

Kristen Graham (adpce.ad)

From: Kristen Graham (adpce.ad)
Sent: Monday, May 15, 2023 10:06 AM
To: 'tracy.brick@marionarkansas.org'
Cc: 'jkelly502mbd@yahoo.com'
Subject: Marion CAP Request
Attachments: Marion CAP Request.pdf

Good morning,

Please see the attached letter and provide the requested items. Reach out if you have questions.

Thank you,

KRISTEN GRAHAM

Compliance Analyst | 501.682.0758

Office of Water Quality | Enforcement Branch

Arkansas Division of Environmental Quality



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May 15, 2023

Tracy Brick, Mayor
 City of Marion
 P.O. Box 717
 Marion, AR, 72364

email: tracy.brick@marionarkansas.org

**RE: Permit Number: AR0021971, AFIN 18-00110
 Corrective Action Plan (CAP) Request**

Dear Mayor Brick,

This is a follow-up to the email I sent on May 8, 2023 and the phone call we had with Mr. Jerry Kelley on May 12, 2023. As stated in previous correspondence, DEQ performed a review of the Permit file for the above mentioned facility. For the period of **April 30, 2020** through **March 31, 2023**, the following compliance issues were found:

The facility has reported **Thirty (30) effluent violations** of Part I, Section A of Permit No. AR0021971:

DMR End Date	Discharge Number	Parameter Description	Report ed DMR Value	Permit Limit	Vio %
04/30/2020	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	46.13	30	54%
04/30/2020	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	59	45	31%
05/31/2020	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	40.44	30	35%
11/30/2020	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	32.63	30	9%
12/31/2020	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	35.5	30	18%
03/31/2021	002-A	Coliform, fecal general (7 DA GEO, #/100mL)	2420	2000	21%
04/30/2021	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	49.56	30	65%
04/30/2021	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	81.5	45	81%
05/31/2021	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	47.63	30	59%
05/31/2021	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	51	45	13%
06/30/2021	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	30.8	30	3%
09/30/2021	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	34.2	30	14%
10/31/2021	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	70.75	30	136%
10/31/2021	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	95.5	45	112%
11/30/2021	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	52.56	30	75%

11/30/2021	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	73.5	45	63%
12/31/2021	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	65.76	30	119%
12/31/2021	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	75.5	45	68%
01/31/2022	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	50	45	11%
02/28/2022	002-A	pH (MAXIMUM, SU)	10.04	9	
03/31/2022	002-A	pH (MAXIMUM, SU)	9.49	9	
04/30/2022	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	71	30	137%
04/30/2022	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	91	45	102%
05/31/2022	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	34	30	13%
05/31/2022	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	60.5	45	34%
07/31/2022	002-A	Coliform, fecal general (30DA GEO, #/100mL)	456	200	128%
07/31/2022	002-A	Coliform, fecal general (7 DA GEO, #/100mL)	1676	400	319%
12/31/2022	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	41.9	30	40%
12/31/2022	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	73	45	62%
01/31/2023	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	32.8	30	9%

Non-compliance reports (NCRs) with corrective actions were **NOT** received by the Division for the following monitoring periods. Please provide the missing NCRs for:

- 2021: June, September, October, November, December;
- 2022: January, February, March, April, May, July, December;

DEQ and EPA are concerned about the number of effluent violations that have been reported, particularly for BOD. Due to these repeated violations, DEQ 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 have been taken or 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 DEQ by **June 16, 2023**.

Any violation of your Permit is subject to further enforcement action by this Division, pursuant to the Arkansas Water and Air Pollution Control Act. The regulations and your 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 501-682-0758, or you may e-mail me at Kristen.Graham@adeq.state.ar.us.

Sincerely,



Kristen Graham
 Enforcement Analyst, DEQ, OWQ
 5301 Northshore Drive, North Little Rock, AR 72118

CC: Jerry Kelly, Operator, jkelly502mbd@yahoo.com