



# 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

June 28, 2007

Certified #: 7005 1820 0005 1474 8778  
Return Receipt Requested

Bob Neufeld  
Vice President, Env. & Gov't Relations  
Wyoming Refining Co. Newcastle Refinery (40.035)  
1600 Broadway, Suite 2300  
Denver, CO 80202

## RE: NOTICE OF VIOLATION OF WYOMING HAZARDOUS AND SOLID WASTE RULES AND REGULATIONS

Dear Mr. Neufeld:

Enclosed is a Notice of Violation issued to Wyoming Refining Co. (WRC) for violation of the Wyoming Hazardous Waste (HWRR) and Solid Waste Rules and Regulations (SWRR).

On May 30, 2007, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) inspector, Mr. Tim Link, conducted an inspection at the Wyoming Refining Co., Newcastle Refinery. USEPA personnel, Ms. Linda Jacobson also accompanied Mr. Link during the inspection. The inspection was conducted to evaluate compliance with the Wyoming HWRR, Chapter 8, Standards For Generators of Hazardous Waste, and SWRR, Chapter 8, Petroleum-Contaminated Soil Management Standards.

The inspection revealed concerns with manifest documents to assure hazardous wastes were received at the designated hazardous waste treatment, storage or disposal (TSD) facility. WRC did not have a copy of hazardous waste manifest No. 000 257 372 from the TSD facility confirming receipt of the hazardous wastes. WRC also failed to file the required exception report to properly document failure to receive a copy of the manifest from the TSD. Confirmation of TSD receipt of hazardous wastes is one of the more significant components of the RCRA program's intent to monitor hazardous wastes from "cradle to grave". This violation became more significant to the inspector after returning to Cheyenne and reviewing past cases and the regulatory language.

In addition, volumes of petroleum contaminated soils (PCS) and significant amounts of nonhazardous petroleum-contaminated wastes being stored in the PCS storage area, were in direct



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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
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contact with storm water, significantly increasing the potential to spread contamination to surface and ground waters. This is also a significant violation of SWRR which, along with best management practices, emphasize the need to minimize contact of solid wastes with water. Another factor increasing the significance of this violation after the inspector returned to Cheyenne and reviewed past files was confirmation of a previous, similar violation sent with NOV 3756-05 on June 3, 2005. The attached photo log frame No's 23 - 28 for the inspection and the photo log from the June 3<sup>rd</sup> inspection, show PCS and oily waste storage conditions need significant improvement to minimize potential environmental impacts of storing PCS and petroleum wastes in direct contact with water. We have inspected numerous facilities which have been able to divert storm water away from wastes by avoiding low spots, proper grading and diversion channels. We are confident WRC is capable of accomplishing the same.

The following violations of the Wyoming HWRR and SWRR were noted:

1. [SWRR, Chapter 8, Section 5(c)(ii)] There was ponded water in contact with stored waste materials in the petroleum-contaminated soils (PCS) and nonhazardous waste storage area with the potential for seepage and runoff of contaminants into surface and groundwater. The waste storage area needs to be better sloped and/or located away from low spots so that surface water drains away from the PCS and waste deposits.
2. The generator does not keep exception reports for a period of at least three years. [HWRR, Chapter 8, Section 4(c)(i)(B)] The facility failed to file the required exception report within the 45 day required time frame for manifest #000257372. Refinery personnel need to take additional measures/precautions in the future, to assure the required 45 day exception reports are filed as required.
3. The hazardous waste container in the satellite accumulation area is not properly labeled. [HWRR, Chapter 8, Section 3(e)(iii)(A)] The drum in the Syn-Filter (K170) satellite accumulation area did not have a legible label and needs to be properly labeled.
4. The generator did not receive a copy of the manifest from the TSD. [HWRR, Chapter 8, Section 4(c)(i)(A)] The facility did not have a manifest copy from the TSD for manifest #000257372 onsite. See the response to #2.

The enclosed NOV does not constitute an Order under Article 7 of the Wyoming Environmental Quality Act. Please note that due to the seriousness of the hazardous waste violation, we plan to refer this matter to the Wyoming Attorney General with a request to file a complaint in District Court to seek a penalty under W.S. 35-11-901.

