



## U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: A980001**

**Category:** Asbestos  
**EPA Office:** Region 4  
**Date:** 07/11/1990  
**Title:** NARS Reports-Consent Orders  
**Recipient:** Fancy, Clair  
**Author:** Harper, Jewell

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**Subparts:** Part 61, M, Asbestos

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### **Abstract:**

Q. Are consent orders in which contractors do not admit guilt reported through the ACTS/NARS system?

A. Yes, the contractor database is intended to track all enforcement actions related to a specific contractor.

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### **Letter:**

4APT-AE

Mr. Clair Fancy, P.E., Chief  
Bureau of Air Regulation  
Florida Department of Environmental  
Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Fancy:

I received your letter dated May 8, 1990, concerning the NARS reporting requirements as they pertain to consent orders in which an asbestos contractor does not admit guilt. Specifically, you requested guidance on whether these consent orders should be reported through the ACTS/NARS system. To ensure national consistency, we contacted EPA headquarters for guidance and we offer the following comments.

The NARS contractor database is designed to track all enforcement actions related to a specific contractor. All notices of violations, administrative orders, consent orders, civil referrals and criminal referrals should be reported through the ACTS computer system. Since EPA encourages settlements through consent orders, tracking of these actions is paramount to the credibility of the NARS report. We understand that in a few cases settlements may not be reached through consent orders because of this additional factor, but we cannot waive the reporting requirements. If the violations cited by your inspector are well documented, we feel that most violations can be settled via this mechanism or through civil actions with good success rates.

In conclusion, the NARS report contains information on all consent orders whether the contractor admitted guilt or not and your agency should enter all consent orders into the ACTS/NARS system. If you have any questions concerning our comments, please contact Alan Powell at 404/347-5014.

Sincerely yours,

Jewell A. Harper, Chief  
Air Enforcement Branch  
Air, Pesticides and Toxics  
Management Division

cc: Mark Antell, SSCD