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 October 7, 2014

Mr. Sheldon Flom, Interim Vice President for Administrative Services
Northwest College
231 W 6th St
Powell, WY 82435

RE: Notice of Violation

Mr. Flom:

Enclosed you will find a Notice of Violation (NOV) issued to Northwest College 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 (re-roofing) at the Oliver Building on Northwest College's campus located at 231 W 6th Street in Powell, 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. Greg Meeker, Mrs. Elizabeth Lyon, Mr. Landon Brown

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO NORTHWEST COLLEGE	)	
MR. SHELDON FLOM, INTERIM VICE PRESIDENT	)	**DOCKET NO. 5476-14**
231 W 6TH STREET	)	
POWELL, WY 82435	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found Northwest College (Owner) 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 (roof replacement) performed on the Oliver Building located on Northwest College's campus at 231 W 6th Street in Powell, Wyoming by Redd Roofing Company Wyoming (Operator).

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, was contacted by Northwest College representatives by phone on September 29, 2014 to determine the regulatory requirements regarding re-occupancy of a building that was found to contain asbestos in interior dust on the floor. During this phone call, Ms. Dewitt was made aware that the dust was found as a result of complaints during a roof replacement project. A single roof field sample had been collected by an untrained individual and sent to a laboratory prior to the start of roof replacement. Laboratory analysis found no asbestos in that sample. As a result of the complaint, three roof core samples were collected after the start of roof replacement work by a trained consultant and laboratory analysis found that a layer of silver paint on the built-up roof contained 5% chrysotile asbestos. No notification of Demolition or Renovation form was received by the Wyoming Asbestos Program prior to the start of renovation activity, or even after the roofing was found to contain asbestos.

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 as part of phone calls to Northwest College (Owner) and Redd Roofing (Operator), neither Northwest College nor Redd Roofing arranged for or performed a thorough asbestos inspection in the renovation area prior to the start of renovation activity. Roof core samples collected by a consultant after receipt of a dust complaint were found to contain 5% chrysotile asbestos in a silver paint layer on the built-up roof.

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 Northwest College (Owner) nor Redd Roofing (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 3rd day of OCTOBER, 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, 2nd Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307-777-3746)