

RECEIVED

MAR 10 2016

REAL ESTATE DIVISION

MARY FALLIN
Governor



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

March 7, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Chief, Real Estate Division
USACE Tulsa District (CESWT-RE)
1645 S. 101st E. Ave.
Tulsa, OK 74128

Chief, Operations Division
USACE Tulsa District (CESWT-OD-NRM)
1645 S. 101st E. Ave.
Tulsa, OK 74125

RE: Chouteau Bend Trailer Park in Mayes County, Oklahoma
DEQ Complaint Numbers: 140027 & 142883
DEQ Case Number: 15-256

To Whom It May Concern:

The enclosed Final Notice for Consent Order Case No. 15-256 was issued to Chouteau Bend Trailer Park on March 7, 2016. As agreed to in the Memorandum of Understanding between COE and DEQ, I am sending a copy to you.

If you have any questions, please contact Robert Huber at (405) 702-6100 or write to Mr. Huber at the letterhead address.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Collins', is written over a faint, larger version of the signature.

Gary Collins, Division Director
Environmental Complaints and Local Services

Enclosure

cc: Enforcement File, Legal





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SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

REAL ESTATE DIVISION
MARY FALLIN
Governor

March 7, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Eddie & Carolyn Sinor
Chouteau Bend Trailer Park
PO Box 130
Chouteau, OK 74337

RE: Surfacing Sewage in Mayes County, Oklahoma
DEQ Complaint Numbers: 140027 & 142883
DEQ Case Number: 15-256

FINAL NOTICE

Dear Mr. & Mrs. Sinor:

Pursuant to the Administrative Compliance Order ("ACO") filed on January 5, 2016 you were ordered to correct the violations listed in the ACO within thirty (30) day of receiving the order by:

- (1) Upgrading all lift station alarms to meet current OAC 252:641 regulations.
- (2) Repairing or replacing any part of the on-site sewage treatment system on the property to ensure that sewage no longer surfaces.
- (3) Installing a flow meter to measure the daily flow to the lateral field. You were also ordered to record daily wastewater flows and submit the data to DEQ by the 10th of each month, beginning on February 10, 2016 and continuing each month thereafter until DEQ advises you the flow data no longer needs to be submitted.

In addition, you were ordered to pay DEQ a penalty of **EIGHT THOUSAND DOLLARS (\$8,000.00)** for the violations as listed in the ACO.

As of today, you have failed to:

- (1) Upgrade all lift station alarms to meet current OAC 252:641 regulations.
- (2) Repair or replace any part of the on-site sewage treatment system on the property to ensure that sewage no longer surfaces.
- (3) Install a flow meter to measure the daily flow to the lateral field. You have also failed to record daily wastewater flows and submit the data to DEQ by the 10th of each month.

In addition, you have failed to pay DEQ a penalty of **EIGHT THOUSAND DOLLARS (\$8,000.00)** for the violations as listed in the ACO.

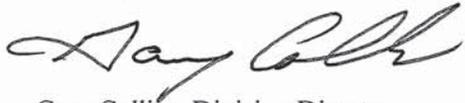
This is your **FINAL NOTICE**. If you fail to come into compliance with the Administrative Compliance Order, including submitting payment for the penalty, within the next **THIRTY (30) DAYS**, DEQ will be



forced to take further enforcement.

If you have any questions or need any further information, feel free to contact Robin Stratton at (918) 293-1600 or at the address listed below. Thank you for your time and cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Collins".

