

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
CIVIL DIVISION

ARKANSAS DEPARTMENT OF
ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY

FT. SMITH DIST.
2022 OCT 17 PM
2022 PLAINTIFF 2 14

CIRCUIT CLERK SEB. CO.
St. Howard

vs.

CASE NO.: 66FCV-22-918 VII

FORT SMITH PETRO ENVIRONMENTAL, LLC,
FLORIDA OIL INVESTMENT GROUP, LLC,
SANON HOLDINGS, LLLP,
AND
ASHISH SANON and RITU SANON, PERSONALLY
AND IN THEIR OFFICIAL CAPACITY

DEFENDANTS

COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF

COMES NOW the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), by and through its attorneys, Tracy R. Rothermel, Basil V. Hicks III, and Mitchell Dowden, and for its complaint and request for injunctive relief against Fort Smith Petro Environment, LLC, Florida Oil Investment Group, LLC, Sanon Holdings, LLLP, Ashish Sanon, and Ritu Sanon (“Defendants”), jointly and severally, states the following:

INTRODUCTION

1. This matter is a civil action brought under the authority of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, and the Arkansas Hazardous Waste Management Act, Ark. Code Ann. § 8-7-101 *et seq.*, that seeks to enforce the statutes of the State of Arkansas and the Rules of the Arkansas Pollution Control & Ecology Commission (APC&EC).

PARTIES

2. DEQ is an executive agency of the State of Arkansas charged with administering and enforcing all laws, rules, and regulations relating to the Arkansas Water and Air Pollution

Control Act, Ark. Code Ann. § 8-4-101, *et. seq.* and the Arkansas Hazardous Waste Management Act, Ark. Code Ann. § 8-7-101 *et seq.* DEQ has authority under Ark. Code Ann. § 8-4-103(b) and Ark. Code Ann. § 8-7-806(e) to institute a civil action in any court of competent jurisdiction to restrain any violation of, or compel compliance with, any rules promulgated pursuant to statute; affirmatively order that remedial measures be taken as may be necessary or appropriate to implement or effectuate the purposes and intent of the statutes; recover all costs and expenses in enforcing or effectuating the provisions of the statute; and assess civil penalties for violations of these statutes. DEQ's principle office is located at 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

3. Defendant Fort Smith Petro Environmental, LLC ("Ft. Smith Petro") is a domestic company registered to do business in the state of Arkansas and is physically located at 11802 Roberts Boulevard, Fort Smith, Sebastian County, Arkansas. Defendant Ashish Sanon is the organizer of Defendant Ft. Smith Petro.

4. Defendant Florida Oil Investment Group, LLC ("Florida Oil") is the owner of the real property located at 11802 Roberts Boulevard, Fort Smith, Sebastian County, Arkansas. Defendant Florida Oil is not registered to do business in the state of Arkansas and is owned by Defendant Sanon Holdings, LLLP ("Sanon Holdings"), a Florida limited partnership. Defendant Florida Oil has a principal address of 3568 North Pine Valley Loop, Lecanto, Florida.

5. Defendant Sanon Holdings, LLLP, is owned by Ashish and Ritu Sanon, "as tenants by the entire" and is not registered to do business in the state of Arkansas. Defendant Sanon Holdings has a principal address of 243 N.E. 7th Street, Crystal River, Florida.

6. Given this nest of legal entities and ownership, Defendants Ashish and Ritu Sanon have ultimate ownership interest in and control of the real property located at 11802 Roberts Boulevard, Fort Smith, Sebastian County, Arkansas.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this matter under Ark. Code Ann. § 16-13-201.

8. This Court has personal jurisdiction over Defendants as the subject of this action is located in Fort Smith, Sebastian County, Arkansas.

9. Venue is proper in this Court under Ark. Code Ann. §16-60-101.

FACTUAL ALLEGATIONS

10. Defendants Ft. Smith Petro and Ashish Sanon own a used oil processing facility (“Facility”) consisting of nine (9) above ground storage tanks (ASTs), one (1) lay down recovery tank (“recovery tank”), and one (1) frac-tank, all of which are located at 11802 Roberts Blvd, Fort Smith, Sebastian County, Arkansas.

11. Defendant Florida Oil owns the real property upon which the Facility is located. Defendant Florida Oil is solely owed by Defendant Sanon Holdings, which is solely owned by Defendants Ashish and Ritu Sanon, “as tenants by the entire.”

12. Defendant Ft. Smith Petro was issued National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater General Permit (IGP) number ARR000851 on June 11, 2014. The IGP authorizes facilities conducting industrial activities to discharge stormwater to all receiving waters in accordance with the terms and conditions set forth in the IGP. The IGP expired on June 30, 2019, and has not been renewed by Defendant Ft. Smith Petro. Defendants are therefore operating without a permit.

13. On March 10, 2021, DEQ received a complaint reporting that Sebastian County Office of Emergency Management (OEM) investigated a release at the Facility and that the City of Fort Smith Fire Department responded and contained the release.

14. The ASTs and recovery tank have a secondary containment structure. The frac-tank has a separate containment structure adjacent to the ASTs and recovery tank containment structure.

15. On April 29, 2021, DEQ inspected the Facility and documented waste oil, and other unidentified pollutants, within the secondary containment area and petroleum-based product outside of the containment area. DEQ documented that product outside of the containment area had the potential to impact Little Vache Grass Creek, which is located less than 125 feet east of the containment area. Little Vache Grass Creek is a tributary to the Arkansas River. DEQ also documented breaches in the concrete containment wall for the ASTs and in the containment wall for the frac-tank. DEQ identified two (2) locations where product was leaking from the AST piping into the secondary containment areas. Photographs attached as Exhibit A.

16. On April 30, 2021, the Director of DEQ, pursuant to Ark. Code Ann. §8-7-508 (k), issued a verbal Emergency Order (EO) to Defendants Ashish Sanon and Ft. Smith Petro ordering Defendants to take action to prevent the discharge of liquid from the containment areas, including waste oil or other unidentified pollutants, to Little Vache Grass Creek. On May 6, 2021, the Director of DEQ issued a written EO, LIS 21-038, confirming the verbal EO issued on April 30, 2021. Copy of EO attached as Exhibit B.

17. The EO ordered Defendants to provide DEQ with the name and contact information for a contractor that would take immediate action to remove all free liquid from the containment areas to ensure that no waste oil or other unidentified pollutants would likely be discharged and to ensure that the contractor arrived on site by noon, May 1, 2021. The EO further provided that,

should the responsible parties refuse or be unable to take the appropriate actions necessary to prevent releases of waste oil or other unidentified pollutants from the containment areas, then DEQ would engage its contractors, and the responsible parties would be responsible for the costs incurred by DEQ.

