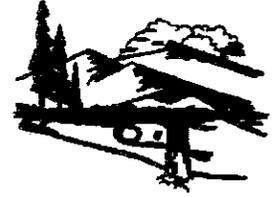




Department of Environmental Quality



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

October 18 2010

Mr. Rodney Rodrick
Chairman of the Board of Directors,
College Heights Baptist Church
1927 S Walnut Street,
Casper, WY 82601

RE: Notice of Violation

Dear Mr. Rodrick,

Enclosed you will find a Notice of Violation (NOV) issued to College Heights Baptist Church 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 College Heights Baptist Church located at 1927 S Walnut Street, Casper, 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: Chris Hanify
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 COLLEGE HEIGHTS BAPTIST CHURCH,) DOCKET NO. 4749-10
MR. RODNEY RODRICK,)
CHAIRMAN OF THE BOARD OF DIRECTORS)
1927 S WALNUT STREET,)
CASPER, WYOMING 82601)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found College Heights Baptist Church 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 College Heights Baptist Church located at 1927 S Walnut Street, Casper, 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 August 5, 2010, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted an inspection of the current renovation of the College Heights Baptist Church located at 1927 S Walnut Street, Casper, Wyoming. While conducting the inspection, Ms. Dewitt determined that the renovation included removal of approximately 100 square feet of layered plaster wall material and 450 square feet of 9" floor tile with mastic. Approval was granted for Ms. Dewitt to collect and analyze samples of the suspect materials listed above. The sample result for the floor tile was returned containing 6% chrysotile 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) Chapter 3, Section 8(I)(iii)(H) of the Wyoming Air Quality Standards and Regulations states in part, "...No RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless the individuals supervising and performing the operation have been trained in the provisions

College Heights Baptist Church

Notice of Violation

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of this regulation and the means of complying with them. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.” During this inspection, Ms. Dewitt was informed that untrained church members had performed the renovation.

7) Chapter 3, Section 8 (M)(ii)(A) of the Wyoming Air Quality Standards and Regulations states in part, that all asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at an approved waste disposal site. Asbestos containing waste was disposed of at the local landfill as general construction debris.

8) Said violations consist of failing to: 1) thoroughly inspect the facility prior to renovation, 2) provide prior written notification of a demolition/renovation project to the Administrator, 3) use trained individuals to strip, remove, handle or disturb regulated asbestos containing material, and 4) properly dispose of asbestos containing waste material. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

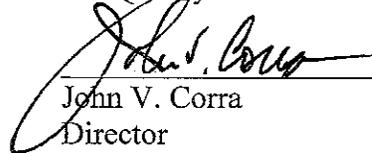
9) Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental Quality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

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 18th day of OCTOBER, 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)