BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

SINCLAIR WYOMING REFINING COMPANY	)	
SINCLAIR WYOMING REFINERY (40.025)	)	
P.O. BOX 277	)	DOCKET NO.: 4177-07
SINCLAIR WY 82334	)	
	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On February 20, 1997, Sinclair Wyoming Refining Company (SWRC), formerly Sinclair Oil Corporation (SOC), was issued a hazardous waste permit for the Aggressive Biological Treatment Unit (ABTU). This Permit expired on February 20, 2007, and it was effective until a new permit was issued on June 11, 2007. The permit became effective on June 12, 2007 for the Aggressive Biological Treatment Unit (ABTU).

2. Permit Condition Part IV(B).D.7. (2007 Permit) of the permit states, "The Permittee shall maintain the ABTU such that the concentration of benzene in the effluent remains below 0.5 mg/L and the Permittee shall verify this benzene level on a weekly basis." Permit Condition I.D.6. states, "The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit."

   The following ABTU monthly report documents the benzene exceedance of the permit condition requirement for the ABTU effluent:

   a. September 2007 ABTU Report: 0.72 mg/L, 0.53 mg/L, 0.60 mg/L

   Therefore, on the above date, SWRC was in violation of Permit Condition, Part IV(B).D.7, for exceeding the ABTU effluent limitation of 0.5 mg/L benzene and Permit Condition, Part I.D.6.

3. On July 23, 2001, the Department of Environmental Quality issued Notice of Violation (NOV), Docket #3288-01, to SWRC for violation of Permit Condition, Part IV(B).C.7.(issued February 20, 1997) for five (5) separate exceedances of the ABTU effluent limitation of 0.5 mg/L benzene during the time frame from August 2001, through February 2003.

4. On June 16, 2003, the Department of Environmental Quality issued Notice of Violation (NOV), Docket #3489-03, to SWRC for violation of Permit Condition, part IV(B).C.7. (issued February 20, 1997) for twenty-four (24) separate exceedances of the

ABTU effluent limitation of 0.5 mg/L benzene during the time frame from August, 2001, through February 2003.

5. On June 26, 2006, the Department of Environmental Quality issued Notice of Violation (NOV), Docket #3912-06, to SWRC for violation of Permit Condition, Part IV(B).C.7. (issued February 20, 1997) for exceeding the ABTU effluent limitation of 0.5 mg/L benzene for March 2006.

6. On November 8, 2007, the Department of Environmental Quality issued NOV, Docket # 4168-07, to SWRC for violation of Permit Condition, Part IV(B).C.7.(issued February 20, 1997) for exceeding the ABTU effluent limitation of 0.5 mg/L benzene for August 2007.

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars ($10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 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.

Signed this 20th day of November, 2007

LeRoy C. Feusner, P.E., BCEE
Administrator
Solid & Hazardous Waste Division

John V. Corra
Director
Dept. of Environmental Quality