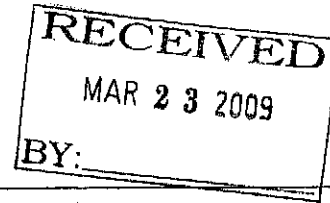




COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM



NOTICE OF VIOLATION

In the matter of:

American Restoration
P.O. Box 608
Pine, Colorado 80470
Case No. 07020A-03, Record No. 65968

This Notice of Violation is being issued by the Colorado Department of Public Health and Environment through the Air Pollution Control Division ("Division") to American Restoration, Inc. ("American Restoration") pursuant to the Division's authority under section 25-7-511, C.R.S.

I. ALLEGED FINDINGS OF FACT

1. This Notice of Violation is being issued by the Division as a follow-up to a complaint concerning improper handling of a major asbestos spill located at 34036 Grouse Lane, Evergreen, CO (the "Premises").
2. On February 2, 2007, a fire occurred at the Premises, a single-family residence. Damage was done to several areas of the house and suspect asbestos-containing materials were disturbed.
3. On February 5, 2007, Andre Gonzales of Foothills Environmental performed an inspection for asbestos-containing materials. Mr. Gonzales is a state certified asbestos building inspector. The report generated by Foothills showed that the "popcorn" texture on the ceilings of the building contained 3% asbestos. As greater than 32 square feet of the texture was disturbed, the area was deemed a major asbestos spill pursuant to Colorado Regulation No.8, Part B, Section III.T.I. The trigger level for a single family residential dwelling is 50 linear feet on pipe, 32 square feet on other surfaces or the volume equivalent of a 55-gallon drum. Disturbance of greater than the trigger amounts of an asbestos-containing material requires compliance with requirements of Colorado Regulation No. 8, Part B.

NOTICE OF VIOLATION

In the Matter of American Restoration, Inc.

Case No. 07020-03, Record No. 65968

4. On February 8, 2007, employees of American Restoration entered areas of the house deemed to be contaminated with asbestos to place plastic over contaminated surfaces. Following this, several loads of household goods were taken to American Restoration's facility for cleaning, and damaged household goods were not disposed of as asbestos contaminated waste.

II. PROVISIONS OF THE LAW ALLEGED TO HAVE BEEN VIOLATED

1. Beginning on February 08, 2007, American Restoration failed to properly follow the requirements of the major asbestos spill section, in violation of Regulation No. 8, Part B, Section III.T.1. which provides:

III.T.1. Major Asbestos Spills

In the event of an asbestos spill involving greater than the trigger levels, the building owner or contractor shall:

- III.T.1.a. **Restrict access to the area and post warning signs to prevent entry to the area by persons other than those necessary to respond to the incident.**
- III.T.1.b. **Shut off or temporarily modify the air handling system to prevent the distribution of asbestos fibers to other areas.**
- III.T.1.c. **Immediately contact the Division by telephone, submit a notification in compliance with subsection III.E. (Notifications) and, if in an area of public access, apply for a permit in accordance with subsection III.G. (Permits).**
- III.T.1.d. **Be exempted from the requirements to have a certified Supervisor on-site at all times, until such time as the immediate danger has passed. Any cleanup or asbestos abatement that must occur after the immediate danger has passed shall be supervised by a person certified by the Division.**
- III.T.1.e. **Using certified Supervisors and certified Workers in accordance with section II. (Certification Requirements) of this Regulation, seal all openings between the contaminated and uncontaminated areas and establish negative air pressure within the contaminated area in accordance with paragraph III.J. (Air Cleaning and Negative Pressure Requirements). This is to be accomplished using polyethylene sheeting to cover areas such as doorways, windows, elevator openings, corridor entrances, grills, drains, grates, diffusers and skylights.**
- III.T.1.f. **HEPA vacuum or steam clean all carpets, drapes, upholstery, and other non-clothing fabrics in the contaminated area, or discard these materials.**

NOTICE OF VIOLATION

In the Matter of American Restoration, Inc.

Case No. 07020-03, Record No. 65968

- III.T.1.g. Launder or discard contaminated clothing in accordance with subsection III.R. (Waste Handling).
- III.T.1.h. HEPA vacuum or wet clean all surfaces in the contaminated area.
- III.T.1.i. Discard all materials in accordance with subsection III.R. (Waste Handling).
- III.T.1.j. Following completion of subparagraph III.T.1.a. through III.T.1.i. above, comply with air monitoring requirements as described in subsection III.P. (Clearing Abatement Projects); air samples shall be collected aggressively as described in 40 C.F.R. Part 763, Appendix A to Subpart E (EPA 1995), except that the air stream of the leaf blower shall not be directed at any friable ACM that remains in the area.
- III.T.1.k. Comply with any other measures deemed necessary by the Division to protect public health.

III. STANDARD PENALTY PROVISION FOR THE VIOLATION AS ALLEGED

Section 25-7-511(4), C.R.S., provides that any person in violation of any of the provisions in part 5 of the rules and regulations promulgated by the Commission thereunder (including Regulation No. 8, Part B) shall be subject to a civil penalty of not more than Twenty Five Thousand Dollars (\$25,000.00) per day of violation.

IV. CONFERENCE REGARDING THE ALLEGED VIOLATION

1. Although not required by statute, a conference regarding the violations described above has been scheduled by the Division for April 15, 2009, at the Air Pollution Control Division's office, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, at 8:30 A.M. You must contact Laura Shumpert at (303) 692 - 3102 by April 8, 2009, in order to confirm your attendance at the conference, and to inform the Division of the number of people who will be attending the conference on behalf of American Restoration. **Failure to confirm attendance of the conference by April 8 will result in the cancellation of the conference and a decision will be rendered regarding the alleged violations without further input.**

2. This conference will provide American Restoration an opportunity to present data, views and arguments concerning the alleged violations. The Division may provide further opportunity for you to respond after the conference, if circumstances warrant. Following the conference, and upon completion of our investigation, the Division will make a determination as to whether a Compliance Determination Letter will be issued and whether a civil penalty must be assessed. These decisions will be based on information gathered prior to, during, and if necessary, after the conference.

3. If you have any questions concerning the conference or other matters prior to the scheduled conference, please contact Laura Shumpert at (303) 692 - 3102.

4. Legal counsel for the Division may attend the conference. You are entitled to have legal counsel represent you at the conference if you choose.

