

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



August 20, 2025

Matthew Gunn, General Manager, Refining
Cenovus Energy dba Superior Refining Company
2407 Stinson Ave
Superior, WI 54880-4486
Email: matt.gunn@cenovus.com

FID # 816009590
Douglas County

Subject: **NOTICE OF VIOLATION AND ENFORCEMENT CONFERENCE**

Dear Mr. Gunn:

The Department of Natural Resources (department) has reason to believe Cenovus dba Superior Refining Company (SRC) is in violation of state air pollution control laws at the property located at 2407 Stinson Ave, Superior. These violations are being alleged based on Facility Compliance Evaluations conducted on May 8, 2025, and July 16, 2025 (inspections) as well as documents received. The department alleges the following violations:

- 1. Operation Permit 816009590-P20 Condition I.A.1.a.(5), I.A.2.a.(7), and I.A.4.a.(4) for each fuel gas combustion device, the combined burner heat input shall not exceed the heat input listed in column (f) of Table I.A.-I. [s. 285.65(3) Wis. Stats.]**

Based on the inspection and Air Permit Next Business Day Reporting (deviation notification) submitted by SRC on May 5, 2025, the department alleges that SRC failed to limit the heat input to the Alky ISO Stripper Reboiler (P28) to 22.8 MMBtu/hr on May 4, 2025.

- 2. Operation Permit 816009590-P20 conditions I.I.1.b.(2)(a)(i) Initial sampling requirement: Once Process P80 is operating following the facility changes authorized by construction permit 19-RAB-057, the permittee shall determine and record the TDS concentration in the cooling water of Processes P80 on a monthly basis for 12 consecutive months.
(3)(a)(i) Initial sampling requirement: Once Process P81 is operating following the modification authorized by construction permit 16RAB-184, determine and record the TDS concentration in the cooling water of Processes P81 on a monthly basis for 12 consecutive months. [s. 285.65(3), Wis. Stats. s. NR 407.09(4)(a)1., Wis. Adm. Code]**

Based on the inspection and deviation notification submitted by SRC on March 3, 2025, the department alleges that total dissolved solids (TDS) samples were not collected from October 2024 to February 2025 to demonstrate compliance with Particulate Matter (PM) limits.

3. **I.H.1.a.(1)(a)** To establish and follow a leak detection and repair (LDAR) program that complies with the limitations and requirements of 40 CFR Part 60, Subpart GGGa and **(b)** For all components (e.g., pumps, valves and connectors) the facility shall apply an audible, visual and olfactory (AVO) leak detection program that complies with §60.482-8a of 40 CFR Part 60, Subpart VVa
I.H.1.b.(1) Processes P39, F99 and F100 shall comply with the applicable requirements of 40 CFR part 60, subpart GGGa in section I.H.3. of this permit. **(2)** F100 shall comply with the applicable requirements of 40 CFR part 60, subpart VVa in section I.H.4. of this permit.
(3) The permittee shall develop a monitoring schedule for fugitive components. At a minimum, the schedule shall provide for: **(a)** Yearly monitoring of all pump seals, pipeline valves in liquid service, and process drains. **(b)** Quarterly monitoring of all compressor seals, pipeline valves in gaseous service, and pressure relief valves in gaseous service. **(c)** Routine visual inspection of all pump seals on a weekly basis. [s. NR 420.05(4)(c)1., Wis. Adm. Code; 22-BAP-042]

Based on the inspection and deviation notification submitted by SRC on March 3, 2025, department staff were made aware that 23 components (1 pump/21 valves/1 relief valve) associated with a chemical additive tote (T120) had not been identified as LDAR-applicable and missed initial and subsequent inspections from November 15, 2023, to March 13, 2025. Upon inspection, no leaks were detected.

4. **Operation Permit 816009590-P20 conditions I.E.1.a.(1)** Flares I10 and I11 are affected sources subject to the applicable requirements of 40 CFR part 60, subpart Ja, in section I.E.5. of this permit.
I.E.5.a.(60.103a)(h) Each owner or operator shall not burn in any affected flare any fuel gas that contains H₂S in excess of 162 ppmv determined hourly on a 3-hour rolling average basis. The combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunctions is exempt from this limit. [40 CFR 60.103a(a)(1)-(2), (a)(3)(i)-(v), (a)(4)-(6), (b), (c)(1)(i)-(ii), (d)(1)-(3), (d)(5), (e)-(f), (h); s. 285.65(13), Wis. Stats.]

Based on the inspection and the deviation notification submitted by SRC on May 5, 2025, the department alleges that SRC failed to limit the H₂S content in the fuel gas combusted in the refinery flare to 162 ppmv (0.1 grains per scf) on a 3-hour rolling average basis on May 5 and 20, 2025.

5. **Operation Permit 816009590-P20 Conditions I.A.1.a.(5), I.A.2.a.(7), and I.A.4.a.(4)** for each fuel gas combustion device, the combined burner heat input shall not exceed the heat input listed in column **(f)** of Table I.A.-I. [s. 285.65(3) Wis. Stats]

Based on the inspection and the deviation notification submitted by SRC on May 19, 2025, the department alleges that SRC failed to limit the heat input to the Vacuum Charge Heater (P21) to 49.7 MMBtu/hr on May 19 and June 29, 2025.

