



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

Asbestos Enforcement: Arkansas Department of Environmental Quality and Owner/Operator of Mississippi County, Arkansas Demolished Facility Enter into Consent Administrative Order

06/06/2019

The Arkansas Department of Environmental Quality (“ADEQ”) and Joe Harris Jr. Trucking Inc. Del-Ark Consulting (“Del-Ark”) entered into a March 13th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Commission (“APC&EC”) Regulation 21 (Asbestos Regulations). See LIS No. 19-043.

The CAO provides that Del-Ark demolished or caused to be demolished a structure (“Facility”) formerly located in Mississippi County, Arkansas.

Del-Ark is stated to meet the definition of an owner or operator of a demolition activity as defined in APC&EC Regulation 21, Chapter 4. Further, the previously referenced structure is stated to constitute a Facility as defined in the same Regulation and Chapter.

ADEQ personnel are stated to have investigated a complaint on December 18, 2018, that demolition had begun on a site that included the structure. It is stated to have been discovered that the structure had already been demolished and that approximately 30 percent of the debris remained of the disposal phase of the operation. Such investigation is stated to have indicated that Del-Ark failed to conduct or have conducted a thorough asbestos inspection of the affected facility prior to demolition.

The investigation is also stated to have indicated that Del-Ark failed to submit a written Notice of Intent and appropriate fee to ADEQ at least ten (10) working days prior to commencing the demolition activity. Allegedly, no asbestos inspection was conducted and, therefore, the appropriate fee is stated to have been unable to be determined.

Del-Ark is stated to have provided 11 dump tickets indicating that a total of 56.63 tons of demolition debris had been removed.

Del-Ark neither admits nor denies the factual and legal allegations contained in the CAO.

The CAO assesses a civil penalty of \$800.

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