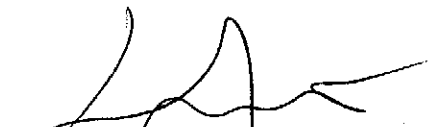
V. ADDITIONAL ACTION BY THE DIVISION

Failure attend this conference may also result in the issuance of a Compliance Determination Letter and possible assessment of penalties against American Restoration. Subsequent violation of the Compliance Determination Letter may subject American Restoration to further enforcement action under section 25-7-511.5, C.R.S. (court injunction).

VI. ISSUE DATE OF NOTICE

This Notice of Violation shall be considered issued upon mailing in accordance with Section 25-7-103 (15), C.R.S.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Laura Shumpert, Unit Supervisor
Asbestos Unit
Indoor Environment Program
Air Pollution Control Division

cc: Steve Fine, APCD
Mike Skorupka, APCD
Will Allison, Office of the Attorney General
Dan Webster, U.S. EPA Region VIII
Case No. 07020A-03, Record No. 65968

NOTICE OF VIOLATION

In The Matter Of American Restoration, Inc.

Case No. 07020A-03, Record No. 65968



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM

CERTIFICATE OF MAILING

This is to certify that a signed copy of the NOTICE OF VIOLATION in the matter of AMERICAN RESTORATION, INC., PINE, COLORADO, was deposited in the mail on this 5th day of MARCH, 2009 to the following:

1. UNITED STATES POSTAL SERVICE, CERTIFIED MAIL NO. 7002 2410 0001 0129 7297

Legal Agent of Service for:
American Restoration, Inc.
P.O. Box 608
Pine, CO 80470

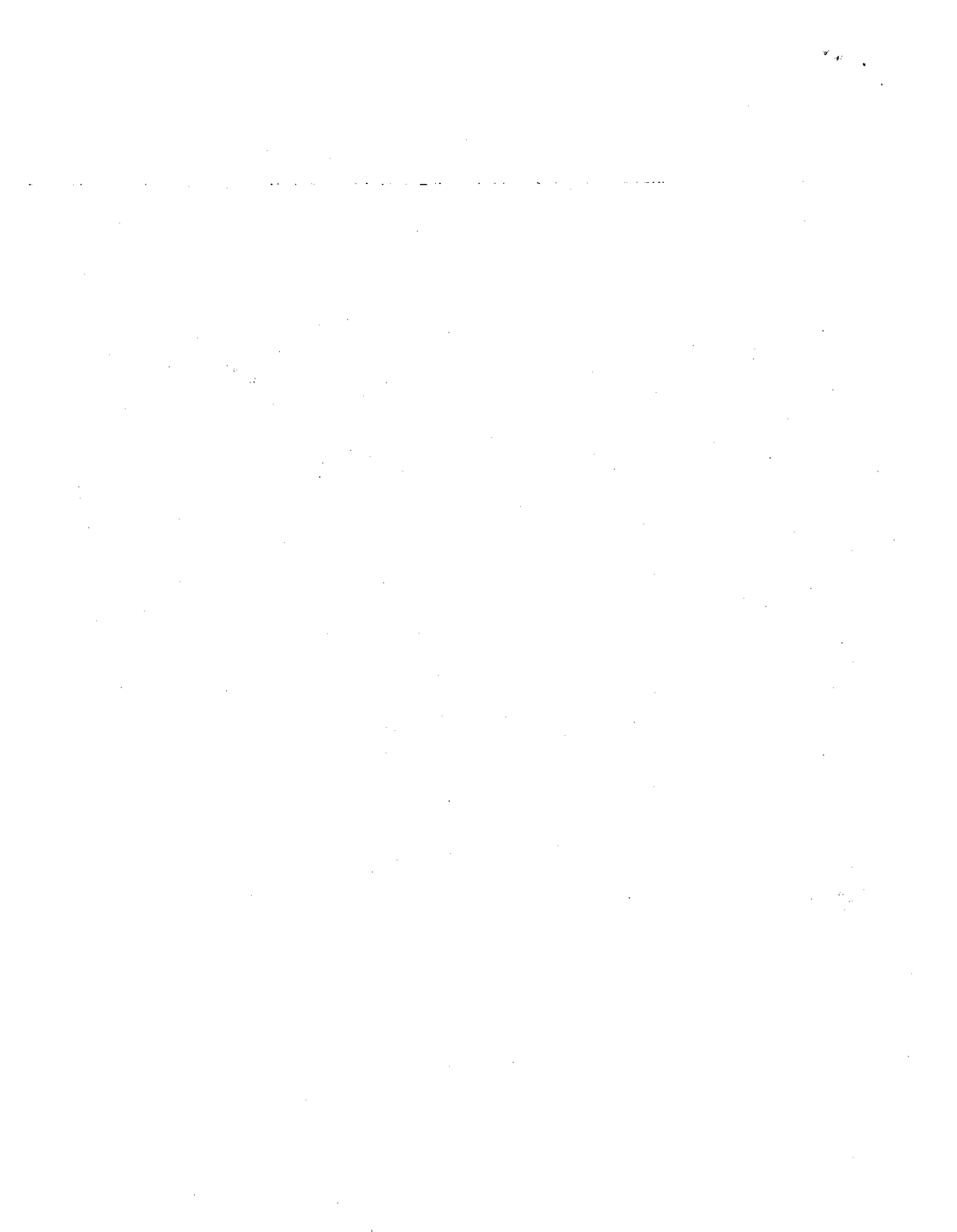
2. UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL

American Restoration, Inc.
P.O. Box 608
Pine, CO 80470

BY:

A handwritten signature in cursive script, appearing to read 'Ellen Evans', is written over a horizontal line.

Ellen Evans, Administrative Assistant



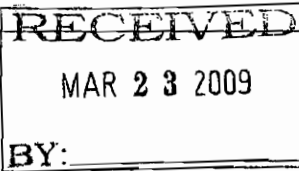


**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM**

NOTICE OF VIOLATION

In the matter of:

RescueTech
10343 Federal Blvd. #J423
Denver, Colorado 80301
Case No. 07020A-05, Record No. 65971



This Notice of Violation is being issued by the Colorado Department of Public Health and Environment through the Air Pollution Control Division ("Division") to RescueTech ("RescueTech") pursuant to the Division's authority under section 25-7-511, C.R.S.

