

91st Arkansas General Assembly: Storm Debris/Open Burning

Arkansas Environmental, Energy, and Water Law Blog



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

02/20/2017

Representative Richmond and seven other representatives introduced House Bill (“HB”) 1521 that would allow counties to burn storm debris in certain circumstances.

Open burning is circumscribed to some extent by certain Arkansas statutory authorities.

Ark. Code Ann. § 8-4-316 addresses the open burning of storm debris.

The intent of HB 1521 is to allow counties to burn storm debris in the event of a county-declared disaster emergency. This authorization is not applicable if prohibited by federal law.

The bill also includes a provision allowing the Arkansas Department of Environmental Quality (“ADEQ”) to recommend:

... alternative methods of vegetative storm debris disposal including the use of air curtain incinerators or composting to the extent allowed under federal law.

In addition, the bill provides that county judge shall “not obligate state or federal funds for open burning under this section, if the county judge has declared the emergency under § 12-75-108.” The county judge is allowed reimbursement for state or federal funds for the cost of open burning if the ADEQ Director determines that reimbursement is appropriate.

HB 1521 has passed the House and has been referred to the Senate Committee on City, County and Local Affairs.

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