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

MEMORANDUM

TO: Nancy Vehr, Attorney General, State of Wyoming

FROM: John Corra, Director, DEQ
Steven A. Dietrich, Administrator, Air Quality Division

SUBJECT: Wyoming Refining Company - Notice of Violation
Docket No. 5002-12

Date: June 4, 2012

Enclosed is a copy of a Notice of Violation (NOV) issued to Wyoming Refining Company by the Department of Environmental Quality, Air Quality Division for failing to obtain a permit for Boiler H-23 prior to construction and operation. This violation was discovered during the Air Quality Division's review of Startup and Construction Notification for the 92 MMBtu/hr Boiler, H-23.

Referral to the State Attorney General's office is consistent with the Department's policy of obtaining penalties in cases of failure to comply with air quality permit and regulatory requirements.

It is hereby requested that you take appropriate enforcement action to resolve this violation, collect a penalty and, if necessary, file a complaint in District Court.

If you have any questions, feel free to contact the Air Quality Division.

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John Corra, Director

June 4, 2012

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 obtain a permit for Boiler H-23 prior to construction and operation.

As the Department and this Division consider the failure to comply with permitting requirements 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 this matter, please feel free to contact me or Karen Godman.

Sincerely,

Steven A. Dietrich

Steven A. Dietrich
Administrator
Air Quality Division

cc: Nancy Vehr
Bob 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. 5002-12**
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 to be in violation 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(c) states, "A permit to construct is required before the construction or modification of any industrial facility capable of causing or increasing air or water pollution in excess of standards established by the department is commenced."

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. Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations states, "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality, before any actual work is begun on the facility."

5. On May 2, 2012, the Air Quality Division received startup notification for Boiler H-23. Upon further inspection, it was discovered that construction of Boiler H-23 began on December 16, 2011 and the boiler was started on January 31, 2012. A waiver was issued for this boiler on April 23, 2012, therefore, Boiler H-23 was constructed and operated without a permit.

6. Said violations consist of failing to obtain a permit for Boiler H-23 prior to construction and operation.

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 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 4th day of JUNE, 2012.

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)