



### Settlement Agreement

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ/SHWD) and Sinclair Wyoming Refining Co. (hereinafter "Sinclair"), enter into this Settlement Agreement to fully and finally resolve without litigation the violation alleged in **Notice of Violation No. 4129-07, dated August 02, 2007**. The Notice of Violation alleges that: 1) Sinclair is in violation of the Wyoming Environmental Quality Act (ACT) and applicable Solid and Hazardous Waste Rules & Regulations or permit conditions.

W.S. 35-11-901 (a)(ii) authorizes the DEQ to negotiate a stipulated settlement, including payment of a penalty, compliance schedules, or other enforcement conditions, in lieu of litigation. To that end, Sinclair and DEQ/SHWD hereby stipulate and agree as follows:

1. The DEQ/SHWD is responsible for enforcing the Solid and Hazardous Waste Rules & Regulations.
2. Sinclair operates a petroleum refinery in Sinclair, Wyoming.
3. Wyoming HWRR, Chapter 8, Section 3(e)(ii) requires that a hazardous waste generator who accumulates hazardous waste for more than 90 days is an operator of a hazardous waste storage facility and must therefore, obtain a hazardous waste permit unless the generator has been granted an extension by the department to the 90 day accumulations period. A thirty (30) day extension was obtained when the refinery was unable to meet the ninety (90) day accumulation time limit. Sinclair had two (2) roll off containers that exceeded the thirty (30) day extension. These two (2) containers went over the additional thirty (30) day extension by three (3) days each. Manifest number 002513021 and manifest number 002513019, verify these containers were onsite for 123 days each. Sinclair notified DEQ/SHWD, on June 21, 2007 that these two containers would exceed the thirty (30) day extension by three (3) days each. DEQ/SHWD did take into consideration that Sinclair notified DEQ/SHWD of this violation.
4. With this Settlement Agreement, Sinclair agrees to pay a total of \$3010.00 (three thousand ten dollars) to the Solid and Hazardous Waste Division as stipulated penalty for the cited violation. Such payment shall be made no later than November 30, 2007, by check made payable to the Wyoming



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**Settlement Agreement for Notice of Violation No. 4129-07, dated August 02, 2007**

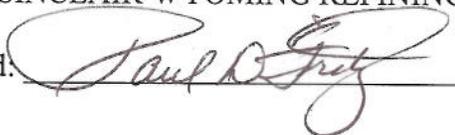
Department of Environmental Quality and addressed to the Wyoming Department of Environmental Quality, Attention: WDEQ/SHWD, Herschler Building, 4<sup>th</sup> Floor West Wing, 122 W. 25<sup>th</sup> Street, Cheyenne, WY 82002.

5. Sinclair's full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all present and future claims by DEQ/SHWD against Sinclair based on the acts or omissions alleged to be violations in Notice of Violation No. 4129-07. Contingent on Sinclair's compliance with the terms of this Settlement Agreement, DEQ/SHWD will not take further enforcement action against Sinclair Refining Co. for these particular alleged acts or omissions in Notice of Violation No. 4129-07.
6. Sinclair waives any statute of limitations which may apply to an enforcement action by the DEQ/SHWD involving the specific matter described in Notice of Violation No. 4129-07 in the event that Sinclair fails to fulfill its obligations under this Settlement Agreement.
7. This Settlement Agreement shall be admissible by either party without obligation by the other party in any subsequent action between these parties.
8. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.
9. This Settlement Agreement is binding upon Sinclair, its successors and assigns, and upon the DEQ/SHWD.
10. This Settlement Agreement may only be amended in writing, signed by both parties.
11. The State of Wyoming and the Department of Environmental Quality, Solid and Hazardous Waste Division, do not waive sovereign immunity by entering into this Settlement Agreement, and specifically retain all immunity and all defenses to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and all other state law.
12. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

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13. This Agreement is not binding until fully executed by all parties to this Agreement.

FOR: SINCLAIR WYOMING REFINING COMPANY

Signed: 

Date: 10/11/07

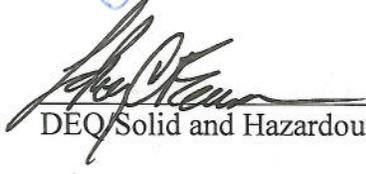
Typed: PAUL D. FRITZ

Title: REFINERY MANAGER

FOR: THE DEPARTMENT OF ENVIRONMENTAL QUALITY

, Director  
Department of Environmental Quality (DEQ)

Date: 10/4/07

, Administrator  
DEQ Solid and Hazardous Waste Division (SHWD)

Date: 5 Oct 07