



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Montgomery County Dozer/Excavation Operator Enter into Consent Administrative Order

09/22/2022

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Moore’s Dozer Service, LLC (“Moore’s”) entered into an August 23rd Consent Administrative Order (“CAO”) addressing an alleged violation of the Arkansas Air Regulations. See LIS No. 22-092.

The CAO provides that Moore’s owns and operates a dozer and excavation business (“Site”) in Montgomery County, Arkansas.

DEQ is stated to have received a complaint on June 28, 2021, alleging that wood debris from a nearby lumber sawmill were being brought to a Site operated by Moore’s. Further, the complaint alleged that the wood debris were being burned.

DEQ personnel are stated to have investigated the complaint allegation on June 29, 2021. The investigation is stated to have indicated that Resolute Glenwood LLC contracted with Moore’s to transport residual materials from its lumber sawmill operations to Moore’s Site of operation. The residual material was stated to be observed at the Site and consisted of trade waste which included:

- Processed lumber
- Sawdust
- Bark

The CAO further provides that some of the trade waste was placed and compacted to an unknown depth below the surface.

During the investigation, DEQ personnel are stated to have observed flames and heavy smoke coming from a location on the southern area of the Site. Smoke was also stated to have been observed coming up from below the surface in two areas of the northern portion of the Site. Moore’s is stated to have indicated that the Site caught fire over the weekend and its origin was unknown. The area fire department is stated to have participated in putting out the fire.

The Montgomery County Office of Emergency Management on June 29, 2020, informed DEQ that the fire needed to continue to burn a couple of days before the fire department attempted to extinguish the fire.

Moore's was stated to have been informed on July 2, 2021, that the complaint investigation into the alleged open burning of trade waste was completed. DEQ personnel are stated to have determined that the alleged act violated Rule 18.602. Rule 18.602 provides:

No person shall cause or permit the open burning of refuse, garbage, trade waste, or other waste material, or shall conduct a salvage operation by open burning.

DEQ personnel are stated to have conducted a follow-up investigation of the Site on July 15, 2020 and observed a work crew using dozers and a water truck exposing and isolating material to extinguish hot spots. Moore's personnel stated they were working daily to extinguish the fire.

On July 27, 2021, DEQ personnel conducted a follow-up investigation of the Site and observed a work crew using dozers and a water truck exposing and isolating material to extinguish hot spots. Further, on July 29, 2021, Moore's informed DEQ personnel that the fire at the Site had been extinguished.

A subsequent complaint is stated to have been received on February 23rd that alleged wood trade waste at the Site was actively burning and causing smoke in the surrounding area.

DEQ personnel are stated to have contacted Moore's on February 24th and were informed that Moore's was sending heavy equipment to fight the fire.

DEQ personnel investigated the complaint on February 25th and observed several locations at the Site where smoke was rising from underground, and the burning of trade waste was present. The cause of the fire is stated to have been believed to be uncontrolled combustion of compacted wood trade waste underground. Moore's is stated to have been using heavy equipment to uncover and extinguish the fire and stated that no additional trade waste material had been brought to the Site since June 2021.

DEQ personnel determined that Moore's had burned trade waste at the Site, violating Rule 18.602. Moore's was required to immediately cease open burning and to extinguish the fire at the Site. Moore's subsequently informed DEQ through March 11th correspondence that they were at 90% complete in extinguishing the fire and resolving the smoke issue. Further, Moore's hired an outside environmental company and had been corresponding with the DEQ Office of Land Resources to rectify the situation.

Moore's submitted a Title V general permit application to operate an air curtain incinerator at the Site on March 21. A General Air Permit for Title V Air Curtain Incinerators was issued to Moore's on April 13th.

Moore's neither admits nor denies the factual and legal allegations contained in the CAO.

The CAO requires that Moore's immediately cease the open burning of waste, and take such measures as necessary to, in the future, ensure that such actions or conducts are not allowed to occur.

A civil penalty of \$880 is assessed which could have been reduced to one half if the CAO was signed and returned prior to 4:00 o'clock on August 1st.

A copy of the CAO can be downloaded [here](#).