



# 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 24, 2014

Mr. Dave Terry  
Spartan Mechanical  
4859 Burch Creek Dr  
South Ogden, UT 84403

RE: Notice of Violation

Dear Mr. Terry:

Enclosed you will find a Notice of Violation (NOV) issued to Spartan Mechanical by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) complete a thorough asbestos inspection prior to the start of renovation activity and 2) provide notification prior to the start of renovation that disturbed asbestos-containing material at the Best Western CottonTree Inn located in Rawlins, Wyoming. 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 Mr. Fred DiLella, Stationary Source Compliance Program Manager, at 307-777-3774 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 Mr. Fred DiLella or me at your convenience.

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Mr. Fred DiLella, Ms. Linda Dewitt, Mr. Chris Hanify, Ms. Elizabeth Lyon, Mr. Keith Guille



BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO SPARTAN MECHANICAL )  
MR. DAVE TERRY ) DOCKET NO. 5396-14  
4859 BURCH CREEK DR )  
SOUTH OGDEN, UT 84403 )

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found Spartan Mechanical 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 renovation activity at the Best Western CottonTree Inn located at 2221 W Spruce in 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) Mr. Robert Rodriguez, Asbestos Inspector received an anonymous complaint on January 21, 2014 regarding renovation activity that had disturbed suspect asbestos-containing material at the Best Western CottonTree Inn located at 2221 W Spruce in Rawlins, Wyoming. Mr. Rodriguez visited the facility on January 22, 2014 and found the complaint to be accurate. Samples collected at the time of site visit found that the tank insulation contained 65% chrysotile asbestos. Spartan Mechanical, hired by the Owner to replace a water tank, had sliced off the sides of the tank to allow it to fit through the boiler room door. Damaged pieces of the insulation were found strewn about on the carpet in the hallway outside the boiler room. Cleanup and abatement of the remaining insulation were later performed in the area.
- 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 and 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..." Neither the owner (RAWCT, LLC) nor the operator (Spartan Mechanical) arranged for an asbestos inspection to be performed prior to the start of renovation activity.
- 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 intention to demolish or renovate... (C) Postmark or deliver the notice as follows: (I) At least 10 working days before asbestos stripping or removal work or any other activity begins..." Based on a review of the Air Quality Division's records, Spartan Mechanical failed to submit the required notification for this project.
- 7) Said violations consist of the failure to: 1) complete a thorough asbestos inspection prior to the start of renovation activity and 2) provide notification for the renovation activity prior to disturbance of asbestos-containing materials. These are

violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

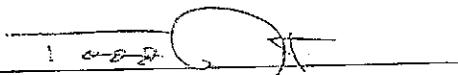
8) Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of (the Environmental Quality Act)... or any rule, regulation, standard or permit adopted pursuant to those provision, or who violates any determination or order of the council pursuant to Article 2 of (the Environmental Quality 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 24<sup>th</sup> day of MARCH, 2014.



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, 2<sup>nd</sup> Floor, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)