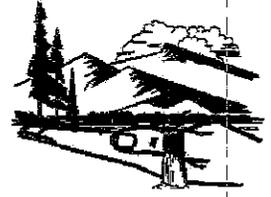




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

John Corra, Director

March 8, 2012

Mr. Jim Maguire,
Refinery Manager
Sinclair Wyoming Refining Company
P.O. Box 872
Sinclair, WY 82334

Re: Notice of Violation

Dear Mr. Maguire:

Enclosed you will find a Notice of Violation (NOV) issued to Sinclair Wyoming Refining Company at the Sinclair Refinery for the failure to comply with the NO_x and CO emission limits for the # 13 Boiler. The # 13 Boiler Continuous Emission Monitoring (CEM) reports showed NO_x emissions in excess of 0.010 lb/MMBtu (24-hour Rolling Average) for the third quarter of 2011. The # 13 Boiler Continuous Emission Monitoring (CEM) reports showed CO emissions in excess of 0.017 lb/MMBtu (30-day Rolling Average) for the second, third and fourth quarter of 2011. These are violations of conditions 9 & 13 of permit MD-9659.

As the Department and this Division consider the failure to comply with air quality regulatory requirements to be a serious matter, and I am recommending that 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 this matter, please feel free to contact me or Ms. Karen Godman.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Bob Gill
Glenn Spangler
Nancy Vehr
Keith Guille

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

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	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 777-5884	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO SINCLAIR WYOMING REFINING COMPANY) DOCKET NO. 4970-12
MR. JIM MAGUIRE, REFINERY MANAGER,)
P.O. BOX 872, SINCLAIR, WY 82334)**

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 permit MD-9659 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 Sinclair Refinery located in Carbon 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 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. Permit MD-9659 was issued to Sinclair Wyoming Refining Company on March 31, 2010. Conditions 9 and 13 limit NO_x emissions for Boiler #13, which are determined with data from the Continuous Emission Monitoring (CEM) systems. Condition 9 limits NO_x emissions from the #13 Boiler to 0.010 lb/MMBtu (24-hour Rolling Average). Condition 13(i)(a) defines exceedance of this limit for Boiler #13 as any 24-hour NO_x rolling average calculated using valid data (output concentration and average hourly volumetric flowrate) from the CEM equipment which exceeds the lb/MMBtu established for NO_x in condition 9.

5. The Air Quality Division's review of Sinclair's excess emission reports for #13 Boiler during the third quarter 2011 showed NO_x emissions in excess of the .010 lb/MMBtu 24-hour rolling average limit for 144 hours (7.4 %) of the monitored operating hours due to firing the boiler on purchase gas when the boiler was not tuned for it.

6. Permit MD-9659 was issued to Sinclair Wyoming Refining Company on March 31, 2010. Conditions 9 and 13 limit CO emissions for Boiler #13 which are determined with data from the Continuous Emission Monitoring (CEM) systems. Condition 9 limits CO emissions from the #13 Boiler to 0.017 lb/MMBtu (30-day Rolling Average). Condition 13 defines exceedance of this limit for Boiler #13 as any 30-day CO rolling average calculated using valid data (output concentration and average hourly volumetric flowrate) from the CEM equipment which exceeds the lb/MMBtu established for CO in condition 9.

7. The Air Quality Division's review of Sinclair's excess emission reports for #13 Boiler during the second, third and fourth quarter 2011 showed CO emissions in excess of the 0.017 lb/MMBtu 30-day rolling average limit. The second quarter 2011 reported excess emissions for 2112 hours (100 %) of the monitored operating hours of the 0.017 lb/MMBtu 30-day rolling average limit. The third quarter 2011 reported excess emissions for 552 hours (28.6 %) of the monitored operating hours of the 0.017 lb/MMBtu 30-day rolling average limit. The fourth quarter 2011 reported excess emissions for 456 hours (21.2 %) of the monitored operating hours of the 0.017 lb/MMBtu 30-day rolling average limit.

Sinclair Wyoming Refining Company
Notice of Violation
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8. Said violations consist of the failure to comply with the NO_x limit of 0.010 lb/MMBtu 24-hour rolling average limit and the CO limit of 0.017 lb/MMBtu 30-day rolling average limit for the #13 Boiler as required by conditions 9 & 13 of permit MD-9659.

9. 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.

10. 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 8th day of MARCH, 2012.



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