



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 4, 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 failure to operate the 540 hp Caterpillar C-15 ATAAC diesel generator engine at the Casper Refinery as represented in the permit application for waiver wv-8629. This violation was discovered during inspections conducted on May 6, 2010 and August 31, 2010.

As the Department and this Division consider the failure to comply with air quality permit emission limits to be a serious matter, I am considering 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. 4744-10

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 wv-8629 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 540 hp Caterpillar C-15 ATAAC diesel generator 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. Waiver wv-8629 was issued to Sinclair Casper on December 17, 2008. Condition 3 of wv-8629 requires that the portable emergency air compressor equipped with a 540 hp Caterpillar C-15 ATAAC diesel generator be limited to 500 hours of operation per year. This waiver was issued based on the emission rates represented in the permit application.

5. During the inspection conducted on May 6, 2010, Mr. Chris Hanify, Air Quality District Engineer, noted that the meter for the 540 hp Caterpillar C-15 ATAAC diesel generator showed 1082.9 hours. Again, during the annual inspection conducted by Mr. Hanify on August 31, 2010, it was noted that the meter for this generator showed 1,190.4 hours of operation.

6. Said violation consists of the failure to operate the 540 hp Caterpillar C-15 ATAAC diesel generator engine as represented in the permit application for waiver resulting in an increase in emissions from the facility 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.

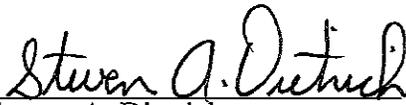
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00)

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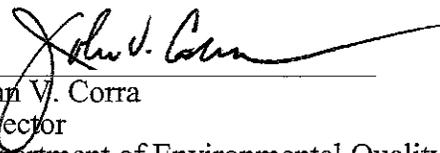
Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

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 4th day of OCTOBER, 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)