

Asbestos Enforcement: U.S. Environmental Protection Agency and Owner of Kennesaw, Georgia Building Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Kennesaw Hotel Partners, LLC (“KHP”) entered into a Consent Agreement (“CA”) addressing alleged violations of the federal asbestos regulations. See CAA-04-2019-1756(b).

KHP is stated to have conducted:

... renovation activity at the Holiday Inn Express Hotel from approximately October 1, 2017, through September 30, 2018, located at 2485 George Busbee Parkway, Northwest in Kennesaw, Georgia 30144.

The CA provides that KHP conducted the renovation activity in the previously referenced building (i.e., the Holiday Inn Express) which met the definition of a “facility.” KHP is stated to be the owner of the referenced facility. As a result, it is stated to meet the definition of an “owner or operator of a renovation or demolition activity.”

Based on an investigation which is stated to have included, but was not limited to, an inspection conducted by EPA on July 10, 2018, and subsequent discussions with KHP, the federal agency is stated to have determined that the company did not thoroughly inspect the facility or a portion of the facility affected for asbestos-containing materials prior to beginning the renovation activity, as required by the regulations pertaining to asbestos found at 40 C.F.R. Part 61, Subpart M.

EPA alleged that KHP violated Section 112 of the Clean Air Act and 40 C.F.R. § 61.145(a) by failing to conduct a thorough asbestos inspection of the facility prior to conducting the renovation activity.

KHP neither admits nor denies the CA’s factual allegations.

A civil penalty of \$12,177 is assessed.

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