Gary Collins, Division Director
Environmental Complaints and Local Services

cc: Enforcement File, Legal

From: (b)(6) USACE Employee Info
To: (b)(6) USACE Employee Info [Rupe, Terry D SWT](#)
Cc: (b)(6) USACE Employee Info
Subject: FW: Pryor Creek Docks
Date: Friday, March 11, 2016 9:20:39 AM
Attachments: [IMG_0038.JPG](#)
[IMG_0039.JPG](#)
[Sinor Dock Aerial.jpg](#)

FYI

-----Original Message-----

From: (b)(6) USACE Employee Info
Sent: Friday, March 11, 2016 9:04 AM
To: (b)(6) USACE Employee Info
Cc: (b)(6) USACE Employee Info [Polk, Jonathan SWT](#)
<Jonathan.Polk@usace.army.mil>
Subject: Pryor Creek Docks

(b)(6) USACE E

Just an update. All the docks and debris appears to have been removed from the Mission Bend area. There are still two docks belonging to the Sinors on the east shoreline across from three fingers. It will be very difficult to remove, but that is their issue to resolve. What a mess....Attached a few photos.

Have a good one,

(b)(6) USACE Employee

Natural Resource Specialist

U.S. Army Corps of Engineers

Fort Gibson Lake

(b)(6) USACE Employee Info







Legend

- Feature 1
- Sinor Docks

Three Fingers

Sinor Docks

N4340 Rd

E0630 Rd



March 11th, 2016

Carolyn is adamant that they have complied w/ consent order.

gave her number on ODEQ

Robin 918-293-1600
↔

15-256 - case NO.

informed her that we cannot extend lease term w/o clearing up ODEQ issue. we must have something in writing

talked to Avest Bank - coming out to do appraisal of house. pay interest loan.
retired from REC - to do electric - still has certification.

also reported she has been dealing w/ thieves.

March 17, 2016

(b)(8) USACE Employee Info
spoke to Carolyn Sinor.

went over ODEQ consent order item by item. Carolyn had reason (excuse) why each item wasn't completed.

- 1) lift station alarms - Eddie think this is dumb.
- 2) repair sewage treatment system - ~~not done~~.
She thinks this has been done advised her to call ODEQ.
- 3) flow meter - Carolyn's storm charged on this. 1st thing was she couldn't read meter ^{due to} high water. Advised her to mark high water on calendar. Later storm charged and part was ordered, but didn't work.
- will not pay \$8000 - they don't owe it.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

CERTIFIED MAIL

MAR 14 2016

SUBJECT: Fort Gibson Lake, Oklahoma: Oklahoma Department of Environmental Quality (ODEQ) Requirements for Pryor Creek Concession, DACW56-1-15-317

Eddie G. and Carolyn J. Sinor
P.O. Box 130
Chouteau, Oklahoma 74337

Mr. and Mrs. Sinor:

We have received notice that you have been issued a Final Notice for Consent Order Case No. 15-256 regarding sewage compliance issues at Pryor Creek Concession. The notice requires compliance within 30 days of your receipt of the order.

Conditions 14 and 25 of your Lease DACW56-1-15-317 require compliance with all applicable Federal, State, and local laws pertaining to all facets of your marina operation, including all water and sanitary systems. You are bound to use all means possible to protect the environment and natural resources. Failure to comply with all such applicable laws and regulations could lead to revocation of your lease.

Please provide written proof if you are currently in compliance with the Consent Order and requirements of ODEQ within **10 days** of receipt of this letter. If you are not, and if ODEQ enforcement actions could result in a closure of the sewage treatment system, you must provide adequate notice to all affected customers, such as the mobile home tenants. Please provide copies of such notices to Mr. Jonathan Polk, Fort Gibson Lake Manager, and to my office.

Given this recent development we have no option but to delay the six-month term extension of your lease. If you meet all requirements of the ODEQ Consent Order within the required timeframe, we will resume the process of granting the six-month extension. This delay should not deter you from correcting the non-compliance deficiencies identified in Exhibit B of your lease and any newly identified deficiencies including the docks located downstream that must be removed from project lands and waters. Failure to correct these compliance issues in a timely manner could result in revocation of your lease.

