



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

Todd Parfitt, Director

March 12, 2013

Mr. Wade White, Owner
Sweetwater Aire, LLC
39 North Fork Road
Lander, WY 82520

RE: Notice of Violation

Dear Mr. White:

Enclosed you will find a Notice of Violation (NOV) issued to Sweetwater Aire, LLC by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) provide prior written notification of a demolition/renovation project to the Administrator as required, 2) remove all RACM from the facility being renovated, 3) adequately wet the RACM, 4) use trained individuals to strip, remove, handle or disturb regulated asbestos containing material 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.

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. Greg Meeker, 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 SWEETWATER AIRE, LLC,)
MR. WADE WHITE, OWNER) DOCKET NO. 5138 -13
39 NORTH FORK ROAD)
LANDER, WY 82520)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found Sweetwater Aire, 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 auto dealership located at 381 Lincoln Street in Lander, 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) While driving in the area, Ms. Linda Dewitt, Asbestos Program Coordinator, conducted a site visit on November 11, 2012 of renovation activity at the former auto dealership located at 381 Lincoln Street, in Lander, Wyoming. During the site visit, Mr. White stated to Ms. Dewitt that he and his employees removed approximately 1,500 square feet of floor tile using an air chipper, without using wet methods. A copy of a thorough asbestos inspection performed before the start of renovation was provided after the site visit. This inspection found that the floor tile contained 2% chrysotile asbestos and the mastic contained 3% chrysotile asbestos. 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 Fremont County Solid Waste Landfill in Lander for disposal.
- 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, Sweetwater Aire, LLC failed to submit notification of the renovation of the former auto dealership 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..." Prior to the Air Quality Division's inspection asbestos floor tile which became RACM was removed with an air chipper as part of the renovation of the former auto dealership.
- 7) 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 ...” Company personnel stated that asbestos-containing material was removed while dry and was not kept wet until collected and contained for disposal.

8) 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.

9) 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 Fremont County Solid Waste Landfill in Lander as general construction debris.

10) Said violations consist of the failure to: 1) provide prior written notification of a demolition/renovation project to the Administrator, 2) remove all RACM from the facility prior to renovation, 3) adequately wet the RACM, 4) use trained individuals to strip, remove, handle or disturb regulated asbestos containing material 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.

11) 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 12th day of MARCH, 2013.



Steven A. Dietrich
Administrator
Air Quality Division



Todd Parfitt
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)