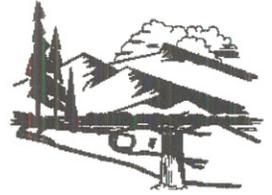




Department of Environmental Quality

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 27, 2014

Ms. Linda Whitaker
Comprehensive Risk Services, LLC
333 E Osborn Rd, Ste 300
Phoenix, AZ 85012

RE: Notice of Violation

Ms. Whitaker:

Enclosed you will find a Notice of Violation (NOV) issued to Comprehensive Risk Services, LLC by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) keep asbestos-containing material from becoming Regulated Asbestos-Containing Material [RACM] as part of an abatement project, 2) maintain removed RACM in an adequately wet state, and 3) seal removed waste into leak-tight containers while wet. 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. Glenn Spangler, Mrs. Elizabeth Lyon, and Mr. Landon Brown



**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO COMPREHENSIVE RISK SVCS, LLC)
MS. LINDA WHITAKER) DOCKET NO. 5498-14
333 E OSBORN RD, STE 300)
PHOENIX, AZ 85012)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1) The Department of Environmental Quality, Division of Air Quality has found Comprehensive Risk Services, LLC 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 Banner Health Community Hospital located at 2000 Campbell Drive in Torrington, 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 compliance site visit of the abatement project occurring at the Banner Health Community Hospital located in Torrington, Wyoming on September 15, 2014. The abatement project was being performed as part of a larger renovation activity. Prior to entering the work area, Ms. Dewitt spoke with Mr. Raymond Dominguez, Maintenance Plant Ops Manager for the Banner Health Community Hospital and Mr. Dan Stansbury, GH Phipps' Regional Representative (prime contractor) at the site. Mr. Stansbury indicated that employees of Comprehensive Risk Services, LLC had performed abatement in the space from September 10, 2014 thru September 12, 2014 prior to leaving the job for the weekend. After entering the containment area, Ms. Dewitt noted that several locations of partially removed floor tile and sheet vinyl inside the work area had been made Regulated based on the work practices used to remove it. This partially removed material had not been cleaned up before the abatement crew left for the weekend and this material had been allowed to dry out. Some waste had been picked up and sealed into waste bags, but four waste bags located inside the work area had been left open and the waste inside the bags was completely dry. Ms. Dewitt collected a sample of a piece of dry floor tile lying in the top of one of the waste bags and this floor tile was found to contain 10% chrysotile asbestos in the black mastic. A sample of some of the partially removed sheet vinyl was collected from the loose material in the work area. Laboratory analysis found 10% chrysotile asbestos in the black mastic on the sheet vinyl.
- 5) Chapter 3, Section 8(i)(iii)(A) of the Wyoming Air Quality Standards and Regulations states, "Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material..." The work practices that had been used in the work area included excessive breakage of some of the floor tile based on the presence of numerous pieces of floor tile broken into shard sizes ranging from ½" x ½" up to 1" x 2". A buffer with an abrasive pad and buckets of mastic solvent present inside the work area indicated that the removal work in this entire space made the mastic Regulated Asbestos-Containing Material as determined by EPA Applicability Determinations. The area of work for this phase of the

project included removal of approximately 1300 square feet of flooring with associated mastic.

6) Chapter 3, Section 8(i)(iii)(F) of the Wyoming Air Quality Standards and Regulations states, "For all RACM, including material that has been removed or stripped: (I) Adequately wet the material and ensure that it remains wet until collected and contained..." The shards of removed floor tile inside the tops of the open waste bags had been allowed to completely dry out over the weekend. The partially removed sheet vinyl curls and open areas of mastic had also been allowed to dry out.

7) 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..." Four partially filled, but open bags of waste, were noted inside the work area and contained shards of floor tile, as well as some curls of removed sheet vinyl. These bags of waste had remained open over the weekend and all material inside the bags had completely dried out.

8) Said violations consist of the failure to: 1) keep asbestos-containing material from becoming RACM based on work practices used during the project, 2) maintain all RACM in an adequately wet condition after removal, and 3) seal removed waste in leak-tight containers while wet. 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 27th 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)