWMP. We intend to hold meetings at the Tulsa Home Builders Association (HBA) later this summer and this fall to inform the interested parties in our change and why the change is necessary. The agreements are scheduled to be in place by the end of the calendar year.

The City is committed to continuously improving on how it manages, maintains and enforces its MS4 program.

## **VI. Continued Commitment to Cooperation**

The City remains fully committed to protecting water quality, enforcing its ordinances, and working with DEQ to ensure continued compliancy at this private development, as well as in the rest of the MS4. The City will continue to conduct inspections, pursue enforcement, and require corrective action within its lawful authority when necessary.

The City welcomes continued dialogue with DEQ to ensure mutual understanding of responsibilities and limitations regarding private development conditions.

Respectfully,

**CITY OF BROKEN ARROW**



**Michael L. Spurgeon**

City Manager

xc: Honorable Debra Wimpee, Mayor  
Mr. Kenneth D. Schwab, P.E., S.E., CFM, Assistant City Manager  
Mr. Charlie Bright, P.E., Director of Engineering and Construction  
Mr. Patrick Wilson, P.E., CFM, Stormwater Division Manager

## Exhibit A

- **2020-09-28** – The contractor started work without an Earth Change Permit, at which time the City of Broken Arrow (City) reminded him that he needed to obtain an Earth Change Permit. Site Inspection was also performed. Road Construction began on New Orleans St. reducing access to the site. City requested a freshened construction entrance multiple times until road work was complete and afterwards.
- **2022-09-09** – Work on the stormwater system was directing the discharge into the newly created pond in the Lakes at Rabbit Run subdivision. There was also a lack of adequate perimeter controls along that property line. *Verbal warning* given to Contractor.
- **2023-01-03** – A 5 Day Corrective Action Notice was issued on the 3rd of January for excessive tracking to New Orleans.
- **2023-04-05** – Complaints from downstream properties resulted in a 5-day Corrective Action Notice about the discharge of sediment laden water that was affecting the pond of the Lakes @ Rabbit Run. Site stabilization per plan and OKR10 were mentioned at this time.
- **2023-05-05** – City issued a 48-hour Corrective Action Notice requiring the installation of sediment and erosion controls as required by City of Broken Arrow Code of Ordinances and the OKR10.
- **2023-05-31** – A 24-hour Corrective Action Notice was issued for site stabilization, inlet protection, stabilization behind the curb. Again, it was noted that the need to adhere to the City Ordinances and the OKR10.
- **2023-06-01** – A Stop Work Order was issued for Blocks 16-21 due to no Earth Change Permit.
- **2023-06-02** – A 48-hour Corrective Action Notice was issued stating the developer shall follow Broken Arrow City Ordinance, OKR10 requirements, approved construction drawings.
- **2023-06-06** – Stop Work Order issued for Blocks 1-15.
- **2023-06-08** – Earth Change Permit was acquired for blocks 16-21. The Stop Work Order was lifted. City reminded owner/contractor to install proper BMP's.
- **2023-06-13** – During the inspection of the Retreat Lots 16-21 it was noted that the erosion and sediment controls were adequate at this time.
- **2023-06-14** – A Stop Work Order was issued for the Retreat Lots 1-15 at 2:15 and posted to at the entrances to the project. Contractor was notified in the field. The Stop Work Order included vertical construction. Permitted work to continue was franchise utilities and those BMPs required to control erosion and sediment.
- **2023-06-15** – Engineering & Construction met on site with the contractor. The contractor was installing silt fence and inlet protection. At the conclusion of the meeting, the Director of Engineering & Construction spoke with the contractor and released the Stop Work Order.
- **2023-06-19** – Stop Work order lifted, building permits and new inspections still on hold until fully compliant.
- **2023-06-23** – Inspections released due to progress. New building permits still on hold until all items in NOV addressed.
- **2023-06-26** – City Manager concurrence with new building permits on hold.
- **2023-07-14** – Holds on building permits lifted. Site appeared to be compliant. Owner given 30 days to clean sediment from Lakes at Rabbit Run Pond.
- **2023-07-25** – Corrective Action Notice for BMP maintenance.
- **2023-08-21** – Site inspection.

