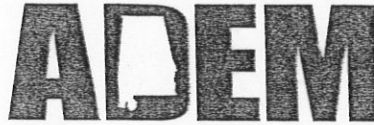


LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

May 18, 2018

CERTIFIED MAIL NO: 91 7199 9991 7034 1853 5538

ROBERTSDALE LIVESTOCK HOLDING COMPANY INC
C/O ERIN B FLEMING
8820 US HIGHWAY 90
DAPHNE AL 36526

Re: Administrative Order No. 18-054-AP

On April 6, 2018, the Department issued ADEM Administrative Order No. 18-054-AP to Robertsdale Livestock Holding Company, Inc. The Administrative Order was returned to the Department as unclaimed on May 4, 2018. Therefore, the Department is attempting to re-issue the enclosed copy of ADEM Administrative Order No. 18-054-AP.

ADEM Administrative Order No. 18-054-AP requires certain actions to be taken regarding violations of the Alabama Air Pollution Control Act. In issuing this Order, the Department took into consideration all available information concerning these violations, including any written response or oral comments submitted on behalf of Robertsdale Livestock Holding Company, Inc. Please note that the assessed civil penalty is due within 45 days.

Please be advised that failure to comply with the terms of this Order can result in penalties of up to \$25,000 per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, § 22-22A-7(c)(1), this Order may be appealed by filing a request for hearing before the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be viewed or downloaded from ADEM's Webpage at <http://www.adem.state.al.us/Regulations/regulations.htm> or may be obtained by submitting a request in writing to the ADEM-Permits & Services Division.

If you have any questions concerning this matter, please contact Don Barron by email at drb@adem.alabama.gov or by phone at (334) 271-7879.

Sincerely,

Donald W. Barron, Chief
Special Services Section
Air Division

DWB/mcn

Enclosure

cc: Tom Johnston, Office of General Counsel

Issued: 04-06-2018

Served: 05-21-2018



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

April 6, 2018

91 7199 9991 7037 0309 1879

CERTIFIED MAIL NO: 91 7199 9991 7037 0309 1879
RETURN RECEIPT REQUESTED

ROBERTSDALE LIVESTOCK HOLDING COMPANY INC
18375 HIGHWAY 104
ROBERTSDALE AL 36567

Re: Administrative Order No. 18-054-AP

Please find enclosed ADEM Administrative Order No. 18-054-AP which requires certain actions to be taken regarding violations of the Alabama Air Pollution Control Act. In issuing this Order, the Department took into consideration all available information concerning these violations, including any written response or oral comments submitted on behalf Robertsdale Livestock Holding Company, Inc. Please note that the assessed civil penalty is due within 45 days.

Please be advised that failure to comply with the terms of this Order can result in penalties of up to \$25,000 per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, § 22-22A-7(c)(1), this Order may be appealed by filing a request for hearing before the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be viewed or downloaded from ADEM's Webpage at <http://www.adem.state.al.us/Regulations/regulations.htm> or may be obtained by submitting a request in writing to the ADEM-Permits & Services Division.

If you have any questions concerning this matter, please contact Don Barron by email at drb@adem.alabama.gov or by phone at (334) 271-7879.

Sincerely,

Ronald W. Gore, Chief
Air Division

RWG/DWB/mcn

Enclosure

cc: Tom Johnston, Office of General Counsel



ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)

Robertsdale Livestock Holding Company, Inc.)

Demolition of Commercial Building)
Robertsdale, Baldwin County, Alabama)

ORDER NO: 18-054-AP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22- 22A-16 (2006 Rplc. Vol.), the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23 (2006 Rplc. Vol.), the Alabama Department of Environmental Management (hereinafter, the “Department” or “ADEM”) Administrative Code of Regulations (hereinafter, “ADEM Admin. Code R.”) promulgated pursuant thereto, and the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended, the Department makes the following FINDINGS:

1. Robertsdale Livestock Holding Company, Inc. (hereinafter, “RLH”), owns the Robertsdale Livestock Arena located at 18206 John Franklin Smart Memorial Highway in Robertsdale, Baldwin County, Alabama (hereinafter, the “Site”).

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.).

3. Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended. In addition, the Department is authorized to administer

and enforce the provisions of the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23 (2006 Rplc. Vol.).

