Asbestos Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Operator of North Little Rock Demolition Activity Enter into Consent Administrative Order

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05/03/2022

The Arkansas Department of Energy & Environment – Division of Environmental Quality ("DEQ") and American Structure Inc. ("ASI") entered into a March 29th Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Regulation 21 (Asbestos Regulations). See LIS No. 22-040.

The CAO provides that ASI demolished or caused to be demolished on July 26, 2021, and ending on July 29, 2021, a structure located in North Little Rock, Arkansas ("Site").

The structure on the Site is stated to constitute a facility as defined in Regulation 21, Chapter 4. Further, ASI is stated to meet the definition of an owner or operator of a demolition or renovation activity as defined in Regulation 21, Chapter 4.

DEQ personnel is stated to have conducted a complaint investigation of the Site on July 29, 2021. During such inspection DEQ personnel are stated to have observed evidence of demolition activity. ASI stated it had removed the roof from the structure.

DEQ personnel requested a copy of the asbestos inspection report for the Site, which ASI stated they failed to conduct or have conducted a thorough asbestos inspection of the affected facility prior to demolition activities. This allegedly violates Reg. 21.501.

DEQ personnel are also stated to have requested a copy of the Notice of Intent for the Site. ASI is stated to have indicated they failed to submit a Notice of Intent to DEQ and did not have a copy of the document at the time of the investigation. Such alleged failure violates Reg. 21.601.

An asbestos inspection report and Notice of Intent pertaining to demolition activities conducted by ASI at the site was hand delivered to DEQ on August 10, 2021. Such asbestos inspection report indicated that samples at the Site on July 29, 2021, contained asbestos as described in a table in Paragraph 15 of the CAO.

DEQ personnel are stated to have reviewed the Notice of Intent and identified deficiencies regarding:

- Engineering controls
- Waste transporter
- Waste Site information

A revised Notice of Intent was received by DEQ on August 20, 2021. Such Notice of Intent indicated that demolition activity started on July 26, 2021, and ended on July 29, 2021. As a result, the CAO states that the Notice of Intent was not received at least 10 working days before demolition activities began, violating Reg. 21.601.

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

The CAO requires that within 90 calendar days of its effective date, an employer/owner of ASI satisfactorily complete an approved asbestos two-hour Arkansas Regulatory Awareness Training course provided by an Arkansas licensed provider. The course is required to adequately address the topics outlined in Reg. 21.1907. Further, within 10 calendar days of completing the reference course a copy of the course completion certificate must be provided to DEQ.

A civil penalty of $2,320 is assessed.

A copy of the CAO can be downloaded here.