18. The EO also ordered the responsible parties to provide weekly updates on the conditions at the Facility and any actions taken to prevent any discharges or containment failures as well as to provide a plan within thirty (30) days, for DEQ review and approval, detailing actions to be taken and a timeline for the complete removal of waste oil and other unidentified pollutants from the tanks and remediation of the contamination at the facility and the surrounding areas. Upon approval of the plan by DEQ, Defendants Ft. Smith Petro and Ashish Sanon were to undertake the approved actions to completely remove the waste oil and other unidentified pollutants from the tanks and remediate the contamination at the Facility and the surrounding areas.

19. Defendants Ft. Smith Petro and Ashish Sanon did take some action in response to the EO. A contractor for Defendants Ft. Smith Petro and Ashish Sanon performed some work to prevent the immediate discharge of waste oil and other unidentified pollutants from the tanks and the secondary containment area. However, the hired contractor removed the waste oil and other unidentified pollutants from the secondary containment area by pumping the waste oil and other unidentified pollutants back into the leaking tanks.

20. Defendants Ft. Smith Petro and Ashish Sanon asked for additional time to comply fully with the EO. Defendants Ft. Smith Petro and Ashish Sanon informed DEQ that a sale of the facility was forthcoming and that the buyer would address DEQ's concerns. Defendants Ft. Smith Petro and Ashish Sanon represented that the buyer was assisting with their response to the EO.

21. Ultimately, the sale did not occur, and Defendants Ft. Smith Petro and Ashish Sanon failed to comply fully with the EO. Defendants Ft. Smith Petro and Ashish Sanon did not remove the waste oil and other unidentified pollutants from the tanks, nor did they repair the leaks in the tank systems. Defendants' failures have resulted in further releases into the containment areas.

22. The containment areas have not been adequately repaired. They continue to allow the escape of waste oil and other unidentified pollutants. They also fail to contain the waste oil and other pollutants in the event of heavy rains.

23. DEQ observed discharges from the containment areas to the surrounding area on and around July 7, 2021 and September 8, 2021. Photographs attached as Exhibit C

24. DEQ also observed discharges of waste oil and other pollutants from the containment areas on and around July 23, 2021, that entered Little Vache Grass Creek, which flows to the Arkansas River. Letter and Photographs attached as Exhibit D. DEQ informed Defendant Ashish Sanon via e-mail of the issues at the Facility on or about September 22, 2021, but Defendant has not responded to DEQ. Discharges from the secondary containment are recurring. Photographs attached as Exhibit E.

25. DEQ has not observed any containment, remediation effort, or response at the Facility since August 12, 2021.

26. The management of the Facility's industrial stormwater is subject to regulation pursuant to the federal National Pollutant Discharge Elimination System (NPDES), 33 U.S.C. § 1342, as administered by DEQ pursuant to APC&EC Rule 6.

27. The management of the ASTs, laydown tank, and frac-tank are subject to regulation pursuant to APC&EC Rule 23.

VIOLATIONS OF LAW

28. Arkansas Code Annotated section 8-4-217(a)(3) states that it shall be unlawful for any person to violate any provisions of Arkansas Code Annotated Title 8, Chapter 4, the Water and Air Pollution Control Act, or of any rule or order adopted by the APC&EC under that chapter or of a permit issued under that chapter by DEQ.

29. The Hazardous Waste Management Act, Arkansas Code Annotated section 8-7-205(4), states that it shall be unlawful for any person to place hazardous waste in such a manner or place as to cause or is likely to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. §8-4-101 *et seq.*

30. Arkansas Code Annotated section 8-7-505(1) and (3) state that it shall be unlawful for any person to violate any provision of this subchapter or any rule adopted under this subchapter, or to violate any order issued by the Division of Environmental Quality under this subchapter or any provision of such an order.

Defendants are in Violation of the Arkansas Water and Air Pollution Control Act

31. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 30 of this Complaint.

32. Pursuant to Ark Code Ann. §8-4-217 (a) It shall be unlawful for any person to:

- (1) Cause pollution, as defined in §8-4-102, of any of the waters of this state;
- (2) Place or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state.

33. Arkansas Code Annotated section 8-4-102 (7) defines pollution as such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, or

such discharge of any liquid, gaseous, or solid substance in any waters of the state as will, or is likely to, render the waters harmful, detrimental, or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

34. Arkansas Code Annotated section 8-4-102 (11) defines waters of the state as all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state.

35. Pursuant to Ark. Code Ann. §8-4-217 (b)(1) It shall be unlawful for any person to engage in any of the following acts without having first obtained a written permit from the division:

(C) To ... operate any building, plant, works, establishment, or facility, or any extension or modification thereof, or addition thereto, the operation of which would result in discharge of any wastes into the waters of this state or would otherwise alter the physical, chemical, or biological properties of any waters of this state in any manner not already lawfully authorized; or

(E) To discharge sewage, industrial waste, or other wastes into any of the waters of this state.

36. Defendants have placed waste in a location where it is likely to cause, and is actively causing, pollution to waters of the state, namely Little Vache Grass Creek. Defendants are also operating without a permit.

37. Defendants are in violation of Ark. Code Ann. § 8-4-217 and should be ordered to cease operations immediately and begin remediation of the site, including the removal of all waste oil from the Facility.

Defendants are in Violation of the Arkansas "Hazardous Waste Management Act"

38. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 37 of this Complaint.

39. Pursuant to Ark. Code Ann. §8-7-205(4), it shall be unlawful for any person to:

Store, collect, transport, treat, or dispose of any hazardous waste contrary to the rules, permits, or orders issued under this subchapter or in such a manner or place as to create or is likely to create a public nuisance or a public health hazard or to cause or is likely to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act. §8-4-101 et seq.

40. Pursuant to Ark. Code Ann. §8-7-505, it shall be unlawful for any person to:

- (1) To violate any provision of this subchapter or any rule adopted under this subchapter;
- (3) To violate any order issued by the Division of Environmental Quality under this subchapter or any provision of such an order.

40. Defendants have placed waste oil in a location where it is likely to cause, and is actively causing, pollution to waters of the state, namely Little Vache Grass Creek.

