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. Mason Skiles,
Skiles & Associates, LLC
502 South 4th Street
Laramie, WY 82070

RE: Notice of Violation

Dear Mr. Skiles,

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 3 & 4 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

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OFVIOLATION	)
ISSUED TO MR. MASON SKILES,	) **DOCKET NO.** 4649-10
502 SOUTH 4TH STREET,	)
LARAMIE, WYOMING 82070	)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found Mr. Mason Skiles 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 3 & 4 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. Mason Skiles purchased and demolished WRI Buildings 3 & 4. It has been found that Mr. Skiles failed to: 1) conduct an asbestos inspection prior to commencement of demolition and 2) provide notification of demolition prior to demolition of these buildings. These are violations 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 investigation and information provided by Mr. Mason Skiles, a thorough inspection for asbestos had not been conducted for WRI Buildings 3 & 4 prior to the demolition.

5) 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 WRI Buildings 3 & 4.

6) 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.

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 25 day of FEB, 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 Environemntal Quality, Herschler Building, 2nd Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)