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

May 27, 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 4273-08

Dear Mr. Neufeld:

Enclosed is a copy of Notice of Violation, Docket Number 4273-08, for numerous effluent exceedances under WYPDES permit WY0001163 by Wyoming Refining Company (WRC) in Weston County, Wyoming. The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) has documented sulfide effluent limits in exceedance 15 times and ammonia limits in exceedance on 43 occasions. These exceedances 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 violations as follows:

1. Wyoming Refining should inform the WQD in writing of the steps taken to eliminate future effluent exceedances and adhere to all permit requirements with their WYPDES permit. This information should be received within 30 days of receipt of this notice.

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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 30 days of receipt of this Notice.

John Corra by Todd Parfitt

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KMW/bb/8-0406

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 4273-08
Keith Guille, DEQ Public Information Officer (PDF File Only)
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 4273-08**
	)	
	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Wyoming Refining Company (Wyoming Refining) is the owner of the Newcastle Refinery, 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. WYPDES renewal permit WY0001163 was issued to Wyoming Refining on June 25, 2003 and expires on July 31, 2008. Outfall 001 is permitted to discharge the refinery's treated wastewater into a holding pond which discharges into Windmill Draw, a class 3B water of the state.

2. Since April 30, 2002 there have been numerous exceedances of the permitted effluent limits for WYPDES Permit WY0001163 outfall 001. Sulfide effluent limits have been in exceedance 15 times and ammonia limits have been in exceedance on 43 occasions.

3. Wyoming Refining has acknowledged the violations and has committed to several actions to eliminate the exceedances in a letter dated July 28, 2005. These actions have not been completed at this time. In a letter dated July 26, 2007 Wyoming Refining proposes a sour water stripper as the remedy. To date this action has not been completed.

4. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), 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 on the person alleged to be responsible;

5. 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 3rd day of June, 2008.

John Corra by Todd Parfitt

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 Program Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/8-0406

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
James B. Eisenhauer, WYPDES Inspection Coordinator, Sheridan DEQ Office (PDF)
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