41. Defendants Ft. Smith Petro and Ashish Sanon failed to comply fully with the EO LIS 21-038. Defendants Ft. Smith Petro and Ashish Sanon have not removed the waste oil and other unidentified pollutants from the tanks, nor have they repaired the leaks in the tank systems. The containment areas have not been repaired to the extent that they are sufficiently containing the waste oil and other unidentified pollutants, nor are they sufficient to contain the waste oil and other pollutants in the event of heavy rains. Defendants' failures have resulted in further releases into the surrounding area, causing further contamination of the soil at and around the site.

Defendants are in Violation of APC&EC Rule 6

42. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 41 of this Complaint

43. According to APC&EC Rule 6.106(c), no person shall operate a facility, the operation of which would result in discharge of wastes into the waters of the State. Defendants operate this Facility without adequate containment or procedures to ensure that waste oil and other pollutants do not enter waters of the State. Waste oil and other pollutants have been observed flowing from the Facility towards, and entering, waters of the state.

44. Defendants have been operating without a permit since June 30, 2019, in violation of APC&EC Rule 6.106(E) and Ark. Code Ann. 8-4-217(b)(1)(E) and therefore in violation of Ark. Code Ann. 8-4-217(a)(3).

Defendants are in Violation of APC&EC Rule 23

45. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 44 of this Complaint

46. According to APC&EC Rule 23.2, any of the following acts shall be considered a violation of the Rule and shall be subject to the penalties provided in the Arkansas Hazardous Waste Management Act of 1979 (Act 406 of 1979, as amended):

(d) To engage in hazardous waste management contrary to the provisions of this Rule or in such a manner or place as to create or as is likely to be created a public health hazard or to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act, as amended (Ark. Code Ann.. §§ 8-4-201 *et seq.*).

47. Defendants have placed waste oil in a location where it is likely to cause, and is actively causing, pollution to waters of the state, namely Little Vache Grass Creek, as well as causing ground contamination creating a public health hazard.

**Defendants are Violating State Statutes and APC&EC Rules and are
Therefore Subject to Civil Penalties**

48. Plaintiff incorporates by reference and re-alleges paragraphs 1 through 47 of this Complaint.

49. Arkansas Code Annotated section 8-4-103(b)(4) authorizes the assessment of civil penalties not to exceed ten thousand dollars (\$10,000) per day for violations of this chapter as well as any rules promulgated by APC&EC.

50. Arkansas Code Annotated section 8-7-204(b)(4) authorizes the assessment of civil penalties not to exceed twenty-five thousand dollars (\$25,000) per day for violations of this chapter as well as any rules promulgated by APC&EC.

51. Arkansas Code Annotated section 8-7-512 states that any of the following shall be liable to the state for all costs of remedial action or removal actions under that subchapter:

- (1) The owner and operator of a facility;
- (2) Any person who, at the time of disposal of any hazardous substance, owned or operated a hazardous substance site;
- (3) Any generator of hazardous substances who caused such a hazardous substance to be disposed of at a hazardous substance site or who causes a release or threatened release of the hazardous substances; or
- (4) Any transporter of hazardous substances who causes a release or threatened release of the hazardous substances or who selected a hazardous substance site for disposal of the hazardous substances.

52. Each day Defendants operate the Facility without a permit and continue to place waste so as to likely cause pollution to waters of the state is a violation of Ark. Code Ann. §§ 8-4-217(a)(2) and (b)(1)(c), and APC&EC Rule 6, and Defendants should be assessed a civil penalty of \$10,000 for each violation on each day the Facility continues to operate.

53. Each day Defendants continue to store waste oil in such a manner as to likely cause harm to the environment and pollution to waters of the state is a violation of Ark. Code Ann. §§8-7-

205(4), 8-7-505(1) and (3), and APC&EC Rule 23.2, and Defendants should be assessed a civil penalty of twenty-five thousand (\$25,000) dollars for each violation on each day the Facility continues to operate.

**Defendant is Causing Irreparable Harm to the Environment and
Endangering Human Health**

54. Plaintiff incorporates by reference and realleges paragraphs 1 through 53 of this Complaint.

55. Defendants' negligent storage of waste oil and other pollutants, as well as the refusal to contain and remediate the leaking product, resulted in a discharge of waste oil and other pollutants to the Little Vache Grass Creek, which flows to the Arkansas River. The discharges are ongoing.

56. Defendants have failed and refused to remove the waste oil and other pollutants from the Facility and have taken no actions since August of 2021 to contain the waste oil and other pollutants from entering waters of the state.

57. When introduced to the waters of the state in the aforementioned manner, these pollutants render the waters harmful or injurious to public health and to livestock, wild animals, birds, fish, or other aquatic life.

58. The leaking tanks containing waste oil and other pollutants, as well as the inadequate containment areas and lack of maintenance by Defendants, pose a continuing and imminent danger to human health and the environment.

59. DEQ is the governmental body responsible for enforcing Arkansas's environmental laws and APC&EC Rules, and therefore, serves the public interest in seeking compliance with those laws and rules through this action.

60. Pursuant to Ark. R. Civ. P. Rule 65, DEQ seeks a temporary injunction to restrain Defendant's continuing violations of state law and APC&EC Rules. Specifically, DEQ requests Defendant be ordered to immediately remediate the area to include removal of contaminated soil and containment of all waste oil at the facility. DEQ is authorized to seek such remedies by Ark. Code Ann. § 8-4-103. There is no other remedy available to ADEQ to enforce the aforementioned laws and regulations other than an injunction due to Defendant's refusal to comply with the EO.

61. Based upon the facts and evidence presented, Plaintiff is likely to succeed on the merits of this action.


PRAYER FOR RELIEF

WHEREFORE, ADEQ prays that this Honorable Court will grant the following relief:

- (A) Issue an immediate temporary injunction ordering Defendants to immediately remediate the area to ensure any further and continuing environmental damage is halted;
- (B) Issue a permanent injunction ordering removal of all waste oil and other pollutants from the Facility;
- (C) Assess civil penalties against the Defendants for every day they have operated in violation of state law and APC&EC Regulations;
- (D) Award costs and attorney's fees to DEQ; and
- (E) For any and all other relief to which DEQ may be entitled.

