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Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and White County Tree Service Stump Grinding Business Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and James Osborne entered into a September 25th Consent Administrative Order ("CAO") addressing an alleged violation of Arkansas Pollution Control and Ecology Commission Rule 18. See LIS No. 24-144.

The CAO provides that Osborne owns and operates a tree service and stump grinding business in White County, Arkansas.

The White River Regional Solid Waste Management District is stated to have conducted an on-site investigation of open burning at the site on October 17, 2023. The site visit is stated to have demonstrated open burning during a county-wide burn ban had occurred. The business was sent correspondence on October 18, 2023, advising it to cease burning immediately.

DEQ received a Complaint from the White River Regional Solid Waste Management District on November 1, 2023, alleging trade waste was being open burned at the site. An open burning complaint investigation was undertaken by DEQ on November 8, 2023.

The CAO provides that DEQ personnel observed piles of wood still smoldering and a large amount of cut wood on-site. The wood piles were stated to have been staged for burning and spread across the land. Based upon the large amount of brush stated to be in the area, DEQ personnel were stated to have determined that this amount of wood could not be explained by land clearing. This is alleged to violated Rule 18.602.

DEQ personnel are stated to have received a letter from Osborne on February 12th stating wood and other brush were being hauled to the site from other properties and burned.

Osborne neither admits nor denies the factual or legal allegations contained in the CAO.

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

A civil penalty of \$980.00 is assessed which could have been reduced to \$490.00 if the CAO was signed and returned to DEQ by September 16th.

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