



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

September 11, 2013

CERTIFIED MAIL

Andrew J. Haar, Environmental Manager
Holly Refining and Marketing, Tulsa LLC.
1700 South Union Avenue, P.O. Box 21001
Tulsa, OK 74121-1001

Re: RCRA Part B Post Closure and Corrective Action Permit Application
Holly Tulsa East Refinery
EPA ID# OKD990750960

Notice of Deficiency

Dear Mr. Haar:

The Oklahoma Department of Environmental Quality Land Protection Division (DEQ) received the above referenced permit application (Application) on October 21, 2011. DEQ has completed a Technical Review and has found the Application to be deficient in the following area:

Part A

Holly has not submitted a Part A application pursuant to §40 CFR 270.10(d). Holly is required to submit Part A of the permit application. Contents of Part A can be found in §40 CFR 270.13.

Attachment 2: Post Closure Plan

In the Post Closure Plan, Section 5.3.1 (Site Maintenance), it is stated that "bio sludge" will be applied to the vegetative cover as a nutrient source in the closed Land Treatment Units (LTUs). This (presumably non-hazardous) "bio-sludge" is a solid waste as defined by RCRA, and thus must be handled at a RCRA permitted site. Placement of the "bio-sludge" on the Walnut Grove Land Treatment Unit (WGLTU) is a use constituting disposal pursuant to §40 CFR 261.2 and thus is not considered recycling.

DEQ would note that in late April, 2009, a final Closure Report and Certification for the WGLTU was filed by Sinclair Tulsa Refining Co., predecessor to Holly R&M Corp. This Report was approved in early November 2009, shortly before Holly assumed ownership of the facility. Pursuant to §40 CFR 264.113(d), LTUs may continue to receive non-hazardous waste, even though hazardous wastes are no longer allowed. However, once a RCRA-permitted unit is



SEP 13 2013

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closed, it may no longer receive any wastes. This provision would also apply to the application of wastewater treatment sludge. This restriction also applies to the Flare Area Land Treatment Unit (FALTU), which was officially closed on April 1, 1993.

If Holly wishes to continue applying bio-sludge to the LTUs, then the DEQ believes there are two possible course of action:

1. Rescind the closure of the LTUs under the RCRA Permit, and allow continued sludge application under the terms of §40 CFR 264.113(d); or,
2. Seek and obtain a Land Application Permit from the DEQ Water Quality Division, pursuant to OAC 252:616-11.

Please note that if option 1, above, is chosen, there are specific information requirements in 264.113(d) which must be addressed.

Please direct any questions or comments you may have to Orphius Mohammad at (405) 702-5118, or by E-Mail at Orphius.Mohammad@deq.ok.gov.

Sincerely,



Saba Tahmassebi, PhD, P.E.
Chief Engineer
Land Protection Division
ST/dah