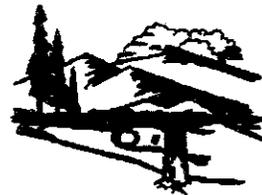




# Department of Environmental Quality



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

September 30, 2010

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

Re: Notice of Violation

Dear Mr. Achacoso:

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 particulate emissions from the FCCU regeneration stack in excess of that allowed by permit MD-189. This violation was determined based on the Air Quality Division's review of a performance test performed on the FCCU regeneration stack on August 20, 2009.

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 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 the Notice of Violation, please feel free to contact me or Ms. Karen Godman.

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Nancy Vehr  
Robert Gill  
Chris Hanify



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

**IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO SINCLAIR CASPER REFINING COMPANY, MR. MIKE ACHACOSO, REFINERY MANAGER, P.O. BOX 510, EVANSVILLE, WYOMING 82636** )  
 ) **DOCKET NO. 4742-10**  
 )  
 )  
 )

**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 MD-189 issued in accordance with 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 FCCU 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 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. Permit MD-189 was issued to Sinclair Casper on April 1, 1993. Condition 6 of permit MD-189 requires that all point sources shall be limited for all pollutants to the maximum emission rates as set forth in Table I. Table I limits allowable emissions from the FCCU for particulate at 7.58 lb/hr and 33.2 tons per year.

5. Sinclair Casper performed particulate emissions sampling on the FCCU regeneration stack on August 20, 2009. The Air Quality Division's review of the stack test report determined Sinclair Casper exceeded the FCCU permitted particulate emission limit with a measured emission rate of 8.12 lb/hr, in excess of the 7.58 lb/hr limit.

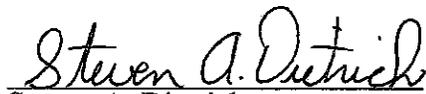
6. Said violation consists of particulate emissions from the FCCU regeneration stack in excess of that allowed by permit MD-189.

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.

Sinclair Casper Refining Company  
Notice of Violation  
Page Two

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 30<sup>th</sup> day of SEPTEMBER, 2010.



Steven A. Dietrich  
Administrator  
Air Quality Division



John V. Corra  
Director  
Department of Environmental Quality

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