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 January 9, 2015

Mr. Anthony Durst
AP Wyoming, LLC.
1800 Carey Ave., 4th Floor
Cheyenne, WY 82001

RE: Notice of Violation

Mr. Durst,

Enclosed you will find a Notice of Violation (NOV) issued to AP Wyoming, LLC. by the Department of Environmental Quality, Air Quality Division, for the failure to: 1) ensure a thorough asbestos inspection was performed prior to the start of renovation/demolition at the Natrona County High School Building located at 930 S Elm Street in Casper, Wyoming, and 2) revise the Notification of Demolition and Renovation form prior to the start of demolition 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. Landon Brown, Ms. Ann Shed

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)
ISSUED TO AP WYOMING, LLC	)
MR. ANTHONY DURST	) **DOCKET NO. 5525-15**
1800 CAREY AVE, 4TH FLOOR	)
CHEYENNE, WY 82001	)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1) The Department of Environmental Quality, Division of Air Quality has found AP Wyoming, LLC. (Operator) 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/demolition activity at the Natrona County High School located at 930 S Elm Street in Casper, Wyoming which is owned by the Natrona County School District #1 (Owner).

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 site of this renovation/demolition project on June 12, 2014. During the site visit Ms. Dewitt noted numerous suspect asbestos-containing materials located in the portion of the building to be demolished during the current phase of the project, but no copy of a thorough asbestos inspection was available at the site. No notification form provided by an Owner or Operator for this project included any information regarding the demolition contractor or planned demolition work dates for this portion of the project.

5) After leaving the site, Ms. Dewitt was provided with a copy of a building survey completed by AMEC during May 2014 and a copy of the most recent AHERA re-inspection for this building. Ms. Dewitt sent a letter to the Natrona County School District #1 (Owner) on June 25, 2014, listing many materials that had not been sufficiently sampled prior to the start of renovation/demolition activity. This letter stated that concerns about each item deemed incomplete must be addressed prior to the start of demolition activity on this building. This letter also indicated that no information had been provided regarding the demolition contractor or planned work dates for demolition.

6) After receiving a complaint, Ms. Dewitt returned to the site on July 1, 2014 at 9:40 am and found that the Pool Addition of the building had been partially demolished at the time of this site visit. Some of the items mentioned in the June 25, 2014 letter had not been adequately sampled or removed. An email received from AMEC (school district asbestos consultant) on June 30, 2014 at 3:01 pm provided the first information about the demolition contractor and requested a demolition start date of July 1, 2014. No response to this email was sent before the complaint about demolition was received. Mr. Ray Scott of Consilium Partners stated during the July 1, 2014 site visit that demolition was started on June 30, 2014.

7) 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…" Review of the AMEC building survey and most recent AHERA 3-year Reinspection with comparison to notes made during the site visit found many suspect materials that had not been sampled or properly abated prior to the start of renovation/demolition activity. As an Owner and/or Operator, AP Wyoming, LLC is considered equally responsible for ensuring that a thorough asbestos inspection was performed prior to the start of renovation/demolition.

8) Chapter 3, Section 8(i)(ii)(D)(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…(D) Include the following in the notice: (II) Name, address, and telephone number of both the facility owner and operator…" Based on a review of the Air Quality Division's records, no Owner or Operator provided the Wyoming Asbestos Program with information regarding the demolition contractor that would perform the current phase of demolition work or the planned work dates prior to the start of demolition activity.

9) Said violations consist of the failure to: 1) ensure a thorough asbestos inspection was performed prior to the start of renovation/demolition at the Natrona County High School Building located at 930 S Elm Street in Casper, Wyoming and 2) revise the Notification of Demolition and Renovation form prior to the start of additional abatement activity. These are violations of Chapter 3, Section 8 of the Wyoming Air Quality Standards and Regulations.

10) 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.

11) 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 9th day of JANUARY, 2015.

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)