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Asbestos Enforcement: Arkansas Department of Environmental Quality and Jonesboro, Arkansas Construction Firm Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Shannon Kee Construction, LLC (“SKC”) entered into a November 15th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Commission Regulation 21 (“Arkansas Asbestos Abatement Regulations”). See LIS No. 17-102.

The CAO alleges that SKC demolished or caused to be demolished a structure formerly located at 200 W. Matthews Avenue in Jonesboro, Arkansas.

The referenced structure is stated to constitute a facility (“Facility”) as defined in Regulation 21. Further, SKC is stated to meet the definition of an “owner or operator of a demolition or renovation activity,” as defined in Regulation 21.

ADEQ is stated to have received an anonymous complaint that demolition of the structure was being conducted. The CAO further provides that:

During the complaint investigation conducted on April 18, 2017, it was discovered that Respondent had failed to submit a written Notice of Intent (NOI) and appropriate NOI fee to ADEQ at least ten (10) working days prior to commencing the demolition activity. Such failure violates APC&EC Reg.21.601, and therefore violates Ark. Code Ann § 2017-1007(4).

An ADEQ investigation allegedly revealed that SKC failed to maintain a copy of certain documents required on site, which included:

- A copy of the inspection report, including results of any bulk sample analysis, and any air monitoring data
- A copy of the NOI or any revised NOI submitted in compliance with this regulation and the attached order of any State or local government official ordering the demolition of a facility due to structural unsoundness and danger of imminent collapse if applicable

The alleged failure is stated to violate Reg.21.701.

SKC is stated to have submitted a Notice of Intent for the demolition of the structure to ADEQ on April 21st.

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

The CAO assesses a civil penalty of \$600 which could have been reduced to \$300 if the CAO was returned to ADEQ prior to November 30th.

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