Respectfully Submitted,

Arkansas Department of Energy and
Environment, Division of Environmental
Quality

By: 

Tracy R. Rothermel, ARB# 2003005

Senior Attorney, E&E

Basil V. Hicks III, ARB# 2015117

Attorney Supervisor, E&E

Mitchell Dowden, ARB#2021003

Attorney, E&E

5301 Northshore Drive

North Little Rock, Arkansas 72118-5317


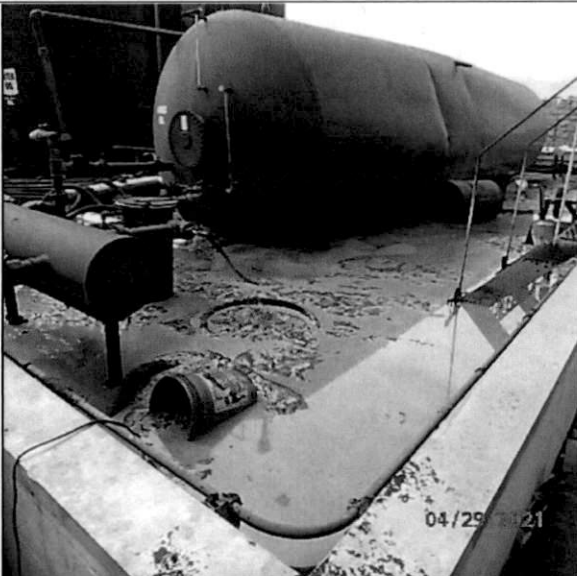
Phone: (501) 682-0743

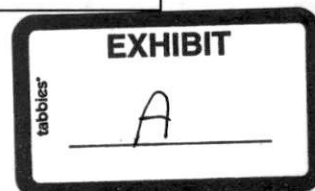
Email: Rothermel@adeq.state.ar.us

Hicks@adeq.state.ar.us


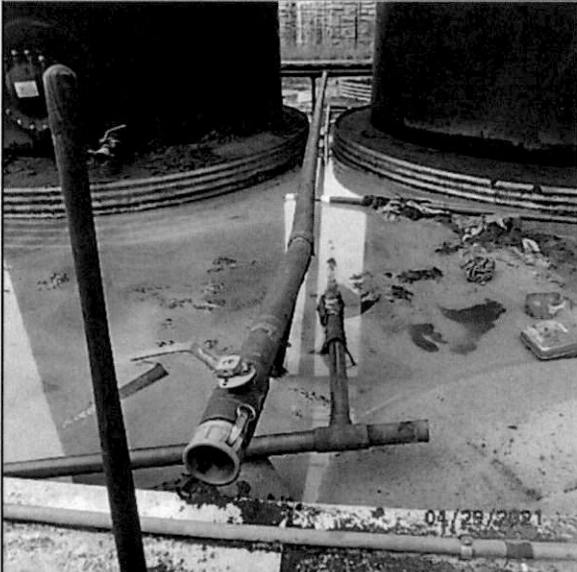
Dowden@adeq.state.ar.us

Arkansas Department of Energy and Environment Official Photograph Sheet

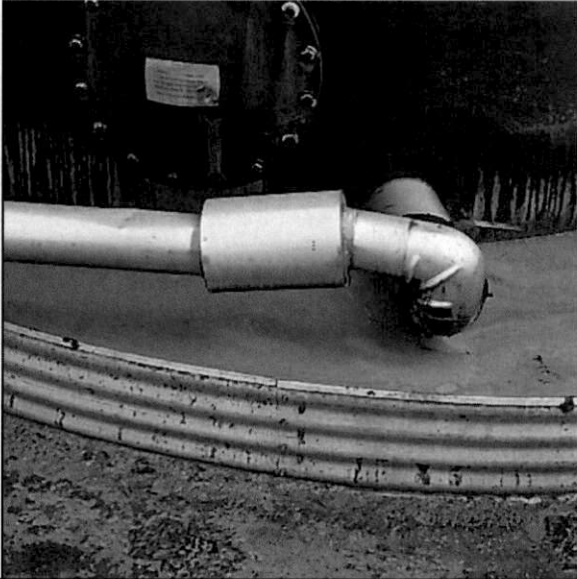

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith					
Photographer:		Jeff Tyler			Witness:		NA
Photo #	1	Of	12	Date:	04-29-21	Time:	1532
Description:		View of the tanks, taken from the south, four on west side and 5 on east side.					
							
Photographer:		Jeff Tyler			Witness:		NA
Photo #	2	Of	12	Date:	04-29-21	Time:	1535
Description:		View of lay down tank and the product located with the containment.					
							




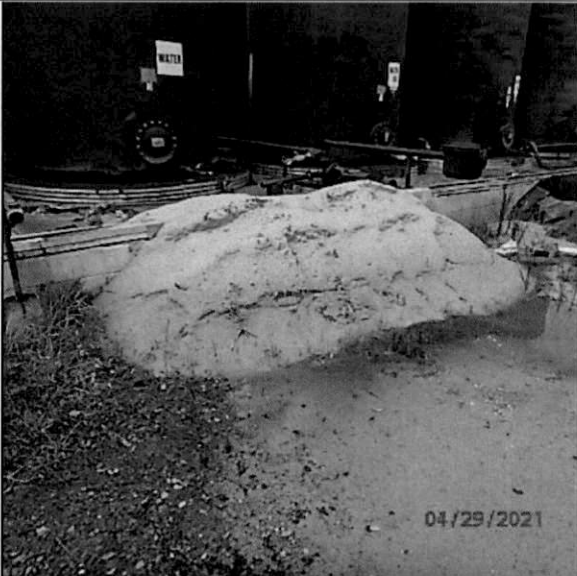
Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith					
Photographer:		Jeff Tyler			Witness:		NA
Photo #	3	Of	12	Date:		04-29-21	Time: 1533
Description:		5 tanks along east side and the product in the containment area.					
							
Photographer:		Jeff Tyler			Witness:		NA
Photo #	4	Of	12	Date:		04-29-21	Time: 1535
Description:		Product located within the containment area.					
							



Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith						
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	5	Of	12	Date:		04-29-21	Time:	1540
Description:		Leak in piping from tank (not numbered) on west side of containment area.						
								
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	6	Of	12	Date:		04-29-21	Time:	1540
Description:		Product leaking from tank piping into the containment area down the support beam.						
								



Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith						
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	7	Of	12	Date:		04-29-21	Time:	1540
Description:		5 Tanks along east side and location where containment is breached.						
								
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	8	Of	12	Date:		04-29-21	Time:	1542
Description:		Location of breach in containment with sand added in March by SCEM.						
								

Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith					
Photographer:		Jeff Tyler			Witness:		NA
Photo #	9	Of	12		Date:	04-29-21	Time: 1545
Description:		Product located outside of the containment areas.					
							
Photographer:		Jeff Tyler			Witness:		NA
Photo #	10	Of	12		Date:	04-29-21	Time: 1545
Description:		Product which has migrated outside of containment on the east side.					
							

Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith						
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	11	Of	12		Date:	04-29-21	Time:	1530
Description:		Product located on the ground outside of containment area.						
								
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	12	Of	12		Date:	04-29-21	Time:	1531
Description:		Product located east of containment area on the ground.						
								



ARKANSAS

ENERGY & ENVIRONMENT

May 6, 2021

Ashish Sanon
P.O. BOX 641000
Beverly Hills, FL 34464

CERTIFIED MAIL # 7006 3450 0003 4070 4519
Via Email: ashishsanon@gmail.com

Dear Ashish Sanon:

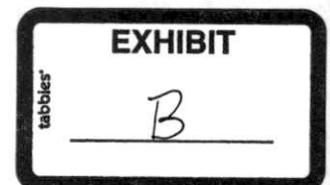
Enclosed is the written order confirming the verbal Emergency Order, LIS 21-038, issued to Ashish Sanon and Fort Smith Petro Environmental, LLC (collectively, "Responsible Parties"), by the Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) on April 30, 2021.

In response to the Director's verbal order, the Responsible Parties provided DEQ with the name and contact information for the contractor that would remove free liquid from the containment areas so that no waste oil or other unidentified pollutants are likely to be discharged to Little Vache Grass Creek. The Responsible Parties then provided documentation that the contractor removing free liquid from the containment areas arrived at the facility before noon on Saturday, May 1, 2021. The contractor removed enough free liquid from the containment areas to prevent the immediate threat of waste oil or other unidentified pollutants from being discharged to Little Vache Grass Creek.

At this time, free liquids remain in the secondary containment areas. The written order confirming the verbal Emergency Order, LIS 21-038, requires the Responsible Parties to take actions to prevent future discharges from this facility. Specifically, the Responsible Parties shall:

- 1) Remove all of the free liquid from the secondary containment areas necessary to prevent any waste oil or other unidentified pollutants from being discharged from the secondary containment areas and make any temporary repairs to the secondary containment areas necessary to prevent any containment failures;
- 2) Provide weekly updates on the conditions at the facility and any ongoing actions necessary to prevent any discharges or containment failures;
- 3) Provide, for review and approval by DEQ, a plan detailing the actions to be taken and a timeline for the complete removal of waste oil or other unidentified pollutants from the tanks and remediation of the contamination at the facility and the surrounding areas within thirty (30) calendar days of issuance of this Written Order; and
- 4) Following review and approval by DEQ, Responsible Parties shall undertake those approved actions as detailed by the approved timeline for the complete removal of waste oil or other unidentified pollutants from the tanks and remediation of the contamination at the facility and the surrounding areas.

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT



Also enclosed is a copy of Regulation 8, Administrative Procedures. Regulation 8 establishes the right of a party to receive an administrative hearing on the alleged violations.

If you wish to appeal the Emergency Order, you must file a written Request for Hearing that must be received by the Arkansas Pollution Control and Ecology Commission, 3800 Richards Rd, North Little Rock, AR 72117, within ten (10) calendar days of issuance of the Order.

Filing a request for hearing only with DEQ is not sufficient to preserve your right to appeal.

Sincerely,



Basil V. Hicks III
Attorney Supervisor
Arkansas Energy and Environment
Office of Chief Counsel
5301 Northshore Drive
North Little Rock, AR 72118

cc: Chuck Nestrud, cnestrud@barberlawfirm.com

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

LIS: 21-038

**ASHISH SANON AND
FORT SMITH PETRO ENVIRONMENTAL, LLC
11802 ROBERTS BLVD, FORT SMITH
SEBASTIAN COUNTY, ARKANSAS 72916**

EMERGENCY ORDER OF THE DIRECTOR

The Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has determined that emergency conditions exist due to threatened release of the potentially hazardous substance(s) and that a threatened release presents an imminent and substantial endangerment to the public health, safety, or welfare or to the environment.

Therefore, pursuant to authority provided by the Remedial Action Trust Fund Act as set forth in Ark. Code Ann. § 8-7-501 *et seq.*; the Arkansas Hazardous Waste Management Act as set forth in Ark. Code Ann. § 8-7-201 *et seq.*; the Arkansas Solid Waste Management Act as set forth in Ark. Code Ann. § 8-6-201 *et seq.*; the Arkansas Water and Air Pollution Control Act as set forth in Ark. Code Ann. § 8-4-101 *et seq.* and the rules promulgated thereunder; the Director makes the following Findings of Fact and orders the following remedial actions to be taken immediately to remedy the emergency conditions.

FINDINGS OF FACT

1. A used oil processing facility is located at 11802 Roberts Blvd., Fort Smith, Sebastian County, Arkansas. The facility has nine (9) Above-ground Storage Tanks (ASTs) and one (1) lay down recovery tank. The facility has a secondary containment structure for the ASTs and the lay down recovery tank. A frac-tank with a separate containment area is located adjacent to the ASTs and the lay down recovery tank.
2. Fort Smith Petro Environmental, LLC operates this facility.
3. DEQ issued NPDES Industrial Stormwater General Permit (IGP), ARR000000, on December 31, 2013, with an effective date of July 1, 2014 and an expiration date of June 30, 2019. The IGP authorizes facilities conducting industrial activities to discharge stormwater to all receiving waters in accordance with the terms and conditions set forth in the IGP.
4. On June 11, 2014, DEQ issued permit coverage under the IGP to Fort Smith Petro Environmental, LLC with an effective date of July 1, 2014,

and assigned NPDES Permit Tracking Number ARR000851 to the facility. Fort Smith Petro Environmental, LLC's coverage under the IGP expired on June 30, 2019, and Fort Smith Petro Environmental, LLC did not renew its IGP coverage.

