

## Kristen Graham (adpce.ad)

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**From:** Aaron Benzing <Aaron.Benzing@hawkins-weir.com>  
**Sent:** Friday, March 29, 2024 12:31 PM  
**To:** Kristen Graham (adpce.ad)  
**Cc:** jameslooney@menawaterutilities.org; mayor@cityofmena.org; Josh Durham; Brett Peters; Richard Healey (adpce.ad)  
**Subject:** RE: Overdue CAO Amendment

Ms. Graham,

Thank you for the reminder regarding this outstanding item. As you noted, there has been a recent delay on this project. I discussed this issue informally with members of your team, but should have provided formal notice to your attention. We have a meeting scheduled with your group for 10:00 am on April 11 to discuss Mena's current status, which is briefly summarized below:

- The principal component of Mena's CAO compliance is the construction of a new WWTP. The budget for that project was established in 2018 as approximately \$18M. The budget was updated in 2024 prior to bid advertisement to be around \$30M and additional loan funding was secured. A single bid was received on 2/24/24 in the amount of \$44,771,000.
- The single bid received is characteristic of current market conditions and was exacerbated by Mena's relatively remote location. HW discussed the bid with the bidder and determined that no path forward existed that would result in a project that Mena's users could reasonably fund. The bid was rejected by the City at our recommendation.
- Mena has expressed a continued interest in constructing the new WWTP when financially possible. In the interim, they understand the need to operate the existing facility in compliance with its NPDES permit.
- HW is working with Mena and the funding agencies to develop a list of improvements for the existing plant to address immediate concerns without placing a financial burden on the City that would greatly extend the time in which they are able to construct the planned new WWTP. This approach will be finalized prior to February 24<sup>th</sup> and discussed with DEQ at that time.
- We anticipate that the new approach will require revisions to the CAO amendment and request that the amendment be delayed until after those changes are finalized. We anticipate that the City will be ready to execute a revised amendment by May 2024.

Respectfully,



**Aaron M. Benzing, P.E., V.P., CFO**

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*Licensed Professional Engineer in Arkansas and Oklahoma*

*My working hours may not be your working hours. Please do not feel obligated to reply outside of your work schedule.*

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**From:** Kristen Graham (adpce.ad) <Kristen.Graham@adeq.state.ar.us>  
**Sent:** Friday, March 29, 2024 11:12 AM  
**To:** mayor@cityofmena.org  
**Cc:** jameslooney@menawaterutilities.org; Aaron Benzing <Aaron.Benzing@hawkins-weir.com>

**Subject:** Overdue CAO Amendment

**Importance:** High

Hello,

I wanted to reach out with a reminder regarding proposed Amendment to Consent Administrative Order (CAO) LIS 18-046 for the City of Mena (AR0036692) that was emailed on February 13, 2024. Along with the proposed Amendment, there was a letter that notified you that the Amendment should be signed and returned within 20 calendar days, which was March 4, 2024. To date, we do not have record of the signed Amendment being returned, nor any other correspondence regarding the Order.

We need to get the signed Amendment and a City Council Resolution form in ASAP. If delays have occurred, or there is something within the Amendment you want to contest, please submit a written explanation to me at this email address. Otherwise, the Order and City Council Resolution Should be signed and returned to me.

I have attached the documentation here for your convenience.

**Please confirm receipt of this message.**

Thank you for attention in this matter,

**KRISTEN GRAHAM**

Compliance Analyst | 501.682.0758

Enforcement Branch | Office of Water Quality

Arkansas Division of Environmental Quality



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