



## Western Refining Southwest LLC

A subsidiary of Marathon Petroleum Corporation

October 26, 2021

Mr. Kevin Pierard, Chief  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Bldg. 1  
Santa Fe, New Mexico 87505

**RE: Request for Termination – January 20, 2017 Order on Consent  
Western Refining Southwest LLC - Marathon Gallup Refinery  
EPA ID # NMD000333211  
No. HWB-WRG-MISC**

Dear Mr. Pierard,

Pursuant to Section III.D.2 of the January 20, 2017 Order on Consent (Consent Order) issued by the New Mexico Environment Department (NMED) to Western Refining Southwest LLC (f/k/a Western Refining Southwest Inc.) (d/b/a Marathon Gallup Refinery), Western Refining Southwest LLC (Western Refining) is providing written notification that it has completed all of the actions required by the 2017 Order on Consent thereby rendering the Consent Order eligible for termination. The purpose of the Consent Order is to evaluate certain areas of the Marathon Gallup Refinery that are listed in Attachment 1 of the Consent Order. Attachment 1 lists eleven (11) areas that were transferred from the areas of concern (AOCs) list (AOCs 16, 17, 18, 24, 26, 27, 28, 29, 30, 31, & 34) in Marathon Gallup Refinery's Resource Conservation and Recovery Act (RCRA) Post-Closure Permit NMD000333211.

Section IV of the Consent Order requires Western Refining to submit an Assessment Report containing the information set forth in Section IV.C for each area listed in Attachment 1. Western Refining submitted to NMED a series of Assessment Reports for the 11 AOCs as required by the January 20, 2017 Order on Consent. These Assessment Reports were completed to evaluate whether the 11 AOCs should be restored to the Refinery's RCRA Permit for purposes of RCRA corrective action requirements.

On May 25, 2021, NMED issued its approval for Western Refining's last Assessment Report that was required by Section IV.B of the Consent Order. Please refer to Attachment A for a copy of NMED's May 25, 2021 Approval. In accordance with Section IV.D of the Consent Order, NMED issued its determination on August 19, 2021 regarding the addition of AOCs listed in the Consent Order to the Permit and concluded that all 11 AOCs listed in Attachment 1 of the Consent Order must be restored to Western Refining's RCRA Permit. Please refer to Attachment B for a copy of NMED's August 19, 2021 Determination of AOCs Entry to the Permit.

Letter to NMED  
Western Refining Southwestern LLC  
October 26, 2021

As required by NMED, Western Refining will submit a request for a Class 1 Permit Modification, which will serve as the Second Permit Modification referenced in the January 20, 2017 Order on Consent, to add the AOCs listed in Attachment 1 of the Order to Attachment G, Table G-1 of the Refinery's Final RCRA Post-Closure Permit by November 30, 2021.

As provided above, Western Refining has completed all of the actions required under the Consent Order including having received NMED's final approval and determination. Western Refining respectfully requests that the Consent Order be terminated in accordance with Section III.D.2.

If you have any questions or comments regarding the information contained herein, please do not hesitate to contact John Moore at (505) 879-7643.

### **Certification**

*I certify under penalty of law that this document and all attachments were prepared under my direction of supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Sincerely,

**Western Refining Southwest LLC**

*Ruth A. Cade*

Ruth Cade  
Vice-President  
Marathon Gallup Refinery

cc: D. Cobrain, NMED  
M. Suzuki, NMED  
L. Barr, OCD  
K. Luka, MPC  
J. Moore, MPC  
H. Jones, Trihydro Corporation

**ATTACHMENT A**



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**

2905 Rodeo Park Drive East, Building 1  
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Phone (505) 476-6000 Fax (505) 476-6030  
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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

May 25, 2021

John Moore  
Environmental Superintendent  
Western Refining, Southwest Inc., Gallup Refinery  
92 Giant Crossing Road  
Gallup, New Mexico 87301

**RE: APPROVAL  
ASSESSMENT REPORT FOR AOC 34 – SCRAP YARD  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-21-008**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Assessment Report for AOC 34 – Scrap Yard* (Report), dated April 13, 2021, submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (the Permittee). The Report was submitted in accordance with the requirements of the January 2017 Consent Order (Consent Order).

The purpose of the Consent Order is to determine whether areas of concern (AOCs) listed in Attachment 1 of the Consent Order require investigation or if the Permittee can provide sufficient information to determine that no further investigation or remediation is necessary.

