



City of Broken Arrow

Request for Action

File #: 17-2561, Version: 1

**Broken Arrow City Council
Meeting of: 08-15-2017**

To: Mayor and City Councilors
From: Department of Utilities
Title:

Consideration, discussion, and possible approval of and authorization to execute a Consent Order on Case Number 17-161 from the Oklahoma Department of Environmental Quality (ODEQ), Water Quality Division

Background: On April 29, 2017, the Oklahoma Department of Environmental Quality (ODEQ) received a citizen complaint regarding the discharge of sewage at the Timber Brook lift station. City representatives indicated their opinion that this was the result of infiltration of rainwater into the wastewater system. Importantly, City representatives also timely notified ODEQ and also remediated the discharge area.

In order to address this situation, Anthony Daniel, Director of Utilities, advised ODEQ that the City was installing new force main to direct excess flow away from the Tiber Brook lift station. This would have the effect of avoiding future unpermitted discharges during rain events.

The attached Consent Order was prepared by ODEQ representatives and has been reviewed by the City's outside environmental attorney. It is anticipated that a few revisions will be made prior to final submission to ODEQ. In addition to the force main improvements, the City is also required to pay a penalty of \$9,000.00. Mr. Archer of ODEQ previously advised Assistant City Manager Kenny Schwab that if the improvements were timely constructed, then ODEQ would withdraw the Consent Order. Staff has not yet received notification about withdrawal, so approval of the Consent Order is recommended in order to meet the deadlines established in the Notice of Violation.

Staff recommends that the Council approve the Consent Order and authorize its execution.

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Cost: \$9,000.00, plus cost of improvements of force main

Prepared By: Anthony C. Daniel, Director of Utilities

Reviewed By: Finance Department

Legal Department

Assistant City Manager

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Approved By: Michael L. Spurgeon, City Manager

Attachments: Consent Order 17-161

Recommendation:

Approve the ODEQ Consent Order and authorize its execution.