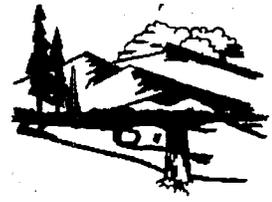




Department of Environmental Quality



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 28, 2009

Mr. James Beierle
Bighorn Contractors, Inc.
1671 CR 150
Burns, WY 82053

RE: Notice of Violation

Dear Mr. Beierle:

Enclosed you will find a Notice of Violation (NOV) issued to Bighorn Contractors, Inc. by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) list all materials to be removed on the asbestos renovation/demolition notification, 2) supply the training certificate for an employee conducting work upon request, 3) label bags of waste material and 4) placard vehicles used for loading/unloading and transporting of waste material

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 Ms. Karen Godman, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) working days after receipt of this letter.

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

Sincerely,


David A. Finley
Administrator
Air Quality Division

cc: Mr. Robert Gill
Ms. Linda Dewitt
Mr. Glenn Spangler
Ms. Nancy Vehr
Mr. Keith Guille

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 MR. JAMES BEIERLE
BIGHORN CONTRACTORS, INC
1671 CR 150, BURNS, WY 82053**

)
) **DOCKET NO. 4492-09**
)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality has found Bighorn Contractors, Inc. 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 building located at 2010 Warren Avenue in Cheyenne, 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 February 6, 2009, Ms. Linda Dewitt, Air Quality Asbestos Coordinator, conducted an inspection of the demolition of the building at 2010 Warren Avenue in response to a notification received by the Air Quality Division. During the inspection, Ms. Dewitt observed violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

5. Chapter 3, Section 8(I)(ii)(D)(VI) of the Wyoming Air Quality Standards and Regulations states, "Estimate the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components. Also estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition." Ms. Dewitt observed that the asbestos renovation/demolition notification included piping but did not include a boiler which was also to be abated.

6. Chapter 3, Section 8(I)(iii)(H) of the Wyoming Air Quality Standards and Regulations states in part, "...No RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless the individuals supervising and performing the operation have been trained in the provisions of this regulation and the means of complying with them. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site." During this inspection, Ms. Dewitt requested training certificates for employees conducting work. A training certificate for one employee was not available.

7. Chapter 3, Section 8(M)(i)(A)(V) of the Wyoming Air Quality Standards and Regulations states, "For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated." Ms. Dewitt observed unlabeled bags of waste material that appeared to be damp.

8. Chapter 3, Section 8 (M)(iii) of the Wyoming Air Quality Standards and Regulations states in part, "Mark vehicles used to transport asbestos-containing waste material during loading and unloading of waste so that signs are visible..." Ms. Dewitt asked about placarding of the waste

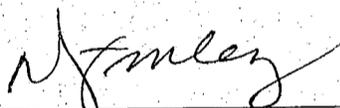
trailer during loading and unloading and was told that this was not done.

9. Said violations consist of the failure to: 1) list all materials to be removed on the asbestos renovation/demolition notification, 2) supply the training certificate for an employee conducting work upon request, 3) label bags of waste material and 4) placard vehicles used for loading/unloading and transporting of waste material. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

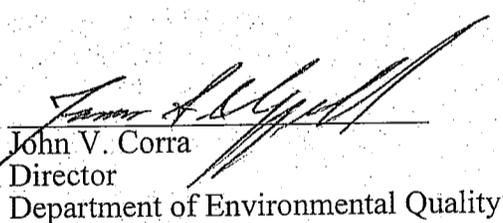
10. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) 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 8th day of May, 2009



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 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)