If you would like to discuss voluntary settlement of this matter under W.S. 35-11-901(a)(ii) prior to further actions by the Attorney General, please have your representatives contact Bob Breuer, SHWD Program Manager, at (307)-473-3450 in Casper no later than ten (10) days of your receipt of this letter. A representative of the Attorney Generals office performs a determinant role once a case has been referred to their office.

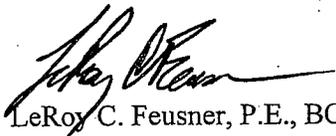
Mr. Neufeld

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During the field tour of the facility, Mr. Link also conducted an evaluation of the 3 former hydrocarbon release areas along Cambria Creek. During the evaluation, it was determined that the source of these release areas had been controlled, however, a new hydrocarbon release area was discovered located approximately 50 feet north of monitor well MW-7. (See copy of inspection report) Mr. Brian Lovett of the Wyoming Department of Environmental Quality, Water Quality Division (WQD), has been notified of this new release area. Refinery representative, Mr. Nelson Howell, indicated that efforts would be taken to identify the source of the new release, and measures would be taken to prevent further release of hydrocarbon into the creek.

Sincerely,



LeRoy C. Feusner, P.E., BCEE

Administrator

Wyoming Department of Environmental Quality (WDEQ)

Solid and Hazardous Waste Division (SHWD)

[lfeusn@state.wy.us](mailto:lfeusn@state.wy.us)

Enclosures (3): Notice of Violation, Inspection Report and Photo Logs

cc: Shane Crawford, WRC, P.O. Box 820, Newcastle, WY 82701  
Tim Link, SHWD/Cheyenne > File  
Bob Breuer, I & C Program Manager, Casper, w/enclosures  
Mike Barrash, Assistant Attorney General

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

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

BOB NEUFELD, VICE PRESIDENT, ENV. & )  
GOV'T RELATIONS )  
WYOMING REFINING, WYOMING REFINING ) DOCKET NO.: 4101-07  
CO. NEWCASTLE REFINERY (40.035) )  
1600 BROADWAY, SUITE 2300 )  
DENVER CO 80202 )

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

On May 29-30, 2007, Mr. Tim Link of the Wyoming Department of Environmental Quality (WDEQ) and Ms. Linda Jacobson, USEPA state oversite inspector, conducted an inspection of Wyoming Refining Company, Newcastle Refinery, for the purpose of evaluating compliance with the Wyoming Hazardous Waste Rules and Regulations (HWRR) and Solid Waste Rules & Regulations (SWRR).

The May 29-30, 2007 inspection revealed the following violations of the HWRR and the SWRR, including the same violation observed in a April 11, 2005 inspection that was documented in a previous Notice of Violation (NOV), Docket No. 3756-05:

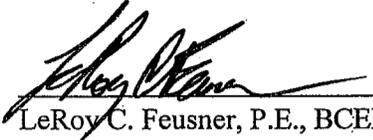
1. The waste unit is not designed and/or constructed to prevent migration of contaminants to other soils, ground water, and/or surface water. [SWRR, Chapter 8, Section 5(c)(ii)] There was ponded water in contact with stored waste materials in the petroleum-contaminated soils (PCS) storage area with the potential for seepage and runoff of contaminants into surface and groundwater. The PCS waste storage area needs to be better sloped so that surface water drains away from the waste deposits/PCS. Failure to prevent migration of contaminants from the stored PCS to ponded surface water was also noted during the April 11, 2005, inspection and in NOV Docket No. 3756-05.
2. The generator does not keep exception reports for a period of at least three years. [HWRR, Chapter 8, Section 4(c)(i)(B)] The facility failed to file the required exception report within the 45 day required time frame for manifest #000257372.
3. The hazardous waste container in the satellite accumulation area is not properly labeled. [HWRR, Chapter 8, Section 3(e)(iii)(A)] The drum in the Syn-Filter satellite accumulation area did not have a legible label.
4. The generator did not receive a copy of the manifest from the TSD. [HWRR, Chapter 8, Section 4(c)(i)(A)] The facility did not have a manifest copy from the TSD for manifest #000257372 onsite.

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

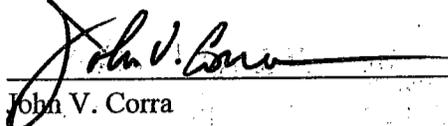
THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.



Signed this 2 day of July, 2007



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



John V. Corra  
Director  
Dept. of Environmental Quality