



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

March 4, 2026

Stephen Lang, Refinery Manager
HF Sinclair Puget Sound Refinery LLC
8505 S. Texas Road
Anacortes, WA 98221

Re: Agreed Order

Agreed Order Docket #	24144
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Dear Stephen Lang:

Enclosed is Agreed Order Docket #24144. The enclosed Agreed Order may not be appealed by HF Sinclair Puget Sound Refinery LLC. Please return the reviewed and signed Agreed Order to the Department of Ecology (Ecology), Headquarters Office, at 300 Desmond Drive SE, Lacey, WA 98503. Ecology will countersign the Agreed Order, and a copy will be sent to you promptly. The Agreed Order will be effective on the date the agreement has been signed by all parties.

If you have questions, please contact Lyddie Austin at lyddie.austin@ecy.wa.gov or (564) 233-8039.

To request an ADA accommodation, email tara.roberts@ecy.wa.gov, call 360-280-4325, or dial 711 to call through the Washington Telecommunications Relay for services like text telephone (TTY). Visit Ecology.wa.gov/ADA for more accessibility information.

Sincerely,

A handwritten signature in blue ink, appearing to read "J DeMay".

James DeMay, P.E.
Industrial Section Manager
Solid Waste Management Program

Enclosure: Agreed Order Docket #24144

By Certified Mail 9489 0090 0027 6340 4117 55

cc: Gautam Kini, HF Sinclair
Aaron Vahid, HF Sinclair

State of Washington
Department of Ecology

In the Matter of an Administrative Order Between
HF Sinclair Puget Sound Refinery LLC and
The Washington State Department of Ecology
Agreed Order Docket #24144

To: Stephen Lang, Refinery Manager
HF Sinclair Puget Sound Refinery LLC
8505 S. Texas Road
Anacortes, WA 98221

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1. Introduction

The HF Sinclair Puget Sound Refinery LLC (HF Sinclair) and the State of Washington, Department of Ecology (Ecology), enter into the following Agreed Order (Order) for the completion of chronic bioassay testing as set out below. The objective of the Whole Effluent Toxicity (WET) testing conducted under this Order is to gather additional data regarding the potential toxicity of HF Sinclair's effluent to the state's Pacific herring using an existing EPA test method with critical values adjusted for sensitivity. Ecology believes the actions required by this Order are in the public's interest.

2. Recognition of Ecology's Jurisdiction

Ecology's Industrial Section, Solid Waste Management Program, has the authority to enter into this Order under the following state statutes and regulations:

RCW 90.48.030 directs Ecology to control and prevent the pollution of waters of the state of Washington.

RCW 90.48.260 designates Ecology as the state water pollution control agency for all purposes of the federal Clean Water Act.

RCW 90.48.520 directs Ecology to control toxicants in wastewater.

RCW 90.48.250 authorizes Ecology to make agreements and enter into such contracts as are appropriate to carry out a program of monitoring the condition of the waters of the state and the effluent discharged therein.

WAC 173-220-210(1)(ii) authorizes Ecology to require the use of biological monitoring methods in order to measure pollutants in a discharge directly or indirectly through the use of accepted correlation coefficients or equivalent measurements.

3. Parties Bound

This Order shall apply to and be binding upon the parties to this Order, their successors, and assigns. The undersigned representatives of each party hereby certify that he or she is fully authorized to enter into this Order and to execute and legally bind such Party to comply with the Order. HF Sinclair agrees to undertake all actions required by the terms and conditions of this Order and to not contest the conditions of this Order or Ecology's authority to issue and administer this Order. No changes in ownership or corporate status shall alter HF Sinclair's responsibilities under this order. On HF Sinclair's execution of this Order, Ecology agrees that a herring study will not be included in the NPDES permit issued to HF Sinclair's for the permit cycle beginning in 2026.

4. Effective Date

This Agreed Order is effective on the date the agreement has been signed by both parties.

5. Terms and Conditions

It is hereby ordered that HF Sinclair shall:

1. Conduct toxicity monitoring on the final effluent from its process wastewater outfall (Outfall 001) twice a year beginning in year 2027. Monitoring shall continue twice annually for 5 years through year 2031. Sampling events shall be conducted at least two weeks apart during the wet weather months of January - June.
2. Conduct the monitoring using the Mysid shrimp (*Americamysis bahia*) survival and growth test, [EPA-821-R-02-014](#), in accordance with the sampling and reporting procedures of this Order.
3. If any individual test result shows toxicity at the adjusted CCEC or adjusted ACEC, HF Sinclair must repeat the testing as soon as possible with freshly collected effluent.

