

**STATE OF OKLAHOMA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY DIVISION**

**IN THE MATTER OF:  
CLINTON PUBLIC WORKS AUTHORITY,**

**RESPONDENT,**

**CASE NO. 25- 174**

**COMPLAINT NO. 191644  
FACILITY NO. S-10804  
OPDES PERMIT NO. OK0031011  
PROBLEM(s): Permit Violation(s);  
Discharge without a Permit;  
Failure to report;  
Unpermitted construction**

**CONSENT ORDER**

The parties to this case, the State of Oklahoma, ex rel. Department of Environmental Quality (“DEQ”) and the Clinton Public Works Authority (“Respondent”) agree to this Consent Order (“Consent Order”) to resolve certain environmental compliance issues.

This Consent Order supersedes and closes the Notice of Violation (“NOV”), No. S-10804-25-1 issued to Respondent on July 1, 2025.

**FINDINGS OF FACT**

1. Respondent owns and operates a publicly owned treatment works (“POTW”) that serves the residents of the City of Clinton in Custer County, Oklahoma. The POTW consists of wastewater collection lines, appurtenances, and the Clinton Public Works Authority wastewater treatment plant (“WWTP”), an extended aeration activated sludge WWTP. The WWTP is located in the W½, NE¼, NE¼, Section 36, Township 12 North, Range 17 West of the Indian Meridian, Custer County, Oklahoma. The WWTP discharges treated effluent to the Washita River, pursuant to OPDES Permit No. OK0031011 (“Permit”), which became effective on February 1, 2023. Inframark, LLC is the third-party contract operator of Respondent’s POTW.

2. From July 2022 through July 2025, Respondent reported to DEQ the following unpermitted discharge from its wastewater collection and treatment system, also commonly referred to as bypass or sanitary sewer overflow (“SSO”):

<b>Date</b>	<b>Duration (Hours)</b>	<b>Location</b>	<b>Amount (Gallons)</b>	<b>Cause</b>
5/19/2025	1032	**	5	No manhole downstream to flush

\*\* – Incomplete Data

3. On May 16, 2025, Eve Adams, Environmental Programs Specialist for DEQ, detected a strong odor of raw sewage while conducting a stormwater inspection near the Highway 183 overpass, approximately three thousand (3,000) feet west of mile marker 67 on Interstate 40 (“I-40”). Ms. Adams investigated a nearby manhole on the north side of I-40, did not observe a bypass, and noted that the flow conditions in the manhole appeared normal. Ms. Adams contacted the WWTP operator, who confirmed having noticed a similar sewage odor in the same vicinity the previous day. The WWTP operator further noted that the influent meter at the WWTP did not record any abnormal flow levels despite recent wet weather events. Further investigation revealed that Respondent has not reported any bypasses to DEQ.

4. On June 10, 2025, Ms. Adams conducted a follow-up inspection with the WWTP operators following a recent wet weather event that had caused significant flooding in the area. The WWTP operators noted a decrease in influent flow after the wet weather event. In response, Ms. Adams informed Respondent that she would need to inspect the collapsed line and sinkhole, located on the west side of I-40, that was undergoing repairs to determine the status of the repairs. During the inspection, Ms. Adams observed standing water in the manhole located upstream of the sinkhole, despite an active pump operating in the sinkhole. Ms. Adams proceeded to inspect the next two (2) upstream manholes and noted high water levels in both manholes. Ms. Adams was unable to locate two (2) additional manholes directly upstream of the two (2) she had just inspected and returned to the manhole located on the north side of I-40 and observed significant flow through the manhole.

5. On June 11, 2025, Ms. Adams inspected a manhole on the south side of I-40 at mile marker 67. Ms. Adams observed that an unpermitted discharge had flowed into a nearby wheat field and appeared to have mixed with flood waters that pooled in the field. Ms. Adams also noted that the wastewater was draining to the Washita River. Additionally, Ms. Adams was informed by

Authority's personnel that the collapsed line was concrete and is being replaced with a PVC pipe of the same size. A review of DEQ records reveals that Respondent failed to submit an application to obtain a construction permit from DEQ for the change.

6. On June 13, 2025, DEQ received Citizen Complaint No. 191644, alleging an unpermitted discharge from a manhole adjacent to I-40, approximately three (3) miles from North 220 Road, on the edge of a wheat field. The Complainant further noted that they had observed the discharge reaching and flowing into the Washita River. The Complainant reported a strong sewage odor and visible sewage debris in the pool of water accumulated from the unpermitted discharge. The Complainant also indicated that a potential sewer line collapse might have occurred nearby.