I. ALLEGED FINDINGS OF FACT

1. This Notice of Violation is being issued by the Division as a follow-up to a complaint concerning improper handling of a major asbestos spill located at 34036 Grouse Lane, Evergreen, CO (the "Premises").
2. On February 2, 2007, a fire occurred at the Premises, a single-family residence. Damage was done to several areas of the house and suspect asbestos-containing materials were disturbed.
3. On February 5, 2007, Andre Gonzales of Foothills Environmental performed an inspection for asbestos-containing materials. Mr. Gonzales is a state certified asbestos building inspector. The report generated by Foothills showed that the "popcorn" texture on the ceilings of the building contained 3% asbestos. As greater than 32 square feet of the texture was disturbed, the area was deemed a major asbestos spill pursuant to Colorado Regulation No.8, Part B, Section III.T.I. The trigger level for a single family residential dwelling is 50 linear feet on pipe, 32 square feet on other surfaces or the volume equivalent of a 55-gallon drum. Disturbance of greater than the trigger amounts of an asbestos-containing material requires compliance with requirements of Colorado Regulation No. 8, Part B.

4. On February 8, 2007, employees of RescueTech entered areas of the house deemed to be asbestos contaminated to remove electronic equipment. These items were taken to RescueTech's facility for cleaning.

II. PROVISIONS OF THE LAW ALLEGED TO HAVE BEEN VIOLATED

1. Beginning on February 08, 2007, RescueTech failed to properly follow the requirements of the major asbestos spill section, in violation of Regulation No. 8, Part B, Section III.T.1. which provides:

III.T.1. Major Asbestos Spills

In the event of an asbestos spill involving greater than the trigger levels, the building owner or contractor shall:

- III.T.1.e. Using certified Supervisors and certified Workers in accordance with section II. (Certification Requirements) of this Regulation, seal all openings between the contaminated and uncontaminated areas and establish negative air pressure within the contaminated area in accordance with paragraph III.J. (Air Cleaning and Negative Pressure Requirements). This is to be accomplished using polyethylene sheeting to cover areas such as doorways, windows, elevator openings, corridor entrances, grills, drains, grates, diffusers and skylights.**
- III.T.1.f. HEPA vacuum or steam clean all carpets, drapes, upholstery, and other non-clothing fabrics in the contaminated area, or discard these materials.**
- III.T.1.g. Launder or discard contaminated clothing in accordance with subsection III.R. (Waste Handling).**
- III.T.1.h. HEPA vacuum or wet clean all surfaces in the contaminated area.**
- III.T.1.i. Discard all materials in accordance with subsection III.R. (Waste Handling).**
- III.T.1.k. Comply with any other measures deemed necessary by the Division to protect public health.**

III. STANDARD PENALTY PROVISION FOR THE VIOLATION AS ALLEGED

Section 25-7-511(4), C.R.S., provides that any person in violation of any of the provisions in part 5 of the rules and regulations promulgated by the Commission thereunder (including Regulation No. 8, Part B) shall be subject to a civil penalty of not more than Twenty Five Thousand Dollars (\$25,000.00) per day of violation.

IV. CONFERENCE REGARDING THE ALLEGED VIOLATION

1. Although not required by statute, a conference regarding the violations described above has been scheduled by the Division for April 15, 2009, at the Air Pollution Control Division's office, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, at 8:30 A.M. You must contact Laura Shumpert at (303) 692 – 3102 by April 8, 2009, in order to confirm your attendance at the conference, and to inform the Division of the number of people who will be attending the conference on behalf of RescueTech. **Failure to confirm attendance of the conference by April 8 will result in the cancellation of the conference and a decision will be rendered regarding the alleged violations without further input.**

2. This conference will provide RescueTech an opportunity to present data, views and arguments concerning the alleged violations. The Division may provide further opportunity for you to respond after the conference, if circumstances warrant. Following the conference, and upon completion of our investigation, the Division will make a determination as to whether a Compliance Determination Letter will be issued and whether a civil penalty must be assessed. These decisions will be based on information gathered prior to, during, and if necessary, after the conference.

3. If you have any questions concerning the conference or other matters prior to the scheduled conference, please contact Laura Shumpert at (303) 692 - 3102.

4. Legal counsel for the Division may attend the conference. You are entitled to have legal counsel represent you at the conference if you choose.

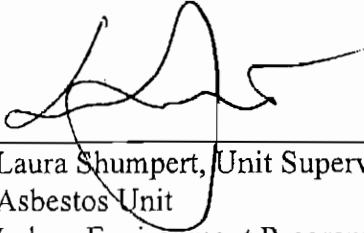
V. ADDITIONAL ACTION BY THE DIVISION

Failure to attend this conference may also result in the issuance of a Compliance Determination Letter and possible assessment of penalties against RescueTech. Subsequent violation of the Compliance Determination Letter may subject RescueTech to further enforcement action under section 25-7-511.5, C.R.S. (court injunction).

VI. ISSUE DATE OF NOTICE

This Notice of Violation shall be considered issued upon mailing in accordance with Section 25-7-103 (15), C.R.S.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Laura Shumpert, Unit Supervisor
Asbestos Unit
Indoor Environment Program
Air Pollution Control Division

cc: Steve Fine, APCD
Mike Skorupka, APCD
Will Allison, Office of the Attorney General
Dan Webster, U.S. EPA Region VIII
Case No. 07020A-05, Record No. 65971



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM

CERTIFICATE OF MAILING

This is to certify that a signed copy of the NOTICE OF VIOLATION in the matter of RESCUETECH, DENVER, COLORADO, was deposited in the mail on this 5th day of MARCH, 2009 to the following:

1. UNITED STATES POSTAL SERVICE, CERTIFIED MAIL NO. 7002 2410 0001 0129 7280

Cory Mathews
Legal Agent of Service for:
RescueTech
10343 Federal Blvd. #J423
Denver, Colorado 80301

2. UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL

RescueTech
10343 Federal Blvd. #J423
Denver, Colorado 80301

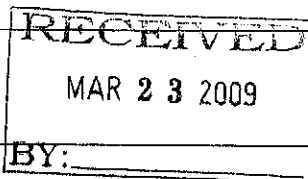
BY:

Ellen Evans, Administrative Assistant



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM**

NOTICE OF VIOLATION



In the matter of:

Sunshine Cleaners and Laundry
9806 W. 60th Avenue
Arvada, Colorado 80004
Case No. 07020A-06, Record No. 65976

This Notice of Violation is being issued by the Colorado Department of Public Health and Environment through the Air Pollution Control Division ("Division") to Sunshine Cleaners and Laundry ("Sunshine") pursuant to the Division's authority under section 25-7-511, C.R.S.