Consent Order Section IV.B requires NMED to review the Report and determine whether the report "approved, disapproved, or disapproved in part ..." The Permittee provided information

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required by Consent Order Section IV.C (Contents of AOC Assessment Report). NMED reviewed the Report and hereby issues this Approval.

As specified by the Consent Order Section IV.D (NMED Determination of AOC Entry or Elimination), NMED will make a determination of whether or not AOC 34 should be restored to the RCRA Permit or eliminated from corrective action requirements.

Since this Report is the last Assessment Report required by the Consent Order, NMED will provide a determination regarding the addition of the AOCs listed in the Order to the list of units where corrective action is required in Appendix G, Table G-1 of the Permit under separate cover.

If you have questions regarding this correspondence, please contact Michiya Suzuki of my staff at 505-476-6046.

Sincerely,



Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

cc: M. Suzuki, NMED HWB  
T. McDill, OCD  
L. King, EPA Region 6 (6LCRRC)

File: Reading File and WRG 2021 File

**ATTACHMENT B**



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**Certified Mail - Return Receipt Requested**

August 19, 2021

John Moore  
Environmental Superintendent  
Western Refining, Southwest Inc., Gallup Refinery  
92 Giant Crossing Road  
Gallup, New Mexico 87301

**RE: DETERMINATION OF AREA OF CONCERN (AOC) ENTRY TO THE PERMIT  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-MISC**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has completed its review for eleven Area of Concern (AOC) assessment reports required by the January 20, 2017 Order on Consent issued to Western Refining Southwest (Respondent). A portion of the reports were submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery, the successor to the Respondent (the Permittee). NMED issued an *Approval* for the last assessment report on May 25, 2021 and stated that, "[s]ince this Report is the last Assessment Report required by the Consent Order [Order], NMED will provide a determination regarding addition of the AOCs listed in the Order to the Permit under separate cover."

In accordance with the determination criteria described in Section IV.D of the Order, NMED determined that the AOCs listed in Attachment 1 of the Order must be restored to the Permit because (1) soil or groundwater contamination was already identified to be present in the area, or (2) contamination has potentially occurred, and the presence/absence of residual contamination has not been investigated in the area. Each AOC is individually evaluated and the basis for the determination is described below:

**AOC 16 (New API Separator Overflow Tanks)**

The *Assessment Report for Area of Concern 16 (AOC 16) API Overflow Area*, dated January 3, 2019, recommends an additional assessment and corrective action for AOC 16 due to the previous occurrences of releases. The soils and/or groundwater in AOC 16 are already known to be contaminated. Accordingly, AOC 16 must be restored to the Permit.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313  
Telephone (505) 476-6000 - [www.env.nm.gov](http://www.env.nm.gov)

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**AOC 17 (Railroad Loading/Unloading Facility)**

The *AOC 17 Railroad Loading/Unloading Facility Assessment Report*, dated December 11, 2018, indicates that petroleum hydrocarbons were previously released and residual contamination is still present in AOC 17. The NMED's *Approval Response to Disapproval Rail Car Loading Area Release Soil Sampling Investigation Work Plan*, dated June 15, 2021, requires the Permittee to implement field investigation for the area in accordance with the approved work plan and submit an investigation report summarizing the results of the investigation no later than **December 31, 2021**. The soils and/or groundwater in AOC 17 are already known to be contaminated. Accordingly, AOC 17 must be restored to the Permit.

**AOC 18 (Asphalt Tank Farm (Tanks 701-709, 713, 714))**

The *Area of Concern 18 - Asphalt Tank Farm Assessment Report*, dated March 28, 2019, indicates that petroleum hydrocarbons were previously released in AOC 18 and the extent of residual contamination has not been fully investigated. The extent of residual contamination must be investigated. The soils and/or groundwater in AOC 18 are already known to be contaminated. Accordingly, AOC 18 must be restored to the Permit.

**AOC 24 (Crude Oil Tank Farm (Tanks 101 and 102))**

The *Area of Concern 24 - Crude Oil Tank Farm Assessment Report*, dated December 11, 2019 indicates that crude oil was previously released and residual contamination is still present in AOC 24. The extent of residual contamination must be investigated. The soils and/or groundwater in AOC 24 are already known to be contaminated. Accordingly, AOC 24 must be restored to the Permit.

