

Asbestos Enforcement: Tennessee Air Pollution Control Board/Civil Penalty Related to Pulaski, Tennessee Facility



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The Tennessee Air Pollution Control Board (“Board”) issued a document titled Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) addressing alleged violations of Tennessee rules related to asbestos.

The Order addresses alleged demolition and/or asbestos renovation activities by the Evergreen Group, Inc. (“Evergreen”) related to a Pulaski, Tennessee facility.

The Tennessee Division of Air Pollution Control (“Division”) is stated to have received from Evergreen a Notice of Demolition and/or Asbestos Renovation (“Notice”). The Notice is stated to have indicated that asbestos removal would start and end on May 28, 2018.

The Division is stated to have conducted an inspection at the Pulaski, Tennessee facility on May 18th and observed that all asbestos containing material had been removed. The inspector is stated to have been told that asbestos removal began on the evening of May 17, 2018.

The inspector and Evergreen’s contractor are stated to have proceeded to the exterior to inspect the asbestos containing waste material (“ACWM”) loaded into the waste transport container (“WTC”). The inspector is stated to have observed two polyethylene bags used for the work area which contained ACWM and were not properly sealed (i.e., open). Further the Order states that the inspector observed 35 bags of ACWM. Two of the bags are stated to have been dry and not adequately wet. Further, it is alleged that the 35 bags of ACWM were not properly labeled.

The Order alleges that Evergreen failed to notify the Technical Secretary of a change in start date. It further alleges that Evergreen failed to keep the ACWM adequately wet.

A civil penalty of \$3,000 is proposed to be assessed.

Evergreen has certain appeal rights as specified in the Order.

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