



# 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 6, 2008

Mr. Paul Fritz  
Refinery Manager  
Sinclair Wyoming Refining Company  
PO BOX 277  
Sinclair, WY 82334

RE: Notice of Violation

Dear Mr. Fritz:

Enclosed you will find a Notice of Violation (NOV) issued to Sinclair Wyoming Refining Company by the Department of Environmental Quality, Air Quality Division, for noncompliance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 and Chapter 5, Section 3 of the Wyoming Air Quality Standards and Regulations for: 1) failure to obtain a construction permit for the 400 Hp Cummins QSMII engine, 2) failure to keep the Tank 519 covers and lids closed except when needed for access, and 3) failure to monitor HCL emissions every four hours from the 781 Reformer Unit exhaust stack. These violations were identified during the July 8 & 9, 2008 inspection and record review.

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 Notice of Violation prior to action on the referral by the Attorney General's office, please contact Ms. Karen Godman, Air Quality Compliance Program Principal, at 307-777-8601 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 Ms. Karen Godman.

Sincerely,

David A. Finley  
Administrator  
Air Quality Division

cc: Robert Gill  
Glenn Spangler  
Nancy Vehr  
Keith Guille



**BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF VIOLATION  
ISSUED TO SINCLAIR WYOMING REFINING COMPANY,  
MR. PAUL FRITZ, REFINERY MANAGER,  
P.O. BOX 277, SINCLAIR, WYOMING 82334**

**DOCKET NO. 4382-08**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Sinclair Wyoming Refining Company to be in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 and Chapter 5, Section 3 of the Wyoming Air Quality Standards and Regulations in the operation of the Sinclair Refinery located in Sinclair, Wyoming.

2. W.S. 35-11-801(c) states, "A permit to construct is required before 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(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."

4. During the inspection on July 8 & 9, 2008, Mr. Glenn Spangler, Air Quality Division District 1 Engineer, noted a new firewater pump engine. The engine is a 400 Hp Cummins QSMII engine (s/n:35201579), which was not permitted and would cause the issuance of air contaminants.

5. Said violation consists of the failure to obtain a construction permit for the 400 Hp Cummins QSMII engine at the Sinclair Refinery 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.

6. Chapter 5, Section 3 of the Wyoming Air Quality Standards and Regulations adopts certain National Emission Standards for Hazardous Air Pollutants (NESHAP) by reference including 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries. §64.646(f)(1) requires covers or lids installed on a floating roof tank to remain closed except when the cover or lid must be open for access.

7. During the July 8 & 9, 2008 inspection, Mr. Spangler's visual inspection of the Tank 519 EFR showed that all of the access hatches for the EFR pontoons were open or ajar to various degrees.

8. Said violation consists of the failure to keep the Tank 519 covers and lids closed except when needed for access in violation of 40 CFR, Part 63, Subpart CC for the Sinclair Refinery.

9. Chapter 5, Section 3 of the Wyoming Air Quality Standards and Regulations adopts certain National Emission Standards for Hazardous Air Pollutants (NESHAP) by reference including 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units. 40 CFR Part 63, Subpart UUU, Table 28 requires that the catalytic regenerator exhaust stack be monitored for the concentration of HCL every 4 hours during the regeneration cycle to monitor compliance with the regeneration vent HCL emission limit.

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10. During the inspection and record review for the July 8 & 9, 2008 inspection, Mr. Spangler noted the HCL monitoring for the 781 Reformer Unit had not been completed every four hours. During the twelve days of the catalytic reforming unit regeneration, there were fourteen instances where the required monitoring interval had been significantly exceeded.

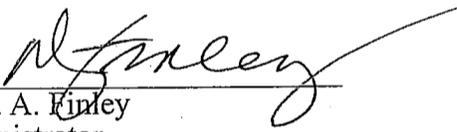
11. Said violation consists of the failure to monitor HCL emissions every four hours from the 781 Reformer Unit exhaust stack in violation of 40 CFR, Part 63, Subpart CC for the Sinclair Refinery.

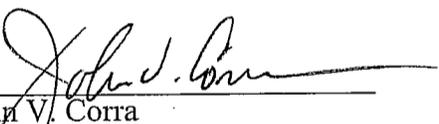
12. Said violations consists of: 1) failure to obtain a construction permit for the 400 Hp Cummins QSMII engine, 2) failure to keep the Tank 519 covers and lids closed except when needed for access, and 3) failure to monitor HCL emissions every four hours from the 781 Reformer Unit exhaust stack.

13. 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.

14. 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 17th day of OCTOBER, 2008.

  
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David A. Finley  
Administrator  
Air Quality Division

  
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John V. 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, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)