Solid Waste Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Elaine Enter into Consent Administrative Order



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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and City of Elaine, Arkansas entered into an April 17th Consent Administrative Order ("CAO") addressing an alleged violation of certain Arkansas statutory provisions addressing solid waste management. See LIS No. 25-035.

Elaine is stated to own property being operated as an illegal city dump ("Site") in Phillips County, Arkansas.

The DEQ Office of Air Quality is stated to have conducted a complaint investigation on July 23, 2024, at the Site. The following conditions are stated to have been observed during this investigation:

- A deep pit containing the smoldering remains of building demolition debris,
- Several separate and distinct bm11 areas that included household trash, and
- Staged piles of burned and unburned vegetative debris.

The complaint was subsequently referred to the DEQ Office of Land Resources ("OLR"). OLR's review of the referral is stated to have determined the following:

- Operation of a solid waste disposal site without permit, violating Ark. Code Ann. § 8-6-205(a)(I) and Ark. Code Ann. § 8-6-205(a)(2).
- Disposal of solid waste at an unpermitted disposal site, violating Ark. Code Ann. § 8-6-205(a)(1) and Ark. Code Ann. § 8-6-205(a)(3).
- Disposing of solid waste in a manner likely to cause water or air pollution, violating Ark. Code Ann. § 8-6-205(a)(1) and Ark. Code Ann. § 8-6-20S(a)(5).

The CAO requires that Elaine immediately cease illegal disposal of all solid waste at the Site. Further, Elaine is required to immediately excavate, remove, and dispose of all waste to a facility that is permitted to accept the class and characteristics of the waste removed. Asbestos containing materials are required to be managed in accordance with Arkansas Pollution Control and Ecology Commission Rule 22.702 – Asbestos Containing Material.

All copies of disposal receipts are to be retained and provided to DEQ as evidence of proper disposal at a permitted solid waste facility.

A civil penalty of $5,400.00 is assessed, of which $4,400.00 is conditionally suspended if Elaine fully complies with the CAO.

A copy of the CAO can be downloaded here.