7. On June 18, 2025, Ms. Adams inspected the manhole located near mile marker 67 on I-40 and observed an unpermitted discharge occurring. The flow appeared stronger than during her previous observation the week prior. The wastewater traveled east before turning south into an adjacent wheat field.

8. On June 19, 2025, the Complaint was referred to the Water Quality Division ("WQD") of DEQ for further investigation and enforcement.

9. On the same day, Tu Nguyen, E.I., District Representative for DEQ, spoke with Gene McCullough, Public Works Director for the City of Clinton, on Respondent's behalf, by telephone. Mr. McCullough informed Mr. Nguyen that the southernmost manhole south of I-40 had been replaced, and that the manhole near mile marker 67 was scheduled to be capped later that same day. Mr. McCullough further stated that Respondent was still in the process of repairing the collapsed sewer line and had retained a contractor to complete the work, with project completion anticipated by the end of the following week. Mr. McCullough also confirmed that the replacement line was being constructed using PVC lines of the same size. Mr. Nguyen informed Mr. McCullough that Respondent would be required to obtain a Permit to Construct for the project, as the modifications constituted a change to the DEQ-approved system design. Additionally, Mr. Nguyen was informed that Respondent had not cleaned or treated the area impacted by the unpermitted discharge. However, Respondent had retained a contractor for the project, which was expected to begin soon. Mr. Nguyen directed Respondent to take all necessary actions to clean and treat the affected area to mitigate any adverse impacts on the surrounding environment and public health. Mr. McCullough confirmed that the cleaning project would start the same day and would notify DEQ upon the project's completion.

10. On July 1, 2025, DEQ issued Respondent Notice of Violation (“NOV”) S-10804-25-1 for the unpermitted discharges from Respondent’s wastewater collection system. Respondent received the NOV on July 7, 2025.

11. On July 7, 2025, DEQ received Respondent’s written response to the NOV. The response outlined the following corrective actions to address the violations and maintain compliance with DEQ’s regulations:

- Upon notification of the incident, Respondent stabilized and capped the damaged sewer segment and initiated emergency bypass pumping to mitigate further unpermitted discharges. Site stabilization and repair activities were anticipated to be completed by July 19, 2025.
- Respondent retained a contractor to clean the affected areas, including applying lime on affected sections of the public right-of-way to neutralize contaminants. Respondent was also coordinating with adjacent property owners to facilitate cleanup of affected private properties.
- To prevent additional environmental harm, Respondent implemented point repairs and emergency bypass pumping while preparing for permanent infrastructure rehabilitation. An application to obtain a construction permit would be submitted to DEQ for the rehabilitation project.
- Respondent had revised its procedures to ensure that any future noncompliance events would be reported to DEQ within twenty-four (24) hours of discovery, as required by the Permit.
- As of July 1, 2025, Wright Water Corp. assumed operations and maintenance responsibilities from Inframark, LLC.
- For long-term system improvement, Respondent retained a contractor to conduct a full evaluation of the affected trunk sewer and to assist in the development of a long-term rehabilitation strategy. This included the preparation of a preliminary engineering report (“ER”), submission of an Overflow Sewer Grant (“OGA”) application to the Oklahoma Water Resources Board (“OWRB”), and an evaluation of funding options through OWRB’s Financial Assistance Program, the Clean Water State Revolving Fund (“CWSRF”) and other available resources.

- A comprehensive report and funding plan were presented and formally approved at Respondent's regular meeting held on July 1, 2025.

12. On September 10, 2025, Respondent and DEQ conducted an early resolution meeting to discuss the terms of the Consent Order. Attending on behalf of Respondent were Robert Johnston, City Manager for the City of Clinton; Gene McCullough, Public Works Director; and Matthew Coe, Contract Consulting Engineer. Attending on behalf of DEQ were Myles Mungle, Engineering Manager; Tu Nguyen, District Representative; and Othman Shahin, Attorney. During the meeting, Respondent's representatives stated that Respondent was actively cleaning and jetting the sewer main while concurrently inspecting and surveying it for additional temporary point repairs. Additionally, DEQ's representatives were informed that when the SSO occurred, Ms. Adam notified Inframark, Respondent's former contract operator. However, Inframark failed to notify Respondent, resulting in delayed corrective and mitigation actions. Once Respondent was informed of the issue, Respondent took immediate actions to stop the SSO and mitigate any environmental impacts. Respondent has since been working with its contracted engineer to prepare a report outlining the permanent repair and replacement of the collapsed sewer main.

