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Asbestos Enforcement: Alabama Department of Environmental Management Issues Proposed Administrative Order to Albertville Contractor

06/03/2020

The Alabama Department of Environmental Management (“ADEM”) issued an April 13th Proposed Administrative Order (“AO”) to Maynor Contracting LLC (“MC”).

The AO provides that MC is a contractor located in Albertville, Alabama.

MC is stated to be responsible for the demolition of a former K-Mart structure (“Site”) located in Albertville, Alabama. ADEM is stated to have learned through an inspection on January 24 that the Site had been demolished. Such action is alleged to be a violation of ADEM Admin. Code r. 335-3-11-.02(12).

ADEM is stated to have issued a Notice of Violation (“NOV”) to the City of Albertville (“City”). It was stated to have been issued to the City based on a prior asbestos abatement notice that ADEM received in which the City was listed as the facility owner.

The City is stated to have responded to the NOV indicating Hutton Albertville Marketplace, LLC (“Owner”) had purchased the Site from the City. The Owner is stated to have responded that it acquired the Site from the City and subsequently demolition activities were begun by the contractor. Demolition activities were stated to have ended on January 31, 2020.

The AO alleges that a notice for the demolition activities was not received by ADEM in violation of ADEM Admin. Code r. 335-3-11-.02(12).

The proposed AO assesses a civil penalty of \$1,500. It further requires that the contractor ensure immediate and future compliance with 40 C.F.R. Part 61, Subpart M, as adopted by the relevant ADEM Admin. Code provisions.

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