I. ALLEGED FINDINGS OF FACT

1. This Notice of Violation is being issued by the Division as a follow-up to a complaint concerning improper handling of a major asbestos spill located at 34036 Grouse Lane, Evergreen, CO (the "Premises").
2. On February 2, 2007, a fire occurred at the Premises, a single-family residence. Damage was done to several areas of the house and suspect asbestos-containing materials were disturbed.
3. On February 5, 2007, Andre Gonzales of Foothills Environmental performed an inspection for asbestos-containing materials. Mr. Gonzales is a state certified asbestos building inspector. The report generated by Foothills showed that the "popcorn" texture on the ceilings of the building contained 3% asbestos. As greater than 32 square feet of the texture was disturbed, the area was deemed a major asbestos spill pursuant to Colorado Regulation No. 8, Part B, Section III.T.I. The trigger level for a single family residential dwelling is 50 linear feet on pipe, 32 square feet on other surfaces or the volume equivalent of a 55-gallon drum. Disturbance of greater than the trigger amounts of an asbestos-containing material requires compliance with requirements of Colorado Regulation No. 8, Part B.

4. On February 8, 2007, employees of Sunshine entered areas of a house, deemed to be a major asbestos spill, to remove numerous items including clothing, bedding and rugs. These items were taken to Sunshine's facility for cleaning.

II. PROVISIONS OF THE LAW ALLEGED TO HAVE BEEN VIOLATED

1. Beginning on February 08, 2007, Sunshine failed to properly follow the requirements of the major asbestos spill section, in violation of Regulation No. 8, Part B, Section III.T.1. which provides:

III.T.1. Major Asbestos Spills

In the event of an asbestos spill involving greater than the trigger levels, the building owner or contractor shall:

- III.T.1.e. Using certified Supervisors and certified Workers in accordance with section II. (Certification Requirements) of this Regulation, seal all openings between the contaminated and uncontaminated areas and establish negative air pressure within the contaminated area in accordance with paragraph III.J. (Air Cleaning and Negative Pressure Requirements). This is to be accomplished using polyethylene sheeting to cover areas such as doorways, windows, elevator openings, corridor entrances, grills, drains, grates, diffusers and skylights.**
- III.T.1.f. HEPA vacuum or steam clean all carpets, drapes, upholstery, and other non-clothing fabrics in the contaminated area, or discard these materials.**
- III.T.1.g. Launder or discard contaminated clothing in accordance with subsection III.R. (Waste Handling).**
- III.T.1.h. HEPA vacuum or wet clean all surfaces in the contaminated area.**
- III.T.1.i. Discard all materials in accordance with subsection III.R. (Waste Handling).**
- III.T.1.k. Comply with any other measures deemed necessary by the Division to protect public health.**

III. STANDARD PENALTY PROVISION FOR THE VIOLATION AS ALLEGED

Section 25-7-511(4), C.R.S., provides that any person in violation of any of the provisions in part 5 of the rules and regulations promulgated by the Commission thereunder (including Regulation No. 8, Part B) shall be subject to a civil penalty of not more than Twenty Five Thousand Dollars (\$25,000.00) per day of violation.

NOTICE OF VIOLATION

In the Matter of Sunshine Cleaners and Laundry
Case No. 07020-06, Record No. 65976

IV. CONFERENCE REGARDING THE ALLEGED VIOLATION

1. Although not required by statute, a conference regarding the violations described above has been scheduled by the Division for April 15, 2009, at the Air Pollution Control Division's office, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, at 8:30 A.M. You must contact Laura Shumpert at (303) 692 - 3102 by April 8, 2009, in order to confirm your attendance at the conference, and to inform the Division of the number of people who will be attending the conference on behalf of Sunshine. **Failure to confirm attendance of the conference by April 8 will result in the cancellation of the conference and a decision will be rendered regarding the alleged violations without further input.**

2. This conference will provide Sunshine an opportunity to present data, views and arguments concerning the alleged violations. The Division may provide further opportunity for you to respond after the conference, if circumstances warrant. Following the conference, and upon completion of our investigation, the Division will make a determination as to whether a Compliance Determination Letter will be issued and whether a civil penalty must be assessed. These decisions will be based on information gathered prior to, during, and if necessary, after the conference.

3. If you have any questions concerning the conference or other matters prior to the scheduled conference, please contact Laura Shumpert at (303) 692 - 3102.

4. Legal counsel for the Division may attend the conference. You are entitled to have legal counsel represent you at the conference if you choose.

V. ADDITIONAL ACTION BY THE DIVISION

Failure to attend this conference may result in the issuance of a Compliance Determination Letter and possible assessment of penalties against Sunshine. Subsequent violation of the Compliance Determination Letter may subject Sunshine to further enforcement action under section 25-7-511.5, C.R.S. (court injunction).

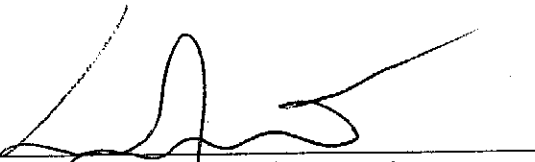
NOTICE OF VIOLATION

In the Matter of Sunshine Cleaners and Laundry
Case No. 07020-06, Record No. 65976

VI. ISSUE DATE OF NOTICE

This Notice of Violation shall be considered issued upon mailing in accordance with Section 25-7-103 (15), C.R.S.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Laura Shumpert, Unit Supervisor
Asbestos Unit
Indoor Environment Program
Air Pollution Control Division

cc: Steve Fine, APCD
Mike Skorupka, APCD
Will Allison, Office of the Attorney General
Dan Webster, U.S. EPA Region VIII
Case No. 07020A-06, Record No. 65976

NOTICE OF VIOLATION

In The Matter Of Sunshine Cleaners and laundry
Case No. 07020A-06, Record No. 65976



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM

CERTIFICATE OF MAILING

This is to certify that a signed copy of the NOTICE OF VIOLATION in the matter of SUNSHINE CLEANERS AND LAUNDRY, ARVADA, COLORADO, was deposited in the mail on this 5th day of MARCH, 2009 to the following:

1. UNITED STATES POSTAL SERVICE, CERTIFIED MAIL NO. 7005 1820 0000 3205 1299

Carl J. Ream
Legal Agent of Service for:
Sunshine Cleaners and Laundry
333 S. Federal Blvd. Suite 212
Denver, Colorado 80219

2. UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL

Sunshine Cleaners and Laundry
9806 W. 60th Avenue
Arvada, Colorado 80004

BY:

A handwritten signature in cursive script, appearing to read "Ellen Evans", is written over a horizontal line.