If you have any questions, please call (b)(6) USACE Employee Info (b)(6) USACE Employee Info Lead Realty Specialist, (b)(6) USACE Employee Info
(b)(6) USACE Employee Info or (b)(6) USACE Employee Info Chief, Management and Disposal Branch, (b)(6) USACE Employee Info

Sincerely,



Terry D. Rupe
District Chief of Real Estate
Real Estate Contracting Officer

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY														
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Eddie Sinor</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>EDDIE SINOR</i></p>														
<p>1. Article Addressed to:</p> <p>Eddie G. and Carolyn J. Sinor P.O. Box 130 Chouteau, OK 74337</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>														
 9590 9403 0908 5223 4097 77	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™														
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery														
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise														
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™														
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery														
<input type="checkbox"/> Mail Restricted Delivery															
<p>2. Article Number (Transfer from service label) 7015 1520 0003 4776 5997</p>	PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt														

7015 1520 0003 4776 5997

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<p>Certified Mail Fee \$ _____</p> <p>Additional Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage \$ _____</p> <p>Total Postage and Fees \$ _____</p>	Postmark Here
<p>Sent To <i>Eddie & Carolyn Sinor</i></p> <p>Street and Apt. No., or PO Box No. _____</p> <p>City, State, ZIP+4® _____</p>	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

From: Carolyn Sinor (b)(6) PII >
Sent: Thursday, March 24, 2016 9:44 AM
To: (b)(6) USACE Employee Info
Subject: [EXTERNAL] Lease renewal

They are working on the compliance of DEQ again.
If the water does not come
Up before he finishes it will be
Done by next week.

Sent from my iPhone

From: (b)(6) USACE Employee Info
To: "Carolyn Sinor"
Cc: (b)(6) USACE Employee Info; [Rupe, Terry D SWT \(Terry.D.Rupe@usace.army.mil\)](mailto:Terry.D.Rupe@usace.army.mil); (b)(6) USACE Employee Info
Subject: RE: [EXTERNAL] Lease renewal
Date: Thursday, March 24, 2016 9:48:00 AM

That is great news.

Once the work has been completed, we will need an official notice from ODEQ showing that you have complied with the consent order.

Thank you for the update.

(b)(6) USACE Employee Info
Lead Realty Specialist
U.S. Army Corps of Engineers
Tulsa District
(b)(6) USACE Employee Info

-----Original Message-----

From: Carolyn Sinor (b)(6) PII
Sent: Thursday, March 24, 2016 9:44 AM
To: (b)(6) USACE Employee Info
Subject: [EXTERNAL] Lease renewal

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Done by next week.

Sent from my iPhone

From: (b)(6) USACE Employee Info
To: [Roberts, Dean A SWT](#); [Polk, Jonathan SWT](#); (b)(6) USACE Employee Info; [Rupe, Terry D SWT](#); (b)(6) USACE Employee Info
Cc: (b)(6) USACE Employee Info
Subject: Additional DEQ action - Pryor Creek/Chouteau Bend Concession
Date: Tuesday, March 29, 2016 11:50:33 AM
Attachments: [201602_DEQ_USACE_MOU.pdf](#)

All:

Mr. Robert Huber, Oklahoma Department of Environmental Quality, telephoned me this morning to discuss the status of the current Consent Order for the Pryor Creek Concession. Mr. Huber provided the following:

1. The Sinor's contacted DEQ on 28 March 2016 regarding compliance with the Consent Order.
2. DEQ has repeatedly inspected the sewage facilities the Sinor's operate after being informed all deficiencies have been corrected, only to find the deficiencies have not been corrected.
3. To date, DEQ has not been able to document, through multiple on-site inspections, compliance with the existing Consent Order.
4. DEQ is tentatively planning to conduct an on-site inspection 5 April 2016, requested by the Sinor's in an email from them to DEQ on 28 March 2016.
5. If the inspection, tentatively schedule for 5 April 2015, reveals the Sinor's remain in non-compliance with the Consent Order, DEQ will be left with no other options and will proceed with filing an injunction in District Court.

