



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

Asbestos Enforcement: Arkansas Department of Environmental Quality and Pulaski County, Arkansas Owner of Demolished Facility Enter Into Consent Administrative Order

07/05/2017

The Arkansas Department of Environmental Quality (“ADEQ”) and Ala Sayyaheen (“AS”) entered into a June 7th Consent Administrative Order (“CAO”) to address alleged violations of the Arkansas asbestos regulations. See LIS No. 17-044.

The CAO provides that AS demolished or caused to be demolished on or before September 9, 2016, the former Ryan’s Cafeteria/No. 1 Chinese Buffet restaurant (the “facility”) which had been located in Little Rock, Arkansas.

The referenced structure is alleged to constitute a “facility” as defined in Arkansas Pollution Control and Ecology Commission Regulation 21, §4. AS is stated to meet the definition of an “owner or operator of a demolition or renovation activity” as defined by Regulation 21, §4.

ADEQ is stated to have received a complaint on September 8, 2016, that demolition had begun on the facility. It is further alleged that on September 9, 2016, personnel conducted an investigation of the site which indicated AS failed to:

...conduct or have conducted a thorough asbestos inspection of the affected facility prior to demolition.

The alleged failure is stated to violate Reg. 21.501.

The ADEQ investigation is stated to have indicated AS failed to submit a written Notice of Intent and the associated fee to ADEQ at least ten (10) working days prior to commencing demolition activity.

ADEQ is stated to have informed AS of the alleged compliance issues identified during this September 9, 2016 investigation of the facility pursuant to September 21, 2016 correspondence. This letter was stated to provide AS an opportunity to review the violations and submit information AS deemed appropriate regarding the compliance issues.

AS submitted a Notice of Intent September 14, 2016. The Notice of Intent stated that demolition to the facility began on August 22, 2016 and was completed on September 16, 2016.

The Notice of Intent was stated to be accompanied by a receipt for the disposal of demolition material. Twenty-five loads of demolition material weighing 101.96 tons were stated to have been sent to a Class 4 landfill located in Pulaski County, Arkansas during August and September, 2016.

A civil penalty of \$1,650 was assessed which could have been reduced by one-half if the CAO was signed and returned to ADEQ prior to 4:00 p.m. on June 20.

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