

GW - 32

**MEETING
RECORDS**

2021

From: [Barr, Leigh P EMNRD](#)
To: [Moore, John](#)
Cc: [McDill, Teresa L, EMNRD](#)
Subject: RE: Discharge Permit
Date: Wednesday, June 2, 2021 10:39:06 AM
Attachments: [image002.png](#)

Mr. Moore,

I did receive your correspondence. OCD is currently discussing your concerns. We will be getting back to you shortly to discuss.

Take Care,

Leigh Barr • Environmental Specialist Supervisor – Administrative Permitting Program
EMNRD - Oil Conservation Division
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From: Moore, John <JMoore5@Marathonpetroleum.com>
Sent: Wednesday, June 2, 2021 9:56 AM
To: Barr, Leigh P EMNRD <leighp.barr@state.nm.us>; McDill, Teresa L, EMNRD <TeresaL.McDill@state.nm.us>
Subject: [EXT] RE: Discharge Permit

Good morning. I just wanted to follow up on this correspondence from last week and confirm that you received it?

John Moore, P.E.
Environmental Supervisor
JMoore5@Marathonpetroleum.com

MPC – El Paso and Gallup Refineries
Desk: (915) 775-7864
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From: Moore, John
Sent: Wednesday, May 26, 2021 9:47 AM
To: leighp.barr@state.nm.us; TeresaL.McDill@state.nm.us
Subject: Discharge Permit

Ms. Barr and Ms. McDill,

Thank you for making time for us to have a discussion regarding the OCD's May 14, 2021 request that the Gallup Refinery submit a discharge permit application. As you requested, here are a few

talking points we would like to discuss during our upcoming call:

1. Please clarify what the alleged discharge is that requires a groundwater discharge permit.
 - a. It's not clear to us in OCD's correspondence what requires a permit or what discharge is occurring that is not being addressed.
2. Since there have been no modifications or expansions to the plant since transferring abatement activities from GW-32 Discharge Permit to AP-111 and we are not aware of any other discharges at the refinery, we are not clear on what activities OCD is referring to that would require a discharge permit. As you are aware, since OCD transferred abatement activities from GW-32 Discharge Permit to AP-111 in 2012, the refinery has continued its abatement activities as required under AP-111.
3. The current AP-111 has been reviewed, approved, and commented on as provided for under 19.15.30 NMAC. In addition, public comment was achieved through the 2017 Order on Consent associated with the RCRA permit renewal managed by NMED HWB.
 - a. 19.15.30.11 ABATEMENT PLAN REQUIRED: A. *Unless otherwise provided by 19.15.30 NMAC responsible persons who are abating, or who are required to abate, water pollution in excess of the standards and requirements set forth in 19.15.30.9 NMAC shall do so pursuant to an abatement plan the director approves. When the director has approved an abatement plan, the responsible person's actions leading to and including abatement shall be consistent with the abatement plan's terms and conditions.*
4. Since OCD's decision to transfer abatement activities from GW-32 to AP-111 in 2012, Western has been relying on OCD's approval of AP-111 to perform remediation activities at the site and make remediation decisions for the facility for over a decade. If OCD is alleging now that our AP-111 is invalid, it raises concerns regarding how we can be expected to make decisions and commitments to remediate and protect the environment.

Again, thank you for the opportunity to discuss our concerns. After you have ~~had~~ a chance to review, please let me know a date and time that you would be available to further discuss. I look forward to hearing from you.

John Moore, P.E.
Environmental Supervisor
JMoore5@Marathonpetroleum.com

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MEETING AGENDA

And Record—notes added to Agenda in green font

Notes by Teresa McDill

May 26, 2021

Western Refining LLC – Gallup Refinery

ATTENDEES

New Mexico Environment Department

- Dave Cobrain, Michiya Suzuki

Oil Conservation Division

- Teresa McDill

Marathon Petroleum Company

- Kateri Luka, Greg McCartney, John Moore

Trihydro

- Heidi Jones, **Brian McLoughlin**

-
- Meet via Microsoft Teams @ 2:00 pm
 - Introductions (2:00 pm)
 - Safety Moment (2:00 pm)
 - Meeting Topics (2:05 pm)
 - Solid Waste Management Unit (SWMU) 1 Closure
 - Revised Conceptual Site Model
 - 2021 Investigations
 - Groundwater Reporting
 - NAPIS
 - NMED Comments
 - SWMU 1 Closure and Investigation Report (2:10 pm)
 - SWMU 1 Timeline:
 - Submitted to NMED Sept 23, 2019
 - NMED issued Approval w Mod Oct 2019
 - Trihydro sent Response submitted Dec 16, 2019
 - Waiting for Michiya to review, would like by next week. Michiya will email.
 - Investigation Report Approval
 - Disapproval Aug 31 2020
 - Response Jan 5, 2021
 - Approval w Mod Jan 26, 2021
 - Resp on April 26, 2021 (NMED says not needed really, previously approved...) Consultant should be able to move ahead then. Heidi said they will work on Remediation Plan and submit on deadline.

