



# 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

October 31, 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 the failure to obtain an air quality permit prior to retrofitting and operating the B-201 Catalytic Hydro-Desulfurizer (CHD) Heater with burner tips that increased the firing rate of the heater from approximately 17.4 MMBtu/hr to approximately 28.6 MM Btu/hr. The retrofit and operation of B-201 CHD Heater is in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations. This violation was determined during the observation of performance testing of the heater and review of the information provided.

As the Department and this Division consider the failure to comply with air quality regulatory requirements 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 this matter, please feel free to contact me or Mr. Robert Gill.

Sincerely,

David A. Finley  
Administrator  
Air Quality Division

cc: Robert Gill  
Chris Hanify  
Nancy Vehr  
Bernie Dailey  
Keith Guille

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

ADMIN/OUTREACH (307) 777-7758 FAX 777 2810	ABANDONED MINES (307) 777-6145 FAX 777 6182	AIR QUALITY (307) 777-7391 FAX 777 5816	INDUSTRIAL SITING (307) 777-7369 FAX 777 5072	LAND QUALITY (307) 777-7756 FAX 777 5964	SOLID & HAZ. WASTE (307) 777-7752 FAX 777 5072	WATER QUALITY (307) 777-7781 FAX 777 5072
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**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Sinclair Casper Refining Company to be in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the B-201 Catalytic Hydro-Desulfurizer (CHD) Heater at the Sinclair Casper Refining Company located in Carbon County, Wyoming.

2. W.S. 35-11-801(a) states, "A permit to construct is required before the construction or modification of any industrial facility capable of causing or increasing air or water pollution in excess of standards established by the department is commenced."

3. Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations states, "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality before any actual work is begun on the facility."

5. Sinclair Casper Refining Company sought a permit for specific of the B-201 CHD Heater via permit MD-1165 (issued June 13, 2005), involving a new catalyst system and replacement of the reformer in order to produce low sulfur diesel fuels. However, then the B-201 CHD Heater was retrofitted with burner tips and the heat input capacity was increased from approximately 17.4 MMBtu/hr to approximately 28.6 MMBtu/hr. This replacement of the burner tips was accomplished on or about July 14, 2006. No permit had been obtained for the retrofit and implementation of these burner tips.

6. Said violation consists of modifying the B-201CHD Heater with new burner tips and subsequently increasing the firing rate without obtaining a modification permit. This is a direct violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations.

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 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.

DATED this 13<sup>th</sup> day of November, 2006.

  
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David A. Finley  
Administrator  
Air Quality Division

  
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John Corra  
Director  
Department of Environmental Quality

Please direct all inquiries to David A. 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.)