6. **20-RAB-080 condition I.Va.1.b.(4)(a)** for tanks T42, T88, T90, T91, T100, T114, T118 and T119 each, the permittee shall install, calibrate and maintain a device for measuring the storage temperature.; **816009590-P20 condition I.B.1.b.(3)** For each tank subject to I.B.1.a.(3) or (4), the permittee shall install, calibrate, maintain, and operate a device for measuring the storage temperature. [s. 285.65(3), Wis. Stats.; s. NR 407.09(4)(a)1., Wis. Adm. Code; see column (c) of Table I.B.-I. for construction permit citation]

Based on the inspection and documents received the department alleges that SRC failed to calibrate temperature monitoring devices at least annually. Specifically, four identified tanks had temperature monitoring

devices calibrated 14 months after the previous calibration for Tanks T88, T91, T100, and T119 from October 22, 2023, to December 12, 2024.

- 7. Operation Permit 816009590-20 condition I.E.6.a.63.670(e) Combustion zone operating limits. For each flare, the owner or operator shall operate the flare to maintain the net heating value of flare combustion zone gas (NHVcz) at or above 270 British thermal units per standard cubic feet (Btu/scf) determined on a 15-minute block period basis when regulated material is routed to the flare for at least 15-minutes. [40 CFR 60.18(c)-(c)(4), (c)(6)- (f)(5); 40 CFR 60.695-5(c); s. 285.65(13), Wis. Stats.]**

Based on the inspection and deviation notification submitted by SRC on January 28, 2025, the department alleges that SRC failed to maintain the heating value of the gas combusted in the refinery flare to at least 270 Btu/scf on December 16, 2024, January 20, 27, April 14, 23 and 30, 2025.

- 8. Operation permit 816009590-P20 Condition I.D.1.a.(1)(e)(i) The permittee shall route all sulfur pit emissions so that they are eliminated, controlled, or included and monitored as part of the SRU's emissions subject to the emission limits in I.D.1.a.(1)(b) and I.D.1.a.(1)(c) except as specified in I.D.1.a.(1)(e)(ii). ss. 285.65(2) and (13) Wis. Stats. The department may prescribe conditions for an air pollution control permit to ensure compliance with this chapter and s. 299.15 and rules promulgated under this chapter and s. 299.15 and to ensure compliance with the federal clean air act. NR 405.08(2) Wis. Adm. Code A new major stationary source shall apply best available control technology for each air contaminant that it would have the potential to emit in significant amounts. Paragraph V.H.45 of consent decree 10-cv-00563-bbc: Consent Decree Limits on Sulfur Pit Emissions: The permittee shall route all sulfur pit emissions so that they are eliminated, controlled, or included and monitored as part of the SRU's emissions subject to the NSPS subpart Ja limit for SO₂, 40 CFR §60.102a(f)(1).**

Based on the inspection and the deviation notification submitted by SRC on November 27, 2024, the department alleges that SRC failed to route all sulfur pit emissions so that they are eliminated, controlled, or included and monitored as part of the SRU's emissions subject to the applicable emission limits. Untreated/sour refinery fuel gas bypassed the SRU and was sent to the flare due to a leak in the Amine Unit on November 27, 2024, January 6, February 17, April 4, 10, and 28, and August 10, 2025.

- 9. Operation permit 816009590-P20 condition I.A.1.a.(1) The permittee may not cause, allow or permit the burning of any fuel gas in any process heater which contains greater than 0.10 grains of H₂S per dry cubic foot at standard conditions. [s. NR 417.05, Wis. Adm. Code]**

Based on the inspection and the deviation notification submitted by SRC on November 6, 2024, the department alleges that SRC failed to limit the H₂S content in the refinery fuel gases used in combustion devices to no more than 0.10 grains per dry scf (162 ppmv) on November 6, 2024, April 10, May 24, 29 and June 19, 2025.

- 10. Operation Permit 816009590-P20 Condition I.C.3.a.(1)(b) No emission may exhibit more than 20% opacity or number 1 of the Ringlemann chart except as provided in I.C.3.a.(1)(c). [s. NR 405.08, Wis. Adm. Code.]**

Based on the inspection and deviation notifications submitted by SRC, the department alleges that SRC failed to limit visible emissions from the FCCU stack to 20% opacity or a number 1 on the Ringlemann chart for the following dates:

2024: October 7, 14, 31, November 7, 12, 13, 20, 25, December 8, 12, 23

2025: January 6, 10, 13, 17, February 5, 7, 10, 20, 24, March 11, 18, 31, April 8, 14, 24, 28, May 16 and June 15

We have scheduled the following Enforcement Conference to discuss this matter in more detail:

Teleconference Date and Time:	September 16, 2025 at 11:00 a.m.
Teleconference Information:	Telephone Number: (608) 571-2209
	Conference ID: 847681800#
Teams login:	Join the meeting now

Please note this is a virtual meeting, at 11:00 a.m. call or login with the information listed above. This will connect you to the enforcement conference.

We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation.

The department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please be advised that violations of ch. 285, Wis. Stats., may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$25,000 per day of violation. Each day of violation is a separate offense. Please be advised that the violations alleged in this notice are also enforceable by the United States Environmental Protection Agency.

If you have questions or need to reschedule the conference, please contact me at (608) 640-0438 or Jennifer.mcdonough@wi.gov.

Sincerely,



Environmental Enforcement Specialist

cc: Michalee Leuthard – DNR
Randy Matty – DNR
Maria Hill – DNR
David Bizot - DNR
Michael Moran – DNR
David Beattie – Superior Refining Company, Environmental Manager