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Asbestos Enforcement: Arkansas Department of Energy and Environment (Division of Environmental Quality) and Craighead County, Arkansas Contractor Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environmental (Division of Environmental Quality) (“DEQ”) and Shannon Kee Construction, LLC, (“SKC”) entered into a November 13th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Asbestos Abatement Regulations (Regulation 21). See LIS No. 19-105.

The CAO provides that SKC demolished or caused to be demolished on December 17, 2018, a structure formerly located in Craighead County, Arkansas (“Site”).

The structure located on the previously referenced Site is stated to constitute a facility (“Facility”) as defined in Regulation 21, Chapter 4. Further SKC is stated to meet the definition of an “owner or operator of a demolition activity” as defined in Regulation 21, Chapter 4.

DEQ’s Asbestos Section is stated to have received a complaint regarding demolition activities at the Site on December 10, 2018. Agency personnel are stated to have investigated the complaint and determined the structure had already been demolished. Further, demolition debris were still being removed.

The CAO states that SKC failed to conduct or have conducted a thorough asbestos inspection of the affected Facility prior to demolition. This is alleged to violate Reg. 21.501. It is further alleged that SKC failed to submit a written Notice of Intent and appropriate Notice of Intent fee to DEQ at least 10 working days prior to the commencement of demolition activity. This is alleged to violate Reg. 21.601.

DEQ personnel requested SKC submit a Notice of Intent and an asbestos inspection of the demolition debris.

SKC is stated to have provided correspondence through EMTEC dated December 20, 2018, in which it reported that:

... it performed an asbestos inspection on the remaining debris associated with the demolition at the Site and a visual inspection of the debris piles that were transported off the Site. The report stated that no signs of any suspect asbestos containing materials were identified in the debris except the roofing

material that was transported to the Mebbs Disposal Site, located near 910 Strawfloor Road, Jonesboro, Arkansas.

DEQ is stated to have received SKC's Notice of Intent and appropriate Notice of Intent fee on December 28, 2018. The asbestos materials were stated to have been relocated to the Legacy Landfill located in Craighead County which is authorized to accept asbestos material.

The CAO requires that within 180 calendar days of the effective date of the CAO, an employee/owner of SKC satisfactorily complete an approved asbestos Contractor/Supervisor training course provided by an Arkansas licensed provider. The course is required to adequately address the topics outlined in Reg. 21.1902.

The CAO also requires that within 30 days of completing the asbestos Contractor/Supervisor training course, a copy of the course completion certification be submitted to the DEQ Office of Air Quality Enforcement Section.

A civil penalty of \$1,450 is assessed.

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