13. On October 2, 2025, DEQ received a letter from Respondent providing updates on the sewer main repair project. The letter included the following details on mitigation efforts, repair activities, an evaluation of the WWTP, and a proposed permanent corrective action plan:

- Manholes Nos. 7 and 11 have been fully repaired, including the installation of structural extensions and new covers.
- Approximately 800 linear feet of the sewer main downstream from the collapse has been jetted and vacuumed to remove silt and sand, restoring hydraulic flow.
- Three (3) point repairs on the failed concrete line have been completed. A fourth is underway but has been delayed due to mechanical and labor issues.
- A system evaluation revealed that the WWTP headworks pumps were insufficient for managing peak influent flows. Since then, Respondent has repaired or replaced all three pump motors, two variable-frequency drives, and three check valves to ensure reliable plant operation.
- On September 29, 2025, Respondent and its City Council approved resolutions to secure over Five Million Dollars (\$5,000,000) in financing. These funds are allocated to a capital improvement project that will include the construction of

a new bar-screened lift station and force main, replacing the aging 27-inch main interceptor from north of I-40 to the WWTP.

14. Respondent and DEQ agree that it is beneficial to resolve this matter promptly and by agreement.

15. Respondent and DEQ waive the filing of a petition or other pleading, and Respondent waives the right to a hearing.

### CONCLUSIONS OF LAW

16. DEQ has regulatory jurisdiction and authority in this matter, and Respondent is subject to the jurisdiction and authority of DEQ under 27A Oklahoma Statutes (“O.S.”) § 1-3-101(B), 27A O.S. §§ 2-6-201 through 2-6-206, and the rules promulgated thereunder at Oklahoma Administrative Code (“OAC”) 252:606.

17. Respondent and DEQ are authorized by 75 O.S. § 309(E) and 27A O.S. § 2-3-506(B) to resolve this matter by agreement.

18. By allowing unpermitted discharges from its collection system, Respondent violated 27A O.S. § 2-6-205(A), which states that “It shall be unlawful for any facility, activity or entity regulated by the Department of Environmental Quality pursuant to the Oklahoma Pollutant Discharge Elimination System Act to discharge any pollutant into waters of the state or elsewhere without first obtaining a permit from the Executive Director.”

19. By constructing without a permit, Respondent violated OAC 252:656-1-3(a), which states, “No one shall construct, modify or put into operation a wastewater system or a water reuse system without first obtaining a permit to construct from DEQ.”

20. By allowing unpermitted discharges from its collection system, Respondent violated OAC 252:606-1-3(b)(3)(W), which incorporates by reference Title 40 of Code of Federal Regulations (“C.F.R.”) § 122.41(a), which 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.”

21. By allowing unpermitted discharges from its collection system, Respondent violated OAC 252:606-1-3(b)(3)(W) which incorporates by reference Title 40 of Code of Federal Regulations (“C.F.R.”) § 122.41(e), which states, “The permittee shall at all times properly operate

and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee to achieve compliance with the condition of this permit.”

22. By allowing unpermitted discharges from its collection system and constructing without a permit, Respondent violated **OAC 252:606-3-6**, which states, “Applicants must comply with the terms of the permits that are issued.”

23. By allowing unpermitted discharges from its collection system, Respondent violated **OPDES Permit No. OK0031011, Part III, Section C.4.b.** which 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.”

24. By failing to report unpermitted discharges in a timely manner, Respondent violated **OPDES Permit No. OK0031011, Part III, Section B.6.a.1.** which states, “The permittee shall report any noncompliance which may endanger health of the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.”

25. By allowing unpermitted discharges from its collection system, Respondent violated **OPDES Permit No. OK0031011, Part III, Section C.5.** which states, “The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.”

26. By allowing unpermitted discharges from its collection system, Respondent violated **OPDES Permit No. OK0031011, Part III, Section C.9.a.** which states, “The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of this permit.”