Ellen Evans, Administrative Assistant



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM**

NOTICE OF VIOLATION

In the matter of:

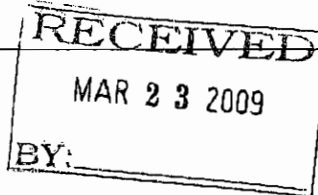
Mr. Thomas Egger

- Individually
- Representing State Farm Fire and Casualty

P.O. Box 339409

Greeley, Colorado 80633-9409

Case No. 07020A-01, Record No. 65966



This Notice of Violation is being issued by the Colorado Department of Public Health and Environment through the Air Pollution Control Division ("Division") to Mr. Thomas Egger pursuant to the Division's authority under section 25-7-511, C.R.S.

I. ALLEGED FINDINGS OF FACT

1. This Notice of Violation is being issued by the Division as a follow-up to a complaint concerning improper handling of a major asbestos spill located at 34036 Grouse Lane, Evergreen, CO (the "Premises").
2. On February 2, 2007, a fire occurred at the Premises, a single-family residence. Damage was done to several areas of the house and suspect asbestos-containing materials were disturbed.
3. On February 5, 2007, Andre Gonzales of Foothills Environmental performed an inspection for asbestos-containing materials. Mr. Gonzales is a state certified asbestos building inspector. The report generated by Foothills showed that the "popcorn" texture on the ceilings of the building contained 3% asbestos. As greater than 32 square feet of the texture was disturbed, the area was deemed a major asbestos spill pursuant to Colorado Regulation No. 8, Part B, Section III.T.I. The trigger level for a single family residential dwelling is 50 linear feet on pipe, 32 square feet on other surfaces or the volume equivalent of a 55-gallon drum. Disturbance of greater than the trigger amounts of an asbestos-containing material requires compliance with requirements of Colorado Regulation No. 8, Part B.

NOTICE OF VIOLATION

In the Matter of Mr. Thomas Egger

Case No. 07020-01, Record No. 65966

4. Mr. Thomas Egger, acting both as an individual, and an adjuster for State Farm Fire and Casualty, was notified about the asbestos report on February 07, 2007. Mr. Egger allowed unrestricted entry to the home on February 8, 2007 by employees of American Restoration who entered the house to place plastic over contaminated surfaces. Following this, several loads of household goods were taken to American Restoration's facility for cleaning, and damaged household goods were not disposed of as asbestos-containing waste. On February 09, 2007, Employees of RescueTech and Sunshine Cleaners and Laundry were also allowed entry to the house to remove contents from areas deemed to be contaminated with asbestos.

II. PROVISIONS OF THE LAW ALLEGED TO HAVE BEEN VIOLATED

1. Beginning on February 07, 2007, Mr. Egger failed to properly follow the requirements of the major asbestos spill section, in violation of Regulation No. 8, Part B, Section III.T.1. which provides:

III.T.1. Major Asbestos Spills

In the event of an asbestos spill involving greater than the trigger levels, the building owner or contractor shall:

- III.T.1.a. **Restrict access to the area and post warning signs to prevent entry to the area by persons other than those necessary to respond to the incident.**
- III.T.1.b. **Shut off or temporarily modify the air handling system to prevent the distribution of asbestos fibers to other areas.**
- III.T.1.c. **Immediately contact the Division by telephone, submit a notification in compliance with subsection III.E. (Notifications) and, if in an area of public access, apply for a permit in accordance with subsection III.G. (Permits).**
- III.T.1.d. **Be exempted from the requirements to have a certified Supervisor on-site at all times, until such time as the immediate danger has passed. Any cleanup or asbestos abatement that must occur after the immediate danger has passed shall be supervised by a person certified by the Division.**
- III.T.1.e. **Using certified Supervisors and certified Workers in accordance with section II. (Certification Requirements) of this Regulation, seal all openings between the contaminated and uncontaminated areas and establish negative air pressure within the contaminated area in accordance with paragraph III.J. (Air Cleaning and Negative Pressure Requirements). This is to be accomplished using polyethylene sheeting to cover areas such as doorways, windows, elevator openings, corridor entrances, grills, drains, grates, diffusers and skylights.**

- III.T.1.f. HEPA vacuum or steam clean all carpets, drapes, upholstery, and other non-clothing fabrics in the contaminated area, or discard these materials.
- III.T.1.g. Launder or discard contaminated clothing in accordance with subsection III.R. (Waste Handling).
- III.T.1.h. HEPA vacuum or wet clean all surfaces in the contaminated area.
- III.T.1.i. Discard all materials in accordance with subsection III.R. (Waste Handling).
- III.T.1.j. Following completion of subparagraph III.T.1.a. through III.T.1.i. above, comply with air monitoring requirements as described in subsection III.P. (Clearing Abatement Projects); air samples shall be collected aggressively as described in 40 C.F.R. Part 763, Appendix A to Subpart E (EPA 1995), except that the air stream of the leaf blower shall not be directed at any friable ACM that remains in the area.
- III.T.1.k. Comply with any other measures deemed necessary by the Division to protect public health.

III. STANDARD PENALTY PROVISION FOR THE VIOLATION AS ALLEGED

Section 25-7-511(4), C.R.S., provides that any person in violation of any of the provisions in part 5 of the rules and regulations promulgated by the Commission thereunder (including Regulation No. 8, Part B) shall be subject to a civil penalty of not more than Twenty Five Thousand Dollars (\$25,000.00) per day of violation.

