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Trafalgar Stump Dump: Arkansas Department of Energy and Environment - Division of Environmental Quality Motion to Dismiss/Rescission of Fredericks/Fredericks Construction Company, Inc., Consent Administration Order

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Two documents were prepared by the Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) in regards to Thomas Fredericks and Fredericks Construction Company, Inc., (“Fredericks”) Consent Administrator Order (“CAO”) addressing the Trafalgar Stump Dump.

The two documents prepared and/or filed by DEQ included:

- Letter to Fredericks’ Counsel rescinding the CAO it had entered into with Fredericks (LIS 19-080)
- Motion to Dismiss and Close Docket regarding Docket No. 19-004-MISC

The Arkansas Pollution Control and Ecology Commission (“Commission”) had addressed at its January 24th meeting a request by the Bella Vista Property Owners Association (“POA”) that it conduct an adjudicatory hearing to review the CAO issued by DEQ in the Fredericks’ matter. The POA request related to what is described in its pleadings as the “former stump dump located on Trafalgar Road in Bella Vista, Benton County, Arkansas.”

The POA and DEQ had entered into a CAO in which the POA agreed to take responsibility for remediating the site pursuant to the Arkansas Remedial Action Trust Fund Act. The POA subsequently challenged the CAO entered into between DEQ and Fredericks related to the site.

The Commission, after hearing arguments from counsel for Fredericks, the POA, and DEQ voted to find that Petitioner (the POA) had presented material evidence that should have been considered by the DEQ in the issuance of the Fredericks CAO. As a result, the POA’s Request for Adjudicatory Hearing was granted and Administrative Law Judge Moulton was instructed to hold a hearing to establish a procedural schedule.

The two previously referenced documents filed by DEQ were in response to the Commission’s ruling.

The January 30th letter can be downloaded [here](#) and the Motion to Dismiss and Close Docket [here](#).