

December 3, 2009

**REGISTERED MAIL**  
**RETURN RECEIPT REQUESTED**

Hon. Anthony J. Long, Mayor  
City of Marion  
P.O. Box 959  
Marion, Alabama 36756

**Re: Notice of Intent to File Suit for Imminent and Substantial Endangerment to Health or the Environment**

Dear Mayor Long:

Pursuant to the Solid Waste Disposal Act § 7002, 42 U.S.C. § 6972, and 40 C.F.R. Part 254, you are hereby notified that after the expiration of 90 days following service of this notice, Irene Young, Ernie and Cynthia Bagley, and Jackie and Katherine Fike, who reside at 705, 706 and 707 Moore Street, respectively, in Marion, Alabama, intend to file suit against the City of Marion for contributing to the present handling, storage or treatment of “solid waste” as defined in 42 U.S.C. § 6903(27) which may present an imminent and substantial endangerment to health or the environment.

Since July 14, 2008, the City of Marion has been operating a lagoon for the storage and treatment of leachate from the Arrowhead Landfill prior to further treatment in the Marion Wastewater Treatment Plant. During the last three months in particular, the lagoon has emitted gaseous materials into the outdoor atmosphere which may present an imminent and substantial endangerment to health or the environment. These gaseous materials have caused irritation of nasal membranes and upper respiratory tract, dizziness, headaches, nausea, and vomiting. Nearby residents with Asthma and Chronic Obstructive Pulmonary Disease (COPD) are at particular risk of ill-effects.

Suit may be avoided if these conditions have been permanently abated before the expiration of 90 days following service of this notice. Please advise the undersigned of any measures that you may undertake which you contend have permanently abated these conditions before suit is filed.

Sincerely,



David A. Ludder

cc: **CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Hon. Lisa P. Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Hon. A. Stanley Meiburg, Acting Regional Administrator  
U.S. Environmental Protection Agency-Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-3104

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Hon. Onis "Trey" Glenn, Director  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463