

# Asbestos Enforcement: Alabama Department of Environmental Management Order Addressing Alleged Pelham, Alabama Construction Company Violations



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

05/11/2017

The Alabama Department of Environmental Management (“ADEM”) issued a proposed Order to Maxus, Inc. (“Maxus”) for alleged violations of Alabama regulations addressing asbestos.

Maxus is stated to be a project managing construction company located in Pelham, Alabama.

The Order provides that Maxus was hired by Rural Urgent Care, LLC to oversee the demolition of a Church Building located in Barbour County, Alabama (“Site”).

ADEM is stated to have conducted an inspection of the Site on October 26, 2016.

The Site is stated to have been demolished without the agency having received the notice required by ADEM Admin. Code r. 335-3-11-.05(1). This provision requires that any person, firm, organization, or corporation who is the owner or operator of any asbestos removal project for which notification is required pursuant to the requirements of rule 335-3-11-.02(12) shall ensure that the parties executing the asbestos removal project are certified by the ADEM.

ADEM is stated to have issued a Notice of Violation (“NOV”) to Maxus based on the previously referenced inspection of the Site. Maxus responded to the NOV stating:

... it was contracted to be the managing construction company for the demolition project. Maxus explained that it subcontracted with another company to demolish the Site, which began on September 26, 2016 and concluded on October 4, 2016. It also stated that it and its subcontractor were not aware of the asbestos inspection, notification, and abatement requirements, so Maxus and/or the subcontractor did not perform the required activities.

The Order states that neither Maxus nor the subcontractor were certified by ADEM as an Asbestos Removal Contractor at the time of the demolition of the Site. Removal or disturbance of RACM performed by a contractor not certified by ADEM is a violation of ADEM Admin. Code r. 335-3-11-.05(1).

The Order proposes to assess a civil penalty of \$5,000 which the company may appeal.

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