

Asbestos Enforcement: Alabama Department of Environmental Management and Contractor Enter into Consent Order



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

03/21/2017

The Alabama Department of Environmental Management (“ADEM”) and Allen Binkley Construction, Inc. (“ABCI”) entered into a February 28th Consent Order (“CO”) addressing alleged violations of the ADEM Administrative Code provisions involving asbestos. See Consent Order No. 17-____-CAP.

The alleged violation occurred through ABCI’s demolition of an establishment referenced as “Jack’s Restaurant” located in Talladega County, Alabama.

The CO states that ADEM discovered that the restaurant had been demolished. The agency noted the demolition while conducting inspections in the area on January 12th. A Notice of Demolition was allegedly not provided to ADEM prior to the demolition of the restaurant.

A response from ABCI to an ADEM Notice of Violation is stated to have indicated that neither an asbestos inspection or abatement were performed at the restaurant prior to being demolished. The failure to conduct these activities are stated to be a violation of ADEM Admin. Code r. 335-3-11-.02.

ABCI neither admits nor denies ADEM’s contentions in the CO.

ABCI agrees to a civil penalty of \$2,500.

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