4. The U.S. Environmental Protection Agency's National Emission Standard for Hazardous Air Pollutants (NESHAP), found at 40 C.F.R. Part 61, Subpart M, is incorporated by reference in ADEM Admin. Code r. 335-3-11-.02(12).

5. 40 C.F.R. §61.141 defines Regulated asbestos-containing material (RACM) as (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

6. 40 C.F.R. § 61.145(a) requires that the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility for the presence of asbestos.

7. ADEM Admin Code r. 335-3-11-.02(12) states that all persons who inspect for ACBM in schools or public and commercial buildings must be accredited.

8. 40 C.F.R. § 61.145(a)(1) states that in a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is at least 260 linear feet on pipes, at least 160 square feet on other facility components, or at least 35 cubic feet off facility components where the length or area could not be measured previously.

9. 40 C.F.R. § 61.145(b)(3)(i) requires the owner or operator of a demolition or renovation activity for a subject facility to provide written Notice of Intention to

Demolish or Renovate (hereinafter, "Notice") at least ten workdays before demolition, asbestos stripping or removal work, or any other activity which disturbs the asbestos.

10. 40 C.F.R. § 61.145(c)(1) requires the removal of all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

11. ADEM Admin. Code r. 335-3-11-.05(1) states 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 Department.

12. On June 23, 2017, the Department conducted an inspection of the Site and noted that it had been demolished without the Department having received the required notification, in violation of ADEM. Admin. Code r. 335-3-11-.02(12).

11. On October 16, 2017, the Department issued a Notice of Violation (NOV) to RLH regarding the demolition of the Site.

12. The December 1, 2017 response to the NOV stated that an asbestos inspection was not performed prior to the Site being demolished.

13. Pursuant to Ala. Code § 22-22A-5(18)c., *as amended*, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability

of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION: RLH failed to submit the required notification to the Department and failed to perform, or have performed, the required certified asbestos inspection of the Site before it was demolished. The Department considers these violations to be serious.

B. THE STANDARD OF CARE: There appeared to be no care taken by RLH to comply with the applicable requirements of the ADEM Admin. Code R 335-3-11-.02(12).

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: RLH likely derived economic benefit by not notifying the Department and not performing the required asbestos inspection before demolishing the Site.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: There were no efforts by RLH to mitigate possible effects of these violations upon the environment.

E. HISTORY OF PREVIOUS VIOLATIONS: RLH has no known prior history with the Department for violating demolition/asbestos regulations.

F. THE ABILITY TO PAY: RLH has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., *as amended*, as well as the need for timely and effective enforcement, and has concluded that a civil penalty herein is appropriate (*See* "Attachment A" which is hereby made a part of these Findings).

ORDER

Based upon the foregoing FINDINGS and pursuant to Ala. Code §§22-22A-5(10), 22-22A-5(12), 22-22-5(18), and 22-28-18 (2006 Rplc. Vol.), it is hereby ORDERED:

A. That, not later than forty-five days after the issuance of this Order, RLH shall pay to the Department a civil penalty in the amount of \$6,000.00 for the violations cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be submitted to:

Office of General Counsel
Alabama Department of
Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

B. That, immediately upon receipt of this Order and continuing thereafter, RLH shall ensure immediate and future compliance with 40 C.F.R. Part 61, Subpart M, as adopted in ADEM Admin. Code r. 335-3-11-.02, particularly as it applies to renovation and demolition operations.

C. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

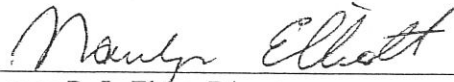
D. Except as otherwise set forth herein, this Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State or local

law, and shall not be construed to waive or relieve RLH of their obligations to comply in the future with any permit or other written direction from the Department.

E. That, issuance of this Administrative Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against RLH for the violations cited herein.

F. That, failure to comply with the provisions of this Administrative Order shall constitute cause for commencement of legal action by the Department against RLH for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 6th day of April, 2018.



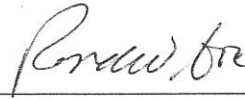
Lance R. LeFleur, Director
Alabama Department of Environmental
Management
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
(334) 271-7700

CERTIFICATE OF SERVICE

I, Ronald W. Gore, do hereby certify that I have served this Administrative Order upon the person(s) listed below by sending the same, postage paid, through the United States Mail **91 7199 9991 7037 0309 1879** with instructions to forward and return receipt, to:

Robertsdale Livestock Holding Company, Inc.
18375 Highway 104
Robertsdale, Alabama 36567

DONE this the 6th day of April, 2018.



