



# 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

March 15, 2007

Certified #: 7004 2890 0004 5120 3580

Return Receipt Requested

Mr. Mel Wilkenfeld  
Frontier Oil & Refining (40.015.2)  
P.O. Box 1248  
Cheyenne, WY 82007

## RE: Issuance of Notice of Violation (August, 2006 Inspection)

Dear Mr. Wilkenfeld:

Enclosed is a Notice of Violation (NOV) issued to Frontier for violations of the Wyoming Hazardous Waste Rules and Regulations (HWRR). On August 21 and August 22, 2006, Mr. Charles Plymale of the Wyoming Department of Environmental Quality (WDEQ), conducted an inspection of Frontier Refining Co. for the purpose of evaluating compliance with the HWRR.

The August 21 and 22, 2006 inspection revealed the following violations of the HWRR, including some identical violations observed in July 21 and October 19, 2005 inspections that were documented in a previous NOV Docket No. 3909-06:

1. The ninety (90) day hazardous waste accumulation area had fifty-two (52) 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. Also, there were two (2), twenty (20) yard roll-off containers that did not have legible accumulation dates on the hazardous waste labels. 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)].
2. The ninety (90) day hazardous waste accumulation area had twenty-nine (29) drums without labels to identify hazardous waste contents. One drum had both a non-hazardous waste label and a hazardous waste label. 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 and in NOV Docket No. 3909-06.



2565

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
--	---	---	---	--	--	---



3. The ninety (90) day hazardous waste accumulation area contained nine (9) drums of listed hazardous wastes which exceeded the accumulation limit of ninety (90) days without a permit. The drums indicated dates from January 14, 2006 to February 14, 2006. The dates of the inspections were August 21, 2006 and August 22, 2006. Therefore, the generator failed to ship the hazardous waste containers within the required ninety (90) day storage limitation time. [HWRR, Chapter 8, Section 3(e)(ii)].
4. Frontier could not provide any records that the required weekly inspections had been conducted for nine (9) containers in the ninety (90) day hazardous waste accumulation area. There were nine (9) containers of listed hazardous wastes dating from January 14, 2006 to February 14, 2006 without corresponding container inspection records. There was no information or records available to document weekly RCRA inspections for these containers. [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 and in the NOV, Docket No. 3909-06.
5. Manifest document, #301802, indicated that Frontier personnel had signed the manifest. However, there were no records indicating the person who signed the manifest had hazardous waste training. Facility personnel must successfully complete a program of classroom instruction or on the job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of HWRR, Chapters 8 and 11. This program must be managed by a person trained in hazardous waste management procedures, and it must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. [HWRR, Chapter 11, Section 4(g)(i)(A)]. Persons signing hazardous waste manifests must have this training. Training records must be kept to document this requirement. [HWRR, Chapter 11, Section 4(g)(iv) and (v)].
6. The refinery did not adequately cleanup spills/releases of hazardous wastes and/or contaminants observed during the July 21 and October 19, 2005, inspections. There was contaminated soil in areas around the heat exchanger bundle cleaning area. Heat Exchanger Bundle Cleaning Wastes are a listed hazardous waste (EPA & WDEQ hazardous waste code K050). The continued presence of this contamination observed during the July 21 and October 19, 2005 inspections, and in the June 5, 2006 NOV (Docket No. 3909-06), indicates a failure to properly respond to releases of hazardous wastes or constituents. [HWRR, Chapter 11, Section 5(b)(i) and Chapter 8, Section 3(e)(i)(D)].
7. Large fifty-five (55) gallon hazardous waste containers were crowded 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 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 and in Notice of Violation (NOV), Docket No. 3909-06.

8. Frontier failed to assure the container storing hazardous wastes was compatible with the hazardous waste stored in the container, as indicated by severe corrosion observed in two (2) steel drums in the temporary hazardous waste storage area. Therefore, Frontier is in violation of HWRR, Chapter 11, Section 10(c) and Section 10 (e)(i).
9. Frontier was not able to demonstrate the length of time that the universal waste had been accumulated from the date that it became a waste or was received [HWRR, Chapter 14, Section 2, (f)(iii)].

