



Date: 1-14-21

Mr. Richard Healey
Enforcement Branch Manager
ADEQ Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118
(501) 682-0640

RE: Notice of Force Majeure 5-Day Upset Letter
5900 Painter Ln.
SSO# 2e16b0b6-43c6-4840-9097-b32c70da69c1
Date of SSO: 1-11-21; 11:24 am
Permit Number: AR0021750

Dear Mr. Healey

Due to unforeseeable circumstances, the City of Fort Smith would like the following Sanitary Sewer Overflow (SSO) to be declared as Force Majeure under Article XII of the Consent Decree, against which it would have been unreasonable to take precautions and could not have been avoided.

Even by using it's best efforts this was beyond the control of the City of Fort Smith. A contractor working on the Highway 255 widening project failed to properly seal the abandoned upstream sewer main, therefore allowing heavy infiltration. The failed seal accompanied with a plugged downstream line caused the overflow of what is now an abandoned part of the system. Any water spilled was strictly rain water, as there is no active sewer connection.

The City of Fort Smith would like for you to submit your response to:

Carl E. Geffken, City Administrator
623 Garrison Avenue
Fort Smith, AR 72901
cgeffken@fortsmithar.gov

Respectfully,

Brandon Haynes

Brandon Haynes, Sewer System Program Manager
3900 Kelley Hwy
Fort Smith, AR 72904
Bhaynes@fortsmithar.gov

C: Johnson, Jimmie Jimmie@fortsmithar.gov
Calamita, Paul paul@aqualaw.com
Canfield, Jerry jcanfield@dailywoods.com
McElroy, Damon mcelroy.damon@epa.gov
McAvoy, Lance LMcAvoy@FortSmithAR.gov
Albert, Scott Scott.Albert@FortSmithAR.gov

Utility Department • 3900 Kelley Hwy,
Fort Smith, Arkansas 72904
(479) 784-2231 • FAX (479) 784-2358