



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

## Asbestos Enforcement: Arkansas Department of Environmental Quality and Mississippi County, Arkansas Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality ("ADEQ") and Mississippi County, Arkansas ("County") entered into a June 2nd Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Commission ("Commission") Regulation 21 (Asbestos Regulations). See LIS No. 17-042.

The CAO states the County:

... demolished or caused to be demolished the former Osceola City/County Jail ("structure"), formerly located at 300 South Poplar in Osceola, Mississippi County, Arkansas. . .

It further provides that the structure constituted a "facility" as defined in Regulation 21, Chapter 4. The County is deemed to meet the definition of an "owner or operation of a demolition or renovation activity" as defined in Regulation 21, Chapter 4.

ADEQ is stated to have received an anonymous complaint alleging noncompliance with Regulation 21 for asbestos renovation and demolition activities at 300 South Poplar in Osceola. Agency personnel are stated to have contacted the Mississippi County Judge on February 25, 2016. They are stated to have explained the applicable regulations of Regulation 21 in regards to asbestos inspections and demolitions.

The CAO provides that ADEQ personnel asked the County Judge if an asbestos survey had been conducted prior to the structure's demolition and if a Notice of Intent ("NOI") had been submitted to the agency. The County Judge is stated to have responded that demolition of the structure was almost complete but that the necessary documents to correct the issue would be provided to the agency.

The County subsequently submitted a NOI which is stated to have included:

- This NOI is for a demolition of the Osceola Jailhouse in Mississippi County, Arkansas.
- The owner of the facility is Mississippi County, and the contact person is County Judge Randy Carney.
- The demolition dates listed in the NOI are February 22, 2016 to February 26, 2016.
- Wil Allen, Landfill Supervisor, is listed as the contractor.
- No inspector was listed as required by Regulation 21.606(R) for this NOI.
- This NOI indicated that a response was "not applicable" to APC&EC Regulation 21.606(K) requirement that an NOI include a description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition site.

- The response provided no other information about the presence or absence of asbestos in the Jailhouse.
- The NOI contained no information to demonstrate that an asbestos inspection was conducted prior to demolition.

The County is alleged to have failed to conduct or have conducted a thorough asbestos inspection of the affected facility prior to beginning demolition. Further, it is alleged that the County failed to provide documentation that an asbestos inspection was conducted prior to the demolition activity. These actions allegedly violate Regulation 21.501.

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

The CAO assesses a civil penalty of \$2,800 which is reduced by 50 percent if the document is signed and returned to ADEQ prior to 4:00 p.m. on June 9th.

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