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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality ("DEQ") and North Village, Inc. ("NVI"), entered into a September 2nd Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Commission ("APC&EC") Regulation 21 (Asbestos Regulations). See LIS No. 21-085.

The CAO provides that NVI demolished or caused to be demolished on or before October 20, 2020, a structure formerly located in Baxter County, Arkansas ("Site").

The Site is stated to involve a "facility" as defined in APC&EC Regulation 21, Chapter 4. Further, NVI is stated to meet the definition of an "owner or operator of a demolition or renovation activity" as defined in APC&EC Regulation 21, Chapter 4.

DEQ is stated to have received a complaint of demolition activities on October 15, 2020, at the Site.

DEQ personnel are stated to have conducted an investigation into the complaint on October 20, 2020. Such investigation is stated to have included an observation of a bulldozer and excavator on Site as well as demolition debris. Further, the interior of the structure is stated to have been completely demolished, reduced to four walls.

NVI is stated to have been determined to have failed to conduct or have conducted a thorough asbestos inspection of the affected facility prior to demolition, violating APC&EC Reg. 21.501. In addition, it is alleged that NVI failed to submit a written Notice of Intent ("NOI") and appropriate NOI fee to DEQ at least 10 working days prior to commencing the demolition activity. This allegedly violated APC&EC Reg. 21.601.

NVI neither admits nor denies the factual and legal allegations.

A civil penalty of $1,500 is assessed.

A copy of the CAO can be downloaded here.