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

October 11, 2012

Ms. Jennifer Merrill
President
Merrill, Inc.
PO BOX 20519
Cheyenne, WY 82003

RE: Notice of Violation

Dear Ms. Merrill:

Enclosed you will find a Notice of Violation (NOV) issued to Merrill, Inc. 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 demolition and 2) provide prior written notification of a demolition/renovation project to the Administrator as required. 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. Glenn Spangler, 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 MERRILL, INC.,	)
MS. JENNIFER MERRILL, PRESIDENT	) **DOCKET NO. 5075 -12**
PO BOX 20519,	)
CHEYENNE, WYOMING 82003	)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found Merrill, 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 demolition of the Smith Ranch House located in Guernsey, 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, Mr. Robert Rodriguez, Asbestos Program Inspector, conducted site visits on July 11 & 12, 2012 of demolition activity at the Smith Ranch House located in Guernsey, Wyoming. The inspector visited the building on July 11, 2012, but was unable to connect with a Wyoming Army National Guard representative. A return visit was conducted on July 12, 2012. During this site visit, the house was found to have been demolished and remnants piled. The Wyoming National Guard representative provided information that an asbestos inspection had not been conducted. Mr. Rodriguez collected samples of suspect materials, of which analysis of the fiberboard covered in gray paint contained 3% chrysotile asbestos. Further inspection and communication revealed that no notification of this demolition was received by the Division.

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 Mr. Rodriguez, a thorough inspection of the planned demolition had not been conducted at the site prior to the demolition.

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, Merrill, Inc. failed to submit notification of the demolition of the Smith Ranch House to the Air Quality Division.

7) Said violations consist of the failure to: 1) inspect the facility for asbestos containing materials prior to the start of demolition and 2) provide prior written

notification of a demolition/renovation project to the Administrator. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

8) 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.

9) 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 15th day of OCTOBER, 2012.

Steven A. Dietrich
Steven A. Dietrich
Administrator
Air Quality Division

John V. Corra
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)