

City of Marion

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October 21, 2011

Mr. Alan Anderson
Enforcement Analyst
ADEQ
5301 Northshore Dr.
North Little Rock, AR 72118

RE: Consent Administrative Order; Permit No. AR0021971

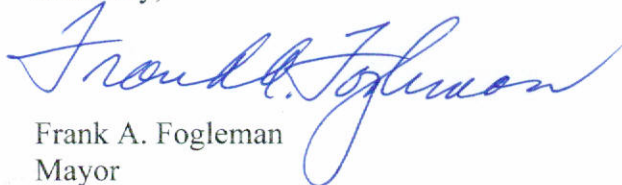
Dear Mr. Anderson:

Please consider this letter and the revised Consent Administrative Order which you are receiving from our attorney as a counter-offer from the City of Marion. The changes proposed in the Consent Administrative Order result from additional time requirements due to the city's having to obtain bids for engineering services. Among other things, the City of Marion requests a reduction in the agreed civil penalty as the city has expended over \$47,000.00 this year alone trying to resolve the issues associated with its wastewater treatment system.

At our meeting on October 11, 2011, we provided you a copy of those costs expended by the city on behalf of its taxpayers. Also, please be mindful that our wastewater treatment system was designed many years ago, prior to much more stringent effluent limitations. We feel it is appropriate to request a reduction in the civil penalty in light of our efforts to resolve the issues related to ammonia nitrogen. You will note that the other exceedences have been resolved with the addition of a de-chlorinator apparatus on our treatment system.

Again, the City of Marion appreciates the opportunity to submit this revised proposed counter-offer for the Consent Administrative Order and we look forward to receiving the ADEQ's response.

Sincerely,



Frank A. Fogleman
Mayor

FAF/gh