



# 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 19, 2010

Mr. Dan Smith,  
1966 Wyoming Avenue  
Laramie, WY 82070

RE: Notice of Violation

Dear Mr. Smith,

Enclosed you will find a Notice of Violation (NOV) issued to you by the Department of Environmental Quality, Air Quality Division, for the failure to comply with Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations in the demolition of the WRI Buildings 6, 8 and 9 located at the University of Wyoming, 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) 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 SWpangler  
Linda Dewitt  
Nancy Vehr  
Bob Gill  
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. DAN SMITH,** ) **DOCKET NO. 4651-10**  
**1966 WYOMING AVENUE,** )  
**LARAMIE, WYOMING 82070** )

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1) The Department of Environmental Quality, Division of Air Quality has found Mr. Dan Smith to be in violation of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations as a result of the demolition of the WRI Buildings 6, 8 & 9 located at the University of Wyoming, Laramie, Wyoming.

2) 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.

3) 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 Mr. Smith purchased and demolished WRI Buildings 6, 8 and 9. It has been found that Mr. Smith failed to conduct an asbestos inspection prior to commencement of demolition. This is a violation of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

4) 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 inspection and information provided, a thorough inspection for asbestos had not been conducted for WRI Buildings 6, 8 and 9 prior to the demolition.

5) Said violation consists of failing to thoroughly inspect the facilities prior to renovation as required by Chapter 3, Section 8 (i)(i).

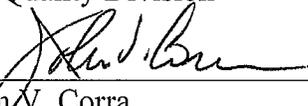
6) Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental Quality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

7) 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 25 day of FEB, 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)