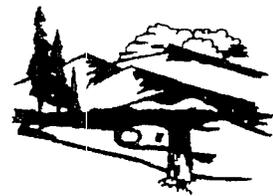


Department of Environmental Quality



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

Friday, June 05, 2009

Certified #7008 0150 0001 1173 9566
Return Receipt Requested

Ed Juno
Refinery Manager
Sinclair Wyoming Refining Co. (40.025)
P O Box 277
Sinclair, WY 82334

RE: **Issuance of Notice of Violation (NOV)**

Dear Mr. Juno:

Enclosed is a (NOV) issued to your facility for violation of the Wyoming State Hazardous Waste Rules and Regulations (HWRR). Specifically, the NOV has been issued for the following violation:

On June 11, 2007, Sinclair Wyoming Refining Company (SWRC), formerly Sinclair Oil Corporation (SOC), was issued a hazardous waste renewal permit for the Aggressive Biological Treatment Unit (ABTU).

On March 26, 2009, Sinclair Wyoming Refining Company (SWRC), had a Fluid Catalytic Cracking (FCC) Gasoline Relief valve release into the sewer. The ABTU operator switched to the off spec tank to catch all of the off spec effluent. The off spec tank filled and was never taken back out of service, allowing the off spec effluent to be sent to the ABTU. When the error was discovered, the off spec tank was immediately taken out of service. The outlet sample was reported at 0.59 mg/L, benzene.

Permit Condition Part IV(B).D.7. 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."

Therefore, on March 26, 2009, 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.

SWRC needs to put in place measures to prevent this error from recurring. The department has determined to not seek a penalty at this time, pending future similar violations from recurring.

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

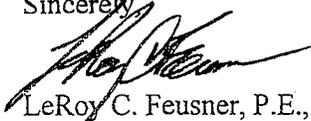
ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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Mr. Juno, June 6, 2009

If you have any questions regarding this letter or the attached (NOV), please feel free to contact Charles Plymale at (307) 335-6951 or Bob Breuer at (307) 473-3454.

Sincerely,



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

Enclosure: Copy of NOV

cc: Charles Plymale, I&C, WDEQ/SHWD Lander Office
Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office
Matt Bucholz, HWP&CA, WDEQ/SHWD Cheyenne Office
Cheyenne SWRC, Sinclair Wyoming Refinery File

**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. 4509-09
SINCLAIR WY 82334)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On June 11, 2007, Sinclair Wyoming Refining Company (SWRC), formerly Sinclair Oil Corporation (SOC), was issued a hazardous waste renewal permit for the Aggressive Biological Treatment Unit (ABTU).

2. On March 26, 2009, Sinclair Wyoming Refining Company (SWRC) had an Fluid Catalytic (FCC) Gasoline Relief valve release into the sewer. The ABTU operator switched to the off spec tank to catch all of the off spec effluent. The off spec tank filled and was never taken back out of service, allowing the off spec effluent to be sent to the ABTU. When the error was discovered the off spec tank was immediately taken out of service. The outlet sample was reported at 0.59 mg/L, benzene.

3. 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."

Therefore, on March 26 2009, 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.

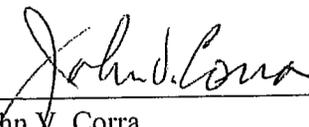
4. ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney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

5. 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 8th day of JUNE, 2009



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



John V. Corra
Director
Dept. of Environmental Quality