- Also talked about process and RCRA permit requirements. Some discussion on the possibility of revising the RCRA permit report format. Will submit a 2021 report with a streamlined format that RCRA and Marathon could discuss beforehand.
 - Closure Work Plan
 - CAFO Closure and Timeline submitted April 16, 2021
 - Michiya has done prelim review, Dave will look at to see if can send on to EPA. This is a commitment that it will be done. Note that public notice (which will need to be translated into Navajo, which makes any date changes difficult—need a translator to do so) may derail timeline for actual start of cleanup. Heidi expressed concern about avoiding monsoon season so 1st Q 2022.

➤ Revised Conceptual Site Model (2:20 pm)

- Laser Induced Fluorescence (LIF) Investigation Preliminary Results: showed seeps and did additional investigation or third phase. Have much better delineation now of gas, naptha, diesel. Pulling info into leapfrog model, then hope to schedule a presentation of the prelim model in July 2021, which should show plume thickness, etc.
- Timeline: present prelim model July 2021, Submit CSM Sept 1, 2021

➤ 2021 Investigations (2:30 pm)

- Planned
 - Flare KOD Release Investigation
 - Approval with Modifications, received December 21, 2020
 - Response to Approval, submitted April 26, 2021
 - Sour Naphtha Release Investigation
 - Disapproval, received February 21, 2020
 - Investigation Work Plan, requested in Disapproval—Heidi will incorporate LIF investigation info. Marathon wants to close the book on the releases.
 - Response to Disapproval, submitted September 15, 2020 – Have not seen NMED Correspondence—NMED will check, some correspondence lost they know. Michiya sent response Oct 13, 2020; Marathon may have lost because laying people off at that time. Dave found and just emailed... does not take into account the LIF data. Dave recommended referencing the LIF report/addendum.
 - Heidi mentioned that having one letter refer to different SWMUs and KOD release made it hard to track compliance. Dave: For that letter, when aeration lagoons (SWMU 1) are removed, if anything is chased then may get to SWMU 14 and then reach the south wall of the old API, then must ensure the flare is stable—so difficult to separate...Heidi would like to continue KOD Flare pH investigation; Michiya said put it in response. Heidi hoped that each letter separates units as much as possible; Dave said

it is difficult because some things are right on top of each other. But he is open to anything that doesn't seem practical; Heidi seemed okay with that.

- Railcar Release Investigation
 - Approval with Modifications, received December 14, 2020
 - Response to Approval, submitted February 26, 2021—will move forward.
- Sanitary Lagoon Phase II Investigation
 - Approval with Modifications, received April 26, 2021
 - Response to Approval, due July 30, 2021—will move forward.

Kateri wants to converse about an NMED letter before sending. Dave emphasized that we do need to document how items were changed. But they may call...

- Postpone all to incorporate LIF data

- French Drain
 - Approval with Modifications, received January 8, 2021
 - Response to Approval, due May 31, 2021—maybe don't need borings proposed in WP with LIF data. Would like to move forward.
- Heat Exchanger Bundle Pad
 - Disapproval, Comment 46, received November 23, 2020
 - Requested Letter Work Plan, due April 30, 2021 – requested extension April 30, 2021. NMED indicated would be accepted, now due May 30.
[I left meeting at this point.]
- Area of Concern (AOC) 35
 - Response to Approval, submitted April 14, 2021

➤ Groundwater Reporting (2:45 pm)

- Focus on modifications/addendums vs. rewriting Work Plan annually
- Annual Groundwater Revised Outline

➤ NAPIS (2:55 pm)

- 2019 Groundwater Report, Disapproval and Approval with Modifications

➤ NMED Comments (3:15 pm)

➤ Path Forward (3:25 pm)

- Week of July 12 availability

➤ Adjourn (3:30 pm)

From: [LeighP.Barr, EMNRD](#)
To: [Hernandez, Emily, EMNRD](#)
Cc: [McDill, Teresa L, EMNRD](#)
Subject: Marathon - Gallup Refinery Meeting
Date: Thursday, May 20, 2021 1:28:14 PM

Emily,

I just wanted to provide you a brief summary of today's meeting with Marathon concerning the Gallup Refinery. The below are highlights from the meeting:

- Marathon asked for a meeting next week to discuss our letter alerting them of the requirement to submit a discharge permit application to the OCD. Their lawyer is currently reviewing the letter we sent. I asked Marathon to send me a list of questions/concerns they have prior to the next meeting.
- Marathon also asked about the status of their request from OCD to close-out their Landfarm Permit. Marathon submitted an application to Carl Chevz, I believe in April 2020. Terry is going to check on the status of this.
- Marathon believes a Landfarm Permit is no longer necessary. Marathon is only showing high chlorides around Pond 10 (SWMU2) area. They stated this area is also under the NMED's jurisdiction and they would like to simplify and only continue meeting NMED's permit requirements to eliminate duplication and paperwork. At some point as part of their NMED obligations, Marathon will conduct a risk assessment on the area's remaining impacts on the deeper layer of high concentrations of chloride.
- Marathon strongly recommended that OCD visit the site location for a better understanding of the layout.

Let me know if you have any questions.

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