



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

November 3, 2010

Mr. Shawn O'Dell
Owner,
O'Dell Construction, Inc.
806 Avoca Avenue,
Sheridan, WY 82801

RE: Notice of Violation

Dear Mr. O'Dell,

Enclosed you will find a Notice of Violation (NOV) issued to O'Dell Construction, Inc. 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 renovation of the Wyoming Retirement Center located at 890 US HWY 20 S, Basin, 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,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Tanner Shatto, Linda Dewitt, Nancy Vehr, Bob Gill, Keith Guille

State of Wyoming Administration & Information Department
Rich Cathcart, Administrator
700 W. 21st Street,
Cheyenne, WY 82002

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 O'DELL CONSTRUCTION, INC.) DOCKET NO. 4761-10
MR. SHAWN O'DELL, OWNER)
806 AVOCA AVENUE,)
SHERIDAN, WYOMING 82801)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found O'Dell Construction, Inc. to be in violation of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations as a result of the renovation of the Wyoming Retirement Center located at 890 US HWY 20 S, Basin, 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 April 28, 2010, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted an inspection of the renovation of the Wyoming Retirement Center located at 890 US HWY 20 S, Basin, Wyoming. While conducting the inspection, Ms. Dewitt determined that the renovation included the installation of new roofing, mechanical changes, electrical system upgrades, ceiling tile, door and window replacement. These materials would be suspect for containing asbestos.

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 conducted by Ms. Dewitt, an inspection had not been conducted at the site prior to the renovation.

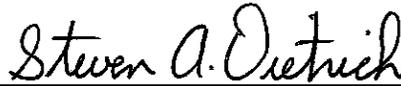
5) Chapter 3, Section 8(i)(ii) of the Wyoming Air Quality Standards and Regulations states, "Each owner or operator of a demolition or renovation activity to which this section applies shall: (A) provide the Administrator with written notice of intention to demolish or renovate." Further requirements in Chapter 3, Section 8(i)(ii) require the notification to be provided to the Division 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.

6) Said violations consist of failing to: 1) thoroughly inspect the facility prior to renovation and 2) provide prior written notification of a demolition/renovation project to the Administrator. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

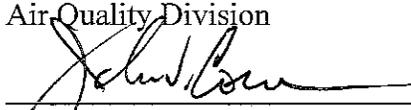
7) Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental Quality 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 5th day of NOVEMBER, 2010.



Steven A. Dietrich
Administrator
Air Quality Division



John V. Corra
Director
Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)