



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 Corre, Director

April 5, 2006

Mr. Tom Crull
Refinery Manager
Sinclair Casper Refining Company
P.O. Box 510
Evansville, WY 82636

Re: Notice of Violation

Dear Mr. Crull:

Enclosed you will find a Notice of Violation (NOV) issued to Sinclair Casper Refining Company by the Department of Environmental Quality, Air Quality Division for nitrogen oxide emissions from the FCCU feed heater in excess of that allowed by permit 30-151-1. This violation was determined based on the Air Quality Division's review of a stack test performed on the FCCU feed heater during the September 29 – October 3, 2003 timeframe.

As the Department and this Division consider the failure to comply with air quality permit emission limits to be a serious matter, I am recommending the Department refer this violation to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties. If you would like to discuss settlement of this issue prior to action on the referral by the Attorney General's office, please contact Mr. Robert Gill, Air Quality Compliance Program Manager, at 307-777-3774 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding the Notice of Violation, please feel free to contact me or Mr. Robert Gill

Sincerely,

David A. Finley
Administrator
Air Quality Division

cc: Nancy Vehr
Robert Gill
Chris Hanify

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

ADMIN/OUTREACH
(307) 777-7758
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 777-6937

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



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO SINCLAIR CASPER)
REFINING COMPANY, MR. TOM CRULL,)
REFINERY MANAGER, P.O. BOX 510,)
EVANSVILLE, WYOMING 82636)

DOCKET NO. 3862-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Sinclair Casper Refining Company (Sinclair Casper) to be in violation of permit 30-151-1 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 3 of the Wyoming Air Quality Standards and Regulations in the operation of the FCCU feed heater at the Casper Refinery located in Natrona County, Wyoming.

2. W.S. 35-11-801 states, "In granting permits, the director may impose such conditions as may be necessary to accomplish the purpose of this act which are not inconsistent with the existing rules, regulations and standards."

3. Chapter 6, Section 3 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to major sources under Wyoming's operating permitting program.

4. Permit 30-151-1 was issued to Sinclair Casper on November 24, 2004. Condition F5 of permit 30-151-1 sets the allowable nitrogen oxides (NOx) emission rate from the FCCU feed heater at 9.16 pounds per hour (lb/hr) and 0.20 pounds per million BTU (lb/mmBTU). Condition F17 of permit 30-151-1 requires Sinclair Casper to test the FCCU feed heater for NOx emissions once during the permit term to assess compliance with the NOx emission limits in condition F5 of the permit.

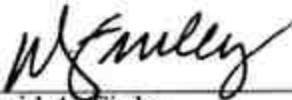
5. Sinclair Casper performed a stack test on the FCCU feed heater during the September 29 – October 3, 2003 timeframe. The Air Quality Division's review of the stack test report determined Sinclair Casper exceeded the FCCU feed heater permitted NOx emission limit with a measured emission rate of 0.21 lb/mmBTU, in excess of the 0.20 lb/mmBTU allowable limit.

6. Said violation consists of NOx emissions from the FCCU feed heater in excess of that allowed by permit 30-151-1.

7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$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.

8. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of 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.

DATED this 11 day of April, 2006.



David A. Finley
Administrator
Air Quality Division



John V. Corra
Director
Department of Environmental Quality

Please direct all inquiries to David Finley, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393)