



**DIVISION OF  
ENVIRONMENTAL QUALITY**

126261

Sarah Huckabee Sanders  
GOVERNOR

Shane E. Khoury  
SECRETARY

6/14/2023

Ms. Nicole Riley  
Solid Waste Director  
City of Fort Smith  
5900 Commerce Road  
Fort Smith, AR 72916

**RE: Inspection conducted on June 5, 2023**  
**AFIN 66-00226**  
**Permit Number 0267-S1-R1**

Dear Ms. Riley,

The Arkansas Division of Environmental Quality Office of Land Resources (DEQ) conducted a routine inspection of your facility pursuant to the Arkansas Solid Waste Management Act (Arkansas Code, Annotated, § 8-6-201 *et seq.*), of 1971, as amended, the Arkansas Pollution Control & Ecology Commission Regulation 22 (Solid Waste Management), and the above-referenced permit. The inspection identified conditions at your facility which the DEQ alleges are violations. A copy of the inspection report is attached.

You should immediately initiate actions to correct the alleged violations cited. A written response of the corrective actions taken, or to be taken, must be submitted within thirty (30) calendar days from the date on this letter to the attention of Jason Gilkey. The response may include, but is not limited to, photographs, copies of disposal receipts, records, or analytical results, as applicable. If you have any questions regarding the alleged violations, please do not hesitate to contact me at (501) 993-7188 or [jason.gilkey@adeq.state.ar.us](mailto:jason.gilkey@adeq.state.ar.us).

Sincerely,

A handwritten signature in black ink that reads "Jason C. Gilkey".

Jason Gilkey  
Solid Waste Inspector

cc: Nicholas Jones P.E., Senior Operations Manager, Office of Land Resources

**Division of Environmental Quality  
Office of Land Resources  
Class 1 Landfill Inspection Form**

|                          |                                        |                      |                                                                                                                                                        |                  |            |
|--------------------------|----------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|
| <b>Site Name</b>         | City of Fort Smith Class 1 Landfill    | <b>County</b>        | Sebastian                                                                                                                                              | <b>AFIN</b>      | 66-00226   |
| <b>Facility Address</b>  | 5900 Commerce Rd, Fort Smith, AR 72901 | <b>Phone #</b>       | 479-831-9774                                                                                                                                           | <b>Permit #</b>  | 0267-S1-R1 |
| <b>Permittee Address</b> | 5900 Commerce Rd, Fort Smith, AR 72901 | <b>Email Address</b> | <a href="mailto:TLougin@FortSmithAR.gov">TLougin@FortSmithAR.gov</a><br><a href="mailto:Nicole.Riley@FortSmithAR.gov">Nicole.Riley@FortSmithAR.gov</a> | <b>PDS #</b>     | 126261     |
| <b>Date</b>              | 6/5/2023                               | <b>Entry Time</b>    | 1050                                                                                                                                                   | <b>Exit Time</b> | 1235       |

**Operational Standards**

**Category 1**

|  | <b>Regulation</b> | <b>Item Description</b>                             | <b>Comments</b> |
|--|-------------------|-----------------------------------------------------|-----------------|
|  | 417               | Access Requirements                                 |                 |
|  | 411(j)            | Adequate Provision for Backup Equipment             |                 |
|  | 423(b)            | Annual Compliance Inspection by Registered Engineer |                 |
|  |                   |                                                     |                 |

**Category 2**

|  | <b>Regulation</b> | <b>Item Description</b>                                            | <b>Comments</b> |
|--|-------------------|--------------------------------------------------------------------|-----------------|
|  | 411(a)            | Operations in Accordance with Permit Documents                     |                 |
|  | 411(c)            | Smallest Practical Area, Unloading Supervised, Single Working Face |                 |
|  | 411(b)            | Operations by Licensed On-site Personnel at All Times              |                 |
|  | 411(g)            | Litter Control Provisions Maintained                               |                 |
|  | 427               | Surface Water Controls                                             |                 |
|  | 411(h)(1)         | Contouring Prevents Surface Water Flowing Into or Through Waste    |                 |
|  | 418(a)(b)         | Run-on/off Control System Present and Adequate                     |                 |
|  | 411(h)(2)         | Surface Water Control Prevents Off-site Sediment Accumulation      |                 |
|  | 411(i)            | Adequate Maintenance of Intermediate/Final Cover Vegetation        |                 |
|  | 415               | Gas Monitoring Program                                             |                 |
|  | 411(o)            | Leachate Leaks or Evidence of Leachate Seepage                     |                 |
|  | 429               | Leachate Collection System                                         |                 |
|  |                   |                                                                    |                 |

