



February 14, 2019

CERTIFIED MAIL: 9489 0090 0027 6060 6316 24

Honorable Frank Fogleman, Mayor
 City of Marion
 P.O. Box 717
 Marion, AR 72364

email: mayormarionar@aol.com

**RE: Permit Number: AR0021971, AFIN: 47-00991
 Corrective Action Plan Request**

Dear Mayor Fogleman:

A review of the Permit file for the above mentioned facility since construction was complete on February 15, 2016 until present reveals the following compliance issues:

The facility has reported **50 violations** of Part I, Section A of Permit No. AR0021971:

DMR End Date	Disch-Desig	Parameter Desc	Reported Value	Limit	Vio %
03/31/2016	002-A	BOD, 5-day, 20 deg. C (MO AVG, lb/d)	639	400	60%
03/31/2016	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	47	45	4%
04/30/2016	002-A	BOD, 5-day, 20 deg. C (MO AVG, lb/d)	473	400	18%
04/30/2016	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	39	30	30%
04/30/2016	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	61	45	36%
05/31/2016	002-A	BOD, 5-day, 20 deg. C (MO AVG, lb/d)	503	400	26%
05/31/2016	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	42	30	40%
05/31/2016	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	48	45	7%
06/30/2016	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	32	30	7%
09/30/2016	TX2-Q	Low Flow Pass/Fail Static Renewal 48Hr Acute Daphnia pulex	NODI E		
09/30/2016	TX2-Q	LF Pass/Fail Statre 48Hr Acute Pimephales Promela	NODI E		
09/30/2016	TX2-Q	NOEC Lethal Static Renewal 48HR Acute Daphnia pulex	NODI E		
09/30/2016	TX2-Q	NOEC Lethal Static Renewal 48HR Acute Pimephales promelas	NODI E		
09/30/2016	TX2-Q	Coef Of Var Statre 48Hr Acute D. Pulex (48HR MIN, %)	NODI E		
09/30/2016	TX2-Q	Coef Of Var Statre 48Hr Acute Pimephales (48HR MIN, %)	NODI E		
05/31/2017	002-A	BOD, 5-day, 20 deg. C (MO AVG, lb/d)	421	400	5%
05/31/2017	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	36	30	20%
05/31/2017	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	58	45	29%

07/31/2017	002-A	Coliform, fecal general (30DA GEO, #/100mL)	268	200	34%
07/31/2017	002-A	Coliform, fecal general (7 DA GEO, #/100mL)	667	400	67%
08/31/2017	002-A	BOD, 5-day, 20 deg. C (MO AVG, lb/d)	431.01	400	8%
08/31/2017	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	35.2	30	17%
08/31/2017	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	68	45	51%
03/31/2018	002-A	Oxygen, dissolved [DO] (MO AV MN, mg/L)	NODI E	2	
03/31/2018	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	NODI E	30	
03/31/2018	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	NODI E	45	
03/31/2018	002-A	pH (MINIMUM, SU)	NODI E	6	
03/31/2018	002-A	pH (MAXIMUM, SU)	NODI E	9	
03/31/2018	002-A	Solids, total suspended (MO AVG, mg/L)	NODI E	90	
03/31/2018	002-A	Solids, total suspended (7 DA AVG, mg/L)	NODI E	135	
03/31/2018	002-A	Flow, in conduit or thru treatment plant (MO AVG, MGD)	NODI E		
03/31/2018	002-A	Flow, in conduit or thru treatment plant (DAILY MX, MGD)	NODI E	4.5	
03/31/2018	002-A	Chlorine, total residual (INST MAX, mg/L)	NODI E		
03/31/2018	002-A	Coliform, fecal general (30DA GEO, #/100mL)	NODI E	1000	
03/31/2018	002-A	Coliform, fecal general (7 DA GEO, #/100mL)	NODI E	2000	
03/31/2018	002-A	Overflows (MO TOTAL, occur/mo)	NODI E		
03/31/2018	002-A	Overflow volume [SS0 volume, CSO volume] (MO TOTAL,	NODI E		
03/31/2018	TX2-Q	Low Flow Pass/Fail Static Renewal 48Hr Acute Daphnia pulex	NODI E		
03/31/2018	TX2-Q	LF Pass/Fail Statre 48Hr Acute Pimephales Promela	NODI E		
03/31/2018	TX2-Q	NOEC Lethal Static Renewal 48HR Acute Daphnia pulex	NODI E		
03/31/2018	TX2-Q	NOEC Lethal Static Renewal 48HR Acute Pimephales promelas	NODI E		
03/31/2018	TX2-Q	Coef Of Var Statre 48Hr Acute D. Pulex (48HR MIN, %)	NODI E		
03/31/2018	TX2-Q	Coef Of Var Statre 48Hr Acute Pimephales (48HR MIN, %)	NODI E		
08/31/2018	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	44.13	30	47%
08/31/2018	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	98	45	118%
08/31/2018	002-A	Coliform, fecal general (30DA GEO, #/100mL)	339.53	200	70%
08/31/2018	002-A	Coliform, fecal general (7 DA GEO, #/100mL)	818	400	105%
10/31/2018	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	43.67	30	46%
10/31/2018	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	61	45	36%
12/31/2018	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	36	30	20%

Non-Compliance Reports were received by the Department, but due to repeat occurrences, the Department recommends that you consult with a Professional Engineer for the purpose of developing a Corrective Action Plan (CAP). The CAP should detail the corrective actions that will be taken to achieve compliance with the terms of the Permit. The CAP should include the date the Facility expects to be in compliance. Please submit the CAP to the Department by **March 15, 2019**.

Any violation of your NPDES Permit is subject to enforcement action by this Department, pursuant to the Arkansas Water and Air Pollution Control Act. The regulations and your NPDES Permit require that you take all reasonable measures necessary to eliminate or prevent the occurrence of violations

Should you have any questions concerning the above referenced compliance issues, please feel free to contact me at 501-682-0639, or you may e-mail me at bailey.taylor@adeq.state.ar.us.

Sincerely,

A handwritten signature in blue ink that reads "Bailey Taylor".

Bailey Taylor
Enforcement Coordinator
Office of Water Quality

cc: Jim Shempert, Manager, City of Marion (jshempert.waterdept@yahoo.com)