



February 2, 2018

**CERTIFIED MAIL: 9489 0090 0027 6022 2379 87**

Honorable George McKee, Mayor  
City of Mena  
520 Mena Street  
Mena, AR 71953

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

Dear Mayor McKee:

Attached is a proposed Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located approximately 1.5 miles southeast of Mena on County Road 53 and about a mile east of Arkansas Highway 8, in Polk County, Arkansas. The Arkansas Department of Environmental Quality (ADEQ) has determined that this CAO is necessary to ensure compliance with the Act.

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 \$4,000.00 is proposed by ADEQ to settle the violations outlined in this CAO. If you choose to accept the terms of the CAO, please sign, date, and **return the original, embossed copy** to the address below 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 on behalf of the City of Mena must also be submitted. Subsequently, the Director of ADEQ 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 addition, you may have the option of directing a portion of your penalty toward a Supplemental Environmental Project (SEP) to advance environmental interests. Generally a SEP will not reduce the recommended administrative civil penalty by more than thirty-five percent (35%); however, the ADEQ Director has the final authority to establish the level of mitigation of a penalty. If you are interested in a SEP as part of your negotiated settlement, please refer to ADEQ's SEP Policy and Proposal Guidelines at <https://www.adeq.state.ar.us/legal/sep.aspx> for additional information.

Failure to contact the ADEQ Water Division Enforcement Branch in response to this CAO within **twenty (20) calendar days** of receipt of this letter will constitute rejection of the settlement offer and unilateral enforcement action may proceed through a Notice of Violation (NOV). Should you wish to discuss this matter further, or schedule a meeting, you may contact me at (501) 682-0639, or you may e-mail [bailey.taylor@adeq.state.ar.us](mailto:bailey.taylor@adeq.state.ar.us).

Sincerely,

A handwritten signature in blue ink that reads "Bailey Taylor".

Bailey Taylor  
Enforcement Analyst  
Office of Water Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880

[www.adeq.state.ar.us](http://www.adeq.state.ar.us)