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 July 21, 2014

Mr. Joe Parke, Owner
The Can-Do Company, L.L.C.
1410 Prairie Lane
Bar Nunn, WY 82601

RE: Notice of Violation

Mr. Parke:

Enclosed you will find a Notice of Violation (NOV) issued to The Can-Do Company, L.L.C. by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) perform a thorough asbestos inspection prior to the start of renovation at the Inter-Mountain Pipe & Threading Co. located at 935 Pendell Boulevard in Casper, Wyoming, and 2) provide a Notification of Demolition and Renovation form to the Wyoming Asbestos Program at least 10-working days prior to disturbing Regulated Asbestos-Containing Material during this renovation activity. 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

Steven A. Dietrich
Administrator
Air Quality Division

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

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)
ISSUED TO THE CAN-DO COMPANY, L.L.C.	)
MR. JOE PARKE	) **DOCKET NO. 5439-14**
1410 PRAIRIE LANE	)
BAR NUNN, WY 82601	)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found The Can-Do Company, L.L.C. 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 performed at Inter-Mountain Pipe & Threading Co. located at 935 Pendell Boulevard in Casper, 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) Ms. Linda Dewitt, Asbestos Program Coordinator, performed a complaint site visit at a renovation project occurring at Inter-Mountain Pipe & Threading Co. in Casper, Wyoming on March 19, 2014. During the site visit, Ms. Dewitt spoke with Mr. Richard Bonander, president of Inter-Mountain Pipe & Threading Co., and Mr. Greg Parke, site supervisor for The Can-Do Company, L.L.C. Both of these gentlemen indicated that neither of their firms arranged for a thorough asbestos inspection prior to the start of renovation activity. During the site visit Ms. Dewitt collected a sample of sheet vinyl that had been damaged by renovation activity and was located in the men's restroom of the renovation area. Laboratory analysis found that the sheet vinyl contained 35% chrysotile asbestos. No notification of Demolition or Renovation form was received by the Wyoming Asbestos Program prior to the start of renovation activity. During a phone conversation between Mr. Joe Parke and Ms. Dewitt on March 26, 2014, Mr. Parke stated that either one of his employees or an employee of the flooring sub-contractor removed the area of sheet vinyl from the men's restroom. The area of sheet vinyl was less than 160 square feet in size. Ms. Dewitt requested that Mr. Parke determine who removed this material and provide that information back to the Wyoming Asbestos Program. That information has not been provided.

5) Chapter 3, Section 8(i)(i) of the Wyoming Air Quality Standards and Regulations states, "To determine which requirements…apply to the owner or operator of a 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…" Based on information gathered during the site visit, neither Inter-Mountain Pipe & Threading Co. (Owner) nor The Can-Do Company, L.L.C. (Operator) arranged for or performed a thorough asbestos inspection in the renovation area prior to the start of renovation activity. During the site visit Ms. Dewitt collected a sample of sheet vinyl flooring with approximately 2 ½ square feet of damage as a result of the renovation process. This sheet vinyl was found to contain 35% chrysotile asbestos.

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, neither Inter-Mountain Pipe & Threading Co. (Owner) nor The Can-Do Company, L.L.C. (Operator) submitted 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 indicating the disturbance of Regulated Asbestos-Containing Material at least 10-working days prior to the start of that disturbance. 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 21ST day of JULY, 2014.

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

Todd
Todd Parfitt
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)