



# 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

Mr. Rob Forister, Facilities Manager  
Sheridan Memorial Hospital  
1401 W 5<sup>th</sup> Street,  
Sheridan, WY 82801

RE: Notice of Violation

Dear Mr. Forister,

Enclosed you will find a Notice of Violation (NOV) issued to the Sheridan Memorial Hospital 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 the pharmacy area located at Sheridan Memorial Hospital in Sheridan, 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: Tanner Shatto  
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 SHERIDAN MEMORIAL HOSPITAL,** ) **DOCKET NO. 4638-10**  
**MR. ROB FORISTER, FACILITIES SERVICE MANAGER** )  
**1401 W 5<sup>TH</sup> STREET,** )  
**SHERIDAN, WYOMING 82801** )

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

- 1) The Department of Environmental Quality, Division of Air Quality has found the Sheridan Memorial Hospital 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 pharmacy area located at Sheridan Memorial Hospital in Sheridan, 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 December 15, 2009, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted an inspection of an abatement project in the pharmacy area located at Sheridan Memorial Hospital in Sheridan, Wyoming. While conducting the inspection, Ms. Dewitt became aware that the renovation activity was initially started by a construction company hired to update the pharmacy area by adding an air handler to create a sterile room. This work had been started and subsequently stopped when the construction company removed a wall and saw insulated pipe which was suspect for asbestos. An inspection was then conducted and found pipe insulation to contain approximately 64% chrysotile asbestos and 20% amosite asbestos and vinyl flooring material to contain 4% chrysotile asbestos. No notification had been submitted and no asbestos inspection had been performed prior to the start of this renovation work. 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, an inspection had not been conducted at the site prior to the 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, notification was not provided prior to the renovation of this facility.

7) Said violations consist of failing to: 1) thoroughly inspect the facility prior to renovation as required by Chapter 3, Section 8 (i)(i) and 2) provide prior written notification of a demolition/renovation project to the Administrator as required by Chapter 3, Section 8(i)(ii) of the Wyoming Air Quality Standards and Regulations.

8) 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.

9) 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 23<sup>rd</sup> day of February, 2010.

  
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David A. Finley  
Administrator  
Air Quality Division

  
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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, 2<sup>nd</sup> Floor, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)