



# ARKANSAS

## ENERGY & ENVIRONMENT

September 3, 2020

Honorable Seth Smith, Mayor  
City of Mena  
323 Polk 53  
Mena, AR 71953

email: [mayor@cityofmena.org](mailto:mayor@cityofmena.org)

RE: NPDES Permit Number: AR0036692, AFIN: 57-00423  
**PROPOSED CONSENT ADMINISTRATIVE ORDER SECOND ADMENDMENT**

Dear Mayor Smith:

On July 10, 2018, the Division of Environmental Quality (ADEQ) and the City of Mena entered into Consent Administrative Order (CAO) LIS 18-046. On December 6, 2019, DEQ and the City of Mena entered into CAO LIS 18-046-001 to extend the final compliance date. Because the City of Mena has recent violations of Total Residual Chlorine (TRC) not covered by the previous Orders, DEQ has drafted CAO LIS 18-046-002.

Enclosed is a copy of the CAO Amendment in this matter. The enclosed CAO enumerates the violations in the "Findings of Fact" section, and outlines the steps required to achieve compliance in the "Order and Agreement" section of the CAO. Additionally, a civil penalty in the amount of **\$1800.00** is proposed by DEQ to settle the violations outlined in this CAO. If you choose to accept the terms of the CAO, please sign, date, and **email the CAO to [Danielle.harbin@adeq.state.ar.us](mailto:Danielle.harbin@adeq.state.ar.us)** within **twenty (20) calendar days** of receipt of this letter. A City Council Resolution that approves the CAO and authorizes the Mayor and Clerk/Treasurer to sign the CAO Amendment on behalf of the City of Mena must also be submitted. Subsequently, the Director of DEQ will sign the CAO and you will be provided a copy, including information on the public notice process and the effective date of the CAO.

In an effort to expedite the resolution of these issues, DEQ will accept in settlement a civil penalty assessment of fifty percent (50%) of the full civil penalty amount determined pursuant to APC&EC Regulation No. 7 if the CAO is signed and returned to DEQ within **twenty (20) calendar days** of receipt of this letter. After this date, and until any administrative hearing or similar action is held on this matter, DEQ will continue to entertain the possibility of a settlement by entering into a CAO. However, the penalty reduction incentive for expedited settlement will be withdrawn and not available after the date the initial offer for penalty reduction has expired.

Should you wish to discuss this matter further, you may contact me at (501) 682-0056, or you may e-mail [danielle.harbin@adeq.state.ar.us](mailto:danielle.harbin@adeq.state.ar.us).

Sincerely,

A handwritten signature in cursive script that reads "Danielle Harbin".

Danielle Harbin  
Enforcement Analyst, DEQ, OWQ  
5301 Northshore Drive, North Little Rock, AR 72118

cc: A.J. Kaufman, Hawkins-Weir, ([aj.kaufman@hawkins-weir.com](mailto:aj.kaufman@hawkins-weir.com))  
Aaron Benzing, Hawkins-Weir, ([aaron.benzing@hawkins-weir.com](mailto:aaron.benzing@hawkins-weir.com))  
Mike Spencer, Wastewater Superintendent, ([menawwtp@gmail.com](mailto:menawwtp@gmail.com))  
Charles Pitman, Water Superintendent, ([Charles.menawater@sbcglobal.net](mailto:Charles.menawater@sbcglobal.net))