Dave Freudenthal, Governor

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

John Corra, Director

September 20, 2010

Ms. Megan Graybill
Fresh Air Environmental Solutions, Inc.
367 W 1600 S
Salt Lake City, UT 84115

RE: Notice of Violation

Dear Ms. Graybill:

Enclosed you will find a Notice of Violation (NOV) issued to Fresh Air Environmental Solutions, Inc. by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) adequately wet RACM during stripping operations, 2) label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated and 3) placard vehicles used for loading/unloading and transporting of waste material. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

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) working days after receipt of this letter.

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

Sincerely,

Steven A. Dietrich

Steven A. Dietrich
Administrator
Air Quality Division

cc: Mr. Robert Gill
Ms. Linda Dewitt
Mr. Chris Hanify
Ms. Nancy Vehr
Mr. Keith Guille

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO MEGAN GRAYBILL,	)	**DOCKET NO. 4740-10**
FRESH AIR ENVIRONMENTAL SOLUTIONS, INC	)	
367 W 1600 S, SALT LAKE CITY, UT 84115	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality has found Fresh Air Environmental Solutions, Inc. 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 Rock Springs High School located at 1375 James Drive, in Rock Springs, 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 asbestos renovation/demolition activities are taking place.

4. On June 9, 2010, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted an inspection of the renovation of the Rock Springs High School in response to a notification received by the Air Quality Division. During the inspection, Ms. Dewitt observed violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

5. Chapter 3, Section 8(i)(iii)(C) of the Wyoming Air Quality Standards and Regulations states, "When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation." Ms. Dewitt observed that the asbestos floor tile and stair treads being removed were not wet or even damp inside the work area or inside the waste bags.

6. Chapter 3, Section 8(M)(i)(A)(V) of the Wyoming Air Quality Standards and Regulations states, "For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated." Ms. Dewitt observed unlabeled bags of waste material prepared for transport.

7. Chapter 3, Section 8 (M)(iii) of the Wyoming Air Quality Standards and Regulations states in part, "Mark vehicles used to transport asbestos-containing waste material during loading and unloading of waste so that signs are visible..." Ms. Dewitt noted there were no signs posted on the waste dumpster during loading and unloading.

8. Said violations consist of the failure to: 1)adequately wet RACM during stripping operations, 2) label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated and 3) placard vehicles used for loading/unloading and transporting of waste material. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

9. 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 provisions, 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

($10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

10. 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 20th day of SEPTEMBER, 2010

Steven A. Dietrich
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 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)