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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Central Arkansas Construction & Development, LLC (“CACD”) entered into an August 16th Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas asbestos regulations (Arkansas Pollution Control & Ecology Commission [“APC&EC”] Regulation 21.) See LIS No. 21-078.

The CAO provides that on or before August 20, 2020, and September 1, 2020, CACD demolished or caused to be demolished structures formerly located in Lonoke County, Arkansas.

CACD is stated to meet the definition of an “owner or operator of a demolition or renovation activity” as defined in APC&EC Regulation 21, Chapter 4.

DEQ personnel are stated to have accepted a Notice of Intent (“NOI”) for a demolition project located at three different locations on August 12, 2020. Those locations are stated to have included:

- A vacant residential structure and wellhouse
- Dismuke’s Affiliated Foods
- Abandoned brick building

The NOI is stated to have provided that Van Tassel-Proctor, Inc., would be the contractor responsible for the demolition activities at the three locations.

DEQ personnel are stated to have performed inspections of demolition activities at the three locations. Paragraph 8 of the CAO provides:

On August 20, 2020, and September 1, 2020, DEQ personnel performed inspections of demolition activities located at the three (3) locations. The August 20, 2020 inspection revealed that the carport of the vacant residential structure had been demolished and a pile of debris generated from the demolition remained onsite. The well house, Dismuke's Affiliated Foods, and the abandoned brick building remained intact. The September 1, 2020 inspection revealed that the well house, Dismuke's Affiliated Foods, and

the abandoned brick building had been demolished with a pile of debris located where Dismuke's Affiliated Foods and the abandoned brick building once stood.

The inspection is also stated to have determined that CACD was the demolition contractor as opposed to Van Tassel-Proctor.

The CAO provides that CACD failed to submit a written NOI and appropriate fee to DEQ at least 10 working days prior to commencing demolition activity.

The three referenced structures are stated to have been demolished, violating APC&EC Reg. 21-601 and 21.610.

The CAO also indicates that changes in operator would have required the submittal of a new NOI with a new notification period and a new fee.

The CAO assesses a civil penalty of \$960.

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