



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. Gerry Hammond, Owner
Valley Construction of Cheyenne
205 County Road 128, Suite A
Cheyenne, WY 82007

RE: Notice of Violation

Dear Mr. Hammond:

Enclosed you will find a Notice of Violation (NOV) issued to Valley Construction of Cheyenne by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) maintain RACM in an adequately wet state, 2) seal the waste in leak-tight containers and 3) 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. 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 VALLEY CONSTRUCTION OF CHEYENNE,)
MR. GERRY HAMMOND, OWNER) DOCKET NO. 5139-13
205 COUNTY ROAD 128, SUITE A)
CHEYENNE WYOMING 82007)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

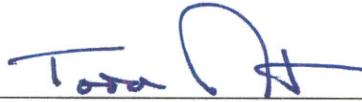
- 1) The Department of Environmental Quality, Division of Air Quality has found Valley Construction of Cheyenne to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations as a result of the renovation of a WCDA controlled residence located at 317 East 26th Street in Cheyenne, 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) Based on a complaint, Mr. Robert Rodriguez, Asbestos Inspector, conducted a site visit on February 7, 2013 of renovation activity that had taken place at a WCDA controlled residence located at 317 East 26th Street in Cheyenne, Wyoming. During the site visit, Mr. Rodriguez noted many small, broken pieces of dry cement asbestos siding lying on the ground around the house. Samples of this material were found to contain 12% chrysotile asbestos based on laboratory analysis. All waste from the renovation had been taken to the Happy Jack Landfill in Cheyenne for disposal.
- 5) Chapter 3, Section 8(m)(i)(A)(I) of the Wyoming Air Quality Standards and Regulations requires asbestos-containing material to be adequately wet during collection, processing, packaging and transport to an appropriate landfill. Information gathered indicated that asbestos-containing material was not kept wet.
- 6) Chapter 3, Section 8 (m)(i)(A)(III) of the Wyoming Air Quality Standards and Regulations states, “After wetting, seal all asbestos-containing waste material in leak-tight containers while wet...” The pieces of cement asbestos siding lying on the ground were dry at the time of site visit.
- 7) 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 Happy Jack Landfill in Cheyenne as non-friable asbestos waste.
- 8) Said violations consist of the failure to: 1) adequately wet the RACM, 2) seal asbestos-containing waste material in leak-tight containers and 3) properly dispose of asbestos containing waste material. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.
- 9) 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.

10) 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)