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Asbestos/NESHAP Enforcement: Alabama Department of Environmental Management Proposed Administrative Order Regarding Demolition Contractor Montgomery County, Alabama Project

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The Alabama Department of Environmental Management (“ADEM”) issued a proposed Administrative Order (“AO”) to Britt Demolition and Recycling, Inc. (“BDRI”) regarding an alleged violation of the Clean Air Act National Emission Standards for Hazardous Air Pollutants (“NESHAP”) related to asbestos-containing material. See AO No: 19-____-AP

BDRI is stated to be a contractor hired to perform the demolition of a structure in Montgomery County, Alabama.

ADEM personnel are stated to have conducted an inspection of the Koch Foods site (“Koch Foods Site”), on July 11, 2018. It is stated to have determined that the building had been demolished without ADEM having received the required notification in violation of ADEM Admin. Code r. 335-3-11-.02(12).

ADEM is stated to have received a response from Koch Foods of Alabama, LLC, to a Notice of Violation that had been issued to the company. The company is stated to have responded by indicating that BDRI was hired to demolish the structure. The company further stated that no formal asbestos inspection had been performed at the structure prior to being demolished.

ADEM proposes to assess a \$3,500 civil penalty to BDRI. Further, BDRI is required to ensure immediate and future compliance with 40 C.F.R. Part 61, Subpart M as adopted in the previously referenced ADEM Administrative Code provision as it applies to renovation and demolition operations.

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