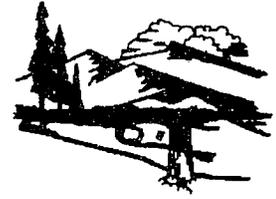




# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

August 3, 2007

Mr. C. Patrick Havener  
Vice President,  
Wyoming Refining Company  
PO BOX 820  
Newcastle, WY 82701

RE: Notice of Violation

Dear Mr. Havener

Enclosed is a copy of a Notice of Violation issued to Wyoming Refining Company for failing to conduct SO<sub>2</sub> performance testing on the HDS heater as required by Condition F11 of permit 3-0-136-2. This violation was discovered during the Air Quality Division's review of the Annual Compliance Certification.

As the Department and this Division consider the failure to comply with permit conditions to be a serious matter, I am 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 action on the referral by the Attorney General's office, please contact Ms. Karen Godman, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me or Karen Godman.

Sincerely,

David A. Pinley  
Administrator  
Air Quality Division

cc: Nancy Vehr  
Robert Gill  
Mike Warren



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

**IN THE MATTER OF THE NOTICE OF VIOLATION  
ISSUED TO WYOMING REFINING COMPANY,  
MR. C. PATRICK HAVENER, VICE PRESIDENT,  
P.O. BOX 820,  
NEWCASTLE, WY 82701**

)  
) **DOCKET NO.**  
) **4138-07**  
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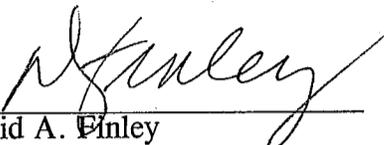
**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Wyoming Refining Company (Wyoming Refining), Newcastle Refinery to be in violation of operating permit 3-0-136-2 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 3 of the Wyoming Air Quality Standards and Regulations in the operation of the refinery located in Weston County, Wyoming.
2. W.S. 35-11-801 states, "In granting permits, the director may impose such conditions as may be necessary to accomplish the purpose of this act which are not inconsistent with the existing rules, regulations and standards."
3. Chapter 6, Section 3 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to major sources under Wyoming's operating permit program.
4. Operating permit 3-0-136-2 was issued to Wyoming Refining on February 28, 2006.
5. Condition F11 of permit 3-0-136-2 required initial performance tests for the HDS Heater (Unit H-14) and the FCC (Stacks S-21) to be conducted within 30 days of achieving the maximum design rate but not later than 90 days following initial start-up. Condition F11 also states for SO<sub>2</sub> emissions from the HDS Heater (Unit H-14) Methods 1-4 shall be used to determine initial compliance with the 1.0 lb/hr emission limit.
6. A review of the Annual Compliance Certification for Wyoming Refining, Newcastle Refinery performed February 6, 2007 showed that the performance test on the HDS heater conducted June 19, 2006 did not include testing for SO<sub>2</sub> and that the SO<sub>2</sub> testing had yet to be completed.
7. Said violation consists of failing to perform the initial performance test for SO<sub>2</sub> on the HDS heater as required by Condition F11 of permit 3-0-136-2. This is a violation of Condition F11 of permit 3-0-136-2.
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 provisions, 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 (\$10,000.00) 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 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.

Wyoming Refining Company  
Notice of Violation  
Page 2

DATED this 23 day of Aug, 2007.

  
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David A. Finley  
Administrator  
Air Quality Division

  
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John Corra  
Director  
Department of Environmental Quality

Please direct all inquiries to David A. Finley, Administrator, Division of Air Quality,  
Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street,  
Cheyenne, Wyoming 82002. (Telephone: 307/777-7393)