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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality ("DEQ") and Car-Son Construction, LLC ("Car-Son") entered into a June 16th Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control & Ecology Commission ("APC&EC") Rule 21 (Asbestos Regulations). See LIS No. 23-048.

The CAO provides that on or before June 22, 2022, Car-Son demolished or caused to be demolished a structure (Prescott Elementary School) ("Site") in Nevada County, Arkansas.

Car-Son is stated to meet the definition of an owner or operator of a demolition or renovation activity as defined in APC&EC Rule 21, Chapter 4.

DEQ is stated to have received a complaint alleging demolition activities at the Site on June 28, 2022.

DEQ personnel conducted an investigation of the Site on June 29, 2022. Such personnel are stated to have observed demolition activity at the Site. Referenced are bricks, sheetrock, metal, and other building material from the demolition of the facility that were observed in piles, in a waste container, and in a dump truck.

Car-Son is stated to have failed to submit a Notice of Intent for the demolition of the facility at the Site, violating APC&EC Rule 21.61.

A three-year asbestos re-inspection report and asbestos management plan were provided to DEQ personnel. The re-inspection report is stated to have been dated July 21, 2020, and reported the facility contained greater than one square/linear foot of ACM. As a result, the demolition project is stated to have required a fee of $75.00 accompanying the required Notice of Intent.

Car-Son submitted a Notice of Intent for demolition of the facility on July 5, 2022. Further, it reported the demolition start date of June 22, 2022. The Notice of Intent was stated to have not been accompanied by the required fee of $75.00, violating APC&EC Rule 21.2214.

Car-Son submitted the ACM demolition fee of $75.00 on December 12, 2022.

In response to a proposed CAO, Car-Son stated in correspondence dated May 8th that once it was alerted to the presence of asbestos materials it instantly shut down the area and sectioned it off. In addition, they

stated that the next step was to correct and comply with all conditions necessary to effectively and safely remove the contaminated materials. Also, Car-Son stated that all of the Notice of Intent paperwork was completed and requested that the penalty be reduced to $750, citing mitigating factors.

Car-Son neither admits nor denies the factual and legal allegations contained in the CAO.

The CAO requires within 90 calendar days of its effective date an employee/owner of Car-Son satisfactorily complete an approved asbestos Two-Hour Arkansas regulatory Awareness training course provided by an Arkansas licensed provider. Further, within 10 calendar days of completing the course, a copy of the course completion certificate must be supplied to DEQ.

A civil penalty of $750 is assessed.

A copy of the CAO can be downloaded here.