5. On June 3, 2016, a release occurred at 11802 Roberts Blvd., Fort Smith, Sebastian County, Arkansas. DEQ issued Emergency Order LIS 16-048 to Ashish Sanon and Fort Smith Petro Environmental, LLC in response to that release.
6. On December 22, 2016, DEQ issued Emergency Order LIS 16-103 to Ashish Sanon and Fort Smith Petro Environmental, LLC. Emergency Order LIS 16-103 directed Ashish Sanon and Fort Smith Petro Environmental, LLC to retain a qualified response contractor capable of properly removing all released waste materials and transporting, securely storing, characterizing, identifying, and properly disposing of the waste material at the facility.
7. In response to Emergency Order LIS 16-103, when Ashish Sanon and Fort Smith Petro Environmental, LLC failed to provide reasonable assurance that they had committed to and were capable of initiating corrective and removal action in a timely manner as required by Ark. Code Ann. § 8-7-508(g) by timely dispatching a response contractor, DEQ secured the services of a response contractor to take the immediate and necessary action to prevent a release from the facility.
8. Pursuant to Ark. Code Ann. § 8-7-516, DEQ filed a lien for the costs expended in the amount of \$75,485.02 on the property at 11802 Roberts Blvd., Fort Smith, Sebastian County, Arkansas.
9. On March 10, 2021, DEQ received a complaint reporting that Sebastian County Office of Emergency Management (OEM) investigated a release at the facility and that City of Fort Smith Fire Department responded and contained the release.
10. On April 29, 2021, DEQ inspected the facility and documented waste oil or other unidentified pollutants within the secondary containment area and apparent petroleum-based product outside of the containment area. DEQ documented that product outside of the containment area had the potential to impact Little Vache Grass Creek, which is located less than 125 feet east of the containment area. DEQ also documented breaches in the concrete containment wall for the tanks and in the containment wall for the frac-tank. DEQ identified two (2) locations where product was leaking from the tank piping into the secondary containment areas.
11. As of April 30, 2021, the weather forecast indicated heavy rain for the Fort Smith area beginning on Sunday.

12. Past and present conditions documented at the facility indicate that the storage of waste oil or other unidentified pollutants are not contained by the tanks onsite and that the waste oil or other unidentified pollutants are likely to leak into the secondary containment area. The conditions of the secondary containment area, including temporary repairs to two (2) breaches, are likely to allow the discharge of waste oil or other unidentified pollutants from the facility to Little Vache Grass Creek.

Based on the facts and nature of this situation, the Director determined that an emergency exists and issued a verbal order on April 30, 2021, pursuant to Ark. Code Ann. § 8-7-508(k).

ORDER of REMEDIAL ACTION

This written order confirms the Director's April 30, 2021 verbal order and orders the following:

1. Ashish Sanon and Fort Smith Petro Environmental, LLC (collectively, "Responsible Parties") shall take the following actions:
 - a. By the close of business Friday, April 30, 2021 provide DEQ with the name and contact information for the contractor that will be onsite to take immediate action to remove all free liquid from the containment areas so that no waste oil or other unidentified pollutants are likely to be discharged to Little Vache Grass Creek; and
 - b. Ensure that the named contractor arrives at the facility by noon Saturday, May 1, 2021.
2. If Responsible Parties refuse or are unable take appropriate action to prevent the release of waste oil or other unidentified pollutants from the containment areas, DEQ will engage its contractors, and Responsible Parties will be responsible for the costs incurred by DEQ for that work.
3. Responsible Parties shall remove all of the free liquid from the secondary containment areas necessary to prevent any waste oil or other unidentified pollutants from being discharged from the secondary containment areas and make any temporary repairs to the secondary containment areas necessary to prevent any containment failures. Responsible Parties shall provide weekly updates on the conditions at the facility and any

actions taken to prevent any discharges or containment failures.


4. Within thirty (30) calendar days of issuance of this Written Order, Responsible Parties shall provide, for review and approval by DEQ, a plan detailing the actions to be taken and a timeline for the complete removal of waste oil or other unidentified pollutants from the tanks and remediation of the contamination at the facility and the surrounding areas.
5. Following review and approval by DEQ, Responsible Parties shall undertake those approved actions as detailed by the approved timeline for the complete removal of waste oil or other unidentified pollutants from the tanks and remediation of the contamination at the facility and the surrounding areas.

To prevent endangerment to public health, safety, or welfare or to the environment, DEQ shall have use of moneys from the Remedial Action Trust Fund Act to take necessary actions to include hiring and paying for personnel and equipment to properly abate the endangerments with such costs being billed to the responsible party, if identified, along with applicable charges as allowed by law, in accordance with Remedial Action Trust Fund Act and specifically with Ark. Code Ann. § 8-7-514.



Nothing in this Order shall limit the rights of DEQ to issue further orders to pursue any further enforcement actions for remediation, penalties, and costs from any party.

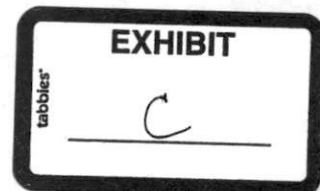
This Order is effective immediately upon verbal issuance and is confirmed by signature of the Director.

DATED THIS 6th DAY of May, 2021.




Becky W. Keogh,
Director, Division of Environmental Quality

Arkansas Department of Energy and Environment Official Photograph Sheet



Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith					
Photographer:		Jeff Tyler			Witness:		NA
Photo #	1	Of	10	Date:	07-21-21	Time:	1305
Description:		View of the east side of tanks and containment area.					
							
Photographer:		Jeff Tyler			Witness:		NA
Photo #	2	Of	10	Date:	07-07-21	Time:	1255
Description:		East side of containment where product has been identified during past inspections.					
							





Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith						
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	3	Of	10		Date:	07-21-21	Time:	1306
Description:		North end of concrete berm where overflow has occurred.						
								
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	4	Of	10		Date:	07-21-21	Time:	1306
Description:		North end of concrete berm confirming recent overflow.						
								



Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith					
Photographer:		Jeff Tyler			Witness:		NA
Photo #	5	Of	10	Date:		07-21-21	Time: 1310
Description:		The overflow has migrated north towards the gated entrance of the site.					
							
Photographer:		Jeff Tyler			Witness:		NA
Photo #	6	Of	10	Date:		07-14-21	Time: 1312
Description:		View of the box and evidence of the flow pattern migrating north.					
							



Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith						
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	1	Of	6	Date:		09-08-21	Time:	1431
Description:		Product in drainage channel on north end of site near the gate.						
								
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	2	Of	6	Date:		09-08-21	Time:	1433
Description:		Product evident in the gravel east of the containment area.						
								

Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith					
Photographer:		Jeff Tyler			Witness:		NA
Photo #	3	Of	6		Date:	09-08-21	Time: 1434
Description:		East side of containment area on the south end with evidence of product.					
							
Photographer:		Jeff Tyler			Witness:		NA
Photo #	4	Of	6		Date:	09-08-21	Time: 1434
Description:		Product located outside of the containment area on southeast side.					
							

Arkansas Department of Energy and Environment Official Photograph Sheet

Location:		FSM Petro Environmental-11802 Roberts Blvd. Fort Smith						
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	5	Of	6		Date:	09-08-21	Time:	1436
Description:		Product has breached the secondary containment on the east side of the tanks.						
								
