



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

October 3, 2024

**CERTIFIED MAIL NO: 9489 0090 0027 6308 3034 43**

RJ DEMOLITION AND DESIGN  
JULIAN SMITH  
1868 MOUNT MEIGS ROAD  
MONTGOMERY ALABAMA 36105

**RE: PROPOSED ADMINISTRATIVE ORDER**  
RJ Demolition and Design  
Montgomery County

Dear Mr. Smith:

Enclosed please find a proposed Administrative Order which would require you to take certain actions with regard to the alleged violations of applicable environmental laws and regulations. This Order is not final, and we will provide you with an opportunity to present evidence and show cause why this Order should not be made final.

If you wish to respond to the allegations contained in the proposed Order, please provide a written response within **seven (7) days** from the receipt of this letter. Your response should be sent to the undersigned at the above Montgomery address.

In drafting your response, please direct your attention to each of the Findings of Fact in the proposed Order and provide any facts or arguments which you believe are relevant to the alleged violations. Also, provide any additional facts which you believe may mitigate the effect of the violations, or explain why the violations occurred.

In addition, if you would like to have an informal conference with our staff concerning the proposed Order, please do not hesitate to contact us no later than **seven (7) days** from the receipt of this letter, to arrange a conference. You need not request an informal conference if you do not desire to or you feel you have nothing to add to a written response. If you do not request a conference, we will base our final action upon the evidence we have before us, including your written response.

Should an informal conference be requested, you must provide a reply which states who will attend the meeting, their specific concerns, and subjects to be addressed, in writing **five (5) days** prior to the scheduled meeting. Of course, you have the right to be represented by legal counsel in any proceedings by the Department.

If we do not receive a written response from you within **seven (7) days** of the receipt of this letter, the Department will make its final decision based upon the information it currently has before it, require the remedial action currently proposed, and will issue the Order.



**Birmingham Office**  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

**Decatur Office**  
2715 Sandlin Road, S.W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)

**Coastal Office**  
1615 South Broad Street  
Mobile, AL 36605  
(251) 450-3400  
(251) 479-2593 (FAX)

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Should you have any questions concerning this matter, please telephone Mr. Don Barron, Chief of the Special Services Section of the Air Division, at 334-271-7879.

Sincerely,



Ronald W. Gore, Chief  
Air Division

RWG/DWB/CPB

Enclosure: Proposed Administrative Order

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: )
)
RJ Demolition and Design ) PROPOSED
Montgomery, Montgomery County, Alabama ) ADMINISTRATIVE
) ORDER NO: 24-XXX-AP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22- 22A-17, as amended, the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23, as amended, the Alabama Department of Environmental Management (“Department” or “ADEM”) Administrative Code of Regulations (“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. RJ Demolition and Design (RJ) is a demolition contractor and is responsible for the demolition of the structure located at 3378 Norman Bridge Road in Montgomery, Montgomery 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-17, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), as amended, 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, *as amended*.

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. § 61.145(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.

6. On July 31, 2024, the Department received a complaint of demolition without notification of the Site. On August 2, 2024, Department personnel conducted an inspection at the Site and confirmed the commercial structure was demolished and all waste had been removed from the Site.

7. On August 5, 2024, the Department issued a Notice of Violation (NOV) to RJ based on the inspection conducted.

8. On September 16, 2024, the Department received a response to the NOV from RJ confirming the demolition of the structure from July 26, 2024 through August 3, 2024.

9. 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: RJ failed to submit the required 10-day notification to the Department prior to demolishing the building. The Department considers this violation to be serious.

B. THE STANDARD OF CARE: There appeared to be no standard of care taken by RJ to comply with the applicable requirements of the ADEM Admin. Code.

C. NO ECONOMIC BENEFIT: The Department is unable to determine if there was any economic benefit gained by RJ as a result of the violation referenced herein.

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

E. HISTORY OF PREVIOUS VIOLATIONS: RJ has prior history with the Department for violating demolition regulations. The Department issued a Warning Letter on February 5, 2024 for demolition of regulated structures without notification and received no response.

F. THE ABILITY TO PAY: RJ 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, *as amended*, it is hereby ORDERED:

A. That, not later than forty-five days after the issuance of this Order, RJ shall pay to the Department a civil penalty in the amount of \$3,000.00 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, RJ shall ensure immediate and future compliance with ADEM Admin. Code r. 335-3-3-.01 and the AAPCA.

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 RJ 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 RJ 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 RJ for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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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 Proposed Administrative Order upon the person(s) listed below by sending the same, postage paid, through the United States Mail **9489 0090 0027 6308 3034 43** with instructions to forward and return receipt, to:

RJ Demolition and Design  
1868 Mount Meigs Road  
Montgomery, AL 36105

DONE this 3<sup>rd</sup> day of October, 2024.



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



# ATTACHMENT A

## RJ Demolition and Design Montgomery, Montgomery County, AL

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	\$1,000	\$500	
					<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		<b>\$1,500</b>	<b>\$1,000</b>	<b>\$500</b>	<b>\$3,000</b>

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

Economic Benefit (+)	\$0
Amount of Initial Penalty	\$3,000
Total Adjustments (+/-)	\$0
<b>FINAL PENALTY</b>	<b>\$3,000.00</b>

Footnotes

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