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Asbestos Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Pope County Operator/Demolition Activity Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Kirby Specialties Corporation (“KSC”) entered into a July 15th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Commission Regulation 21 (Asbestos Regulations). See LIS No. 20-158.

The CAO provides that KSC demolished or caused to be demolished on or before October 23, 2019, a structure formerly located at 1705 Highway 9B in Pope County, Arkansas (“Site”).

The structure on the site is stated to have constituted a facility as defined in Rule 21, Chapter 4 and KSC is stated to meet the definition of an “owner or operator of a demolition renovation activity” in the same rule.

DEQ is stated to have conducted a compliance investigation into alleged demolition activities at the Site on October 23, 2019. The investigation is stated to have indicated that a structure had been demolished and that the demolition waste material had already been removed from the Site.

KSC provided correspondence to DEQ stating that KSC’s owner and a property manager performed a thorough walk-through of the Site to identify potential hazards that would affect the demolition. No materials containing asbestos were stated to have been identified by these individuals during this walk-through. Nevertheless, the CAO states that KSC failed to provide DEQ with a written inspection report that would have had to contain the elements of a thorough inspection, allegedly violating Reg. 21.501. It is further indicated that KSC acknowledges it failed to submit a written Notice of Intent and associated fee prior to demolition.

The individuals that conducted the walk-through are stated to not be licensed and certified to conduct an inspection at a facility for asbestos-containing material. This is stated to violate Reg. 21.503.

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

A civil penalty of \$6,500 is assessed.

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