

RCRA/Tulsa, Oklahoma Refinery: U.S. EPA Appeals Board Addresses Jurisdictional Issue



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The United States Environmental Protection Agency ("EPA") Environmental Appeals Board ("EAB") addressed a Petition challenging a HF Sinclair Tulsa Refining LLC -West Refinery ("Refinery") Resource Conservation and Recovery Act ("RCRA") Corrective Action and Post-Closure Permit ("Permit").

The Petition was filed by Mr. Fred F. Storer of Tulsa, Oklahoma.

Mr. Storer's Petition stated that Oklahoma Department of Environmental Quality ("ODEQ") issued the RCRA Permit on July 16, 2025, and the Permit has an effective date of August 15, 2025.

The Petition cited as "grounds for appeal":

- Failure to Include Enforceable Deadlines for Corrective Action.
- Inconsistent with EPA'S "RCRA FIRST" Policy.
- Failure to Adequately Respond to Significant Public Comments.

The EAB dismissed the Petition stating that it lacked jurisdiction. It stated that the State of Oklahoma is authorized under RCRA § 3006(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. Citing the Petition, the EAB characterized the Permit decision at issue as falling under state authority and therefore the Permit being appeals is a state-issued permit as opposed to an EPA-issued permit. ODEQ-issued permits are stated to be appealable only to the state and not subject to administrative appeal to the EAB.

A copy of the original [Petition](#) and the [EAB Order of Dismissal](#) can be found here.