



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

CERTIFIED MAIL March 27, 2013

Mr. John Patterson, City Manager
City of Casper
200 North David Street
Casper, WY 82601

RE: Notice of Violation

Dear Mr. Patterson:

Enclosed you will find a Notice of Violation (NOV) issued to the City of Casper by the Department of Environmental Quality, Air Quality Division, for the failure to thoroughly inspect a facility being demolished for the presence of asbestos containing materials prior to the start of demolition. This is a violation 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 THE CITY OF CASPER)
MR. JOHN PATTERSON, CITY MANAGER) DOCKET NO. 5145 -13
200 NORTH DAVID STREET)
CASPER, WYOMING 82601)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found the City of Casper 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 demolition of the former private residence located at 1427 Oakcrest Avenue, Casper, Wyoming under direction of the City of Casper, Community Development Department, Code Enforcement Section.
- 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) Ms. Linda Dewitt, Asbestos Program Coordinator, visited the demolition project being performed by Robinson Contracting, Inc. at 1427 Oakcrest Avenue in Casper, Wyoming on February 28, 2013. This site visit was made in response to a Notification of Demolition and Renovation Form received from the demolition contractor on February 12, 2013. The notification stated that no asbestos-containing materials were present in the building to be demolished based on laboratory analysis. The City of Casper was listed as an Owner for this project on the notification form. At the time of site visit, Ms. Dewitt was provided with a copy of an asbestos inspection performed by Recycled Materials, LLC. for the City of Casper prior to the start of demolition activity. This inspection report did not include sufficient sample collection and analysis for lathe and plaster material or spray-on acoustic material that had been located in the building. At the time of site visit these materials had been removed from the building. Also, no samples had been collected of red floor tile with black mastic that was noted in the basement of the building or of asphalt-based roofing that was lying on the ground around the demolition site. Laboratory analysis of samples collected of the red floor tile with black mastic found 15% chrysotile asbestos in the floor tile and 5% chrysotile asbestos in the black mastic.
- 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 demolition, to include all materials to be disturbed, had not been conducted at the site prior to demolition.
- 6) Said violations consist of the failure to perform a thorough inspection of the facility for asbestos containing materials prior to the start of demolition. This is a violation of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

7) 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.

8) 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 27th 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)