IV. CONFERENCE REGARDING THE ALLEGED VIOLATION

1. Although not required by statute, a conference regarding the violations described above has been scheduled by the Division for April 15, 2009, at the Air Pollution Control Division's office, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, at 8:30 A.M. You must contact Laura Shumpert at (303) 692 – 3102 by April 8, 2009, in order to confirm your attendance at the conference, and to inform the Division of the number of people who will be attending the conference on behalf of Mr. Egger. **Failure to confirm attendance of the conference by April 8 will result in the cancellation of the conference and a decision will be rendered regarding the alleged violations without further input.**

2. This conference will provide Mr. Egger an opportunity to present data, views and arguments concerning the alleged violations. The Division may provide further opportunity for you to respond after the conference, if circumstances warrant. Following the conference, and upon completion of our investigation, the Division will make a determination as to whether a Compliance Determination Letter will be issued and whether a civil penalty must be assessed. These decisions will be based on information gathered prior to, during, and if necessary, after the conference.

NOTICE OF VIOLATION
In the Matter of Mr. Thomas Egger
Case No. 07020-01, Record No. 65966

3. If you have any questions concerning the conference or other matters prior to the scheduled conference, please contact Laura Shumpert at (303) 692 - 3102.

4. Legal counsel for the Division may attend the conference. You are entitled to have legal counsel represent you at the conference if you choose.

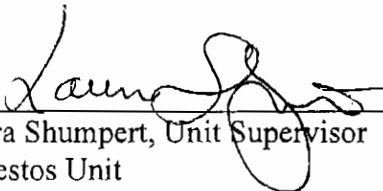
V. ADDITIONAL ACTION BY THE DIVISION

Failure to attend this conference may result in the issuance of a Compliance Determination Letter and possible assessment of penalties against Mr. Egger. Subsequent violation of the Compliance Determination Letter may subject Mr. Thomsen to further enforcement action under section 25-7-511.5, C.R.S. (court injunction).

VI. ISSUE DATE OF NOTICE

This Notice of Violation shall be considered issued upon mailing in accordance with Section 25-7-103 (15), C.R.S.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Laura Shumpert, Unit Supervisor
Asbestos Unit
Indoor Environment Program
Air Pollution Control Division

cc: Steve Fine, APCD
Mike Skorupka, APCD
Will Allison, Office of the Attorney General
Dan Webster, U.S. EPA Region VIII
Case No. 07020A-01, Record No. 65966



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM

CERTIFICATE OF MAILING

This is to certify that a signed copy of the NOTICE OF VIOLATION in the matter of Mr. Thomas Egger, GREELEY, COLORADO, was deposited in the mail on this 5th day of MARCH, 2009 to the following:

1. UNITED STATES POSTAL SERVICE, CERTIFIED MAIL NO. 7005 1820 0000 3209 3718

Mr. Thomas Egger
State Farm Insurance Companies
P.O. Box 339409
Greeley, CO 80633-9409

2. UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL

Mr. Thomas Egger
State Farm Insurance Companies
P.O. Box 339409
Greeley, CO 80633-9409

BY:

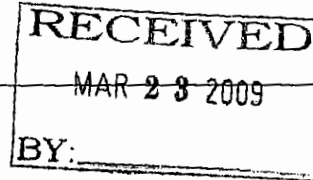
Ellen Evans, Administrative Assistant





**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM**

NOTICE OF VIOLATION



In the matter of:

Mr. Tim Thomsen

- Individually
- Representing State Farm Fire and Casualty

P.O. Box 339409

Greeley, Colorado 80633-9409

Case No. 07020A-02, Record No. 65967

This Notice of Violation is being issued by the Colorado Department of Public Health and Environment through the Air Pollution Control Division ("Division") to Mr. Tim Thomsen pursuant to the Division's authority under section 25-7-511, C.R.S.

I. ALLEGED FINDINGS OF FACT

1. This Notice of Violation is being issued by the Division as a follow-up to a complaint concerning improper handling of a major asbestos spill located at 34036 Grouse Lane, Evergreen, CO (the "Premises").
2. On February 2, 2007, a fire occurred at the Premises, a single-family residence. Damage was done to several areas of the house and suspect asbestos-containing materials were disturbed.
3. On February 5, 2007, Andre Gonzales of Foothills Environmental performed an inspection for asbestos-containing materials. Mr. Gonzales is a state certified asbestos building inspector. The report generated by Foothills showed that the "popcorn" texture on the ceilings of the building contained 3% asbestos. As greater than 32 square feet of the texture was disturbed, the area was deemed a major asbestos spill pursuant to Colorado Regulation No. 8, Part B, Section III.T.1. The trigger level for a single family residential dwelling is 50 linear feet on pipe, 32 square feet on other surfaces or the volume equivalent of a 55-gallon drum. Disturbance of greater than the trigger amounts of an asbestos-containing material requires compliance with requirements of Colorado Regulation No. 8, Part B.

4. Mr. Tim Thomsen, acting both as an individual, and an adjuster for State Farm Fire and Casualty, was notified about the asbestos report on February 07, 2007. Mr. Thomsen allowed unrestricted entry to the home on February 8, 2007 by employees of American Restoration who entered the house to place plastic over contaminated surfaces. Following this, several loads of household goods were taken to American Restoration's facility for cleaning, and damaged household goods were not disposed of as asbestos-containing waste materials. On February 09, 2007, Employees of RescueTech and Sunshine Cleaners and Laundry were also allowed entry to the house to remove contents from areas deemed to be contaminated with asbestos.

II. PROVISIONS OF THE LAW ALLEGED TO HAVE BEEN VIOLATED

1. Beginning on February 07, 2007, Mr. Thomsen failed to properly follow the requirements of the major asbestos spill section, in violation of Regulation No. 8, Part B, Section III.T.1. which provides:

III.T.1. Major Asbestos Spills

In the event of an asbestos spill involving greater than the trigger levels, the building owner or contractor shall:

- III.T.1.a. Restrict access to the area and post warning signs to prevent entry to the area by persons other than those necessary to respond to the incident.**
- III.T.1.b. Shut off or temporarily modify the air handling system to prevent the distribution of asbestos fibers to other areas.**
- III.T.1.c. Immediately contact the Division by telephone, submit a notification in compliance with subsection III.E. (Notifications) and, if in an area of public access, apply for a permit in accordance with subsection III.G. (Permits).**
- III.T.1.d. Be exempted from the requirements to have a certified Supervisor on-site at all times, until such time as the immediate danger has passed. Any cleanup or asbestos abatement that must occur after the immediate danger has passed shall be supervised by a person certified by the Division.**
- III.T.1.e. Using certified Supervisors and certified Workers in accordance with section II. (Certification Requirements) of this Regulation, seal all openings between the contaminated and uncontaminated areas and establish negative air pressure within the contaminated area in accordance with paragraph III.J. (Air Cleaning and Negative Pressure Requirements). This is to be accomplished using polyethylene sheeting to cover areas such as doorways, windows, elevator openings, corridor entrances, grills, drains, grates, diffusers and skylights.**

