



# Department of Environmental Quality

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



Matthew H. Mead, Governor

John Corra, Director

March 9, 2011

Mr. Mark Sisneros  
Owner,  
SafeAir  
329 West Allison Road,  
Cheyenne, WY 82007

RE: Notice of Violation

Dear Mr. Sisneros,

Enclosed you will find a Notice of Violation (NOV) issued to SafeAir 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 Wyoming Armory located at 2901 Armory Road, 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,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Glenn Spangler  
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 SAFEAIR    ) DOCKET NO. 4816-11**  
**MR. MARK SISNEROS, OWNER                                )**  
**329 WEST ALLISON ROAD,                                    )**  
**CHEYENNE, WYOMING 82007                                 )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1) The Department of Environmental Quality, Division of Air Quality has found SafeAir 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 Armory located at 2901 Armory Road, 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 January 21, 2011, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted an inspection of a renovation at the Wyoming Armory located at 2901 Armory Road in Laramie, Wyoming. While conducting the inspection, Ms. Dewitt noted suspect 9" floor tile and mastic being removed. Ms. Dewitt then requested a copy of the asbestos inspection for the area under renovation. Neither the Wyoming Military Department nor SafeAir were able to produce sample results for the floor tile or the mastic. The facility representative explained that the floor had been sampled at some point and found positive but the mastic did not contain asbestos. SafeAir explained that based on this information, they were removing the floor tile with spud bars. Ms. Dewitt noted bags of the 9" floor tile broken into large and small pieces in plastic bags which were not adequately wet and observed an employee of SafeAir dispose of dry floor tile and place them into a bag without benefit of water. She also noted bags of broken floor tile material in the back of the truck that did not contain any sign of moisture. Ms. Dewitt requested training certificates for the individuals working onsite and was told that as the mastic was not asbestos containing, they did not have the certificates onsite. Approval was granted to collect and analyze a sample of the floor tile and mastic. Sample results for floor tile returned at 20% chrysotile asbestos and mastic at 20% chrysotile asbestos. This floor tile became Regulated Asbestos Containing Material (RACM) when it was excessively broken into small pieces. This would initiate the requirement to keep the material in adequately wet condition and disposal of the waste at a landfill that can accept regulated waste.

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 site visit, no thorough inspection had been conducted at the site prior to the renovation.

5) Chapter 3, Section 8(i)(iii)(A) of the Wyoming Air Quality Standards and Regulations states, "Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal..." RACM (floor tile with mastic) was not removed prior to activity that significantly damaged the materials.

6) Chapter 3, Section 8(i)(iii)(H) of the Wyoming Air Quality Standards and Regulations states, "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 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." RACM was removed by employees that had not been properly trained. Evidence of training was not available or provided.

7) Chapter 3, Section 8(m)(i)(A) of the Wyoming Air Quality Standards and Regulations states in part, that all asbestos-containing waste material shall be kept adequately wet during packaging and transport to the appropriate disposal facility. The bags of floor tile did not contain any sign of moisture. There was no condensation, no water rings and no droplets observed in bags.

8) 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 a local landfill as general construction debris.

9) Said violations consist of failing to: 1) thoroughly inspect the facility prior to renovation, 2) remove all RACM from the facility prior to activity that would break up, dislodge, or disturb material, 3) use trained individuals to strip, remove, handle or disturb regulated asbestos containing material, 4) adequately wet the RACM in preparation for disposal and 5) properly dispose of asbestos-containing waste material. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

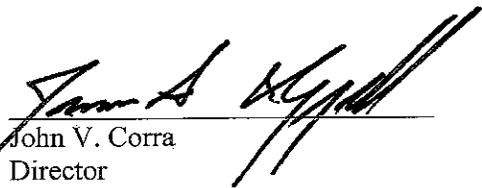
10) Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental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

11) 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 15<sup>th</sup> day of MARCH, 2011.



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, 2<sup>nd</sup> Floor, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)