



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

April 19, 2012

Dr. Michel Skaf
ARZ, LLC
4531 E 21st Street
Casper, WY 82609

RE: Notice of Violation

Dear Dr. Skaf:

Enclosed you will find a Notice of Violation (NOV) issued to ARZ, LLC by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) inspect the facility for asbestos containing materials prior to the start of renovation, 2) provide prior written notification of a demolition/renovation project to the Administrator as required, 3) remove all RACM from the facility being renovated, 4) adequately wet the RACM, 5) use trained individuals to strip, remove, handle or disturb regulated asbestos containing material and 6) properly dispose of asbestos containing 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
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 ARZ, LLC,)
DR. MICHEL SKAF, OWNER) DOCKET NO. 4986 -12
4531 E 21ST STREET)
CASPER, WYOMING 82609)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found ARZ, LLC 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 former Bi-Rite Pharmacy located at 428 South Durbin Street, Casper, 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) In response to a complaint received by the Division, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted site visits on February 13, 2012 and March 1, 2012 of renovation activity at the former Bi-Rite Pharmacy Building located at 428 South Durbin Street, Casper, Wyoming. The inspector visited the building on February 13, 2012, but was unable to enter as the building was locked and no company representative was present. However, a construction plan for renovation activity was located in the window and suspect materials were observed through the window, to include visible piles of broken 9" and 12" floor tile debris. Phone contact was made with ARZ, LLC (Owner) on February 29, 2012 and a return visit conducted on March 1, 2012. At this site visit, ARZ, LLC provided information and sample analysis of the 9" floor tile and mastic which showed the floor tile contained 3% chrysotile asbestos. This portion of the building contained approximately 5400 square feet of 9" floor tile, of which approximately 270 square feet or more became regulated material. Further inspection and communication with ARZ, LLC revealed that ARZ, LLC had this information before company representatives began the floor tile removal. Dr. Shaf (ARZ, LLC Owner) also explained that he and his brother removed the floor tile, ceiling tile and wall board systems. Other removed materials had not been sampled or analyzed prior to renovation. No Notification of this renovation was received by the Division. Workers conducting the renovation were not trained to properly remove asbestos materials. All waste from the renovation had been taken to the Casper Balefill for disposal.
- 5) 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, a thorough inspection of the planned renovation, to include all materials to be disturbed had not been conducted at the site prior to the renovation.

6) 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 of renovation or demolition activity. Based on a review of the Air Quality Division's records, ARZ, LLC failed to submit notification of the renovation of the former Bi-Rite Pharmacy to the Air Quality Division.

7) Chapter 3, Section 8(i)(iii) of the Wyoming Air Quality Standards and Regulations states, "Remove all regulated asbestos-containing material (RACM) from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material...." During the Air Quality Division's inspection asbestos floor tile which became RACM was not removed prior to renovation of the former Bi-Rite Pharmacy.

8) Chapter 3, Section 8(i)(iii)(F)(I) of the Wyoming Air Quality Standards and Regulations states, "Adequately wet the [regulated asbestos-containing] material and ensure that it remains wet until collected and contained or treated in preparation for disposal ...". Information gathered indicated that asbestos-containing material was removed while dry and was not kept wet until collected and contained for disposal.

9) 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.

10) 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 Casper Balefill as general construction debris.

11) Said violations consist of the failure to: 1) inspect the facility for asbestos containing materials prior to the start of renovation, 2) provide prior written notification of a demolition/renovation project to the Administrator, 3) remove all RACM from the facility being renovated, 4) adequately wet the RACM, 5) use trained individuals to strip, remove, handle or disturb regulated asbestos containing material and 6) properly dispose of asbestos containing waste material. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

12) 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.

13) 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 19th day of APRIL, 2012.



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)