



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

## Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Alexander Off-Road Area Operator Enter into Consent Administrative Order

12/28/2023

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Carter Off Road Park, LLC (“Carter”) entered into a November 15th Consent Administrative Order (“CAO”) addressing an alleged violation of Arkansas Pollution Control & Ecology Commission (“APC&EC”) Rule 18. See LIS No. 23-095.

The CAO provides that Carter owns and operates an Off-Road Area (“Area”) in Alexander, Arkansas.

DEQ is stated to have received a complaint for open burning and solid waste burial activities on June 5th in the Area.

A complaint investigation was conducted on January 5th. The CAO states a large pile of smoldering trash and non-vegetative debris that included materials such as buckets, metal, trash bags, and treated lumber was discovered.

DEQ is stated to have informed Carter in January 6th correspondence of open burning activities at the Area.

A second complaint for open burning activities at the site is stated to have been received by DEQ on February 16th.

DEQ is stated to have conducted a second complaint investigation on February 16th. The investigation is stated to have identified:

. . . a large pile of smoldering, non-vegetative material that included materials such as roofing tiles and insulation.

This was stated to violate APC&EC 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.

The CAO provides that Carter responded to the proposed document and stated that there was only one pile of trash at the site that was being burned and that the pile consisted of trash from new home construction.

Carter neither admits nor denies the factual and legal allegations contained in the CAO.

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

A civil penalty of \$1,680 is assessed.

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