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## Asbestos Enforcement: Arkansas Department of Environmental Quality and Stuttgart, Arkansas Construction Firm Enter into Consent Administrative Order Addressing Restaurant Demolition

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The Arkansas Department of Environmental Quality (“ADEQ”) and Nelson Quality Construction, Inc. (“Nelson”) entered into a June 19th Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas Asbestos Regulation. See LIS No. 17-050.

The CAO provides that on January 20, 2017, Nelson demolished or caused to be demolished the La Hacienda Mexican Restaurant (“restaurant”) that was located on Cantrell Road in Little Rock, Arkansas.

The restaurant is stated to constitute a “Facility” as defined in Arkansas Pollution Control and Ecology Commission (“Commission”) Regulation 21, § 4. Further, Nelson is stated to meet the definition of an “owner or operator of a demolition or renovation activity” as defined in the same regulatory provision.

ADEQ personnel are stated to have investigated a complaint that demolition had begun on the restaurant. This investigation is stated to have occurred on January 20th.

The investigation allegedly indicated that Nelson failed to conduct a thorough asbestos inspection of the affected facility prior to commencing demolition. The alleged failure would violate Commission Reg. 21.501.

The ADEQ investigation also allegedly determined Nelson failed to submit a written Notice of Intent to ADEQ at least 10 working days prior to commencing the demolition activity. The alleged failure would violate Commission Reg. 21.601.

The CAO states Nelson provided ADEQ personnel with a copy of a permit issued by the City of Little Rock for the demolition and renovation project. Nelson and the owner stated that the City of North Little Rock had informed them that they did not need a clearance for asbestos because the building was built approximately 20 years ago and therefore did not contain asbestos.

ADEQ is stated to have informed Nelson and the restaurant owner that “these things” did not preclude them from complying with the requirements of Commission Regulation 21 (Arkansas Asbestos Abatement Regulation).

ADEQ is stated to have further informed Nelson of the compliance issues identified during the complaint investigation in correspondence dated February 21, 2017. Such letter is stated to have been intended to provide Nelson an opportunity to review the violations and submit information it deemed appropriate regarding the compliance issues. Nelson is stated to have not provided a written response to the letter to date.

The CAO assesses a civil penalty of \$500.

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