

Asbestos Enforcement: Tennessee Division of Air Pollution Control and Clarksville Builder Enter into Settlement Agreement



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The Tennessee Division of Air Pollution Control (“Division”) and Providence Builders, LLC (“Providence”), entered into a July 5th Settlement Agreement and Order (“Agreement”) addressing alleged violations of the Tennessee regulations related to asbestos. See Case No. APC20-0105.

Providence is described as a domestic limited liability company authorized to do business in the State of Tennessee with a business address in Clarksville, Tennessee.

The CO provides that on or about August 3, 2020, a Division inspector discovered renovation activities occurring at a vacant retail space in Clarksville. The Division inspector is stated to have observed removal of the plaster ceiling, which had a spray applied surfacing material. Further, the material was described as dry and not contained in leak-tight containers.

The Division inspector asked the Providence representative if an asbestos survey had been conducted prior to the renovation. The representative is stated to have acknowledged that an asbestos survey had not been conducted. A sample of the material was collected and submitted for laboratory analysis.

The Division is stated to have received laboratory analytical results on August 11, 2020. They confirmed the presence of asbestos.

The Division received from Providence a Notification of Demolition and/or Asbestos Renovation on August 19, 2020, listing an asbestos removal work start date of August 21, 2020.

The Division issued a Notice of Violation to Providence for the following:

- Failure to adequately wet all exposed regulated asbestos containing material (RACM)
- Failure to provide a 10-day notification prior to demolition/renovation activity
- Failure to seal all asbestos-containing waste material in leak-tight containers
- Failure to thoroughly inspect for the presence of asbestos

A civil penalty of \$8,750 is assessed.

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