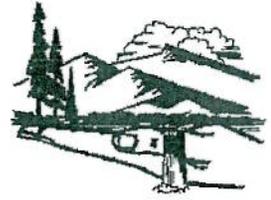




Department of Environmental Quality

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



Matthew H. Mead, Governor

Todd Parfitt, Director

December 26, 2013

Certified #7012 1640 0000 8432 0592
Return Receipt Requested

Mr. Steve Sondergard
Refinery Manager
Sinclair Wyoming Refining Co. (40.025)
P.O. Box 277
Sinclair, WY 82334

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

Enclosed is a Notice of Violation (NOV) issued to your facility for violation(s) of the Wyoming State Hazardous Waste Rules and Regulations (HWRR), Wyoming State Solid Waste Rules and Regulations (SWRR), and the facilities Industrial Waste Landfill (IWL) permit.

Considering the frequency of violations at the Sinclair Refinery in recent years, which penalties to date have failed to deter, we are evaluating the options for actions to improve compliance at this facility and will contact you as we proceed.

Sincerely,

Alan Edwards
Administrator
Solid and Hazardous Waste Division

Enclosure: NOV

C: Charles Plymale, WDEQ Lander
Bob Breuer, I&C Program Manager, WDEQ Casper
Matt Bucholtz, WDEQ Cheyenne
Tim Link, WDEQ Cheyenne
Cheyenne File



6116

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 777-5973	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
--	---	---	---	--	--	---



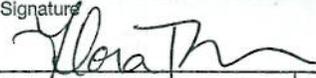
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Steve Sondergard
Refinery Manager
Sinclair Wyoming Refining Company
PO Box 277
Sinclair, WY 82334

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X  Agent
 Address

B. Received by (Printed Name) Flora Thomsen
C. Date of Delivery 12-31-13

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

TL

2. Article Number
(Transfer from service label) 7012 1640 0000 8432 0592

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

SINCLAIR WYOMING REFINING CO. (40.025))
100 E Lincoln Highway)
SINCLAIR, WY 82334) DOCKET NO.: 5222-13
)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On May 29, 2013, Wyoming Department of Environmental Quality (DEQ)/Solid & Hazardous Waste Division (SHWD) personnel, Mr. Charles Plymale, received notification from Sinclair Wyoming Refining Co. (SWRC) located at 100 E. Lincoln Highway, Sinclair, Wyoming, of violations of the Wyoming Hazardous Waste Rules and Regulations (HWRR).
2. On April 26th, 2013, SWRC personnel discovered eight unlabeled drums containing an unidentified material. Based upon analytical investigation and inquiry concerning the contents of the drums, SWRC determined the drums contained spent hydro treating catalyst (K171 hazardous waste) resulting in the following violations:
 - Count 1:** The generator stored hazardous waste longer than ninety (90) days. [HWRR, Chapter 8, Section (e)(ii).
 - Count 2:** The generator did not inspect containers for leakage and corrosion at least weekly. [HWRR, Chapter 8, Section 3(e)(i)(A); Chapter 11, Section 10(e)(i)].
 - Count 3:** The generator did not label/mark the hazardous waste drums with the wording "Hazardous Waste". [HWRR, Chapter 8, Section 3(e)(i)(C)]
 - Count 4:** The generator did not clearly date the hazardous waste drums. [HWRR, Chapter 8, Section 3 (e)(i)(B)]
3. On July 17, 2013, WDEQ/SHWD personnel, Mr. Charles Plymale, received notification from SWRC located at 100 E. Lincoln Highway, Sinclair, Wyoming, of violations of the Wyoming Hazardous Waste Rules and Regulations (HWRR), the Wyoming State Solid Waste Rules and Regulations (SWRR), and the facilities Industrial Waste Landfill (IWL) permit.

4. On July 10, 2013, SWRC personnel discovered 9500 pounds of spent hydro treating catalyst (K171 hazardous waste) had been disposed into the facility's industrial waste landfill.
 - Count 5:** The facility has not complied with the Chapter 6 operating standards for the industrial landfill. [SWRR, Chapter 3, Section 5(aa)]
 - Count 6:** The facility is not being maintained and operated to prevent fires, explosions, and sudden and non-sudden releases of HW to air, soil or surface water that could impact human health and the environment. [HWRR, Chapter 11, Section 5(b); Chapter 8, Section 3(e)(i)(D)]
 - Count 7:** The emergency coordinator did not report the following: (A) If evacuation, immediately notify local authorities; (B) Has the on-scene coordinator or National Response Center been notified. Also, has WDEQ been notified with a report submitted consisting of the following required items: (I) Name/phone number of reporter; (II) Facility name/address; (III) Time and type of incident; (IV) Name/quantity of material involved if known; (V) Extent of injuries, if any; and (VI) the possible hazards to human health & environment outside the facility. [HWRR, Chapter 8, Section 3(e)(i)(D);Chapter 11, Section 6(g)(iv)(B)]
 - Count 8:** The owner/operator did not notify the Director, and appropriate state and local authorities that the facility is in compliance with HWRR, Chapter 11, Section 6(g)(viii) before operations are resumed. [HWRR, Chapter 8, Section 3(e)(i)(D); Chapter 11, Section 6(g)(ix)]
 - Count 9:** The owner/operator did not note in the operating record the time, date and details of any incident requiring contingency plan implementation and did not submit the required written report to the Director with the required information. [HWRR, Chapter 8, Section 3(e)(i)(D);Chapter 11, Section 6(g)(x)]
 - Count 10:** Regulated hazardous waste was accepted for disposal. [SWRR, Chapter 3, Section 5(f)]
 - Count 11:** The industrial landfill does not have a program in place to prevent disposal of hazardous and prohibited wastes. [SWRR, Chapter 3, Section 5(g)]
5. 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
6. 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 26th day of December, 2013

Alan Edwards
Alan Edwards
Administrator
Solid & Hazardous Waste Division

Todd Parfitt
Todd Parfitt
Director
Dept. of Environmental Quality

