

CITY OF BROKEN ARROW
UTILITY DIVISION
BEFORE THE
BROKEN ARROW MUNICIPAL AUTHORITY

IN THE MATTER OF:
BLUE BELL CREAMERIES, L.P., RESPONDENT
BROKEN ARROW, OKLAHOMA
PERMIT NO. BA 007
CONSENT ORDER DATED JANUARY 23, 2017

AMENDMENT OF CONSENT ORDER

WHEREAS, on January 23, 2017, Blue Bell Creameries (Respondent), a facility in Broken Arrow, Oklahoma consented to the issuance of a Consent Order (the “2017 Consent Order”), to ensure that the Respondent operates in a manner that is in compliance with all applicable Pretreatment Program requirements (as defined in the 2017 Consent Order) and requiring compliance with federal, state, and local Pretreatment Regulations as listed in Wastewater Discharge Permit No. BA 007, issued by the City of Broken Arrow (COBA) by and through the Publicly Owned Treatment Works (POTW),

WHEREAS, page 7, 17. E. of the 2017 Consent Order requires the Respondent to complete construction and begin operation of “Blue Bell Facility Upgrades” by January 7, 2019, documenting completion by submitting to COBA a written notification.

WHEREAS, page 7, 17. F of the 2017 Consent Order requires the Respondent to submit to COBA a compliance report by September 2, 2019 that includes documented spills, permit limit exceedances, and pH monitoring data from the first six months of operation following start-up.

WHEREAS, the Respondent has taken steps to comply with its obligations of the 2017 Consent Order by submitting to City of Broken Arrow on March 8, 2017, a preliminary engineering report of the proposed wastewater pretreatment facility for Respondent.

WHEREAS, the Respondent has taken steps to comply with its obligations of the 2017 Consent Order by awarding the construction contract for facility pretreatment to Brassfield and Gorrie on December 8, 2017, and documenting the award of contract by providing a written notice to the City of Broken Arrow.

WHEREAS, the Respondent has taken steps to comply with its obligations of the 2017 Consent Order by performing a pilot study, the results of which were submitted to City of Broken Arrow on January 15, 2018, in which a dissolved air floatation system was tested for treatment of Blue Bell facility process wastewater, and was chosen as the intended method of treatment.

WHEREAS, the Respondent has taken steps to comply with its obligations of the 2017 Consent Order by beginning construction of the facility pretreatment upgrades and remaining in continual progress until present day.

WHEREAS, the Respondent has submitted to City of Broken Arrow, a written request, dated September 24, 2018, for an extension to item 17. E, of the 2017 Consent Order.

WHEREAS, Page 9, Number 28 of the 2017 Consent Order allows COBA and the Respondent to make amendments by mutual consent. The Broken Arrow Municipal Authority has entered into this amendment with the 2017 Consent Order on behalf of the Respondent, and to consent to compliance by the Respondent, with each and every applicable provision of the 2017 Consent Order as amended by this Amendment.

NOW THEREFORE, IT IS HEREBY ORDERED pursuant to page 9, Number 28, that the 2017 Consent Order is amended as follows:

1. Any obligation of the Respondent under page 7, 17. E. and 17. F. are stricken and replaced with the following:

17. E. Complete construction and begin operation of Blue Bell Facility Upgrades by May 7, 2019 and document completion of the task by submitting to COBA a written notification.

17. F. Submit to COBA a compliance report from the first six months of operation following start-up of facility upgrades by January 2, 2020. The report should include: documented spills at the Blue Bell Facility, permit exceedances, and pH monitoring data.

Dated this ____ day of _____, 2018.

CITY OF BROKEN ARROW:

Chairman
Broken Arrow Municipal Authority

City Clerk