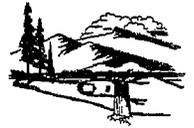




Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

July 7, 2006

Mr. Brian Barnett
Western Region Construction, LLC.
P.O. Box 813
Eden, UT 84310

RE: Notice of Violation

Dear Mr. Barnett:

Enclosed you will find a Notice of Violation (NOV) issued to Western Region Construction by the Department of Environmental Quality for failure to provide accurate written notification of a demolition/renovation project to the Administrator and the failure to properly handle and dispose of asbestos-containing material as required by Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with asbestos requirements to be a serious matter, I am considering recommending that the Department refer this violation to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties.

If you would like to discuss settlement of this issue prior to referral to the Attorney General's office, please contact Mr. Robert Gill, Air Quality Compliance Program Manager at (307) 777-3774 no later than ten (10) working days after receipt of this letter.

If you should have any further questions or comments concerning this matter, please feel free to contact me or Mr. Robert Gill.

Sincerely,

David A. Finley
Administrator
Air Quality Division

cc: Mr. Tony Wagner
Ms. Nancy Vehr

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deg.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7368
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO WESTERN REGION)
CONSTRUCTION, LLC., P.O. BOX 813)
EDEN, UTAH 84310)**

DOCKET NO. 3917-06

NOTICE OF VIOLATION

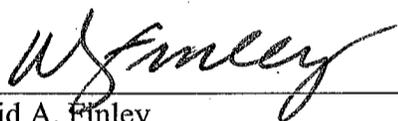
NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality has found Western Region Construction (Western) to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations as a result of the demolition of the Mancamp located at 1960 Sunset Drive, Rock Springs, Wyoming.
2. W.S. 35-11-201 of the Wyoming Environmental Quality Act states, "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council.
3. Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations establishes asbestos emission standards for demolition, renovation, manufacturing, spraying and fabricating that apply to owners and operators of facilities where asbestos renovation/demolition activities are taking place.
4. On June 1, 2006, Mr. Robert Rodriguez, Asbestos Program Inspector, received an anonymous complaint concerning the demolition of the Mancamp located in Rock Springs, Wyoming. Upon reviewing the notifications for demolitions in Wyoming it was determined that no notification had been submitted to the Air Quality Program prior to demolition of the building. On June 5, 2006, Mr. Tony Wagner, Asbestos Program Manager, and Mr. Rodriguez traveled to Rock Springs to conduct an inspection of the project. While en-route to the inspection it was found that an asbestos inspection had been conducted on the property but removal of the asbestos-containing materials had not taken place. The report revealed the building contained approximately 11,330 square feet, and 200 linear feet of asbestos-containing material. Asbestos content of these materials ranged from two to fifteen percent asbestos.
5. Chapter 3, Section 8(i)(ii) of the Wyoming Air Quality Standards and Regulations states, "Each owner or operator of a demolition or renovation activity to which this section applies shall: (A) provide the Administrator with written notice of the intention to demolish or renovate." Further requirements in Chapter 3, Section 8(i)(ii) require the notification at least ten working days prior to the start date. Based on a review of the Air Quality Division's records, Western failed to submit notification of this project to the Air Quality Division.
6. Chapter 3, Section 8(i)(iii) of the Wyoming Air Quality Standards and Regulations states, "Remove all regulated asbestos-containing material (RACM) from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material..." On June 5, 2006, during Mr. Wagner and Mr. Rodriguez's inspection of the demolition project at 1960 Sunset Drive in Rock Springs, Wyoming, they did find friable, and category I nonfriable asbestos-containing material that had become friable during the

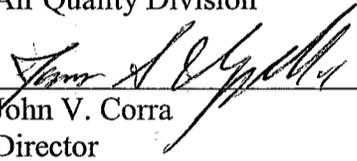
demolition. Both friable and category I non-friable asbestos-containing material that has become friable are regulated asbestos-containing materials.

7. Chapter 3, Section 8(m)(i)(A)(III) of the Wyoming Air Quality Standards and Regulations states, "After wetting, seal all asbestos-containing materials in leak-tight containers while wet..." During the inspection on June 5, 2006, Mr. Wagner and Mr. Rodriguez determined that the asbestos-containing waste material was not adequately wet, and was not placed in leak tight containers.
8. Said violations consist of: 1) the failure to provide prior written notification of a demolition/renovation project to the Administrator as required by Chapter 3, Section 8(i)(iii) of the Wyoming Air Quality Standards and Regulations: 2) the failure to remove all RACM from the facility being demolished in violation of Chapter 3, Section 8(i)(iii) of the Wyoming Air Quality Standards and Regulations: 3) the failure to adequately wet the RACM, and place the RACM in leak tight containers in preparation for disposal in violation of Chapter 3, Section 8(m)(i)(A)(III) of the Wyoming Air Quality Standards and Regulations.
9. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental Quality Act)... is subject to a penalty not to exceed ten thousand dollars for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.
10. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Dated this 17 day of July, 2006.

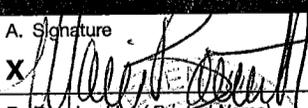


 David A. Finley
 Administrator
 Air Quality Division



 John V. Corra
 Director
 Department of Environmental Quality

Please direct all inquiries to David A. Finley, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><input checked="" type="checkbox"/> </p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Mr. Brian Barnett Western Region Const. LLC PO Box 813 Eden UT 84310</p> </div>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. Article Number (Transfer from service label) 7005 1820 0005 1462 2832