



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

September 12, 2008

Mr. Pete Peterson
Owner
Recycled Material, LLC
11067 Goose Creek Road
Casper, WY 82602

RE: Notice of Violation

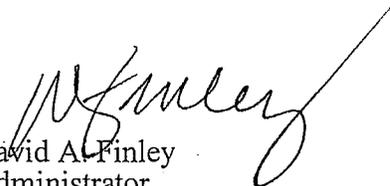
Dear Mr. Peterson:

Enclosed is a Notice of Violation issued to Recycled Material, LLC by the Department of Environmental Quality for the failure to: 1) inspect the facility for asbestos containing materials prior to the start of renovation, 2) provide prior written notification of a demolition/renovation project to the Administrator, 3) remove all Regulated Asbestos-Containing Material (RACM) from the facility being demolished, 4) adequately wet the RACM, and 5) place the RACM in leak tight containers in preparation for disposal; all violations of 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 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 Notice of Violation prior to referral to the Attorney General's office, please contact Ms. Karen Godman, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me or Ms. Karen Godman.

Sincerely,


David A. Finley
Administrator
Air Quality Division

cc: Bob Gill, Nancy Vehr, Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO RECYCLED MATERIAL, LLC.,)
MR. PETE PETERSON, OWNER) **DOCKET NO. 4362-08**
11067 GOOSE CREEK ROAD)
CASPER, WYOMING 82602)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found Recycled Material, LLC 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 Coliseum Motors Building located at 5th and Walcott, Casper, 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 July 31, 2008, Mr. Robert Rodriguez, Asbestos Program Inspector, conducted a complaint investigation of the renovation at the Coliseum Motors Building located in Casper, Wyoming. Upon review of notifications submitted for demolitions in Wyoming, it was determined that no notification had been submitted to the Air Quality Program prior to renovation of the building. Mr. Rodriguez found that an inspection of the building had not been conducted prior to the start of renovation. During Mr. Rodriguez's inspection several samples of suspect material were taken and submitted for analysis. Sample results of suspect materials were positive for asbestos fibers with percentages ranging from 5%-30% chrysotile asbestos. The disturbed suspect materials included floor tile, mastic, pipe insulation, drywall mud, and ceiling texture. The workers conducting the renovation were not trained to properly remove asbestos materials, and no attempt was made to prevent visible emissions from the asbestos-containing material. Wetting was not done to prevent fiber release and the materials were not being properly packaged for disposal.
- 5) Chapter 3, Section 8(i)(i) of the Wyoming Air Quality Standards and Regulations states, "To determine which requirements of paragraphs (i)(i), (i)(ii), and (i)(iii) apply to 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 or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II non friable ACM." Based on information provided an inspection for asbestos-containing materials was not conducted prior to the start of renovation.
- 6) 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, Recycled Materials, LLC. failed to submit notification of this project to the Air Quality Division.

7) 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...." During the Air Quality Division's inspection friable asbestos-containing materials were found in various areas around the renovation site. This material was not being properly removed in accordance with this Standard and Regulation.

8) Chapter 3, Section 8(i)(iii)(F)(I) of the Wyoming Air Quality Standards and Regulations states, "Adequately wet the [regulated asbestos-containing] material and ensure that it remains wet until collected and contained or treated in preparation for disposal ..." During his inspection on July 31, 2008, Mr. Rodriguez determined that asbestos-containing material was removed while dry and was not kept wet until collected and contained for disposal.

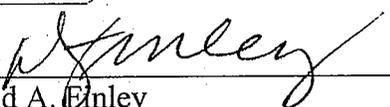
9) Chapter 3, Section 8(m)(i)(A)(III) of the Wyoming Air Quality Standards and Regulations states, "After wetting, seal all asbestos-containing materials in leak-tight containers while wet...." The materials associated with this renovation were not wetted and were not sealed in leak tight containers in preparation for disposal.

10) Said violations consist of: 1) failure to inspect the facility for asbestos containing materials prior to the start of renovation in violation of Chapter 3, Section 8(i)(i) of the Wyoming Air Quality Standards and Regulations, 2) 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, 3) 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, 4) the failure to adequately wet the RACM in violation of Chapter 3, Section 8(i)(iii)(F)(I) of the Wyoming Air Quality Standards and Regulations, and 5) the failure to 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.

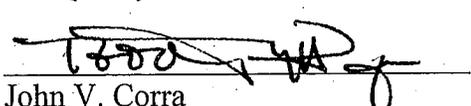
11) Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental 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.

12) 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 15 day of September, 2008.



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)