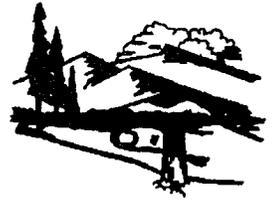




Department of Environmental Quality



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

February 10, 2010

Lieutenant Colonel Michael Geer
90th Civil Engineer Squadron Commander
5305 Randall Avenue
FE Warren Air Force Base, WY 82005-2266

RE: Notice of Violation

Dear Lieutenant Colonel Geer,

Enclosed you will find a Notice of Violation (NOV) issued to the FE Warren Air Force Base by the Department of Environmental Quality, Air Quality Division, for the failure to comply with W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations in the renovation of Building 336 located at FE Warren Air Force Base in Cheyenne, 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) days after receipt of this letter.

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

Sincerely,

David A. Finley
Administrator
Air Quality Division

cc: Glenn Spangler
Linda Dewitt
Nancy Vehr
Bob Gill
Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO FE WARREN AIR FORCE BASE,) **DOCKET NO. 4639-10**
LIEUTENANT COLONEL MICHAEL GEER,)
90th CIVIL ENGINEER SQUADRON COMMANDER,)
5305 RANDALL AVENUE,)
FE WARREN AFB, WYOMING 82005-2266)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found the FE Warren Air Force Base 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 Building 336 located at FE Warren Air Force Base 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 renovation/demolition activities are taking place.
- 4) On November 19, 2010, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted an inspection of a renovation at Building 336 located at FE Warren Air Force Base in Cheyenne, Wyoming. While conducting the inspection, Ms. Dewitt noted a damaged pipe elbow covered in suspect material in the corner of a room. Ms. Dewitt also noted pipe gasketing material which was suspect for asbestos located outside of the mechanical room. Specification documents were collected and reviewed and found to contain a statement that all asbestos had been removed from this mechanical room in 2006. Approval was granted to collect and analyze samples of suspect materials as this had not been conducted. Sample results for suspect material showed positive results for asbestos, the gasketing material returned at 70% chrysotile asbestos and pipe insulation at 7% chrysotile asbestos. These results affirm the violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.
- 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 the investigation conducted by Ms. Dewitt, a thorough inspection had not been conducted at the site prior to the renovation.

6) Said violation consists of failing to thoroughly inspect the facility for asbestos prior to renovation as required by Chapter 3, Section 8 (i)(i) of the Wyoming Air Quality Standards and Regulations.

7) 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.

8) 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 23rd day of February, 2010.



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)