



August 24, 2021

Honorable Frank Fogleman, Mayor
City of Marion
P.O. Box 717
Marion, AR 72364
email: mayormarionar@aol.com

NOTICE OF NON-COMPLIANCE

RE: Notice of Non-Compliance and Corrective Action Plan Request
NPDES Permit Number: AR0021971, AFIN: 18-00110
City of Marion
5054 Hardin Road
Marion, AR 72364

Dear Mayor Fogleman:

Basis of Non-Compliance

On August 17, 2021, Arkansas Division of Environmental Quality’s Office of Water Quality (DEQ) conducted a review of the file for the above mentioned facility for the period of April 1, 2019, through June 30, 2021. The review revealed the facility has reported nineteen (19) effluent violations of the above-referenced Permit and Ark. Code Ann. §§ 8-4-217(a)(3). The parameters violated are:

DMR End Date	Disch-Desig	Parameter Desc	Reported DMR Value	Limit Value	Vio %
04/30/2019	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	41	30	37%
04/30/2019	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	64	45	42%
05/31/2019	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	33.75	30	13%
07/31/2019	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	30.89	30	3%
09/30/2019	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	57	45	27%
10/31/2019	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	49.9	30	66%
10/31/2019	002-A	BOD, 5-day, 20 deg. C (7 DA AVG, mg/L)	62	45	38%

11/30/2019	002-A	BOD, 5-day, 20 deg. C (MO AVG, mg/L)	33.38	30	11%
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%

Allegations of Statutory, Regulatory, or Permit Non-Compliance:

1. Permit AR0021971, Part I, Section A –

“During the period beginning on effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 002. Such discharges shall be limited and monitored by the permittee...”

The table above shows that the facility is having continuous effluent violations of Part I, Section A of the Permit.

2. Permit AR0021971, Part III, Section D, Condition 7 –

“The permittee shall report all instances of noncompliance not reported under Parts III.D.4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain information listed at Part III, Section D, Condition 6.”

Noncompliance Reports (NCRs) have not been submitted for the violations that occurred during the following monitoring periods:

- April 2021
- May 2021

Corrective Action

1. As a result of the violations noted above, DEQ requests the City of Marion submit a Revised Corrective Action Plan (RCAP) **within thirty (30) calendar days** of receipt of this letter to water-enforcement-report@adeq.state.ar.us. The RCAP shall be certified by a Professional Engineer (PE) licensed in the state of Arkansas and, at a minimum, shall detail the corrective actions taken or that will be taken to achieve compliance with the terms of the Permit. The CAP should include the date the City of Marion expects to be in compliance.

2. Submit all missing NCRs to the Enforcement Analyst listed below, no later than **August 25, 2021**.

Once an acceptable RCAP has been reviewed and approved by DEQ, the City of Marion will implement the approved RCAP and submit the following to DEQ:

1. Quarterly progress reports detailing the progress made under the CAP and the remaining items to be completed; and
2. A final report, upon completion of the RCAP, stamped by a PE, licensed in the state of Arkansas, certifying all corrective actions in the RCAP have been completed.

Should you have any questions concerning this matter please contact me at 501-682-0664 or Sarah.Pierce@adeq.state.ar.us.

Sincerely,



Sarah Pierce
Enforcement Analyst, DEQ, OWQ
5301 Northshore Drive, North Little Rock, AR 72118

Cc: Jerry Kelley, Operator, jkelley502mbd@yahoo.com
Jerome Alford, P.E., bondengineering@hotmail.com