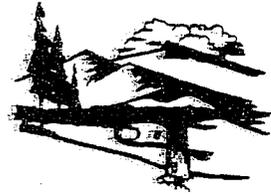




Department of Environmental Quality



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

Tuesday, April 8, 2008

Certified #: 7005 1820 0005 1478 2185
Return Receipt Requested

Mr. David Danford
Frontier Oil & Refining (40.015)
P.O. Box 1588
Cheyenne, WY 82003-1588

RE: Issuance of Notice of Violation

Enclosed is a Notice of Violation (NOV) issued to Frontier for violations of the Wyoming State Hazardous Waste Rules and Regulations (HWRR). On February 28, 2008 and March 12, 2008, Mr. Charles Plymale of the Wyoming Department of Environmental Quality (WDEQ), conducted inspections of Frontier Oil & Refining Co. for the purpose of evaluating compliance with the HWRR.

During the February 28, 2008, and March 12, 2008, inspections, the following violations of the HWRR were found.

Count 1: The ninety (90) day hazardous waste accumulation area had two (2) waste containers without the required waste accumulation date to determine when the wastes were placed in temporary storage and to determine when the regulatory limit for temporary storage had been exceeded. Therefore, the generator did not mark hazardous waste containers with the date to determine when waste accumulation began. [HWRR, Chapter 8, Section 3(e)(i)(B)] Failure to label waste containers was also noted during the July 21, 2005, inspection (NOV Docket No. 3909-06), and the August 21-22, 2006 inspection (NOV Docket No. 4042-07).

Count 2: The ninety (90) day hazardous waste accumulation area had two (2) drums without labels to identify hazardous waste contents. Therefore, the generator did not clearly mark all containers with the words "HAZARDOUS WASTE". [HWRR, Chapter 8, Section 3(e)(i)(C)] Failure to label waste containers was also noted during the July 21, 2005, inspection (NOV Docket No. 3909-06), and the August 21-22, 2006 inspection (NOV Docket No. 4042-07).

Count 3: Fifty-five (55) gallon hazardous waste containers were consolidated too closely together to allow proper inspection and identification of the wastes in the area designated as the ninety (90) day waste accumulation area. Therefore, the generator did not provide



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ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
(307) 777-7937	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-2810	FAX 777-6100	FAX 777-5616	FAX 777-5973	FAX 777-5864	FAX 777-5973	FAX 777-5973



sufficient aisle space between pallets and drums so that leaking drums, damaged drums, proper labeling, or accumulation dates, could be inspected for proper shipping or to assure the drums were not stored over the ninety (90) day limitation [HWRR, Chapter 11, Section 5(f). This violation was also noted during the October 19, 2005 inspection (NOV Docket No. 3909-06) and the August 21-22, 2006 inspection (NOV Docket No. 4042-07).

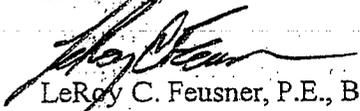
Count 4: Frontier is not conducting the required RCRA weekly inspections. Two sets of weekly inspections were copied to document dates [Inspection set (1) 9/28/07, 10/14/07, and 10/25/07 and Inspection Set (2) 11/29/07, 12/13/07, 2/22/07, 2/28/08] showing that more than 1 week had occurred before inspections were conducted. [HWRR, Chapter 8, Section 3(e)(iv)(B) and Section 11(10)(e) require inspections; and Chapter 11, Section 4(f)(iv), require records of inspections] This violation was also noted during the July 21, 2005, inspection (NOV Docket No. 3909-06), and the August 21-22, 2006 inspection (NOV Docket No. 4042-07).

These violations were noted in previous inspections and contained in NOV Docket No. 3909-06 (with a deferred penalty) and NOV Docket No. 4042-07.

Due to the compliance history at Frontier and the seriousness of the above violations, we are referring the case to the Attorney General with a request to file a complaint in district court to seek a penalty.

If you have any questions regarding this letter or the attached notice of violation, please feel free to contact me at (307) 777-7753, Bob Breuer at (307) 473-3454, or Charles Plymale at (307) 335-6951.

Sincerely,



LeRoy C. Feusner, P.E., BCEE
Administrator
Solid and Hazardous Waste Division

Enclosure: NOV

cc: Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office File 40.015
Mike Barrash, Senior Assistant Attorney General
Charles Plymale, I&C, WDEQ/SHWD Lander Office File 40.015

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

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

FRONTIER REFINING Inc. (40.015.2))
P.O. Box 1588) DOCKET NO.: 3909-06
Cheyenne, WY 82003-1588)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

On October 19 and July 21, 2005, Mr. C.A. Plymale of the Wyoming Department of Environmental Quality, conducted an inspection of Frontier Refining Co, for the purpose of evaluating compliance with the Wyoming Hazardous Waste Rules and Regulations.

The inspection revealed the following violations of the Wyoming Hazardous Waste Rules and Regulations:

1. The generator did not provide sufficient space between pallets of drums so that leaking drums, damaged drums, proper labeling, or dates could be inspected for proper shipping or to assure the drums were not over the ninety (90) day requirements [HWRR, Chapter 11, Section 5(f)].
2. The generator did not adequately inspect containers for leakage and corrosion on a weekly basis [HWRR, Chapter 11, Section 10(e)].
3. There was a drum and five gallon buckets not properly labeled and containing hazardous waste inside the bundle cleaning area. [HWRR, Chapter 8, Section 3(e)(i)(C)]
4. Two (2) of the generator's manifests did not include the facility name, address and EPA ID# [HWRR, Chapter 8, Section 2(a)]. Line items nine (9) and ten (10) of manifests # 01097 and # 01096 were not complete with the facility name, address, and EPA ID #.

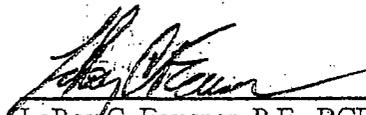


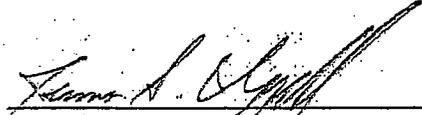
5. The refinery did not adequately respond to spills/releases of hazardous wastes and/or constituents in accordance with requirements of HWRR, Chapter 11, Section 5(b) and Chapter 8, Section 3(e)(i)(D) covering Preparedness and Prevention (or solid waste rules where noted), as summarized below.
- a. Offsite release of coke fines and/or contaminated storm water – Waste coke fines and/or contaminated storm water were released south of the coker unit and onto private property south of the refinery fence. The soil is stained black to a depth of several inches in many locations and the impacted area covers an estimated 1,000 square feet or more.
 - b. Listed hazardous waste releases from heat exchanger cleaning area – There is soil contaminated in areas around the heat exchanger cleaning area. Heat Exchanger Bundle Cleaning Wastes are listed hazardous waste (EPA & WDEQ hazardous waste code K050). The continued presence of this contaminated area between the July, 2005, and October, 2005 inspections indicates a failure to properly respond to releases of hazardous wastes or constituents.
 - c. Releases of oil at the contractor working area, generated petroleum-contaminated soils (solid waste) not managed in accordance with the Wyoming Solid Waste Regulations, [Chapter 1, Section 1(f)(i)].
 - d. Soil contamination and overflow of oily sewer near Tank 64 – Contaminated soils were present in the vicinity of the Tank 64 sewer box/junction.

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 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.

Signed this 6th day of June, 2006


LeRoy C. Feusner, P.E., BCEE
Administrator
Solid and Hazardous Waste Division


John V. Corra
Director
Dept. of Environmental Quality