Ronald W. Gore
Chief - Air Division
Alabama Department of
Environmental Management

ATTACHMENT A

Robertsdale Livestock Holding Company, Inc.

Demolition of Commercial Building
Robertsdale, Baldwin County

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Failure to notify the Department before demolishing the Site	1	\$1,500	\$1000	\$0	
Failure to have Site inspected by an Alabama certified asbestos inspector	1	\$1,500	\$1000	\$0	Total of Three Factors
TOTAL PER FACTOR		\$3,000	\$2,000	\$0	\$5,000

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	
Ability to Pay (-)	
Other Factors (+/-)	
Total Adjustments (+/-) <i>Enter at Right</i>	\$0

Economic Benefit (+)	\$1,000
Amount of Initial Penalty	\$6,000
Total Adjustments (+/-)	\$0
FINAL PENALTY	\$6,000.00

Footnotes

* See the "Department's Findings" portion of the Order for a detailed description of each violation and the penalty factors.

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Tracking Number: 9171999991703703091879

Remove X

Your item was delivered at 8:43 am on May 2, 2018 in MONTGOMERY, AL 36130.

 **Delivered**

May 2, 2018 at 8:43 am
Delivered
MONTGOMERY, AL 36130

Return Receipt Electronic



Tracking History



May 2, 2018, 8:43 am

Delivered
MONTGOMERY, AL 36130

Your item was delivered at 8:43 am on May 2, 2018 in MONTGOMERY, AL 36130.

May 2, 2018, 5:46 am

Arrived at Unit
MONTGOMERY, AL 36119

May 1, 2018

In Transit to Next Facility

May 1, 2018, 12:11 pm

Arrived at USPS Regional Facility

MONTGOMERY AL DISTRIBUTION CENTER

April 30, 2018, 6:31 am

Departed USPS Regional Facility
JACKSONVILLE FL DISTRIBUTION CENTER

April 30, 2018, 3:43 am

Arrived at USPS Regional Facility
JACKSONVILLE FL DISTRIBUTION CENTER

April 29, 2018

In Transit to Next Facility

April 28, 2018, 3:17 pm

Arrived at USPS Regional Facility
GAINESVILLE FL DISTRIBUTION CENTER

Reminder to Schedule Redelivery of your item

April 11, 2018

In Transit to Next Facility

April 11, 2018, 8:34 am

Available for Pickup
ROBERTSDALE, AL 36567

April 10, 2018, 12:29 pm

Arrived at USPS Regional Facility
MOBILE AL DISTRIBUTION CENTER ANNEX

April 10, 2018, 3:52 am

Departed USPS Regional Facility
MONTGOMERY AL DISTRIBUTION CENTER

April 9, 2018, 10:28 pm

Arrived at USPS Regional Facility
MONTGOMERY AL DISTRIBUTION CENTER

April 9, 2018, 9:13 pm

Accepted at USPS Origin Facility
MONTGOMERY, AL 36104

April 9, 2018

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

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Remove X

Your item was delivered to the front desk or reception area at 4:29 pm on May 21, 2018 in DAPHNE, AL 36526.

✓ Delivered

May 21, 2018 at 4:29 pm
Delivered, Front Desk/Reception
DAPHNE, AL 36526

Get Updates ✓

Text & Email Updates



Tracking History



May 21, 2018, 4:29 pm

Delivered, Front Desk/Reception
DAPHNE, AL 36526

Your item was delivered to the front desk or reception area at 4:29 pm on May 21, 2018 in DAPHNE, AL 36526.

May 21, 2018

In Transit to Next Facility

May 20, 2018, 12:40 am

Departed USPS Regional Facility
MOBILE AL DISTRIBUTION CENTER ANNEX

May 19, 2018, 4:35 pm

Arrived at USPS Regional Facility

MOBILE AL DISTRIBUTION CENTER ANNEX

May 19, 2018, 12:02 pm

Departed USPS Regional Facility

MONTGOMERY AL DISTRIBUTION CENTER

May 18, 2018, 8:23 pm

Arrived at USPS Regional Facility

MONTGOMERY AL DISTRIBUTION CENTER

Product Information



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