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

August 4, 2009

Mr. Stuart Fischbeck
Frontier Refining, Inc.
P.O. Box 1588
Cheyenne, Wyoming 82003

RE: Notice of Violation, Docket Number 4526-09

Dear Mr. Fischbeck:

Enclosed is a copy of Notice of Violation, Docket Number 4526-09 issued to Frontier Refining, Inc. (Frontier), for allowing unauthorized discharges to occur from Frontier's production area and enter waters of the state. These unauthorized discharges were reported by Frontier to the Department of Environmental Quality/ Water Quality Division (WDEQ/WQD) in written correspondence dated August 21, 2008. These unauthorized discharges are violations of the Wyoming 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:

> Frontier should inform the Water Quality Division (WQD) in writing of the steps taken to eliminate unauthorized releases from the property without proper authorization or treatment. This information should be received by the WQD within 30 days from the date of this letter.

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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 Frontier. If Frontier 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 21 days of the date of this letter to set up a meeting to discuss this matter.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KMW/bb/9-0671

Enclosure: Notice of Violation

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Kevin M. Wells (PDF)
IPS (for scanning) ► Docket 4526-09
Keith Guille, DEQ Public Information Officer (PDF File Only)

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Frontier Refining, Inc. **P.O. Box 1588** **Cheyenne, Wyoming 82003**	)	**DOCKET NUMBER 4526-09**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Frontier Refining, Inc. (Frontier) is a petroleum refinery located in Sections 5 and 33 of Township 13 North Range 66 West (S5, 33 T13N R66W) in Laramie County, Wyoming.

2. On August 6, 2008, the Department of Environmental Quality (DEQ), Water Quality Division (WQD) was informed of a release of contaminated storm water from the "Black Diamond" impoundment located on Frontier's property. At the time of the release Frontier did not have authorization under any WYPDES storm water permits to allow for the release. This unauthorized release occurred on August 5, 2008.

3. On August 21, 2008, the Department of Environmental Quality (DEQ), Water Quality Division (WQD) received correspondence from Frontier reporting a release of contaminated storm water from multiple impoundments (pond 1, pond 3, Black Diamond, and Wheatland) located on Frontier's property. Information submitted by Frontier indicated the released water did flow through the neighboring property and into the flood waters of Crow Creek. At the time of the release Frontier did not have authorization under any WYPDES storm water permits to allow for the release.

4. The contaminated storm water referenced above contains "pollution" as defined in W.S. 35-11-103 (c)(i).

5. The discharges referenced above entered or threaten to enter "waters of the state" as defined under W.S. 35-11-103 (c)(vi).

6. The Department of Environmental Quality has no record of permits authorizing discharge from the observed locations.

7. By discharging pollution into waters of the state, Frontier 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;

8. 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 upon the person alleged to be responsible;

9. 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.

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 6th day of August, 2009.

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, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/9-0671

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Kevin M. Wells (PDF)
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DEQ Director