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

August 20, 2012

Mr. Dennis Olivas
American Demolition
PO Box 1025
Westminister, CO 80036

Re: Notice of Violation

Dear Mr. Olivas,

Enclosed you will find a Notice of Violation (NOV) issued to American Demolition 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 demolition of the former Pershing Elementary School at 320 W Davis Street, Rawlins, 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

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 AMERICAN DEMOLITION	)
MR. DENNIS OLIVAS, OWNER	) **DOCKET NO. 5040 -12**
PO BOX 1025	)
WESTMINISTER, COLORADO 80036	)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found American Demolition 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 demolition of the former Pershing Elementary School located at 320 W Davis Street, Rawlins, 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 May 15, 2012 and August 2, 2012 of demolition activity at the former Pershing Elementary School located at 320 W Davis Street, Rawlins, Wyoming and at the BCN dump site located southeast of Rawlins. The inspector visited the building on May 15, 2012, and found that some asbestos flashing had been left on the building during demolition activities. The demolition contractor (Monarch) and sub-contractor (American Demolition) had been informed about this material in the Demolition Disclosure Document that was provided as part of the bid document. The inspecting agent/owner representative (Century Environmental Hygiene) indicated that the building contained at least 3,000 square feet of flashing material that contained 20% chrysotile asbestos during demolition activity. The operators did not remove asbestos flashing material prior to disturbance during the demolition activity and the asbestos flashing material was made regulated asbestos containing waste material by the demolition process. This regulated asbestos containing material was allowed to be comingled with the remainder of the demolition debris. Therefore, all of the waste material would need to be considered regulated asbestos containing waste. It was then discovered that this regulated asbestos containing waste had been taken to an offsite location by American Demolition, specifically the BCN dump site located southeast of Rawlins. Contact was made with the operators regarding the Pershing Elementary School location and the BCN dump site, at which time the Division stated that all the remaining waste must be treated as Regulated Asbestos Containing Material (RACM) and disposed of accordingly at an appropriate waste disposal site or application for a waiver must be requested from the Wyoming Solid & Hazardous Waste Division. The operators were advised to create a work plan to explain work practices that would be used during removal of debris from the BCN dump site and that an updated notification was required for removal and disposal of this regulated asbestos containing waste. On July 31, 2012 the Division received a complaint that waste was removed from the BCN dump site. In response the Division visited the BCN dump site on August 2, 2012 and found that much of the piles of RACM debris had been removed from the location. Contact with the property owner indicated debris was removed by American Demolition, who used their own trucks and also rented BCN trucks for removal purposes during late June 2012 and took the debris to the Casper Balefill, which is not an approved location for this type of waste.

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 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, American Demolition failed to submit an updated notification for the debris removal and disposal of the regulated asbestos containing waste material from the former Pershing Elementary School located at the BCN dump site to the Air Quality Division.

6) 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 flashing material which became RACM was not removed prior to demolition of the former Pershing Elementary School.

7) 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.

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. Regulated asbestos containing waste was disposed of at the Casper Balefill as general construction debris.

9) Said violations consist of the failure to: 1) provide prior written notification and update as required of a demolition/renovation project to the Administrator, 2) remove all RACM from the facility being demolished, 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.

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 20th day of AUGUST, 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 Environemntal Quality, Herschler Building, 2nd Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)