



# 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

October 12, 2010

Mr. Michael F. Milam  
Frontier Refining, Inc.  
PO BOX 1588,  
Cheyenne, WY 82003-1588

RE: Notice of Violation

Dear Mr. Milam:

Enclosed you will find a Notice of Violation (NOV) issued to Wyoming Refining, Inc. by the Department of Environmental Quality, Air Quality Division, for the failure to conduct semiannual stack testing for formaldehyde on the Large Coker Compressor engine in violation of 40 CFR, Part 63, Subpart ZZZZ for the Frontier Refinery.

As the Department and this Division consider the failure to comply with air quality regulations to be a serious matter, I am recommending 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.

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

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Robert Gill  
Glenn Spangler  
Nancy Vehr  
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO FRONTIER REFINING, INC )  
MR. MICHAEL F. MILAM, VICE PRESIDENT, )  
PO BOX 1588, CHEYENNE, WY 82003-1588 )**

**DOCKET NO. 4747-10**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Frontier Refining, Inc. to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act Chapter 5, Section 3 of the Wyoming Air Quality Standards and Regulations in the operation of the Frontier Refinery located in Cheyenne, Wyoming.

2. W.S. 35-11-201 of the 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 5, Section 3 of the Wyoming Air Quality Standards and Regulations adopts certain National Emission Standards for Hazardous Air Pollutants (NESHAP) by reference including 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. §63.6675 defines limited use stationary Reciprocating Internal Combustion Engine (RICE) as any stationary RICE that operates less than 100 hours per year. Per §63.6590(b)(2), limited use stationary RICE are exempt from the requirements of Subpart ZZZZ with the exception of initial notifications. As a non-limited RICE engine, the Large Coker Compressor engine would be subject to a 350 ppvd (15% O<sub>2</sub>) formaldehyde emission limit or a reduction in formaldehyde emissions by 76% or more in accordance with Subpart ZZZZ §63.6600 and Table 1a. Semiannual stack testing for formaldehyde is also required by Subpart ZZZZ §63.6615 and Table 3 to demonstrate compliance with the formaldehyde ppmvd or reduction limits.

4. Beginning with the first 2008 semiannual report, Frontier stated that both the Large and Small Coker Compressor engines had been classified as limited use RICE units. A review of the operating hours submitted with the annual emissions inventories revealed the Large Coker Compressor engine operated 561 hours in 2008 and 2265 hours in 2009. As the Large Coker Compressor engine cannot be classified as a limited use RICE, it would be subject to the semiannual testing requirement. Semiannual testing for the Large Coker Compressor engine has not been conducted for 2008, 2009 or the first half of 2010.

5. Said violation consists of the failure to conduct semiannual stack testing for formaldehyde on the Large Coker Compressor engine violation of 40 CFR, Part 63, Subpart ZZZZ for the Frontier Refinery.

6. 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.

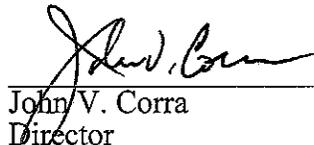
7. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Frontier Refining  
Notice of Violation  
Page 2

DATED this 12<sup>th</sup> day of OCTOBER, 2010.



Steven A. Dietrich  
Administrator  
Air Quality Division



John V. Corra  
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 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)