Sampling and Reporting Requirements:

4. HF Sinclair must collect 24-hour composite or grab effluent samples for toxicity testing. The samples must be cooled to 0 - 6° C during collection and sent to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.
5. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Ecology Publication No. WQ-R-95-80, [Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria](#).
6. All toxicity tests must meet quality assurance criteria and test conditions in the most recent versions of the EPA test method listed above and Ecology Publication No. WQ-R-95-80, [Laboratory Guidance and Whole Effluent Toxicity](#)

Test Review Criteria. If Ecology determines any test results to be invalid or anomalous, HF Sinclair must repeat the testing as soon as possible with freshly collected effluent.

7. Except for salinity adjustments, HF Sinclair must conduct WET tests on an unmodified sample of final effluent. Samples used for WET testing under this Order must be representative of the volume and nature of the process water discharge from the facility during normal operations.
8. The chronic toxicity tests must be performed on a series of at least five effluent concentrations, a lab water control, and a salt control (if the sample is adjusted for salinity). The series must include the adjusted CCEC and the adjusted ACEC. The adjusted CCEC and the adjusted ACEC may either substitute for the effluent concentrations that are closest to them in the dilution series or be extra effluent concentrations. The adjusted CCEC equals 2.64% effluent. The adjusted ACEC equals 5.28% effluent. A minimum of four replicates is needed for effluent tests.
9. The laboratory must use control water and dilution water meeting the requirements in the most recent version of the EPA test method referenced above.
10. All whole effluent toxicity tests that involve hypothesis testing must comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.
11. Reports of individual test results must be submitted to Ecology within 60 days after completion of the test.
12. HF Sinclair must submit all reports for toxicity testing in accordance with the most recent version of Ecology Publication No. WQ-R-95-80, Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria. Reports must contain toxicity data, bench sheets, and reference toxicant results. In addition, HF Sinclair must submit toxicity test data in electronic format (CETIS export file preferred).

6. Termination of the Agreed Order

Upon completion by HF Sinclair of the actions identified in Section 4 of this Agreed Order, and issuance of a Notice of Compliance by Ecology, the requirements of this Agreed Order shall be deemed to be fulfilled and shall have no further effect on HF Sinclair.

7. Enforcement

Failure to comply with this Agreed Order may result in the issuance of civil penalties up to ten thousand dollars (\$10,000) per day, or other actions, whether administrative or judicial, to enforce the terms of this Agreed Order.

8. Third Party Right to Appeal

By signing this Agreed Order, HF Sinclair may not appeal this Agreed Order, however, a third party may.

A party other than HF Sinclair has a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within thirty (30) days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 Washington Administrative Code (WAC). "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within thirty (30) days of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see filing information below). Filing means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your appeal and this Order on Ecology by mail, in person or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

Your appeal alone will not stay the effectiveness of this Agreed Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit <https://eluhho.wa.gov/> or call 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

9. Contact Information

Please direct all questions about this Agreed Order to:

Lyddie Austin
Department of Ecology
Industrial Section, Solid Waste Management Program
PO Box 47600
Olympia, WA 98504

Phone: (564)233-8039

Email: lyddie.austin@ecy.wa.gov

10. More Information

- [Pollution Control Hearings Board Website:](https://www.eluho.wa.gov)
<https://www.eluho.wa.gov>
- [Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board:](https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B)
<https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- [Chapter 371-08 WAC – Practice and Procedure](https://app.leg.wa.gov/WAC/default.aspx?cite=371-08)
<https://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- [Chapter 34.05 RCW – Administrative Procedure Act](https://app.leg.wa.gov/RCW/default.aspx?cite=34.05)
<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- [Ecology's Laws, Rules, & Rulemaking Website](https://ecology.wa.gov/Footer/rulemaking)
<https://ecology.wa.gov/Footer/rulemaking>

11. Signature



Stephen Lang
Refinery Manager
HF Sinclair Puget Sound Refinery LLC



Date

James DeMay, P.E.
Industrial Section Manager
Solid Waste Management Program

Date