

April 18, 2024

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

The Honorable Stan Booker, Mayor  
City of Lawton  
c/o Rusty Whisenhunt, Director of Water/Wastewater  
103 Southwest 4th Street  
Lawton, Oklahoma 73501

Re: Notice of Violation No. S-11303-24-1  
City of Lawton Wastewater Treatment Facility  
Citizen Complaint Nos. 184066, 184657, 185330, 185351, 185393, 185384, and 185369  
Facility No. S-11303  
OPDES Permit No. OK0035246  
Problems: Permit Violations; Ammonia, CBOD<sub>5</sub>, and TSS Exceeded Permit Limits;  
Dissolved Oxygen Below Permit Limits; Discharge without a Permit

**NOTICE OF VIOLATION**

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

The City of Lawton (“City”) owns and operates a publicly owned treatment works (“POTW”), which serves the residents of the City of Lawton in Comanche County, Oklahoma. The POTW consists of collection lines, appurtenances, and a trickling filter/activated sludge wastewater treatment facility (“WWTF”) located in the SE¼, SE¼, SW¼, Section 28, Township 1 North, Range 11 West of the Indian Meridian, Comanche County, Oklahoma. The WWTF discharges treated effluent to Nine Mile Creek via Outfalls 001 and 002 and to Lake Comanche via Outfall 003, pursuant to the OPDES Permit No. OK0035246 (“Permit”), which became effective April 1, 2020. The City agreed to DEQ Consent Order Case No. 20-214 (“CO 20-214”) on May 10, 2021, to address and resolve permit limit violations. The City is currently in compliance with the task schedule of CO 20-214.

The City is required to electronically submit Discharge Monitoring Reports (“eDMRs”) to DEQ on a monthly basis for the WWTF. The eDMRs are to include effluent monitoring results for total ammonia, five-day carbonaceous biochemical oxygen demand (“CBOD<sub>5</sub>”), dissolved oxygen (“DO”), and total suspended solids (“TSS”) sampling. The eDMRs submitted by the City identify the following Permit limit violations since December 2023:

<b>Monitoring Period</b>	<b>Parameter (Units)</b>	<b>Reported Results</b>	<b>Permit Limits</b>
Dec. 2023	Ammonia, mo. avg. conc., (mg/L)	6.6	2
Dec. 2023	Ammonia, wk. avg. conc., (mg/L)	10.7	3
Jan. 2024	CBOD <sub>5</sub> , wk. avg. conc., (mg/L)	41.8	10
Jan. 2024	CBOD <sub>5</sub> , mo. avg. conc., (mg/L)	63.2	15
Jan. 2024	CBOD <sub>5</sub> , mo. avg, load., (lbs/day)	1522.8	1501.2
Jan. 2024	TSS, mo. avg. conc., (mg/L)	121.6	15
Jan. 2024	TSS, wk. avg. conc., (mg/L)	221.3	22.5
Jan. 2024	TSS, mo. avg, load., (lbs/day)	4056.6	2251.8
Jan. 2024	Ammonia, mo. avg. conc., (mg/L)	11.5	2
Jan. 2024	Ammonia, wk. avg. conc., (mg/L)	14.1	3
Feb. 2024	CBOD <sub>5</sub> , wk. avg. conc., (mg/L)	78.8	10
Feb. 2024	CBOD <sub>5</sub> , mo. avg. conc., (mg/L)	86.2	15
Feb. 2024	CBOD <sub>5</sub> , mo. avg, load., (lbs/day)	2692.6	1501.2
Feb. 2024	TSS, mo. avg. conc., (mg/L)	142.2	15
Feb. 2024	TSS, wk. avg. conc., (mg/L)	190.5	22.5
Feb. 2024	TSS, mo. avg, load., (lbs/day)	4857.9	2251.8
Feb. 2024	Ammonia, mo. avg. conc., (mg/L)	9.4	2
Feb. 2024	Ammonia, wk. avg. conc., (mg/L)	11.5	3
Feb. 2024	Dissolved Oxygen, mo. min., (mg/L)	2.9	6.5

On January 18, 2024, DEQ received Citizen Complaint No. 184066 alleging that the creek into which the WWTF discharges, Nine Mile Creek, had the odor of sewage. Jeff Lawler, Environmental Programs Specialist for DEQ, investigated the site and observed that the WWTF effluent had the gray appearance and odor of sewage, which is indicative that the WWTF was only providing partial secondary biological treatment. On January 19, 2024, Mr. Lawler referred Complaint No. 184066 to the Water Quality Division (“WQD”) of DEQ for further investigation and enforcement. On February 26, 2024, Mr. Lawler again observed that the discharge from the WWTF was gray in color and had the odor of sewage. On April 11, 2024, Mr. Lawler observed the discharge from the WWTF was gray in color but had no sewage odor.

During the time from February 26, 2024, to April 10, 2024, DEQ received Complaint Nos. 184657, 185330, 185351, 185393, 185384, and 185369, regarding the ability of the WWTF to provide sufficient wastewater treatment and/or the adversely impacted state of Nine

Mile Creek and/or East Cache Creek. The complaints discussed in this NOV were received based on reports made about locations both in Comanche County and Cotton County.

On April 16, 2024, David Mercer, P.E., District Engineer for DEQ, spoke with John Ratliff, City Manager for the City, by telephone. Mr. Ratliff and Mr. Mercer discussed the violations listed above. Mr. Mercer told Mr. Ratliff that the City would be receiving this Notice of Violation (“NOV”). Mr. Ratliff indicated that he understood the nature of the NOV, the reasons for it, and that the City would have the opportunity to respond.

**This NOV is to inform you that discharging pollutants in excess of your OPDES Permit limits is a violation of the following provisions of the Code of Federal Regulations (“C.F.R.”), Oklahoma Statutes, OAC, and your Permit:**

**OAC 252:606-1-3(b)(3)(W)** incorporates by reference **Title 40 C.F.R. § 122.41(a)** that states, “The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.”

**OPDES Permit No. OK0035246, Part III, Section C.4.b.** states, “The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of applicable state and federal laws and the Act, the Oklahoma Environmental Quality Code and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.”

**OAC 252:606-3-6** states “Applicants must comply with the terms of the permits that are issued.”

**OPDES Permit No. OK0035246, Part I(A)**, specifies numerical limits, monitoring frequencies, and sample types for the monitored parameters of ammonia, CBOD<sub>5</sub>, DO, and TSS in the effluent from the WWTF.

**27A O.S. § 2-6-105(A)** states, “It shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance.”

**It is the City’s duty to correct the violation(s) cited above by doing whatever is necessary to cease the OPDES Permit limit violations, and to submit a written response to DEQ within thirty (30) days of receipt of this NOV.**

Your failure to either correct the violation(s) within the time specified above or to notify DEQ and demonstrate your intent to correct these violations within thirty (30) days of your receipt of this NOV will result in an escalated enforcement action against you. State statutes provide that DEQ may issue an Order under which corrective action may be ordered, administrative penalties assessed, and/or injunctive relief sought.

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City of Lawton WWTF  
Facility No. S-11303  
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If you have any questions about the requirements of this NOV, or if you believe the violation(s) has been cited in error, please call 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. Thank you for your time and attention to this matter.

Sincerely,



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

cc: David Hastings, Water/Wastewater Superintendent, City of Lawton