Photographer:		Jeff Tyler			Witness:		NA	
Photo #	6	Of	6		Date:	09-08-21	Time:	1452
Description:		Booms located in the storm water ditch along Roberts Blvd., water appears clear.						
								



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CERTIFIED MAIL: 9489 0090 0027 6226 5219 29

September 22, 2021

Tim Robinson, Director of Operations
Fort Smith Petro Env., LLC
2816 South O Street
Fort Smith, AR 72901

RE: Ft. Smith Petro Env., LLC Inspection (Sebastian Co)
AFIN: 66-01656 NPDES Permit No.: ARR000851 (EXPIRED)

Dear Mr. Robinson:

On July 23, 2021, I performed a Reconnaissance Inspection of the above-referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. A copy of the inspection report is enclosed for your records.

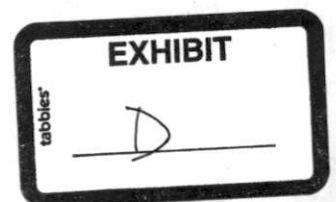
Please refer to the "Summary of Findings" section of the inspection report and provide a written response for each item that was noted. This case has been referred directly to the Office of Water - Enforcement Branch for further review. Fort Smith Petro Environmental should immediately initiate all actions necessary to resolve and correct the violations cited in the inspection report. Written notification of the corrective actions taken for the violations must be submitted within Water Quality Enforcement Branch Manager, at (501) 682-0640 or healey@adeq.state.ar.us . This written notification should include, but not limited to, photographs and/or copies of other documentation.


If I can be of any assistance, please contact me at beck@adeq.state.ar.us or (479) 968-7339 extension 16.

Sincerely,

A handwritten signature in cursive script that reads "Amy Beck".

Amy Beck
Inspector, Office of Water Quality
5301 Northshore Drive, North Little Rock, AR, 72118



 <p>ENVIRONMENTAL QUALITY</p>	OFFICE OF WATER QUALITY				
	INSPECTION REPORT				
	AFIN: 66-01656	PERMIT #: ARR000851	DATE: 7/23/2021		
	COUNTY: 66 Sebastian	PDS #: 117554	MEDIA: WN		
GPS LAT: 35.304926 LONG: -94.303394 LOCATION: Entrance					
FACILITY INFORMATION		INSPECTION INFORMATION			
NAME: Ft. Smith Petro Env., LLC LOCATION: 11802 Roberts Blvd. CITY: Fort Smith		FACILITY TYPE: 2 - Industrial INSPECTOR ID#: 36537 S - State			
RESPONSIBLE OFFICIAL NAME / TITLE Tim Robinson / Director of Operations COMPANY: Fort Smith Petro Env., LLC MAILING ADDRESS: 2816 South O Street CITY, STATE, ZIP: Fort Smith AR 72901 PHONE & EXT. / FAX: 479-242-9645 / 479-242-4504 EMAIL: trobinson@fspetro.com CONTACTED DURING INSPECTION: No		FACILITY EVALUATION RATING: N INSPECTION TYPE: Reconnaissance			
		DATE(S): ENTRY TIME: EXIT TIME: PERMIT EFFECTIVE DATE: 7/23/2021 12:15 12:50 7/1/2014			
		PERMIT EXPIRATION DATE: 6/30/2019			
		FAYETTEVILLE SHALE RELATED: N FAYETTEVILLE SHALE VIOLATIONS: N			
		INSPECTION PARTICIPANTS			
		NAME/TITLE/PHONE/FAX/EMAIL/ETC.: NA			
AREA EVALUATIONS					
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)					
U	PERMIT	**	FLOW MEASUREMENT	**	STORMWATER
**	RECORDS/REPORTS	**	LABORATORY	U	FACILITY SITE REVIEW
U	OPERATION & MAINTENANCE	**	EFFLUENT/RECEIVING WATER	**	SELF-MONITORING PROGRAM
**	SAMPLING	**	SLUDGE HANDLING/DISPOSAL	**	PRETREATMENT
**	OTHER:				
SUMMARY OF FINDINGS					
<ol style="list-style-type: none"> Contaminated stormwater is overtopping containment berms and is likely to cause pollution to Vache Grass Creek. This is a violation of Arkansas Code §8-4-217 (a) (2), which states: "It shall be unlawful for any person to...place or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any water of this state." This is a REPEAT violation noted in the 2016 inspection. Records show your stormwater IGP is expired; therefore, you are no longer permitted to discharge stormwater from this facility. Evidence of stormwater discharge was observed at Outfall 003. 					

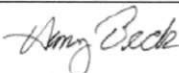
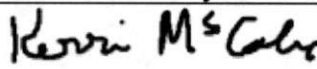
GENERAL COMMENTS

I visited this site on July 23, 2021 to determine the extent of OWQ violations that are occurring. There was no one onsite during this visit.

Upon arriving, I observed a strong petroleum odor from the facility. The facility is not in operation, as noted in the 2016 inspection (PDS #091145), but tanks previously used for industrial activity remain onsite. Since the 2016 Emergency Order (event #16-0555), the secondary containment structures have continued to fill with rainwater. Containment structures contain oil and other residual pollutants. The large containment for the vertical tanks appeared to be sound with approximately 8" of freeboard. I observed some staining on the outside of the containment, but no active leaks.

The bermed containment for the frac tank is full of water and overflowing. Staining on the ground indicates flow from the northeast corner of the berm, east to the ditch on Roberts Blvd. This flow path continues south along Roberts Blvd, to the intersection of Taylor Ave., then turns back west to Vache Grass Creek. Oil staining on the ground looks similar to the conditions noted in the 2016 inspection and compliant, as if it has not been properly remediated since that time. The water standing in the culvert north of the entrance looked suspicious (odd color with algae growth), but the water on the south-side was clear with fish swimming. I did not observe any further staining or sheen along the rest of the flow path. I observed the ditch on Roberts Blvd. south to the intersection of Taylor Ave., then west on Taylor Ave. to the bridge over Vache Grass Creek.

There is another small area heavily contaminated with oil/water on the south-side of the facility, near former stormwater Outfall 001. This appears to be runoff from the southeast corner of the bermed area.

INSPECTOR'S SIGNATURE:  Amy Beck	DATE: 8/19/2021
SUPERVISOR'S SIGNATURE:  Kerri McCabe	DATE: 9/21/2021

Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Witness:	NA	Time:	1231
Description:		Photo #:	1
Stained areas observed walking into the facility.			



