Asbestos Enforcement: Arkansas Department of Energy and Environment – Division of Environmental Quality and Springdale Contractor Enter Into Consent Administrative Order

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07/30/2026

The Arkansas Department of Energy and Environment -Division of Environmental Quality ("ADEQ") and Red Line Contractors, LLC ("Red Line") entered into a June 29 Consent Administrative Order ("CAO") addressing alleged violations of the Arkansas asbestos regulations. See LIS No. 26-009.

The CAO provides that Red Line on or before December 7, 2023 was a contractor that demolished or caused to be demolished a structure in Fort Smith, Arkansas ("Site").

The CAO states in part:

- The structure in question constitutes a facility as defined in Arkansas Pollution Control and Ecology Commission ("APC and EC") Rule 21, Chapter 4.
- Red Line meets the definition of an owner/operator of a demolition or renovation activity as defined in APC and EC Rule 21, Chapter 4.

ADEQ is stated to have received a complaint alleging demolition activities on the site on December 22, 2023.

ADEQ is stated to have conducted an investigation on December 27, 2023, and observed evidence of demolition activities. The basement portion of the structure is stated to have been demolished and the debris collected into piles. Further, The CAO states that documented debris at the site were remnants of tan/brown and green/gray floor tile matching the description of asbestos containing floor tile outlined in the asbestos report dated April 20, 2022.

ADEQ personnel were stated to have requested a copy of a NOI for the site. Red Line is stated to have submitted NOI for demolition of the site in correspondence date January 3, 2024. Upon review, it is stated to have been determined that Red Line failed to include ACM present in the facility at the time of demolition and to submit an accurate and complete written NOI along with the appropriate fee to ADEQ at least ten working days prior to commencement of demolition activities.

Red Line provided ADEQ personnel with documents pursuant to correspondence dates April 9, 2024, including two thorough asbestos inspections, an NOI for renovation and an NOI for demolition. Such inspections are stated to have identified approximately 46,400 square feet of ACM, 19,890 square feet of which was floor tile, as well as 39,425 square feet of RACM. The asbestos inspection is stated to have identified 19,890 square feet of ACM floor tile at the site. ADEQ's NOI database is stated to have not indicted that the NOI for demolition was submitted and accepted. Further, Red Line is stated to have informed ADEQ that ACM in the form of flooring was not completely removed from the site prior to commencing demolition activities.

Red Line neither admits or denies the factual and legal allegations contained in the CAO.

The CAO requires the following:

- Submission of the NOI for the demolition of the site that occurred on or about December 22, 2023 along with the appropriate fee.
- Documentation for ACM waste disposal.
- A compliance plan addressing how similar occurrences will be prevented.
- Submission of the civil penalty of $2400.

A copy of the CAO can be found here.