



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

John Corra, Director

October 24, 2011

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

Re: Notice of Violation

Dear Mr. Havener:

Enclosed you will find a Notice of Violation (NOV) issued to Wyoming Refining Company by the Department of Environmental Quality, Air Quality Division for failing to perform testing of the prefact heater (H-01) as required by condition 2 of waiver WV-4717.

As the Department and this Division consider the failure to comply with waiver conditions 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 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 the Notice of Violation, please feel free to contact me or Ms. Karen Godman.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Nancy Vehr
Robert Gill
Tanner Shatto
Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO WYOMING REFINING COMPANY,) **DOCKET NO.4914-11**
MR. C. PATRICK HAVENER, VICE 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 Refining Company (Wyoming Refining) to be in violation of waiver WV-4717 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the Newcastle Refinery located in Weston County, Wyoming.

2. W.S. 35-11-801 of the Wyoming Environmental Quality Act 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 2 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Waiver WV-4717 was issued to Wyoming Refining Company on July 24, 2006. Condition 2 requires testing of the prefact heater (H-01) within 60 days of issuance of the waiver.

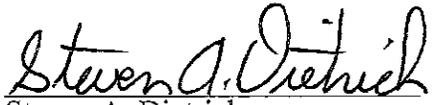
5. On April 28, 2011 and September 20, 2011, Mr. Tanner Shatto and Mr. Jason Decker, Air Quality Engineers, conducted inspections and records reviews of the Newcastle Refinery. During these inspections, it was observed that the prefact heater (H-01) had not been tested as required by condition 2 of WV-4717.

6. Said violation consists of failing to perform testing of the prefact heater (H-01) as required by condition 2 of waiver WV-4717.

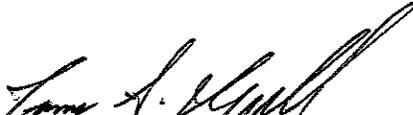
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental 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.

8. 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 25th day of OCTOBER, 2011.



Steven A. Dietrich
Administrator
Air Quality Division



John 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.)