



# 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

CERTIFIED MAIL

March 26, 2008

Mr. Bob Neufeld  
Vice President  
Environmental/Government Relations  
Wyoming Refining Company  
1600 Broadway, Suite 2300  
Denver, Colorado 80202

*RE: Notice of Violation, Docket Number 4240-08*

Dear Mr. Neufeld:

Enclosed is a copy of Notice of Violation, Docket Number 4240-08, for the unauthorized discharge of refining waste water spills into waters of the state by Wyoming Refining Company (Wyoming Refining) in Weston County, Wyoming. The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) has documented 13 spills which reached surface water from 2000-2007. These spills are violations of the Environmental Quality Act (Act) and the Wyoming Water Quality Rules and Regulations (WWQRR).

While neither the attached Notice of Violation, nor this letter, constitutes an order, it is the recommendation of this office that you take action to eliminate the alleged violation as follows:

1. Wyoming Refining should inform the WQD in writing of the steps taken to eliminate future spills of refining waste water into surface waters of the state. This information should be received within 30 days of receipt of this Notice.

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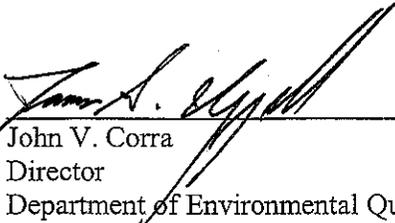
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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
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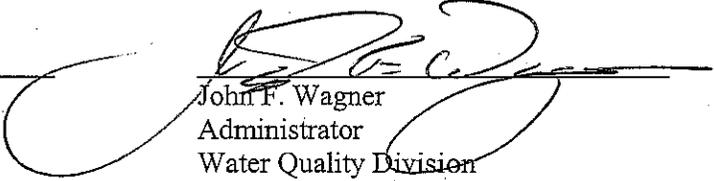


*Wyoming Refining Company*  
*Mr. Bob Neufeld*  
*March 26, 2008*  
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Wyoming Refining. If Wyoming Refining wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator at (307) 777-8669, or Mr. Brian K. Lovett, WYPDES Inspection & Compliance Supervisor at (307) 777-5630 within 14 days of receipt of this Notice.



John V. Corra  
Director  
Department of Environmental Quality



John F. Wagner  
Administrator  
Water Quality Division

JVC/JFW/KMW/bb/8-0239

Enclosure: Notice of Violation

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
James B. Eisenhauer, WYPDES Inspection Coordinator, Sheridan DEQ Office (PDF)  
Lily Barkau, Environmental Senior Analyst, Solid & Hazardous Waste Division (PDF)  
Bill J. DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)  
IPS (for scanning) ► Docket 4240-08  
Keith Guille, DEQ Public Information Officer (PDF File)  
DEQ Director

Mr. Michael D. Baldwin  
Environmental Site Manager  
Wyoming Refining Company  
P.O. Box 820  
Newcastle, Wyoming 82701

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

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )

Wyoming Refining Company )  
1600 Broadway, Suite 2300 )  
Denver, Colorado 80202 )

DOCKET NUMBER 4240-08

**NOTICE OF VIOLATION**

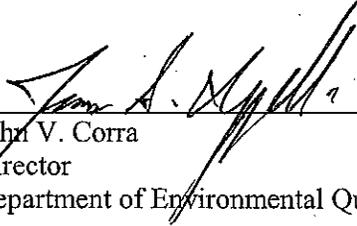
**NOTICE IS HEREBY GIVEN THAT:**

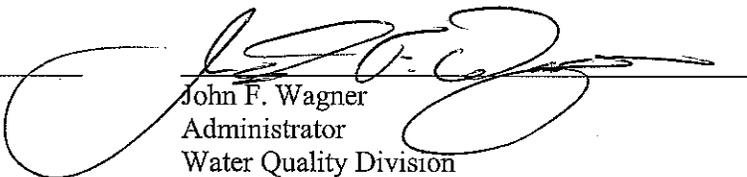
1. Wyoming Refining Company (Wyoming Refining) is the owner of a 12,500 barrel per day crude oil refinery, located in a portion of Township 45 North, Range 61 West (T45N, R61W), Weston County, Wyoming. Permitted outfall point 001 (WY0001163) discharges from the refinery's wastewater treatment plant into Windmill Draw, a class 3B water of the state. Permitted outfall 002 is for uncontaminated storm water discharges from the refinery into Little Oil Creek, a class 3B water of the state;
2. The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) has documented 13 spill incidents from 2000-2007 resulting in 1,647 barrels of refining waste water reaching waters of the state (Cambria Creek and Little Oil Creek, both class 3B waters).
3. Refining waste water is considered "pollution" as defined in W.S. 35-11-103 (c)(i);
4. Little Oil Creek and Cambria Creek are both a "water of the state" as defined under W.S. 35-11-103 (c)(vi);
5. By discharging pollution into a water of the state, Wyoming Refining is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations which state that no person, except when authorized by a permit issued by the Department of Environmental Quality, shall cause, threaten or allow the discharge of any pollution or wastes into the waters of the state;
6. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard, or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license, or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$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. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules, or other settlement conditions, in lieu of litigation.

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**NOTHING IN THIS NOTICE OF VIOLATION (NOV)** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 2<sup>nd</sup> day of April, 2008.

  
John V. Corra  
Director  
Department of Environmental Quality

  
John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/8-0239

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Keith Guille, DEQ Public Information Officer (PDF File Only)  
DEQ Director

Mr. Michael D. Baldwin  
Environmental Site Manager  
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