

AP-111

**GENERAL
CORRESPONDENCE**

2013 - Present



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Governor
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Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
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BUTCH TONGATE
Cabinet Secretary
J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 17, 2017

Mr. William Bailey
Environmental Supervisor
Western Refining Southwest Inc., Gallup Refinery
92 Giant Crossing Road
Gallup, New Mexico 87301

**RE: SPILL AND RELEASE REPORTING REQUIREMENTS
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
WRG-17-MISC**

Dear Mr. Bailey:

The purpose of this letter is to clarify Western Refining Southwest, Inc. Gallup Refinery's (Permittee) responsibilities regarding the reporting of spills and releases. The New Mexico Environment Department Hazardous Waste Bureau (NMED) understands that there have been personnel changes at the Gallup Refinery that may have resulted in overlooking established reporting protocols.

The Permittee's Resource Conservation and Recovery Act (RCRA) Permit includes 24-Hour and Subsequent Reporting requirements in Permit Section II.C.2.c. An oral report is required within 24 hours from the time the Permittee becomes aware of non-compliance (e.g., a spill or release). In the past, the Permittee's personnel contacted Hazardous Waste Bureau staff to report the spill as well as placing calls to contacts from the New Mexico Energy, Minerals and Natural Resource Department, Oil Conservation Division (OCD) and other agencies as needed. A written report is also required by Permit Section II.C.3, to be submitted to the NMED within 5 calendar days of the spill or release. The written report includes the same information required by the oral report and any additional information collected. As part of the January 2017 Settlement Agreement between the Permittee and NMED and the subsequent Permit modification, language was added in Permit Section IV.B.4.a that formally allows the OCD C-141 reporting form to substitute for

the written report required by Permit Section II.C.3; in the past, NMED accepted this form informally. However, the Permittee has been inconsistent regarding the reporting of releases and the follow-up written report and is thus not meeting the reporting requirements in the RCRA Permit.

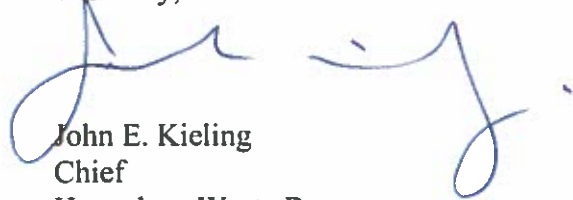
For example, a release of naphtha occurred on March 26, 2017 and the Permittee contacted NMED's Incident Response Coordinator the next day. The representative indicated they would also contact OCD and that a five-day report and a C-141 report would subsequently be filed with the agencies as well. The OCD's Aztec office was notified; however, the Santa Fe office was not. Contacting the Project Leader at HWB and the Project Leader in the OCD Santa Fe office is reporting protocol. The written report has not been submitted to either agency to date. Another example is the May 7, 2017 release of gasoline at the Railroad Loading Rack. A representative of the facility contacted the Hazardous Waste Bureau within 24-hours and an email was sent with some information related to the release; however, this email did not fulfill the reporting requirements in Permit Section II.C.2.c and a C-141 form has not been submitted since the email was sent on May 8, 2017.

The Permittee must submit the C-141 forms for the March 26, 2017 naphtha release and the May 7, 2017 gasoline release to NMED and OCD no later than **September 1, 2017**. Include figures documenting the location and extent of the releases and ensure that the C-141 form includes adequate detail regarding the releases and any immediate spill response (e.g., amount of liquids recovered, initial soil removal actions and other details required by Permit Section II.C.2.c).

The Permittee must also submit reports on any other releases that have occurred in 2017 and ensure that all employees tasked with tracking releases are aware of the reporting requirements and the established reporting procedures.

If you have questions regarding this letter, please contact Kristen Van Horn at 505-476-4046.

Sincerely,



John E. Kielling
Chief
Hazardous Waste Bureau

cc: K. Van Horn, NMED HWB
C. Chavez, EMNRD OCD
L. King, EPA

File: Reading File 2017 and WRG-17-MISC

Public Notice and Information Meeting

Class 3 Modification Request to the RCRA Post-Closure Permit for Western Refining Southwest, Inc.

WHO: Western Refining Southwest, Inc., Gallup Refinery

WHAT: Western Refining Southwest, Inc. ("Western" or "Permittee") is providing this public notice for the opportunity for the public to provide comments during the 60-day public comment period on the permit modification request to the RCRA Post-Closure Permit (Permit). Western will conduct a public meeting to provide information on the following permit modification request:

- Class 3 Permit Modification Request and Request for Corrective Action Complete related to addressing certain Areas of Concern and Solid Waste Management Units, and modifying certain reporting and procedural requirements.

WHEN: February 22, 2017 4 to 6 p.m.

WHERE: Holiday Inn Express & Suites – Gallup East
3850 East Highway 66
Gallup, NM 87301

WHY: On February 2, 2017, Western submitted a Class 3 Permit Modification Request package to the New Mexico Environment Department (NMED). The Permit Modification Request proposes to;

- Make changes to the Permit pursuant to a Settlement Agreement resolving Western's appeal of the Permit in the Court of Appeals of the State of New Mexico.
- Proposed changes include: corrective action complete for one SWMU and two AOCs; eleven AOCs to be moved from the Permit and placed into a Consent Order; revised permit language regarding reporting releases and standards for designating SWMUs and AOCs; addition of dispute resolution language and language regarding work already complete; and a revised corrective action submittal schedule including a definition of the term "deferred".

A full description of the background and permit modification is set forth in the permit modification request.

HOW: To obtain additional information about this permit modification request, contact Ed Riege at 505-722-0217 or E-mail: Ed.Riege@wnr.com. The permit modification is also available at the Octavia Fellin Public Library, 115 W. Hill Ave., Gallup, NM 87301. A copy of the requested permit modification may also be obtained from NMED at the address listed below.

COMMENTS: Written comments for the record must be sent to the NMED contact person at the address below and received no later than 5 p.m. on April 4, 2017.

Kristen Van Horn
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, N.M. 87505
Phone: 505-476-6000
Fax: 505-476-6030
E-mail: Kristen.VanHorn@state.nm.us

The Permittees' compliance history during the life of the Permit being modified is available from Kristen Van Horn at the NMED.

QUESTIONS: Any questions or comments to the Permittee regarding this permit modification request may be sent to Ed Riege at 505-722-0217 or E-mail: Ed.Riege@wnr.com no later than April 4, 2017.