

Asbestos Enforcement: U.S. Environmental Protection Agency and State of Georgia Municipality Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Columbus Consolidated Government (“Columbus”) entered into an August 18th Consent Agreement (“CA”) addressing alleged violations of the federal asbestos regulations. See Docket No. CAA-04-2020-005(b).

The CA provides Columbus is a municipality operating in the State of Georgia and is stated to meet the definition of a “person” as defined in Section 302(e) of the Clean Air Act.

Columbus is stated to have hired a contractor SERVPRO of Columbus (“SERVPRO”) to conduct renovation activity at a facility commencing on or around October 1, 2018. The purpose of the renovation was stated to have been to repair water leak damages.

The facility is described as an office building and meets the definition of a “Facility” in 40 C.F.R. § 61.1441. Columbus is stated to have controlled, supervised, and/or owned the facility and had a responsibility for the renovation activities previously described. As a result, Columbus is stated to meet the definition of an “owner or operator of a renovation or demolition activity.”

The CA states that based on Georgia Environmental Protection Division’s investigation initiated on February 4, 2019, and an EPA follow-up communication with Columbus and SERVPRO that:

The Facility or portion of the Facility affected for asbestos-containing materials was not thoroughly inspected prior to beginning the renovation activity, as required by the regulations pertaining to asbestos found at 40 C.F.R. Part 61, Subpart M . . .

The CA provides that alleged violations of the following have occurred:

- Pursuant to 40 C.F.R. § 61.145(a), each owner or operator of a renovation or demolition activity is required to thoroughly inspect the Facility or portion of the Facility affected for asbestos-containing materials prior to beginning the demolition or renovation activity.
- Columbus is stated to have violated Section 1121 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.

Columbus neither admits nor denies the factual allegations set forth in the Findings of Fact of the CA.

A civil penalty of \$4,487 is assessed.

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