



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

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SECRETARY

June 5, 2024

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

Email: tracy.brick@marionarkansas.org

NOTICE OF NON-COMPLIANCE

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

Dear Mayor Brick:

The Division of Environmental Quality (DEQ) requests your response to the violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. §§ 8-4-201 et seq., set forth below and requests the submission and immediate implementation of a Corrective Action Plan to address the violations set forth below.

Findings of Non-Compliance

DEQ was made aware of ongoing Sanitary Sewer Overflows (SSOs) occurring at 509 Rustling Oaks Cove in Marion, Arkansas. Upon review of the SSO records reported by the City of Marion, no SSOs have been reported for that location.

Statutory, Regulatory, or Permit Authority

1. Ark. Code Ann. § 8-4-217(a)(2)

“Place or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state.”

2. Ark. Code Ann. § 8-4-217(b)(1)(E)

“To discharge sewage, industrial waste, or other wastes into any waters of the state.”

3. Permit AR0021971, Part II, Condition 5.B-E

B: Overflows that endanger health or the environment shall be orally reported to the Enforcement Branch of the Office of Water Quality by telephone (501-682-

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

ee.arkansas.gov | 5301 Northshore Drive, North Little Rock, AR 72118 | 501.682.0744

0638) or by email, ssoadeq@adeq.state.ar.us within 24 hours from the time the permittee becomes aware of the circumstance. At a minimum, the following information shall be reported:

1. Permit number and AFIN;
2. The location(s) of overflow;
3. The receiving water (If there is one);
4. Cause of overflow;
5. The estimated volume of overflow (gallons) and
6. Total duration of overflow.

C: A written report of overflows shall be provided to DEQ within 5 days of the 24-hour oral report. A follow-up written report (5-day report) can be filled-in and submitted on the DEQ Office of Water Quality/Enforcement Branch Web page, <https://www.adeq.state.ar.us/water/enforcement/sso/submit.aspx>.

D: If the 24-hour report submitted includes all of the information requested in the 5-day report described in Paragraph C above, then a follow-up 5-day report is not required.

E: At the end of the month, total the daily occurrences and volumes from all locations on your system and report this number on the DMR. For counting occurrences, each location on the sanitary sewer system where there is an overflow, spill, release, or diversion of wastewater on a given day is counted as one occurrence. For example, if on a given day overflows occur from a manhole at one location and from a damaged pipe at another location then you should record two occurrences for that day.

The City of Marion has not reported all SSOs within the required 24-hour timeframe, nor reported all SSOs that have occurred.

Corrective Action Plan to Address Non-Compliance

1. As a result of the violation noted above, DEQ requests the City of Marion submit a Corrective Action Plan (CAP) **within forty-five (45) calendar days** of receipt of this letter to water-enforcement-report@adeq.state.ar.us. The CAP 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 reduce and eliminate SSOs at 509 Rustling Oaks Cove. The CAP should include the date the City of Marion expects to be in compliance.
2. Implement the approved CAP and submit the following to DEQ:
 - a. Quarterly progress reports, detailing the progress made under the CAP and the remaining items to be completed. The quarterly reports shall be due on the 15th of the month each August, November, February and May until all corrective actions in the approved CAP have been completed.
 - b. A final report, upon completion of the CAP, stamped by a PE licensed in the state of Arkansas, certifying that all corrective actions in the CAP have been completed.

3. Report all SSOs on DEQ's online database located at <https://www.adeg.state.ar.us/water/enforcement/sso/submit.aspx>.
4. Submit 5-day follow-up reports when necessary.
5. Report consistent data between the online SSO reporting database and NetDMR.

Should you have any questions concerning this matter, please contact, Kristen Graham, Compliance Analyst, at 501-682-0758 or Kristen.Graham@arkansas.gov.

Sincerely,



Richard Healey
Enforcement Branch Manager, DEQ, OWQ
5301 Northshore Drive, North Little Rock, AR 72118

Cc: Scott Marshall, Operator, scott.marshall@marionarkansas.org
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