



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

January 5, 2018

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 3756

Mr. Jerry Walters
Director of Utilities
City of Fort Smith
3900 Kelley Highway
Fort Smith, AR 72904

Re: NPDES Permit Nos.: AR0033278 and AR0021750
Civil Action No. 2:14-cv-02266-PKH
City of Fort Smith Request Pursuant to Paragraph 41.b.vii. of the Consent Decree

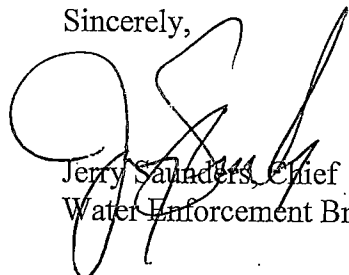
Dear Mr. Walters:

Our office has received the City of Fort Smith's request dated October 25, 2017 to use the SL-RAT in its Small-Diameter Gravity Sewer Line Cleaning Program for the purpose of prioritizing the cleaning schedule required by Paragraph 41.b. of the Consent Decree (CD) in the above-captioned case. In addition to prioritizing cleaning, the City stated in its request that the SL-RAT may be used to assist the City in prioritizing rehab and repair work, assessing the extent of blockages by roots, FOG (Fat, Oil, and Grease), damages in pipes, and other types of common blockages, as well as prioritizing types of condition assessment typically encountered while implementing the CMOM program.

EPA approves the City's request to use the SL-RAT to prioritize the injunctive relief tasks in the CD as outlined above. Notwithstanding EPA's approval of the use of the SL-RAT, the City shall remain responsible for compliance with the terms of the CD and the Clean Water Act. EPA's approval does not waive or modify the requirements of the CD. The City's use of the SL-RAT shall not constitute a substitution for the investigation techniques and requirements found under Paragraph 14 of the CD or the cleaning requirements under Paragraph 41 of the CD. Finally, please submit to EPA any standard operating procedures (SOP) developed for the use of the SL-RAT.

If you have any questions, please contact Mr. Ted Palit, P.E. at (214) 665-8061 or by e-mail at palit.ted@epa.gov.

Sincerely,



Jerry Saunders, Chief
Water Enforcement Branch

cc: Mr. Carl Geffken
City Administrator
City of Fort Smith
623 Garrison Avenue
P.O. Box 1908
Fort Smith, AR 72902

Jerry L. Canfield, P.A.
Daily & Woods, P.L.L.C.
58 South Sixth Street
P.O. Box 1446
Fort Smith AR 72902

Becky Keogh, Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Thomas Mariani, Section Chief
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-1-1-08677

Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201

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