Photographer:	Amy Beck	Date:	July 23, 2021
Witness:	NA	Time:	1229
Description:		Photo #:	2
Two containment areas: shallow bermed area in foreground and vertical tank containment in the background.			



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1230	Witness:	NA
Photo #:	3	Description:	Pollutants on the ground between the containment areas.



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1231	Witness:	NA
Photo #:	4	Description:	Bermed area is full of stormwater.



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1232	Witness:	NA
Photo #:	5	Description:	Backside of the bermed containment, looking east.



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1232	Witness:	NA
Photo #:	6	Description:	Closer view of the puddle observed at the back of the bermed containment.



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Witness:	NA	Time:	1232
		Photo #:	7
Description:	View inside the bermed containment.		



Photographer:	Amy Beck	Date:	July 23, 2021
Witness:	NA	Time:	1233
		Photo #:	8
Description:	View inside vertical tank containment taken from the SW corner.		



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1233	Witness:	NA
Photo #:	9	Description:	Backside of the vertical containment, looking east.



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1234	Witness:	NA
Photo #:	10	Description:	Solids in the vertical tank containment.



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1234	Witness:	NA
Photo #:	11	Description:	View of the north-side of the vertical tank containment.



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1235	Witness:	NA
Photo #:	12	Description:	Continuing along the north-side of the vertical tank containment.



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC				
Photographer:	Amy Beck	Date:	July 23, 2021	Time:	1235
Witness:	NA	Photo #:	13		
Description:	East-side of the vertical tank containment.				



Photographer:	Amy Beck	Date:	July 23, 2021	Time:	1236
Witness:	NA	Photo #:	14		
Description:	Continuing along the east-side of the vertical tank containment.				



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1237	Witness:	NA
Photo #:	15	Description: Area of oil/water contamination near Outfall 001.	



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1237	Witness:	NA
Photo #:	16	Description: Staining on the ground from the containment area, east to Roberts Blvd.	



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC				
Photographer:	Amy Beck	Date:	July 23, 2021	Time:	1238
Witness:	NA	Photo #:	17		
Description:	Stained soil at the entrance of the facility.				



Photographer:	Amy Beck	Date:	July 23, 2021	Time:	1238
Witness:	NA	Photo #:	18		
Description:	Discoloration at the edge of the property.				



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1239	Witness:	NA
Photo #:	19	Description:	Closer view of solids on the ground leaving the facility.



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1239	Witness:	NA
Photo #:	20	Description:	Evidence of stormwater leaving the facility.



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Witness:	NA	Time:	1241
		Photo #:	21
Description:	Flow path outside the fence near Roberts Blvd. ditch.		



Photographer:	Amy Beck	Date:	July 23, 2021
Witness:	NA	Time:	1241
		Photo #:	22
Description:	Roberts Blvd. ditch near Outfall 3; visual observation 1.		



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1243	Witness:	NA
Photo #:	23	Description:	Roberts Blvd. ditch downstream of Outfall 3; visual observation 2.



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1244	Witness:	NA
Photo #:	24	Description:	Roberts Blvd. ditch near Taylor Ave.; visual observation 3.



Office of Water Quality Photographic Evidence Sheet

Location:	Ft. Smith Petro Env., LLC		
Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1245	Witness:	NA
Photo #:	25	Description:	Vache Grass Creek upstream of Taylor Ave. bridge; visual observation 4.



Photographer:	Amy Beck	Date:	July 23, 2021
Time:	1249	Witness:	NA
Photo #:	26	Description:	Vache Grass Creek downstream of Taylor Ave. bridge; visual observation 5.



Figure 1. Google Earth image dated June 2019 showing the facility, flow path, and locations of visual observations.





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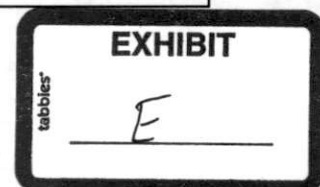
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Division of Environmental Quality (DEQ) Official Photograph Sheet

Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	1	Of	10	Date	6/28/2022	Time	0818
Description	Overview of entrance to 11802 Roberts Blvd., Fort Smith, AR 72916, facing southwest. Used oil contaminated soil observed in the foreground (yellow arrow). Drainage ditch depicted by the blue arrow.						



Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	2	Of	10	Date	6/28/2022	Time	0819
Description	Close-up of used oil contaminated soil in the drainage ditch from Photo #1, facing southwest.						





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Division of Environmental Quality (DEQ) Official Photograph Sheet

Location	Fort Smith Petroleum			Permit	N/A		AFIN	66-01656	
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A				
Photo #	3	Of	10	Date	6/28/2022		Time	0819	
Description	Overview of used oil contaminated soil observed outside the entrance to the facility, facing southwest.								



Location	Fort Smith Petroleum			Permit			AFIN	66-01656	
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A				
Photo #	4	Of	10	Date	6/28/2022		Time	0819	
Description	Close-up of used oil contaminated soil observed outside the entrance to the facility from Photo #3, facing southwest.								





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Division of Environmental Quality (DEQ) Official Photograph Sheet

Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	5	Of	10	Date	6/28/2022	Time	0819
Description	Close-up of used oil contaminated soil observed outside the entrance to the facility, facing southwest.						



Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	6	Of	10	Date	6/28/2022	Time	0819
Description	Close-up of used oil contaminated soil observed outside the entrance to the facility, facing southwest.						





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Division of Environmental Quality (DEQ) Official Photograph Sheet

Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	7	Of	10	Date	6/28/2022	Time	0824
Description	Overview used oil contaminated soil released from the tank farm (yellow arrow) and the concrete pad (blue arrow), facing west.						



Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	8	Of	10	Date	6/28/2022	Time	0825
Description	Close-up of used oil contaminated soil from Photo #7, facing northwest. Vegetative growth observed growing in and around the secondary containment on the concrete pad.						





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Division of Environmental Quality (DEQ) Official Photograph Sheet

Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	9	Of	10	Date	6/28/2022	Time	0825
Description	Overview of the secondary containment on the concrete pad from Photo #8, facing west. Used oil contaminated soil is observed inside and outside of the secondary containment. Vegetative growth observed growing in and around the secondary containment (yellow arrow) on the concrete pad.						



Location	Fort Smith Petroleum			Permit	N/A	AFIN	66-01656
Photographer	Jarrod Zweifel, OLR Associate Director			Witness	N/A		
Photo #	10	Of	10	Date	6/28/2022	Time	0825
Description	Overview of the concrete pad from Photos #8 & #9, facing west.						

