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

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10/17/2023

The Arkansas Department of Energy & Environment – Division of Environmental Quality ("DEQ") and Lyons Contracting, LLC ("Lyons") entered into a May 24th Consent Administrative Order ("CAO") addressing alleged violations of the Arkansas Asbestos Regulations found in Arkansas Pollution Control & Ecology Commission ("APC&EC") Rule 21.

The CAO provides that Lyons demolished or caused to be demolished a structure formerly located in White County, Arkansas ("Site"), on or before August 26, 2022.

The relevant structure at the Site is stated to constitute a facility as defined in APC&EC Rule 21, Chapter 4. Lyons meets the definition of "owner or operator of a demolition activity" as defined in the same chapter.

DEQ is stated to have received a complaint regarding demolition activities at the Site on August 25, 2022. An investigation of the complaint was conducted on August 26, 2022, and is stated to have discovered that demolition activities had commenced with approximately half of the structure demolished. Building material onsite is stated to have included cinder block, wood, felt roofing, wall vinyl, floor tiles, and ceiling panels.

DEQ personnel requested the onsite documents including the thorough asbestos inspection and Notice of Intent ("NOI") from Lyons.

DEQ reviewed the chain of custody and bulk sample analyses prepared by Environmental Protection Associates. A thorough asbestos inspection report was stated to have been provided for review. Such review indicated that tan linoleum, linoleum with mastic, floor covering with mastic, and black roofing with tar as asbestos containing materials were referenced in the asbestos report. Such materials are stated to have been impacted by the demolition activities.

Lyons is stated to have indicated that it was unaware an NOI should have been submitted along with the appropriate fee at least 10 working days prior to commencing the demolition activity. Such NOI was submitted to DEQ on September 1, 2022. However, the NOI is stated to have been incorrect and a corrected copy submitted on September 2, 2022.

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

A civil penalty of $1,200 is assessed.

A copy of the CAO can be downloaded here.