



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

Asbestos Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Clark County Demolition Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Hartsell Farms and Excavating, LLC ("Hartsell") entered into a February 10th Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Commission ("Commission") Regulation 21 (Asbestos Regulations). See LIS 21-015.

Hartsell is stated to have demolished or caused to be demolished a structure ("Site") formerly located in Clark County, Arkansas.

A structure on the Site is stated to have constituted a facility as defined in Commission Regulation 21, Chapter 4. Further, Hartsell is stated to meet the definition of an owner or operator of a demolition or renovation activity as defined in Commission Regulation 21, Chapter 4.

The agency is stated to have received a complaint regarding the demolition of a structure located at the Site on January 24, 2020. DEQ is stated to have conducted an investigation on January 27, 2020, into demolition activities at the Site.

The investigation is stated to have indicated that Hartsell failed to conduct or have conducted a thorough asbestos inspection of the Site prior to demolition. This is alleged to violate Commission Reg. 21.501.

The investigation is stated to have indicated that Hartsell failed to submit a Notice of Intent ("NOI") and appropriate fee to DEQ at least 10 working days prior to commencing the demolition activity. Further, no asbestos inspection is alleged to have been conducted prior to the demolition activity. This is alleged to have violated Commission Reg. 21.601.

Hartsell had an asbestos inspection conducted on January 29, 2020, on the remaining demolition debris at the Site. Hartsell submitted an asbestos inspection report to DEQ on February 3, 2020.

No asbestos containing material is stated to have been detected in the demolition debris. Further, on March 2, 2020, DEQ received a February 27, 2020, postmarked NOI for the demolition of the structure located at the Site.

Hartsell stated that it had a City permit for the demolition. However, Hartsell indicated that it was unaware of the state requirements for conducting an asbestos inspection prior to demolition and submitting an NOI to DEQ at least 10 working days prior to demolition.

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

A civil penalty of \$2,150 is assessed.

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