



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

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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and John F. Jenkins Contracting, Inc. (“JFJC”) entered into a January 12th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Commission (“Commission”) Regulation 21 (Asbestos Regulations). See LIS No. 21-002.

The CAO describes JFJC as an “owner or operator of a demolition or renovation activity” as defined in Commission Regulation 21, Chapter 4.

The CAO provides that JFJC demolished or caused to be demolished a structure formerly located in Malvern, Arkansas (“Site”) on August 20, 2019. Further, the structure is described as the concessions building measuring 16 by 20 feet near the restroom area of the Malvern High School’s Bill Hunt Field House.

The CAO describes the structure as a “facility” as defined in Commission Regulation 21, Chapter 4.

DEQ personnel are stated to have conducted a complaint investigation of a reported demolition of a concessions building located at the Site. Further, the CAO provides that during a telephone call with DEQ personnel on August 26, 2019, JFJC stated that it demolished the concessions building on August 20, 2019.

JFJC is stated to have been unable to provide a copy of an asbestos inspection and Notice of Intent as required by Commission Reg. 21.501 and 21.601. The investigation is stated to have indicated that JFJC failed to conduct, or have conducted, a thorough inspection of the affected structure for the presence of asbestos, therefore allegedly violating Commission Reg. 21.501.

In addition, JFJC is stated to have failed to submit a written Notice of Intent and provide the appropriate Notice of Intent fee to DEQ prior to commencing the demolition activity.

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

The CAO assesses a civil penalty of \$2,550.

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

