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## Asbestos Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Operator of Demolished Clay County Structure Enter into Consent Administrative Order

12/29/2020

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Steve Champ (“Individual”) entered into a December 17th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Commission Regulation 21 (Asbestos Regulations). See LIS No. 20-193.

The CAO provides that during the week of November 22, 2019, the Individual demolished or caused to be demolished a structure (“Site”) formerly located in Piggott, Arkansas.

The CAO provides that:

- The reference structure constitutes a facility as defined in Regulation 21, Chapter 4
- The Individual meets the definition of an owner or operator of a demolition or renovation activity as defined in Regulation 21, Chapter 4

DEQ personnel are stated to have conducted a complaint investigation of a reported demolition of a facility located at the Site on December 3, 2019. Such personnel are stated to have observed that the facility had been completely demolished and that all demolition debris had been removed.

A request was stated to have been made to the Individual for onsite documents required by Reg. 21.701. The CAO provides that the individual could not provide the documents which are stated to have included copies of a written asbestos inspection report and a Notice of Intent (“NOI”).

The Individual is stated to have failed to conduct or have conducted a thorough asbestos inspection of the affected facility prior to demolition. This is stated to violate Reg. 21.501 and Reg. 21.701.

The Individual is stated to have informed DEQ personnel that the facility had burned in 2003, completely destroying the interior of the structure. He further stated that:

. . . the only material left of the structure after the fire was brick, concrete, and metal, which was not suspected to contain asbestos.

The demolition waste material is stated to have been removed from the Site and disposed of by Shelton Sanitation, Inc., who is not affiliated with the Individual.

The CAO provides that the Individual failed to submit a written NOI and appropriate NOI fee to DEQ at least 10 working days prior to the commencement of demolition activity, violating Reg. 21.601 and 21.701.

An attorney, in correspondence dated July 15th on behalf of the Individual, is stated to have responded to a proposed CAO contending that what had been demolished during the week of November 22, 2019, following its gutting by fire, was not a structure as defined. Paragraph 15 of the CAO further provides that:

. . . All pipes, insulation, roofing material and the like had been either destroyed by the fire and later removed as a part of the ash residue or site clean-up several years prior to November 2019 by persons unknown to Respondent. As such, there was no evidence of any material that might require submission of any NOL.

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

A civil penalty of \$2,000 is assessed.

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