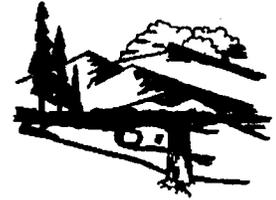




Department of Environmental Quality



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

December 28, 2009

Mr. C. Patrick Havener
Wyoming Pipeline Company
P.O. Box 820
Newcastle, WY 82071

Dear Mr. Havener,

Enclosed you will find a Notice of Violation (NOV) issued to Wyoming Pipeline Company by the Department of Environmental Quality, Air Quality Division, for the violation of the requirement to obtain a operating permit for the Mush Creek Junction facility located in Weston County, Wyoming. The Air Quality Division received a voluntary disclosure letter from Wyoming Pipeline Company which indicates that the facility is a major source and would require an operating permit.

As the Department and this Division consider the failure to obtain the necessary permits prior to operating air emission sources 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 Notice of Violation 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.

Sincerely,

David A. Finley
Administrator
Air Quality Division

cc: Robert Gill
Nancy Vehr
Tanner Shatto
Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION)	
ISSUED TO WYOMING PIPELINE COMPANY,)	DOCKET NO. 4618-10
MR. C. PATRICK HAVENER, PRESIDENT,)	
P.O. BOX 820,)	
NEWCASTLE, WY 82701)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Wyoming Pipeline Company to be to be in violation of permitting requirements as dictated through W.S. 35-11-203 through W.S. 35-11-206 of the Wyoming Environmental Quality Act and Chapter 6, Section 3 of the Wyoming Air Quality Standards and Regulations in the operation of the Mush Creek Junction facility located in Weston County, Wyoming.

2. W.S. 35-11-203 through W.S. 35-11-206 establishes the state operating permit program for major sources to include, sources subject to the operating permit program, procedures for applying for an operating permit, review of permit applications and issuance of such permits.

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. Chapter 6, Section 3(c) of the Wyoming Air Quality Standards and Regulations states: "Any stationary source or group of stationary sources subject to this section shall submit a timely and complete permit application in accordance with this paragraph."

5. Chapter 6, Section 3(c)(i)(A) of the Wyoming Air Quality Standards and Regulations states: "A timely application for a source applying for an operating permit under this section for the first time is one that is submitted to the Division within twelve (12) months after the source becomes subject to this section."

6. The Division received a letter from Wyoming Pipeline Company dated November 23, 2009, voluntarily disclosing that the Mush Creek Junction facility tank #104 exceeded 100 tons in VOC emissions in 2008 and may do so again in 2009. The November 23, 2009 letter further notes that the facility began operations/processes of the equipment (increased shipments of more volatile crude oil grade through the facility) that would make the facility subject to the operating permit requirements beginning in late 2007. In accordance with Chapter 6, Section 3(c)(i)(A), this facility would have needed to submit a permit application for an operating permit by late 2008. Wyoming Pipeline Company had not applied for an operating permit for this facility.

7. Said violation consists of the failure to obtain an operating permit for the Mush Creek Junction facility in violation W.S. 35-11-203 through W.S. 35-11-206 of the Wyoming Environmental Quality Act and Chapter 6, Section 3 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 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

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 31st day of December, 2009.



David A. Finley
Administrator
Air Quality Division



John Y. 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.)