- **2023-09-01** – Site Inspection.
- **2023-09-28** – 48-hour Corrective Action Notice issued noting sediment is starting to form a Delta in Lakes at Rabbit Run again.
- **2023-10-11** – 48-hour Corrective Action Notice. Noted sediment is starting to form a Delta in Lakes at Rabbit Run again.
- **2023-11-09** – A hold on Certificate of Occupancy was placed on Blocks 1-15 in accordance with the Land Subdivision Code Section 1.8 based on the infrastructure not being accepted. The roads and storm sewers have not been accepted due to the adverse impacts from the site, erosion and sediment transport.
- **2023-11-17** – Site Inspection.
- **2024-01-23** – Correspondence from Mr. Ruhl (owner) stating they have been working on obtaining permission from the lender to perform the remediation work to the infrastructure.
- **2024 early** – Asher Homes (owner) declares bankruptcy.
- **2024-02-20** – Site inspection. No off-site discharge. Maintenance items noted.
- **2024-03** – Working with Bank (current owner) to bring site into compliance.
- **2024-04** – City informed the owner that a Change in Ownership and new NOI needs to be filed with ODEQ per the OKR10.
- **2024-04-01** – Apex Design Investments working with owner to mitigate the site.
- **2024-04-02** – Corrective Action Notice sent to Precision Project Management, previous owner. BMPs to be maintained.
- **2024-04-10** – Bank files Change of Ownership with ODEQ.
- **2024-04-17** – City National Bank and Trust filed and NOI with ODEQ.
- **2024-05-01** – Site inspection noting sediment leaving site into Lakes at Rabbit Run.
- **2024-06-13** – Contractor stated mitigation work was complete.
- **2024-06-18** – Site inspection noting BMP need maintenance and storm sewer system full of sediment.
- **2024-06-24** – Site inspection noting manholes are being cleaned from sediment.
- **2024-07-09** – Site inspection noting sediment in roadway, site needs stabilized in accordance with plans and OKR10, sediment discharging off site.
- **2024-07-16** – Site inspection noting sediment in roadway, site needs stabilized Sediment discharging off site.
- **2024-08-19** – Site inspection after rain event. More sediment transport occurred.
- **2024-10-10** – Site update sent to City Legal. Deficiencies included.
- **2025-01-07** – ODEQ performs a site inspection.
- **2025-02-18** – ODEQ received a complaint about the Retreat.
- **2025-02-25** – ODEQ inspects Retreat, based on 189535 report.
- **2025-03-11** – City of Broken Arrow receives 189535 report from ODEQ City of Broken Arrow forwards 189535 to bank. City requests a summary of actions taken for site. City states a pre-citation letter will be sent if not received by 3/15/25. Bank replies they are working on a summary and states goal is remediation of silt to the pond. Banks states they are consulting an engineer. Bank requests extension on deadline. Bank states there is a lawsuit over the property. Bank states they have a meeting scheduled with downstream residents.
- **2025-03-12** – City states bank email on 3/11/25 satisfies summary of actions.
- **2025-03-13** – Bank receives plan from engineer and are reviewing it. Bank states they are meeting with HOA and Mr. Hoffman on 3/18/25.

- **2025-03-19** – ODEQ receives second complaint ODEQ relies on 2/25/25 site visit to answer new complaint. ODEQ does not contact the City of Broken Arrow, closes complaint and forwards report to City.
- **2025-03-19** – Bank summarizes meeting with HOA and Mr. Hoffman Bank states top priority is to stop sediment transport and remove sediment from pond. Bank commits to keep HOA updated bi-weekly.
- **2025-04-29** – Bank states work is planned on the Retreat as soon as weather allows. Bank states a contractor is already in place.
- **2025-05-22** – City contacts bank and states citation will be issued next week if no action is taken and no written plan received.
- **2025-06-03** – City issues citation to bank care of Brian Humpfrey Citations turned over to City Legal to deliver. Court date tentatively set for 6/24/25 found out later citation not delivered.
- **2025-06-05** – Banks informs City Brian Humpfrey is not longer wit the bank and correspondences should continue through their attorney.
- **2025-07-01** – City Legal Department coordinating with Bank's attorney.
- **2025-07-22** – E&C receives remediation plan.
- **2025-10-08** – ODEQ receives a third complaint.
- **2025-10-10** – ODEQ inspects the site City did not receive this site inspection or report.
- **2025-10-15** – City of Broken Arrow issues citation to City National Bank and Trust care of Doug Stephens, President. Sent Certified mail to bank.
- **2025-11-18** – NET stamped remediation plan sent to City Legal.
- **2025-11-18** – Bank appears before Broken Arrow Municipal Court with their Legal Counsel.
- **2025-12-23** – ODEQ requested City's inspection reports and enforcement actions. City replied and stated the files will be sent in January 2026 dues to the holidays and vacations. ODEQ stated that is good.
- **2026-01-12** – ODEQ, City and HOA held meeting.
- **2026-01-21** – City Sent ODEQ the requested documentation.
- **2026-02-04** – ODEQ sent an NOV to Bank. City requests a copy of NOV for records. ODEQ stated it will forward after the Bank receives NOV.
- **2026-03-03** – City receives a copy of ODEQ NOV to the Bank. City discusses issuing another citation.
- **2026-03-10** – City meeting Bank's contractor on site. Contractor begins remediation.
- **2026-04-25** – ODEQ forwards complaint 190070to City.
- **2026-04-26** – Site inspection & Report.
- **2026-05-15** – ODEQ issues NOV to City of Broken Arrow.
- **2026-05-20** – City receives NOV.
- **2026-05-26** – Site inspection & Report.
- **2026-06-01** – Site inspection & Report.