**ORDER**

27. Based on the above paragraphs, Respondent and DEQ agree, and it is ordered by the Executive Director, Respondent will complete the following task by the date specified below:

Task	Date Due
A. Respondent shall submit a written plan to DEQ to prevent unpermitted discharges and mitigate any potential environmental impact at the location cited in the Complaint while the sewer main is being repaired.	April 1, 2026
B. Respondent shall submit an approvable* engineering report ("ER") to DEQ that includes a schedule for the elimination of unpermitted discharges from the location cited in the Complaint.	June 1, 2026



\*See paragraph 3232 for the definition of "approvable." If an ER is not "approvable" as submitted, stipulated penalties begin to accrue on the day performance is due.

28. The OPDES Act, 27A O.S. §§ 2-6-201 through 2-6-206, authorizes DEQ to seek penalties of up to Ten Thousand Dollars (\$10,000.00) per day of violation, for each day during which a violation of the Act, Permit, associated rules, or Consent Order continues. Based on the facts and circumstances of this case, DEQ assesses a total penalty of Twelve Thousand Dollars (\$12,000.00).

- a. Respondent agrees that within thirty (30) days after execution of this Consent Order, Respondent will pay Seven Thousand Five Hundred Dollars (\$7,500.00) of the assessed penalty to DEQ.
- b. DEQ agrees to defer the remaining Four Thousand Five Hundred Dollars (\$4,500.00), subject to the following conditions:
  - i. If Respondent completes Task A listed in Paragraph 2727 of this Consent Order by its due date, DEQ agrees to waive the portion of the deferred penalty allocated to that task in subparagraph (ii).
  - ii. Task A – \$500.00  
Task B – \$1,000.00

- iii. If Respondent fails to complete a task by the scheduled due date, the portion of deferred penalty allocated to that task in subparagraph (ii) becomes immediately due and payable.
- iv. The remaining Three Thousand Dollars (\$3,000.00) of the deferred penalty will be applied to the task(s) in a subsequent Addendum to this Consent Order, unless Respondent fails to comply with Task A and B in Paragraph 2727 of this Consent Order, or in the event that the parties are unable for any reason to agree to an Addendum to this Consent Order.

All payments shall be by check or money order payable to the Oklahoma Department of Environmental Quality (or DEQ), showing the Case Number of this Consent Order, and delivered to:

Accounts Receivable  
 Financial & Human Resources Management  
 Oklahoma Department of Environmental Quality  
 P.O. Box 2036  
 Oklahoma City, Oklahoma 73101-2036

29. Respondent agrees that if Respondent fails to complete any of the task(s) by the specified due dates set forth in Paragraph 2727 of this Consent Order, DEQ may assess stipulated penalties as follows:

TASK	PENALTY PER DAY
A.	\$140.00
B.	\$140.00

Stipulated penalties begin to accrue on the day performance is due, with the total amount of stipulated penalties not to exceed Seventy-five Thousand Dollars (\$75,000.00).

30. If Respondent fails to pay any penalty, DEQ may bring a separate action for collection of the penalty in District Court. An action by DEQ for the collection of a penalty does not affect Respondent's duty to complete the tasks required by this Consent Order.

## GENERAL PROVISIONS

31. DEQ has received delegation from the United States Environmental Protection Agency, to implement and enforce the federal National Pollutant Discharge Elimination System ("NPDES") program. A portion of the implementation and enforcement program is to issue timely enforcement actions and impose appropriate penalties. The federal program calls for a significant increase in monetary penalties should this Consent Order be violated or future violations occur.

32. As used in this Consent Order, an "approvable" submission to DEQ is to be considered a final submission. That is, all preliminary discussions between DEQ and Respondent regarding the requirements of a submission must be concluded prior to the date the submission is due so that the submission will be approvable as submitted. If the submission is not submitted in an approvable form by its due date, the submission will be considered late, and Respondent will be subject to the stipulated penalties described in this Consent Order.

33. Respondent agrees to perform the requirements of this Consent Order within the time frames specified unless performance is prevented or delayed by events which are a "force majeure." For purposes of this Consent Order, a force majeure event is defined as any event arising from causes beyond the reasonable control of Respondent or Respondent's contractors, subcontractors, or laboratories which delay or prevents the performance of any obligation under this Consent Order. Examples are vandalism, fire, flood, labor disputes or strikes, weather conditions which prevent or seriously impair construction activities, civil disorder or unrest, and "acts of God." Force majeure events do not include increased costs of performance of the tasks agreed to in this Consent Order or changed economic circumstances. Respondent must notify DEQ in writing within fifteen (15) days after Respondent knows or should have known of a force majeure event that is expected to cause a delay in achieving compliance with any requirement of this Consent Order. Failure to submit notification within fifteen (15) days waives the right to claim a force majeure.

