



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

Todd Parfitt, Director

November 9, 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 exceeding the 20% opacity limit on the expansion flare as required by Condition 5 of permit waiver AP-8948. This is a violation of Condition 5 of permit waiver AP-8948 and Chapter 3, Section 6(b) of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with air quality regulatory requirements and permit conditions to be a serious matter, I am considering 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. 5086-12
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 (Wyoming Refining), Newcastle Refinery to be in violation of permit waiver AP-8948 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 3, Section 6 of the Wyoming Air Quality Standards and Regulations in flaring activities at the Newcastle 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 3, Section 6 of the Wyoming Air Quality Standards and Regulations establishes emission standards for volatile organic compounds.

4. Chapter 3, Section 6(b) of the Wyoming Air Quality Standards and Regulations prescribes the emission limits for volatile organic compounds as follows:

"VOC emissions shall be limited through the application of Best Available Control Technology (BACT) in accordance with Chapter 6, Section 2 of these regulations. Notwithstanding the above, whenever acceptable control of VOC emissions from vapor blowdown, emergency relief systems, or VOC emissions generated from oil and gas production, storage, exploration, development, or processing operations is specified pursuant to these regulations as a flare, the flare shall not exceed a 20 percent opacity emission standard. If acceptable control of VOC emissions is specified as a smokeless flare, the definition given in subsection (i) of this section applies."

5. Permit waiver AP-8948 was issued to Wyoming Refining on August 18, 2009.

6. Condition 5 of permit waiver AP-8948 states:

"The flare expansion (FLARE2) shall be designed, constructed, operated and maintained to exhibit no more than 20 percent opacity per Chapter 3, Section 6 (b) of the WAQSR, as determined by 40 CFR, Part 60, Appendix A, Method 9."

7. On August 12, 2012, the expansion flare was noted to have 100% opacity. Discussion with Wyoming Refining indicated the flare could not be shut down immediately due to safety reasons.

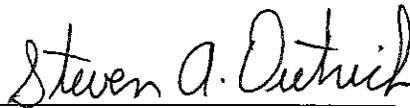
8. Said violation consists of exceeding the 20% opacity limit on the expansion flare as required by Condition 5 of permit waiver AP-8948. This is a violation of Condition 5 of permit waiver AP-8948 and Chapter 3, Section 6(b) of the Wyoming Air Quality Standards and Regulations.

9. 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.

10. 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 9th day of NOVEMBER, 2012.



Steven A. Dietrich
Administrator
Air Quality Division



Todd Parfitt
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)