

Keith Auld



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

April 30, 2007

Mr. Randy Warnke
Interstate Insulation, Inc.
1133 Victoria
Sheridan, Wyoming 82801

RE: Notice of Violation

Dear Mr. Warnke:

Enclosed you will find a Notice of Violation (NOV) issued to Interstate Insulation, Inc. by the Department of Environmental Quality for failure to adequately wet asbestos-containing material prior to disturbance and for 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. Tony Wagner, Air Quality Asbestos Program Manager at (307) 777-7394 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. Tony Wagner.

Sincerely,


David A. Finley
Administrator
Air Quality Division

cc: Mr. Tony Wagner
Ms. Nancy Vehr
Mr. Robert Gill

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

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	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
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**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO INTERSTATE
INSULATION, INC., 1133 VICTORIA
SHERIDAN, WYOMING 82801**

DOCKET NO. 4066-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality has found Interstate Insulation, Inc. (Interstate) 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 renovation of the former Buffalo High School (School) located at 326 South Burrit Street, Buffalo, 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 January 23, 2007, Mr. Robert Rodriguez, Asbestos Inspector, conducted inspections of the planned abatement of the School. During Mr. Rodriguez's first inspection of the abatement it was discovered that a disturbance of asbestos-containing floor tile had occurred without the use of any wetting agents, and was not immediately sealed in leak tight containers for transport to an approved asbestos disposal site. Mr. Rodriguez classified the floor tile as regulated asbestos-containing material based on a visual observation of the condition of the tiles. On February 14, 2007, Mr. Tony Wagner, Asbestos Program Manager, and Mr. Rodriguez conducted an inspection of the School abatement. During this inspection Randy Warnke, owner, admitted regulated asbestos-containing material was being removed from containment prior to being properly sealed in leak tight containers. This removal of RACM prior to sealing caused a visual release of material contained within the burlap bags used for initial containment of the material. These burlap bags were removed from containment and hauled out of the building prior to being placed in leak tight containers.
5. Chapter 3, Section 8 (i)(i)(D) of the Wyoming Air Quality Standards and Regulations states, "In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraphs (i)(ii) and (i)(iii) apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is: (I) At least 80 linear meters(260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, ...". The abatement taking place at the School involved removal of approximately 22,300 square feet of asbestos-containing material.
6. Chapter 3, Section 8 (i)(iii)(A) of the Wyoming Air Quality Standards and Regulations states, "Remove 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." Chapter 3, Section 8 (i)(iii)(C) of the Wyoming Air Quality Standards and Regulations states, "When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation." Based on observations made by Mr. Rodriguez, dry disturbance of asbestos-containing floor tile took place prior to his inspection on January 23, 2007. The nature of the disturbance caused the previously Category I non-friable material to become regulated.

7. Chapter 3, Section 8 (i)(iii)(F) of the Wyoming Air Quality Standards and Regulations states, "For all RACM, including material that has been removed or stripped: (I) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with paragraph (m)....". The materials disturbed prior to Mr. Rodriguez's January 23, 2007 inspection were not wetted prior to disturbance and were not kept adequately wet until packaged for disposal.
8. Chapter 3, Section 8 (m) of the Wyoming Air Quality Standards and Regulations states, "Standard for waste disposal for non-facilities, manufacturing, demolition, renovation, spraying, and fabricating. Each owner or operator of any source covered under the provisions of paragraphs (g), (h), (i), (j), or (k) shall meet the requirements of the Solid Waste Division of the Wyoming Department of Environmental Quality or, at a minimum, the requirements of the following: (i) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source,..". During the inspection on February 14, 2007, Randy Warnke, Interstate Insulation, Inc., admitted to removing asbestos-containing materials from containment, and hauling them outside prior to sealing them in leak tight containers. The removal of the asbestos-containing materials from containment prior to sealing them in leak tight containers caused a release of materials from the burlap bags used as initial containment of the materials.
9. Said violations consist of: 1) removal or disturbance of RACM prior to adequately wetting the material: 2) causing visual emissions as a result of not sealing the RACM in leak tight containers prior to moving them to the outside of the building in violation of Chapter 3, Section 8 (i), and (m) of the Wyoming Air Quality Standards and Regulations.
10. 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.
11. 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 8 day of May, 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)