NOTICE OF VIOLATION

In the Matter of Mr. Tim Thomsen

Case No. 07020-02, Record No. 65967

- III.T.1.f. HEPA vacuum or steam clean all carpets, drapes, upholstery, and other non-clothing fabrics in the contaminated area, or discard these materials.
- III.T.1.g. Launder or discard contaminated clothing in accordance with subsection III.R. (Waste Handling).
- III.T.1.h. HEPA vacuum or wet clean all surfaces in the contaminated area.
- III.T.1.i. Discard all materials in accordance with subsection III.R. (Waste Handling).
- III.T.1.j. Following completion of subparagraph III.T.1.a. through III.T.1.i. above, comply with air monitoring requirements as described in subsection III.P. (Clearing Abatement Projects); air samples shall be collected aggressively as described in 40 C.F.R. Part 763, Appendix A to Subpart E (EPA 1995), except that the air stream of the leaf blower shall not be directed at any friable ACM that remains in the area.
- III.T.1.k. Comply with any other measures deemed necessary by the Division to protect public health.

III. STANDARD PENALTY PROVISION FOR THE VIOLATION AS ALLEGED

Section 25-7-511(4), C.R.S., provides that any person in violation of any of the provisions in part 5 of the rules and regulations promulgated by the Commission thereunder (including Regulation No. 8, Part B) shall be subject to a civil penalty of not more than Twenty Five Thousand Dollars (\$25,000.00) per day of violation.

IV. CONFERENCE REGARDING THE ALLEGED VIOLATION

1. Although not required by statute, a conference regarding the violations described above has been scheduled by the Division for April 15, 2009, at the Air Pollution Control Division's office, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, at 8:30 A.M. You must contact Laura Shumpert at (303) 692 – 3102 by April 8, 2009, in order to confirm your attendance at the conference, and to inform the Division of the number of people who will be attending the conference on behalf of Mr. Thomsen. **Failure to confirm attendance of the conference by April 8 will result in the cancellation of the conference and a decision will be rendered regarding the alleged violations without further input.**

2. This conference will provide Mr. Thomsen an opportunity to present data, views and arguments concerning the alleged violations. The Division may provide further opportunity for you to respond after the conference, if circumstances warrant. Following the conference, and upon completion of our investigation, the Division will make a determination as to whether a Compliance Determination Letter will be issued and whether a civil penalty must be assessed. These decisions will be based on information gathered prior to, during, and if necessary, after the conference.

NOTICE OF VIOLATION

In the Matter of Mr. Tim Thomsen

Case No. 07020-02, Record No. 65967

3. If you have any questions concerning the conference or other matters prior to the scheduled conference, please contact Laura Shumpert at (303) 692 - 3102.

4. Legal counsel for the Division may attend the conference. You are entitled to have legal counsel represent you at the conference if you choose.

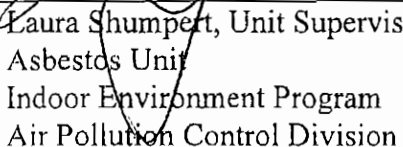
V. ADDITIONAL ACTION BY THE DIVISION

Failure to attend the conference may result in the issuance of a Compliance Determination Letter and possible assessment of penalties against Mr. Thomsen. Subsequent violation of the Compliance Determination Letter may subject Mr. Thomsen to further enforcement action under section 25-7-511.5, C.R.S. (court injunction).

VI. ISSUE DATE OF NOTICE

This Notice of Violation shall be considered issued upon mailing in accordance with Section 25-7-103 (15), C.R.S.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Laura Shumpert, Unit Supervisor
Asbestos Unit
Indoor Environment Program
Air Pollution Control Division

cc: Steve Fine, APCD
Mike Skorupka, APCD
Will Allison, Office of the Attorney General
Dan Webster, U.S. EPA Region VIII
Case No. 07020A-02, Record No. 65967



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM

CERTIFICATE OF MAILING

This is to certify that a signed copy of the NOTICE OF VIOLATION in the matter of Mr. Tim Thomsen, GREELEY, COLORADO, was deposited in the mail on this 5th day of MARCH, 2009 to the following:

1. UNITED STATES POSTAL SERVICE, CERTIFIED MAIL NO. 7005 1820 0000 3209 3701

Mr. Tim Thomsen
State Farm Insurance Companies
P.O. Box 339409
Greeley, CO 80633-9409

2. UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL

Mr. Tim Thomsen
State Farm Insurance Companies
P.O. Box 339409
Greeley, CO 80633-9409

BY:

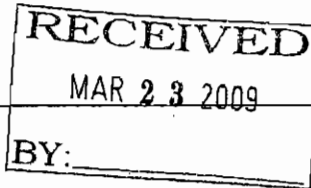
A handwritten signature in cursive script, appearing to read 'Ellen Evans', is written over a horizontal line.

Ellen Evans, Administrative Assistant



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM**

NOTICE OF VIOLATION



In the matter of:

Mr. Timothy Aumiller
P.O. Box 608
Pine, Colorado 80470
Case No. 07020A-04, Record No. 65970

This Notice of Violation is being issued by the Colorado Department of Public Health and Environment through the Air Pollution Control Division ("Division") to Mr. Timothy Aumiller pursuant to the Division's authority under section 25-7-511, C.R.S.

