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Asbestos Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and North Little Rock Site Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Maly Constructions, LLC (“MC”) entered into a September 11th Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas Asbestos Rule. See LIS No. 23-064.

The CAO provides that MC demolished or caused to be demolished a structure (“Site”) located in North Little Rock, Arkansas, on or before January 13th.

The structure is stated to have been a facility (“Facility”) as defined in Arkansas Pollution Control & Ecology Commission (“Commission”) Rule 21, Chapter 4. Further, MC is stated to meet the definition of an “owner or operator of a demolition or renovation activity” as defined in Commission Rule 21, Chapter 4.

DEQ personnel are stated to have performed a complaint investigation at the Site on January 13th. The CAO provides that it was determined that MC failed to conduct or have conducted a thorough asbestos inspection of the affected Facility prior to demolition, violating Commission Rule 21.501. It is also stated to have been indicated that MC failed to submit a written Notice of Intent (“NOI”) and the appropriate NOI fee to DEQ at least 10 working days prior to commencing the demolition activity.

MC is also stated to have performed open burning of garbage and trade waste material, violating Commission Rule 18.602.

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

The CAO requires that MC immediately cease the open burning of waste and take such measures as are necessary to ensure that such actions or conduct are not allowed to occur.

A civil penalty of \$4,920 is assessed.

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