DEQ has requested USACE personnel, Real Estate and Environmental Specialist, accompany them when they perform the tentative 5 April inspection. The local ECLS Office will be coordinating with (b)(6) USACE Employee Info to finalize inspection time and date. Mr. Huber also asked how he should coordinate with USACE regarding any injunction filed in District Court; I've asked Mr. Huber to formally notify Mr. Rupe and Mr. Groves per the February 2016 MOU between DEQ and SWT.

Regards,

(b)(6) USACE Employee Info

U.S. Army Corps of Engineers, Tulsa District
Operations Division
Natural Resources Section
1645 S. 101st E. Ave
Tulsa, OK 74128
(b)(6) USACE Employee Info

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNITED STATES ARMY CORPS OF ENGINEERS
TULSA DISTRICT

AND

THE OKLAHOMA DEPARTMENT OF
ENVIRONMENTAL QUALITY

The Oklahoma Department of Environmental Quality ("DEQ"), and United States Army Corp of Engineers ("COE") hereby enter into the following Memorandum of Understanding ("MOU") for the purpose of coordinating and facilitating the resolution of environmental issues occurring on land owned by COE and regulated by DEQ.

The activities contemplated under this MOU shall be conducted in accordance with Executive Order 13352 of August 26, 2004. The purpose of this order is to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in federal decision making, in accordance with their respective agency missions, policies, regulations, and other applicable laws.

WHEREAS the COE owns property throughout the State of Oklahoma for COE project purposes and some of these lands are the subject of outgrants for purposes of furthering recreation opportunities (e.g. leases to concessionaires ("lessees")).

WHEREAS the grantees as a term of their real estate outgrant instrument from the United States, are required to remain in compliance with all applicable state and federal laws including environmental laws and regulations.

WHEREAS DEQ is the agency that regulates on-site sewage systems, public sewage systems, public water supplies, and issues pollutant discharge permits in the State of Oklahoma. *See* 27A O.S. § 1-3-101(B).

WHEREAS the COE and DEQ have limited resources and wish to coordinate and cooperate to better serve their respective public purposes and to confirm state environmental laws will be enforced on federal public land by DEQ with the full support of the COE.

TERMS

1.1 DEQ agrees to send a copy of any Notice of Violation ("NOV"), Consent Order, Administrative Compliance Order ("ACO") or a copy of any civil petition filed against any entity that DEQ regulates (collectively "enforcement documents") which is a grantee on COE property. Within ten (10) days of issuance of any of the above to the grantee, DEQ agrees to send a copy to:

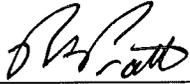
Chief, Real Estate Division
USACE Tulsa District (CESWT-RE)
1645 S. 101st E. Ave.
Tulsa, OK 74128

and

Chief, Operations Division
USACE Tulsa District (CESWT-OD-NRM)
1645 S. 101st E. Ave.
Tulsa, OK 74125

- 1.2 COE agrees within thirty (30) days of receipt of any of the above listed enforcement documents to issue a letter re-stating the grantee's duty to comply with state and federal environmental laws throughout the term of the real estate instrument and shall also identify the potential consequences for noncompliance.
- 1.3 Nothing in this MOA shall create any additional duties or responsibilities upon the DEQ or COE except as stated herein.
- 1.4 Failure of either party to comply with the terms of this MOU shall not create any civil or administrative liability against either party.
- 1.5 The individuals signing this MOU certify that they are authorized to sign it on behalf of their agency / corporation.
- 1.6 Each party to this MOU shall bear its own costs for the activities outlined above. Nothing herein shall be interpreted as obligating the funds of either party and all activities contemplated by this MOU are subject to the availability of appropriated funds.
- 1.7 Either party may terminate the MOU by providing a 30-day written notice to the other party.
- 1.8 This MOU becomes effective when signed by both parties and remains in effect until terminated by either party.

U.S. ARMY CORP OF ENGINEERS:



Richard A. Pratt
Colonel, U.S. Army
District Commander

**OKLAHOMA DEPARTMENT
OF ENVIRONMENTAL QUALITY:**



Scott A. Thompson
Executive Director