**Category 3**

|   | <b>Regulation</b> | <b>Item Description</b>                                    | <b>Comments</b>                                                                                                                                            |
|---|-------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| X | 413(c)            | Satisfactory Intermediate Cover                            | Solid waste observed exposed on the top, western side, and northern slope of the landfill due to inadequate intermediate cover. (Refer to Photos #1 - #4.) |
|   | 419(a)(5)         | Cause Discharge/Leachate Leaving Landfill                  |                                                                                                                                                            |
|   | 411(f)(3)         | Depositing Waste in Standing Water Prohibited              |                                                                                                                                                            |
|   | 411(o)            | Erosion or Other Cover Defects Resulting in Exposed Refuse |                                                                                                                                                            |
|   | 309(c)            | Overfill/Off Lined Area                                    |                                                                                                                                                            |
|   |                   |                                                            |                                                                                                                                                            |

**Records**

|                                   |           |                                                  |          |
|-----------------------------------|-----------|--------------------------------------------------|----------|
| <b>Date of Last Annual Report</b> | 3/26/2023 | <b>Date of Last Quarterly Methane Monitoring</b> | 3/3/2023 |
|-----------------------------------|-----------|--------------------------------------------------|----------|

|                                                   |                      |                                        |         |             |                                                                                     |                  |
|---------------------------------------------------|----------------------|----------------------------------------|---------|-------------|-------------------------------------------------------------------------------------|------------------|
| <b>Date of Last Groundwater Monitoring Report</b> | 1/5/2023             | <b>Previous Quarter Waste Received</b> |         |             | 66,614.28 Tons                                                                      |                  |
|                                                   |                      |                                        |         |             |                                                                                     |                  |
| <b>Operator Name &amp; Number</b>                 | Torrey Lougin 004189 | <b>Signature of Inspector</b>          |         |             |  |                  |
| <b>Exit Interview Conducted with</b>              | Torrey Lougin        | <b>Method</b>                          | On-site | <b>Date</b> | 6/5/2023                                                                            | <b>Time</b> 1230 |

# Division of Environmental Quality Official Photograph Sheet

|                     |                                                                                               |               |                |             |          |
|---------------------|-----------------------------------------------------------------------------------------------|---------------|----------------|-------------|----------|
| <b>Location</b>     | City of Fort Smith Class 1 Landfill                                                           | <b>Permit</b> | 0267-S1-R1     | <b>AFIN</b> | 66-00226 |
| <b>Photographer</b> | Jason Gilkey                                                                                  | JEG           | <b>Witness</b> | N/A         |          |
| <b>Photo #</b>      | 1                                                                                             | <b>Of</b>     | 4              | <b>Date</b> | 6/5/2023 |
| <b>Description</b>  | Exposed solid waste observed on the top of the landfill due to inadequate intermediate cover. |               |                |             |          |



|                     |                                                                                                        |               |                |             |          |
|---------------------|--------------------------------------------------------------------------------------------------------|---------------|----------------|-------------|----------|
| <b>Location</b>     | City of Fort Smith Class 1 Landfill                                                                    | <b>Permit</b> | 0267-S1-R1     | <b>AFIN</b> | 66-00226 |
| <b>Photographer</b> | Jason Gilkey                                                                                           | JEG           | <b>Witness</b> | N/A         |          |
| <b>Photo #</b>      | 2                                                                                                      | <b>Of</b>     | 4              | <b>Date</b> | 6/5/2023 |
| <b>Description</b>  | Exposed solid waste observed on the western side of the landfill due to inadequate intermediate cover. |               |                |             |          |



# **Division of Environmental Quality** **Official Photograph Sheet**

|                     |                                                                                                          |           |   |     |                |            |             |          |
|---------------------|----------------------------------------------------------------------------------------------------------|-----------|---|-----|----------------|------------|-------------|----------|
| <b>Location</b>     | City of Fort Smith Class 1 Landfill                                                                      |           |   |     | <b>Permit</b>  | 0267-S1-R1 | <b>AFIN</b> | 66-00226 |
| <b>Photographer</b> | Jason Gilkey                                                                                             |           |   | SEG | <b>Witness</b> | N/A        |             |          |
| <b>Photo #</b>      | 3                                                                                                        | <b>Of</b> | 4 |     | <b>Date</b>    | 6/5/2023   | <b>Time</b> | 1202     |
| <b>Description</b>  | Exposed solid waste observed on the northern slope of the landfill due to inadequate intermediate cover. |           |   |     |                |            |             |          |



|                     |                                                                                                                          |           |   |     |                |            |             |          |
|---------------------|--------------------------------------------------------------------------------------------------------------------------|-----------|---|-----|----------------|------------|-------------|----------|
| <b>Location</b>     | City of Fort Smith Class 1 Landfill                                                                                      |           |   |     | <b>Permit</b>  | 0267-S1-R1 | <b>AFIN</b> | 66-00226 |
| <b>Photographer</b> | Jason Gilkey                                                                                                             |           |   | SEG | <b>Witness</b> | N/A        |             |          |
| <b>Photo #</b>      | 4                                                                                                                        | <b>Of</b> | 4 |     | <b>Date</b>    | 6/5/2023   | <b>Time</b> | 1154     |
| <b>Description</b>  | Another view of exposed solid waste observed on the northern slope of the landfill due to inadequate intermediate cover. |           |   |     |                |            |             |          |

