Asbestos Enforcement: Alabama Department of Environmental Management Proposed Administrative Order to Owner of Albertville Commercial Property

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The Alabama Department of Environmental Management ("ADEM") issued a Proposed Administrative Order ("AO") to Clear Properties Albertville, LLC ("Clear Properties") for an alleged violation related to certain ADEM Admin. Code provisions related to asbestos-containing material.

The AO provides that Clear Properties is the real property owner of, and is responsible for the demolition of, the Commercial Property ("Site") in Albertville, Alabama.

ADEM is stated to have learned through an inspection on June 9th that the Site had been demolished. Such activity is alleged to be in violation of ADEM Admin. Code r. 335-3-11-.02(12). ADEM is stated to have issued a Notice of Violation ("NOV") to Clear Properties on June 12th based on such inspection.

ADEM is stated to have received a response to the NOV from Clear Properties. The response stated that:

. . . owner hired a sub-contractor, Maynard Construction, to perform the demolition. The demolition activities took place on March 13 and March 14, 2020. The Owner did not have an asbestos inspection conducted by an Alabama Accredited inspector and the Owner did not send a Notice of Demolition prior to work taking place, in violation of ADEM. Admin. Coder. 335-3-11-.02(12).

The AO provides that not later than 40 days after its issuance that the owner is required to pay ADEM a civil penalty in the amount of $4,000 for the alleged violations. Further, the AO proposes to require that immediately upon its receipt and continuing thereafter that it will ensure immediate and future compliance of 40 C.F.R. Part 61, Subpart M, as adopted in ADEM Admin. Code r. 335-3-11-.02, particularly as it applies to renovation and demolition operations.

A copy of the proposed AO can be downloaded here.