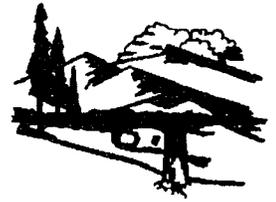




Department of Environmental Quality



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 28, 2009

Mr. Frank Barrows, Facilities Engineering Manager
University of Wyoming
1000 E. University Avenue
Laramie, WY 82071

RE: Notice of Violation

Dear Mr. Barrows:

Enclosed you will find a Notice of Violation (NOV) issued to the University of Wyoming by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) conduct an asbestos inspection prior to commencement of demolition, 2) provide notification of demolition prior to demolition, 3) remove Regulated Asbestos Containing Material (RACM) prior to any activity that would break up, dislodge, or similarly disturb the material from the facility to be demolished, 4) use trained personnel to remove RACM, 5) adequately wet the RACM and 6) to place the RACM in leak tight containers in preparation for disposal. These violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations were observed at demolition activities of the Bureau of Mines Buildings located in Laramie, Wyoming.

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
Ms. Nancy Vehr
Mr. Keith Guille



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

**IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO UNIVERSITY OF WYOMING,) DOCKET NO. 4574-09
1000 E. UNIVERSITY AVENUES ,)
LARAMIE, WYOMING 82071)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality has found the University of Wyoming 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 Bureau of Mines Buildings, located in Laramie, 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 23, 2009, Mr. Robert Rodriguez, Asbestos Program Inspector, received a phone call from the University concerning the demolition of the Bureau of Mines Buildings which had been started by University personnel. The University environmental employee immediately stopped the demolition, viewed the site, took photographs, collected samples of suspect materials and contacted Mr. Rodriguez. A Notification of Demolition was filed from the University's onsite asbestos contractor and an emergency request was made and granted to immediately begin cleanup work of disturbed suspect materials that were scattered all over the outside of the building where the public could be exposed. On June 24, 2009, Mr. Robert Rodriguez conducted an inspection of the site and collected photographs, sample results and a plot plan of the area provided by the University. During the inspection and subsequent review of information, it was determined that the University failed to: 1) conduct an asbestos inspection prior to commencement of demolition, 2) provide notification of demolition prior to demolition, 3) remove Regulated Asbestos Containing Material (RACM) prior to any activity that would break up, dislodge, or similarly disturb the material from the facility to be demolished, 4) use trained personnel to remove RACM, 5) adequately wet the RACM and 6) to place the RACM in leak tight containers in preparation 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 the presence of asbestos was not conducted on this facility.

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, notification was not provided prior to the demolition of these facilities.
7. Chapter 3, Section 8(i)(iii)(A) 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 demolition site. This material was not being properly removed in accordance with Wyoming Air Quality Standards and Regulations.
8. Chapter 3, Section 8 (i)(iii)(H) 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..." Personnel that removed RACM had not been trained.
9. 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 June 24, 2009, Mr. Rodriguez determined that asbestos-containing material was removed while dry and was not kept wet until collected and contained for disposal.
10. 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 demolition were not wetted and were not sealed in leak tight containers in preparation for disposal.
11. Said violations consist of the failure to: 1) conduct an asbestos inspection prior to commencement of demolition as required by Chapter 3, Section 8 (i)(i), 2) provide notification of demolition to the Administrator prior to demolition as required by Chapter 3, Section 8(i)(ii), 3) remove Regulated Asbestos Containing Material (RACM) prior to any activity that would break up, dislodge, or similarly disturb the material from the facility to be demolished as required by Chapter 3, Section 8(i)(iii), 4) use trained personnel to remove RACM as required by Chapter 3, Section 8 (i)(iii)(H), 5) adequately wet the RACM as required by Chapter 3, Section 8(i)(iii)(F)(I) and 6) to place the RACM in leak tight containers in preparation for disposal as required by Chapter 3, Section 8(m)(i)(A)(III) of the Wyoming Air Quality Standards and Regulations.
12. 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.
13. 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 6 day of OCT., 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 West 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)