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## Asbestos Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Baxter County Facility Renovator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Rapp’s Barren Brewing Company, LLC (“Rapp’s”) entered into a November 12th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control & Ecology Commission (“Commission”) Regulation 21 (Asbestos). See LIS No. 21-121.

The CAO provides that Rapp’s renovated or caused to be renovated on or before January 7th a structure in Baxter County, Arkansas (“Site”).

The structure is stated to constitute a facility (“Facility”) as defined in Commission Regulation 21, Chapter 4. Further, Rapp’s is stated to meet the definition of an “owner or operator of a demolition or renovation facility” as defined in Commission Regulation 21, Chapter 4.

DEQ is stated to have received a complaint on January 6th that there was a waste dumpster located at the Site that contained asbestos flooring and other burned construction debris.

DEQ personnel are stated to have conducted an investigation at the Site on January 7th. They are stated to have observed a waste dumpster located behind the building at the Site filled with construction material, which included:

. . . insulation batting, ceiling tiles, and lumber that had been removed from the building.

The CAO provides that the Site superintendent stated they were reconstructing the interior of the building to run the space into a brewery.

Paragraph 13 of the CAO provides:

. . . When questioned as to whether a thorough asbestos inspection had been conducted prior to beginning renovation activities on the building, Respondent provided the name of the individual that had collected samples for testing for the presence of asbestos. However, a search of the DEQ Licensing Certification System database revealed that the individual that had collected the samples failed to meet the licensing and/or certification provisions of APC&EC Regulation 21, Reg. 21.503. Thus, the samples that

were collected were invalid. No thorough inspection of the affected facility, or part of the facility, for the presence of asbestos was performed. Such act violates PC&EC Reg. 21.501, and therefore violates Ark. Code Ann. § 20-27-1007(4).

Rapp's is alleged to have failed to submit a written Notice of Intent and applicable fee at least 10 working days before any renovation activity was undertaken. It is alleged that no asbestos inspection was conducted prior to the renovation.

The CAO provides that Rapp's neither admits nor denies the factual and legal allegations.

A civil penalty of \$3,060 is assessed.

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