Some of these violations were noted in earlier inspections and contained in NOV, Docket No. 3909-06, when the Department decided to defer a penalty with an opportunity to correct the violations. Please note that due to past compliance problems 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 would like to discuss settlement of this issue prior to referral to the Attorney General, please contact Bob Breuer, Inspection/Compliance Program Manager, at 307-473-3450 within ten (10) days of your receipt of this letter. If you have any questions regarding the inspections or this documentation, please contact Charles Plymale in the Lander office at (307) 332-6924 or Bob Breuer at (307) 473-3454.

Sincerely,



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

Enclosure: NOV

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

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

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

FRONTIER OIL & REFINING (40.015.2)	)	
P.O. BOX 1248	)	DOCKET NO.: 4042-07
CHEYENNE WY 82007	)	
	)	

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

On July 21 and October 19, 2005, Mr. Charles Plymale of the Wyoming Department of Environmental Quality (WDEQ) conducted an inspection of Frontier Refining Co. for the purpose of evaluating compliance with the Wyoming Hazardous Waste Rules and Regulations (HWRR). On August 21 and August 22, 2006, Mr. Plymale also conducted inspections of the Frontier Refinery.

The August 21 and 22, 2006 inspection revealed the following violations of the HWRR, including some of the same violations observed in July 21 and October 19, 2005 inspections that were documented in a previous Notice of Violation (NOV), Docket No. 3909-06:

1. The ninety (90) day hazardous waste accumulation area had fifty-two (52) 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. Also, there were two (2), twenty (20) yard roll-off containers that did not have legible accumulation dates on the hazardous waste labels. 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)].
2. The ninety (90) day hazardous waste accumulation area had twenty-nine (29) drums without labels to identify hazardous waste contents. One drum had both a non-hazardous waste label and a hazardous waste label. 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 and in NOV Docket No. 3909-06.
3. The ninety (90) day hazardous waste accumulation area contained nine (9) drums of listed hazardous wastes which exceeded the accumulation limit of ninety (90) days without a permit. The drums indicated dates from January 14, 2006 to February 14, 2006. The dates of the inspections were August 21, 2006 and August 22, 2006. Therefore, the generator failed to ship the hazardous waste containers within the required ninety (90) day storage limitation time. [HWRR, Chapter 8, Section 3(e)(ii)].

hazardous waste training. Facility personnel must successfully complete a program of classroom instruction or on the job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of HWRR, Chapters 8 and 11. This program must be managed by a person trained in hazardous waste management procedures, and it must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. [HWRR, Chapter 11, Section 4(g)(i)(A)]. Persons signing hazardous waste manifests must have this training. Training records must be kept to document this requirement. [HWRR, Chapter 11, Section 4(g)(iv) and (v)].

6. The refinery did not adequately cleanup spills/releases of hazardous wastes and/or contaminants observed during the July 21 and October 19, 2005, inspections. There was contaminated soil in areas around the heat exchanger bundle cleaning area. Heat Exchanger Bundle Cleaning Wastes are a listed hazardous waste (EPA & WDEQ hazardous waste code K050). The continued presence of this contamination observed during the July 21 and October 19, 2005 inspections, and in the June 5, 2006 NOV (Docket No. 3909-06), indicates a failure to properly respond to releases of hazardous wastes or constituents. [HWRR, Chapter 11, Section 5(b)(i) and Chapter 8, Section 3(e)(i)(D)].
7. Large fifty-five (55) gallon hazardous waste containers were crowded 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 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 and in Notice of Violation (NOV), Docket No. 3909-06.
8. Frontier failed to assure the container storing hazardous wastes was compatible with the hazardous waste stored in the container, as indicated by severe corrosion observed in two (2) steel drums in the temporary hazardous waste storage area. Therefore, Frontier is in violation of HWRR, Chapter 11, Section 10(c) and Section 10 (e)(i).
9. Frontier was not able to demonstrate the length of time that the universal waste had been accumulated from the date that it became a waste or was received [HWRR, Chapter 14, Section 2, (f)(iii)].

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted there under 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 16 day of March, 2007

  
\_\_\_\_\_  
LeRoy C. Feusner, P.E., BCEE  
Administrator  
Solid & Hazardous Waste Division

  
\_\_\_\_\_  
John W. Corra  
Director  
Dept. of Environmental Quality