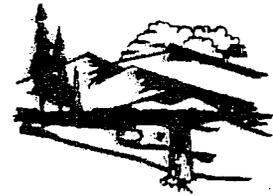




# Department of Environmental Quality



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

March 8, 2010

Certified # 7007-0710-0000 3817 3389  
Return Receipt Requested

Mr. Mike Achacoso, V.P. Refining  
Sinclair Wyoming Refining Co. (40.025)  
P O Box 277  
Sinclair, WY 82334

**RE: Issuance of Notice of Violation**

Dear Mr. Achacoso,

Enclosed is a Notice of Violation (NOV) issued to your facility for violation(s) of the Wyoming State Hazardous Waste Rules and Regulations (HWRR).

On December 12, 2008, Sinclair Wyoming Refining Company (SWRC) took crude tank 521, out of service for repairs. These violations resulted from SWRC failure to properly manage hazardous waste crude oil tank bottoms from TK 521 after the tank had been removed from service for a period exceeding ninety (90) days and after a subsequent ninety (90) day temporary waste storage period allowed by HWRR. As of approximately June 10, 2009, both of these time periods had been exceeded.

The following violations of the HWRR occurred:

- Count 1: The generator failed to ship hazardous waste within the required ninety (90) day storage limitation time. [HWRR, Chapter 8, Sections 3(e)(ii), 3(e)(iv), and (v) and permit condition Part 1, I.D.(1.)(C.), and Attachment 2-A]
- Count 2: The generator did not inspect the hazardous waste tank weekly and does not have record of weekly RCRA inspections for the tank. [HWRR, Chapter 8, Section 3 (e)(iv)(B), Chapter 10, Section 8(e) require inspections, Chapter 10, Section 2(f)(iv), require records of inspections, permit condition Part 1, I.D.(1.)(C.), and Attachment 2-A]
- Count 3: The generator did not mark the hazardous waste tank with the required waste accumulation date to determine when the regulatory limit for temporary storage had been exceeded. The generator did not label the tank with the words "Hazardous Waste". [HWRR, Chapter 8, Section 3(e)(i)(B)][HWRR, Chapter 8, Section 3(e)(C), permit condition Part 1, I.D.(1.)(C.), and Attachment 2-A]



4889

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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Count 4: A tank holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. [HWRR Chapter 10, Section 8(d)(i)] SWRC opened TK 521 for cleaning on November 15, 2009. TK 521 remained open until February 11, 2010, when SWRC was made aware of this regulation by WDEQ.

The Division has determined to seek a penalty for these violations. If you have any questions regarding this letter or the attached NOV, or wish to discuss voluntary settlement, please contact Charles Plymale at (307) 335-6951 or Bob Breuer at (307) 473-3454.

Sincerely,



Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

C: Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office → Casper File  
Matt Buchholz, HWP&CA, WDEQ/SHWD Cheyenne Office  
Tim Link, I&C, WDEQ/SHWD Cheyenne → Cheyenne File  
Charles Plymale, I&C, WDEQ/SHWD Lander Office → Lander 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) ) DOCKET NO.4646-10  
P O BOX 277 )  
SINCLAIR WY 82334 )

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

1. On December 12, 2008, Sinclair Wyoming Refining Company (SWRC) took crude tank 521(TK-521), out of service for removal of waste tank bottoms and tank repairs. Chapter 2, Section 1(d)(iii) of the Wyoming Hazardous Waste Rules and Regulations (HWRR), states hazardous wastes generated in manufacturing process units such as storage tanks become subject to regulation when the waste is either removed from the tank or when the waste remains in the tank more than ninety (90) days after the tank is taken out of service. Chapter 2, Section 4(c) of the HWRR, identify crude oil tank bottoms as a listed hazardous waste (waste code K169). Therefore, the crude oil tank bottoms hazardous wastes in tank 521 became subject to regulation ninety (90) days after December 12, 2008, on or about March 12, 2009. Chapter 8, Section 3(e)(ii), (iv) and (v), allow an additional ninety (90) days to remove and properly manage the waste. The ninety (90) day accumulation time allowed by HWRR ended on June 10<sup>th</sup>, 2009. SWRC personnel notified WDEQ/SHWD on October 13<sup>th</sup>, 2009, that TK-521 was out of service. SWRC neglected to properly manage listed hazardous waste, crude oil storage tank sediment (K169), from the tank by June 10<sup>th</sup>, 2009. As of the date of this Notice Of Violation (NOV), SWRC has not cleaned, removed, or properly disposed of the listed waste in TK-521.

2. The following violations of the HWRR occurred:

- Count 1: The generator failed to ship hazardous waste within the required ninety (90) day storage limitation time. [HWRR, Chapter 8, Sections 3(e)(ii), 3(e)(iv), and (v), permit condition Part 1, I.D.(1)(C.), and Attachment 2-A]
- Count 2: The generator did not inspect the hazardous waste tank weekly and does not have record of weekly RCRA inspections for the tank. [HWRR, Chapter 8, Section 3 (e)(iv)(B), Chapter 10, Section 8(e) require inspections, Chapter 10, Section 2(f)(iv), require records of inspections, permit condition Part 1, I.D.(1)(C.), and Attachment 2-A]
- Count 3: The generator did not mark the hazardous waste tank with the required waste accumulation date to determine when the regulatory limit for temporary storage had been exceeded. The generator did not label the tank with the words "Hazardous Waste". [HWRR, Chapter 8, Section 3(e)(i)(B)][HWRR, Chapter 8, Section 3(e)(C), permit condition Part 1, I.D.(1)(C.), and Attachment 2-A]
- Count 4: A tank holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. [HWRR Chapter 10, Section 8(d)(i)] SWRC opened TK 521 for cleaning on November 15, 2009. TK 521 remained open until February 11, 2010, when SWRC was made aware of this regulation by WDEQ.

3. 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

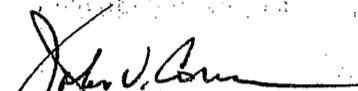


(\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

4. 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 12 day of March, 2010

  
Carl Anderson, PhD.  
Administrator  
Solid & Hazardous Waste Division

  
John V. Corra  
Director  
Dept. of Environmental Quality

