



**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

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In re HF Sinclair Tulsa Refining LLC -  
West Refinery

RCRA Permit No. 058078775-PC

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) RCRA Appeal No. 25-01  
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**ORDER DISMISSING PETITION**

On August 11, 2025, Fred F. Storer petitioned the Environmental Appeals Board for review of a Resource Conservation and Recovery Act (“RCRA”) Corrective Action and Post-Closure permit issued to HF Sinclair Tulsa Refining LLC for its West Refinery located in Tulsa, Oklahoma. According to the petition, the Oklahoma Department of Environmental Quality (“DEQ”) issued the RCRA permit on July 16, 2025, and the permit has an effective date of effective August 15, 2025.<sup>1</sup> As explained further below, the Board is dismissing the petition for lack of jurisdiction.

As stated in previous orders, the Board is a tribunal of limited jurisdiction. The Board’s authority is limited by the statutes, regulations, and Administrator’s delegations that authorize and govern the Board’s authority. *See In re Tewa Women United, Dr. Maureen Merritt, and*

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<sup>1</sup> Petitioner did not include a copy of the permit with the filing and the Board has been unable to locate the final permit identified on the Oklahoma DEQ website. Thus, our jurisdictional determination is based on the face of the petition as filed.

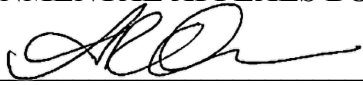
*Concerned Citizens for Nuclear Safety*, CAA Appeal No. 15-03, at 2 (EAB May 15, 2015) (Order Dismissing Petition for Lack of Jurisdiction); *In re Stericycle Inc.*, CAA Appeal No. 13-01, at 4-5 (EAB Nov. 14, 2013) (Order Dismissing Appeal for Lack of Jurisdiction); *In re DPL Energy Montpelier Elec. Generating Station*, 9 E.A.D. 695, 698-99 (EAB 2001). Where the Board lacks jurisdiction, it dismisses the appeal.

In this case, the State of Oklahoma is authorized under RCRA § 3006(b), 42 U.S.C. § 6929(b), to operate its own hazardous waste management program in lieu of the federal program, except for certain activities for which EPA retains concurrent authority, such as undertaking inspections and enforcement actions and issuing orders. 40 C.F.R. § 272.1851 (codifying EPA's authorization of the Oklahoma hazardous waste program); *see also Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program*, 85 Fed. Reg. 6810, 6812 (Feb. 6, 2020). Based on the representations of the Petitioner, the permit decision at issue in this petition falls under State authority and the permit being appealed is a state-issued permit, not an EPA-issued permit. Oklahoma DEQ-issued RCRA permits are appealable only to the state and are not subject to an administrative appeal to the Environmental Appeals Board. *See, e.g., In re BP Oil Co.*, RCRA Appeal No. 89-13, at 1-2 (Adm'r July 25, 1989), *available* at 1989 EPA App. LEXIS 21 (July 25, 1989) (Order Denying Review); *In re Texaco Ref. and Mktg. Inc. and Star Enterprise*, RCRA Appeal No. 89-10, at 1-2 (Adm'r June 27, 1989), *available* at 1989 EPA App. LEXIS 20 (June 27, 1989) (Order Denying Review); *In re Highway 36 Land Dev. Co.*, 2 E.A.D. 430 (Sept. 2, 1987) (“[o]nly conditions in the permit issued by [EPA] are appealable to EPA.”). As such, this petition is dismissed for lack of jurisdiction.

So ordered.<sup>2</sup>

**ENVIRONMENTAL APPEALS BOARD**

Dated: 8/18/2025

By:   
Ammie Rosemann-Orr  
Environmental Appeals Judge

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<sup>2</sup> The two-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila and Ammie Roseman-Orr.

## **CERTIFICATE OF SERVICE**

I certify that copies of the foregoing Order Dismissing Petition, in the matter of *In re HF Sinclair Tulsa Refining LLC - West Refinery*, RCRA Appeal No. 25-01, were sent to the following persons in the manner indicated:

**By Mail and Email:**

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**By Mail:**

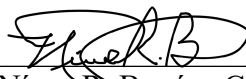
Brenda McLaury, Vice President & Refinery Manager  
Kyle Reedy, Environmental Manager  
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**By Email:**

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Dated: 8/18/2025

  
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Nivea R. Berrios-Colón  
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