**AOC 26 (Process Units)**

The *Assessment Report for AOC 26 – Process Units*, dated November 19, 2020, reports releases of various chemicals including petroleum hydrocarbons. In addition, Comment 9 of the NMED's *Disapproval Marketing Tank Farm Laser-induced Fluorescence/Hydraulic Profiling Investigation Report*, dated June 2, 2021, requires the Permittee to submit a work plan proposing to investigate the Process Area no later than **November 30, 2021**. The soils and/or groundwater in AOC 26 are already known to be contaminated. Accordingly, AOC 26 must be restored to the Permit.

**AOC 27 (Boiler and Cooling Unit Area)**

The *Assessment Report for AOC 27 – Boiler and Cooling Unit Area* reports discovery of oily water on the ground within AOC 27. Since AOC 27 is located within the boundary of AOC 26 (Process Units) where an investigation is required, AOC 27 must also be investigated along with AOC 26. The absence of residual contamination in the AOC has not been confirmed. Accordingly, AOC 27 must be restored to the Permit.

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**AOC 28 (Warehouse and Maintenance Shop Area)**

The *Assessment Report for AOC 28 – Warehouse and Maintenance Shop Area*, dated September 10, 2020, reports previous disposal of chlorinated solvents in the vicinity of the mechanical shop. The absence of residual contamination in the AOC has not been confirmed. Potential contamination associated with previous disposal activities must be investigated. Accordingly, AOC 28 must be restored to the Permit.

**AOC 29 (Equipment Yard and Drum Storage Area)**

The *Assessment Report for AOC 29 – Equipment Yard and Drum Storage Area*, dated December 15, 2020, reports observations of soil staining in AOC 29. The Permittee must confirm the absence of contamination associated with the soil staining. Accordingly, AOC 29 must be restored to the Permit.

**AOC 30 (Laboratory)**

The *Assessment Report for AOC 30 – Laboratory*, dated November 15, 2020, reports that reagents, solvents, and hydrocarbon and wastewater samples have been managed in the laboratory and discharges from the laboratory sink were routed to the wastewater treatment plant. However, potential contamination associated with laboratory activities (e.g., discharges from the sink/leaky sewer lines) has not fully been investigated. The Permittee must confirm the absence of contamination in AOC 30. Accordingly, AOC 30 must be restored to the Permit.

**AOC 31 (Tanks 27 and 28)**

Although (1) the *Assessment Report for AOC 31 – Tanks 27 and 28*, dated March 25, 2021, does not report any documented spills from Tanks 27 or 28 and (2) contamination associated with the July 2017 release from Tank 35 located adjacent to Tanks 27 and 28 was fully investigated and remediated, these tanks are still in use to store wastewater and future spills may occur again during heavy rain events. Accordingly, AOC 31 must be restored to the Permit or Tanks 27, 28, and 35 must be decommissioned to be eliminated from listing on the Permit.

**AOC 34 (Scrap Yard)**

Although the *Assessment Report for AOC 34 – Scrap Yard*, dated April 13, 2021, does not report any documented releases in AOC 34, the area is located between Solid Waste Management Units (SWMUs) 4 and 5 pending an additional investigation and may potentially be affected by more recent releases (e.g., French Drain area). AOC 34 may be required to be investigated contingent upon the results of additional investigation associated with SWMUs 4 and 5. AOC 34 must be restored to the Permit unless SWMUs 4 and 5 are fully investigated and determined to be unaffected.

The Permittee must submit a request for a Class 1 Permit Modification, which will serve as the Second Permit Modification referenced in the January 20, 2017 Order on Consent, to add the

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AOCs listed in Attachment 1 of the Order to Attachment G, Table G-1 of the Gallup Refinery Final RCRA Post-Closure Permit no later than **November 30, 2021**.

If you have questions regarding this letter, please contact Michiya Suzuki of my staff at 505-690-6930.

Sincerely,



Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

cc: L. Tsinnajinnie, NMED HWB  
M. Suzuki, NMED HWB  
T. McDill, OCD  
L. King, EPA Region 6 (6LCRRC)

File: Reading File and WRG 2021 file

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**State of New Mexico**  
**Energy, Minerals and Natural Resources**  
**Oil Conservation Division**  
**1220 S. St Francis Dr.**  
**Santa Fe, NM 87505**

CONDITIONS  
 Action 57999

**CONDITIONS**

Operator: Western Refining Southwest LLC 539 South Main Street Findlay, OH 45840	OGRID: 267595
	Action Number: 57999
	Action Type: [UF-DP] Discharge Permit (DISCHARGE PERMIT)

**CONDITIONS**

Created By	Condition	Condition Date
jburdine	Accepted for Record Retention Purposes-Only	11/22/2022