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

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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Bryan House ("BH") entered into an August 25th Consent Administrative Order ("CAO") addressing an alleged violation of Arkansas Pollution Control and Ecology Commission ("APC&EC") Regulation 21 (Asbestos Regulations). See LIS No. 21-079.

The CAO provides that on or before September 11, 2020, BH demolished or caused to be demolished a structure located in Pope County, Arkansas ("Site").

The structure referenced at the Site is stated to constitute a facility as defined in APC&EC Regulation 21, Chapter 4. Further, the CAO provides that BH meets 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 occurring at the Site on September 9, 2020. Personnel from the agency are stated to have conducted an investigation on September 11, 2020, into the Complaint. Such personnel are stated to have spoken with BH about the demolition complaint of an old gas station. A statement was allegedly made by BH that:

. . . he was tearing down part of [the structure], but he would try to save some of it.

The CAO provides that BH failed to conduct or have conducted a thorough asbestos inspection of the affected Facility prior to demolition, violating APC&EC Reg. 21.501. Further, it is stated to have been determined that BH failed to submit a written Notice of Intent and appropriate Notice of Intent fee to DEQ at least 10 working days prior to commencing the demolition activity. In addition, no asbestos inspection was stated to have been conducted prior to the demolition activity. Such failure allegedly violated APC&EC Reg. 21.601.

BH, in response to a request from DEQ, stated that the building was inspected and some asbestos siding identified. BH also allegedly stated that he planned on leaving the siding in place and giving it a heavy coat of paint. Further, BH stated that he did not know what a Notice of Intent was, that he was not a contractor, and also stated he was not aware of the regulations.

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

A civil penalty of $1,500 is assessed.

A copy of the CAO can be downloaded here.