34. Respondent and DEQ may amend this Consent Order by mutual consent. Such amendments must be in writing, and the effective date of the amendments will be the date on which they are filed by DEQ. Any amendment to this Consent Order may require the payment of an administrative penalty.

35. Upon their approval by DEQ, any final reports, plans, specifications, schedules, and attachments required under this Consent Order are incorporated into it and enforceable under

it. Failure to respond within a reasonable time to any errors, deficiencies, or other regulatory requirements identified by DEQ is a violation of this Consent Order.

36. No informal advice, guidance, suggestions, or comments by employees of DEQ regarding reports, plans, specifications, schedules, and other writings affect Respondent's obligation to obtain written approval by DEQ when required by this Consent Order.

37. Respondent agrees to allow agents of DEQ entry onto Respondent's property, at reasonable times and without advance notice, for the purposes of inspecting, sampling, testing, records review, and other authorized activities to assess compliance with Oklahoma statutes and rules and this Consent Order. If Respondent is required to sample or test, Respondent agrees to give DEQ reasonable notice of the sampling or testing date and time and allow DEQ to observe and/or split sample.

38. Unless otherwise specified, any report, notice, or other communication required under this Consent Order must be in writing and must be sent to:

**For DEQ:**

Tu Nguyen, E.I., District Representative  
Municipal Wastewater Enforcement Section  
Water Quality Division  
Oklahoma Department of Environmental Quality  
P.O. Box 1176  
Oklahoma City, Oklahoma 73101-1176  
Telephone: (405) 702-8214  
Email: [Tu.Nguyen@deq.ok.gov](mailto:Tu.Nguyen@deq.ok.gov)

**For Respondent:**

Robert Johnston, City Manager  
City of Clinton  
P.O. Box 11177  
Clinton, Oklahoma 73601  
Telephone: (580) 335-1551  
Email: [Robert.Johnston@clintonok.gov](mailto:Robert.Johnston@clintonok.gov)

39. This Consent Order is enforceable as a final order of the Executive Director of DEQ. DEQ retains jurisdiction of this matter for the purposes of interpreting, implementing, and enforcing the terms and conditions of this Consent Order and for the purpose of resolving disputes.

40. Nothing in this Consent Order limits DEQ's right to take enforcement action for violations discovered or occurring after the effective date of this Consent Order.

41. Nothing in this Consent Order excuses Respondent from its obligation to comply with all applicable federal, state, and local statutes, rules, and ordinances. Respondent and DEQ agree that the provisions of this Consent Order are considered severable, and if a court of competent jurisdiction finds any provisions to be unenforceable because they are inconsistent with state or federal law, the remaining provisions will remain in full effect.

42. The provisions of this Consent Order apply to and bind Respondent and DEQ and their officers, officials, directors, employees, agents, successors, and assigns. No change in the ownership or corporate status of Respondent will affect Respondent's responsibilities under this Order.

43. Compliance with the terms and conditions of this Consent Order fully satisfies Respondent's liability to DEQ for all allegations of noncompliance in this Consent Order. If Respondent satisfies the requirements of this Consent Order, DEQ will not pursue any other remedy, sanction, or relief that might otherwise be available to address the allegations of noncompliance in this Consent Order. Nothing in this Consent Order shall be deemed to satisfy Respondent's liability, if any, for actions or remedies not within the scope of authority of DEQ.

44. Respondent and DEQ agree that the venue of any action in district court for the purposes of interpreting, implementing, and enforcing this Consent Order will be Oklahoma County, Oklahoma.

45. The requirements of this Order will be considered satisfied, and this Consent Order terminates when Respondent receives written notice from DEQ that Respondent has demonstrated that all the terms of the Consent Order have been completed to the satisfaction of DEQ, and that any assessed penalty has been paid.

46. The individuals signing this Order certify that they are authorized to sign it and to legally bind the parties they represent.

47. This Consent Order becomes effective on the date of the later of the two signatures below.

**FOR CLINTON PUBLIC WORKS  
AUTHORITY:**

\_\_\_\_\_  
DAVID BERRONG  
CHAIRMAN

\_\_\_\_\_  
DATE

**FOR DEPARTMENT OF  
ENVIRONMENTAL QUALITY:**

\_\_\_\_\_  
ROBERT D. SINGLETARY  
EXECUTIVE DIRECTOR

\_\_\_\_\_  
DATE