I. ALLEGED FINDINGS OF FACT

1. This Notice of Violation is being issued by the Division as a follow-up to a complaint concerning improper handling of a major asbestos spill located at 34036 Grouse Lane, Evergreen, CO (the "Premises").
2. On February 2, 2007, a fire occurred at the Premises, a single-family residence. Damage was done to several areas of the house and suspect asbestos-containing materials were disturbed.
3. On February 5, 2007, Andre Gonzales of Foothills Environmental performed an inspection for asbestos-containing materials. Mr. Gonzales is a state certified asbestos building inspector. The report generated by Foothills showed that the "popcorn" texture on the ceilings of the building contained 3% asbestos. As greater than 32 square feet of the texture was disturbed, the area was deemed a major asbestos spill pursuant to Colorado Regulation No. 8, Part B, Section III.T.I. The trigger level for a single family residential dwelling is 50 linear feet on pipe, 32 square feet on other surfaces or the volume equivalent of a 55-gallon drum. Disturbance of greater than the trigger amounts of an asbestos-containing material requires compliance with requirements of Colorado Regulation No. 8, Part B.

NOTICE OF VIOLATION

In the Matter of Mr. Timothy Aumiller
Case No. 07020-04, Record No. 65970

4. On February 8, 2007, Mr. Aumiller, president of American Restoration, Inc. allowed employees of American Restoration to enter the house to place plastic over contaminated surfaces. Following this, several loads of household goods from areas of the home that had been deemed contaminated, were taken to American Restoration's facility for cleaning and damaged household goods were not disposed of as asbestos-contaminated waste materials.

II. PROVISIONS OF THE LAW ALLEGED TO HAVE BEEN VIOLATED

1. Beginning on February 08, 2007, Mr. Aumiller failed to properly follow the requirements of the major asbestos spill section, in violation of Regulation No. 8, Part B, Section III.T.1. which provides:

III.T.1. Major Asbestos Spills

In the event of an asbestos spill involving greater than the trigger levels, the building owner or contractor shall:

- III.T.1.a. **Restrict access to the area and post warning signs to prevent entry to the area by persons other than those necessary to respond to the incident.**
- III.T.1.b. **Shut off or temporarily modify the air handling system to prevent the distribution of asbestos fibers to other areas.**
- III.T.1.c. **Immediately contact the Division by telephone, submit a notification in compliance with subsection III.E. (Notifications) and, if in an area of public access, apply for a permit in accordance with subsection III.G. (Permits).**
- III.T.1.d. **Be exempted from the requirements to have a certified Supervisor on-site at all times, until such time as the immediate danger has passed. Any cleanup or asbestos abatement that must occur after the immediate danger has passed shall be supervised by a person certified by the Division.**
- III.T.1.e. **Using certified Supervisors and certified Workers in accordance with section II. (Certification Requirements) of this Regulation, seal all openings between the contaminated and uncontaminated areas and establish negative air pressure within the contaminated area in accordance with paragraph III.J. (Air Cleaning and Negative Pressure Requirements). This is to be accomplished using polyethylene sheeting to cover areas such as doorways, windows, elevator openings, corridor entrances, grills, drains, grates, diffusers and skylights.**

NOTICE OF VIOLATION

In the Matter of Mr. Timothy Aumiller

Case No. 07020-04, Record No. 65970

- III.T.1.f. HEPA vacuum or steam clean all carpets, drapes, upholstery, and other non-clothing fabrics in the contaminated area, or discard these materials.
- III.T.1.g. Launder or discard contaminated clothing in accordance with subsection III.R. (Waste Handling).
- III.T.1.h. HEPA vacuum or wet clean all surfaces in the contaminated area.
- III.T.1.i. Discard all materials in accordance with subsection III.R. (Waste Handling).
- III.T.1.j. Following completion of subparagraph III.T.1.a. through III.T.1.i. above, comply with air monitoring requirements as described in subsection III.P. (Clearing Abatement Projects); air samples shall be collected aggressively as described in 40 C.F.R. Part 763, Appendix A to Subpart E (EPA 1995), except that the air stream of the leaf blower shall not be directed at any friable ACM that remains in the area.
- III.T.1.k. Comply with any other measures deemed necessary by the Division to protect public health.

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2. This conference will provide Mr. Aumiller an opportunity to present data, views and arguments concerning the alleged violations. The Division may provide further opportunity for you to respond after the conference, if circumstances warrant. Following the conference, and upon completion of our investigation, the Division will make a determination as to whether a Compliance Determination Letter will be issued and whether a civil penalty must be assessed. These decisions will be based on information gathered prior to, during, and if necessary, after the conference.

3. If you have any questions concerning the conference or other matters prior to the scheduled conference, please contact Laura Shumpert at (303) 692 - 3102.

4. Legal counsel for the Division may attend the conference. You are entitled to have legal counsel represent you at the conference if you choose.

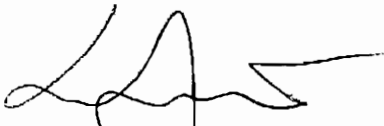
V. ADDITIONAL ACTION BY THE DIVISION

Failure to attend this conference may also result in the issuance of a Compliance Determination Letter and possible assessment of penalties against Mr. Aumiller. Subsequent violation of the Compliance Determination Letter may subject Mr. Aumiller to further enforcement action under section 25-7-511.5, C.R.S. (court injunction).

VI. ISSUE DATE OF NOTICE

This Notice of Violation shall be considered issued upon mailing in accordance with Section 25-7-103 (15), C.R.S.

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Laura Shumpert, Unit Supervisor
Asbestos Unit
Indoor Environment Program
Air Pollution Control Division

cc: Steve Fine, APCD
Mike Skorupka, APCD
Will Allison, Office of the Attorney General
Dan Webster, U.S. EPA Region VIII
Case No. 07020A-04, Record No. 65970

NOTICE OF VIOLATION

In The Matter Of Mr. Timothy Aumiller
Case No. 07020A-04, Record No. 65970



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION
INDOOR ENVIRONMENT PROGRAM

CERTIFICATE OF MAILING

This is to certify that a signed copy of the NOTICE OF VIOLATION in the matter of AMERICAN RESTORATION, INC., PINE, COLORADO, was deposited in the mail on this 5th day of MARCH, 2009 to the following:

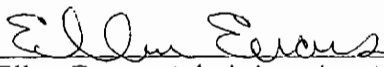
1. UNITED STATES POSTAL SERVICE, CERTIFIED MAIL NO.7002 2410 0001 0129 7273

Mr. Timothy Aumiller
American Restoration, Inc.
P.O. Box 608
Pine, CO 80470

2. UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL

Mr. Timothy Aumiller
American Restoration, Inc.
P.O. Box 608
Pine, CO 80470

BY:



Ellen Evans, Administrative Assistant