



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

Asbestos Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and City of Waldo Enter into Consent Administrative Order

03/14/2024

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Waldo, Arkansas (“Waldo”) entered into a March 1st Consent Administrative Order addressing alleged violations of Arkansas Pollution Control & Ecology Commission (“APC&EC”) Rule 21 (Asbestos Regulations). See LIS No. 24-048.

The CAO provides that on or before August 16, 2022, Waldo renovated or caused to be renovated a structure described as the former Home Economics Building at the old Waldo High School in Columbia County, Arkansas (“Site”).

The referenced structure is stated to constitute a facility as defined in APC&EC Rule 21, Chapter 4. Further, Waldo is stated to meet the definition of an “owner or operator of a demolition or renovation activity” as defined in the same Chapter.

DEQ personnel are stated to have conducted a complaint investigation of renovation activities taking place at the Site on August 16, 2022.

The CAO further provides in Paragraph 7:

... Although no active demolition was taking place, evidence of demolition activities, including four concrete foundations where structures once stood and another structure with partially removed brick and exposed transite siding, was observed. Further investigation of the Site revealed suspect asbestos containing materials including white floor tile, tan floor tile, blue floor tile, ceramic floor tile, and backer board on the concrete foundations.

DEQ personnel are stated to have requested a copy of the thorough asbestos inspection report for the Site. An asbestos inspection report was provided. However, the CAO states a review of the report revealed that the structure with the partially removed brick and exposed transite siding was not included.

Waldo is stated to have failed to conduct or to have conducted a thorough asbestos inspection of the affected facility prior to renovation, violating APC&EC Rule 21.501.

It is also stated to have failed to submit a written Notice of Intent and appropriate Notice of Intent fee to DEQ at least 10 working days prior to commencing renovation activity, violating APC&EC Rule 21.603.

Waldo 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 that Waldo select personnel employed by it to satisfactorily complete an approved asbestos Two-Hour Regulatory Awareness training course offered by an Arkansas licensed provider. The course is required to address the topics in APC&EC Rule 21.501 and APC&EC Rule 21.601. Further, within 10 calendar days of completion of the course, a copy of course completion is required to be sent to DEQ.

A civil penalty of \$3,480 is assessed which could have been reduced to \$1,740 if the CAO was returned to DEQ within 30 calendar days of its effective date.

A copy of the CAO can be downloaded [here](#).