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# Asbestos Enforcement: Alabama Department of Environmental Management and Shelby County, Alabama, Research Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and National Carbon Capture Center (“Capture Center”) entered into a February 13th Consent Order (“CO”) addressing alleged violations of the Admin. Code related to asbestos. See Consent Order No. 20-\_\_\_\_-CAP.

The CO provides that the Capture Center operates a research facility (“Site”) in Shelby County, Alabama.

ADEM was stated to have been notified by the Capture Center on September 11, 2019, that demolition activities were in progress at the Site. Further, the CO provides that the Capture Center was told to stop all demolition activities due to ADEM having not received the required notification.

A Notice of Violation was stated to have been subsequently provided to the Capture Center regarding the demolition activities conducted at the Site. ADEM received a response to the Notice of Violation from the owner on October 24, 2019. This response stated in part:

... Owner hired a contractor, North American Dismantling Corp. to conduct the demolition. The demolition activities began August 15, 2019 and were stopped on or around September 6, 2019, when it was determined that an Alabama Accredited Asbestos Inspector had not performed a thorough asbestos inspection prior to the start of demolition and that the Department had not received the required Notice.

The CO provides that the Capture Center self-reported the lack of notice and instructed its contractor to cease demolition activities. Further, the Capture Center states that:

... Between September 16th and 19th, 2019, an accredited external asbestos inspector collected 477 samples from both demolished and undemolished areas of the Site. All samples were analyzed by a National Voluntary Laboratory Accreditation Program (“NVLAP”) and AIHA Laboratory Accreditation Programs (“AIHA-LAP”) accredited laboratory for asbestos fiber analysis and no sample analysis detected ACMs. Owner submitted four (4) completed “Notice of Asbestos Abatement and/or Demolition” forms to the Department to cover all the demolition areas.

The Capture Center also states that:

- It derived no economic benefit from the delay in the inspection or the providing of Notice
- The structures involved contained no asbestos

- There was no effect of the delay in inspection or Notice on the environment
- No individual was exposed to asbestos

A civil penalty of \$5,000 is assessed.

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