

AUG 11 2025

ENVIRONMENTAL APPEALS BOARD

Sent by USPS Priority Mail, July 23, 2025
Clerk of the Board (Mail Code 1103M)
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Washington, DC 20004

PETITION TO THE ENVIRONMENTAL APPEALS BOARD

**Re: Appeal of RCRA Corrective Action and Post-Closure Permit
Permit No. 058078775-PC
Facility: HF Sinclair Tulsa Refining LLC - West Refinery
Filed by: Fred F. Storer, Tulsa, Oklahoma
Filed under: 40 CFR § 124.19**

I. INTRODUCTION

Pursuant to 40 CFR § 124.19, I, Fred F. Storer, an affected resident of Tulsa, Oklahoma, hereby respectfully file this petition to review and remand the final permit decision issued by the Oklahoma Department of Environmental Quality (ODEQ) for the HF Sinclair Tulsa Refining LLC - West Refinery ("the Permittee"). The permit, dated July 16, 2025 and effective August 15, 2025, fails to include enforceable deadlines for corrective actions despite ongoing environmental violations. I respectfully request that the Environmental Appeals Board (EAB) remand the permit to ODEQ for the inclusion of enforceable schedules and compliance milestones consistent with the principles of EPA's "RCRA FIRST" initiative.

II. STANDING AND INTEREST

I reside in Tulsa, in proximity to the Arkansas River, downstream of the HF Sinclair West Refinery. I have participated in the public comment process and attended the April 17, 2025 public meeting. I am concerned about the continued pollution of the Arkansas River, groundwater contamination, and the absence of enforceable progress toward cleanup after 16 years of permitting.

III. GROUNDS FOR APPEAL

A. Failure to Include Enforceable Deadlines for Corrective Action

The permit lacks deadlines for implementing interim measures to halt hydrocarbon sheening at SWMU 6 and Area C-5, even though DEQ has acknowledged that:

"Hydrocarbon sheening in the Arkansas River ... is a violation of the Oklahoma Water Quality Standards." (Response to Comments, p. 7)

Despite this, the permit only requires the Permittee to maintain booms and continue weekly inspections "until interim measures are approved." No timeline is provided for submittal, approval, or implementation of those measures. This violates the requirement that RCRA permits contain enforceable schedules for corrective action (see 40 CFR § 264.101(b)).

B. Inconsistent with EPA's "RCRA FIRST" Policy

EPA's 2016 "RCRA FIRST" Toolbox emphasizes:

"moving from study to cleanup faster and more predictably."

This site has been permitted since 2009. Yet 16 years later, the revised 2025 permit extends another 28 years of activities without a firm cleanup goal or endpoint. This prolonged study phase contradicts RCRA FIRST and undermines public confidence in the permitting process.

C. Failure to Adequately Respond to Significant Public Comments

Numerous public comments requested:

- Firm deadlines to stop oil flowing into the river
- Risk-based corrective action milestones
- Enforcement of joint and several liability
- Transparent disclosure of cleanup costs and obligations

ODEQ's responses acknowledged the problems but declined to incorporate deadlines or a schedule. For example:

"Interim measures ... have not yet been proposed ... engineering evaluations are ongoing." (Response to Comments, p. 7)

This is not a sufficient response under 40 CFR § 124.17(a)(2), which requires a meaningful response to significant comments.

IV. RELIEF REQUESTED

I respectfully request that the Environmental Appeals Board:

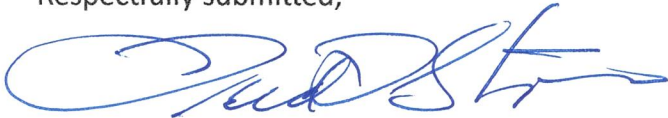
1. **Remand the permit to ODEQ** for revision;
2. Direct ODEQ to include:

- A schedule for submittal, approval, and implementation of interim measures to halt oil discharges;
 - Enforceable deadlines for SWMU risk assessments and any required Corrective Action Plans;
 - A requirement that the parent company (HF Sinclair Corporation) provide a corporate guarantee of financial assurance;
 - Any additional terms consistent with RCRA FIRST and 40 CFR § 264.101.
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V. CONCLUSION

This appeal is submitted in good faith and with significant public support. Many Tulsans have expressed frustration with the continued discharge of oil into the Arkansas River and the lack of real accountability. RCRA requires more than monitoring—it demands timely and enforceable corrective action. I respectfully urge the EAB to ensure that this permit reflects those principles.

Respectfully submitted,



Fred F. Storer

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