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Asbestos Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Benton County Renovator Enter into Amendment to Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Esmerki De Los Santos (“Individual”) entered into a May 29th Amendment to a previously executed Consent Administrative Order (“CAO”) addressing an alleged violation of Arkansas Pollution Control and Ecology Commission Regulation 21 (Asbestos Rules). See LIS No. 19-114-001.

The CAO was previously executed on November 13, 2019.

The Individual is stated to have renovated on October 29, 2018, a structure in Benton County, Arkansas. DEQ is stated to have received a complaint regarding the removal of the material from the structure without an asbestos inspection being conducted prior to renovation and removal.

DEQ personnel are stated to have visited the site to conduct an investigation. No one is stated to have been present at the time of the inspection.

The Individual was eventually contacted and stated that the renovation was performed prior to an asbestos inspection. The renovation is stated to have included the removal of floor tiles, mastic, and carpet. As a result, it is alleged that the Individual violated Arkansas Pollution Control and Ecology Commission Reg. 21.501.

The CAO indicates that ATOKA, Inc., was retained to develop a Corrective Action Plan for asbestos cleanup after renovation at the structure. The Corrective Action Plan was submitted to DEQ and stated all debris had been cleaned up prior to the assessment.

The Amendment to the CAO provides a monthly payment schedule for the \$500 penalty that had previously been assessed.

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