Asbestos Enforcement: U.S. Environmental Protection Agency and Atlanta Construction Company Enter into Consent Agreement



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The United States Environmental Protection Agency ("EPA") and Merit Construction Company ("MCC") entered into an August 28th Consent Agreement ("CA") addressing alleged violations of the Clean Air Act asbestos regulations. See Docket No. CAA-04-2025-0004(b).

The CA addresses MCC's alleged undertaking of a renovation activity which included, but was not limited to, the removal of floor materials from a dental office in Stonecrest, Georgia.

The facility was stated to be a commercial building at the time of the renovation activity, meeting the definition of a facility as defined 40 C.F.R. § 61.141. In addition, the CA provides that MCC was the contractor responsible for the renovation activity at the facility and therefore meets the definition of an "owner or operator of a demolition or renovation activity" as defined in the same regulation.

EPA is stated to have conducted an on-site inspection of the facility on March 12th. MCC is stated to have confirmed that no asbestos inspection was conducted prior to beginning the renovation activity at the facility.

EPA alleges that MCC violated Section 112 of the Clean Air Act, and 40 C.F.R. Part 61, Subpart M, National Emission Standard for Asbestos, when it failed to conduct a thorough inspection for asbestos-containing materials prior to beginning renovation activity.

MCC neither admits nor denies the factual allegations in Section IV of the CA.

A civil penalty of $5,425.00 is assessed.

A copy of the CA can be downloaded here.