

**Western Refining Southwest LLC**

A subsidiary of Marathon Petroleum Corporation

212 N. Clark St.
El Paso, TX 79905***Sent Via Certified Mail: 7016-1370-0000-9449-9486***

November 30, 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: Class 1 Permit Modification Request - Marathon Gallup Refinery
RCRA Post-Closure Permit – EPA ID NM No. NMD000333211**

Dear Mr. Pierard,

Western Southwest Refining LLC (Western Refining) is submitting this Class 1 Permit Modification request for the Marathon Gallup Refinery pursuant to 40 C.F.R. § 270.42(a). As directed by the New Mexico Environment Department (NMED) in its August 19, 2021 letter to Western Refining, Western Refining is requesting a Class 1 Permit Modification in order to restore eleven (11) areas of concern (AOCs) listed in Attachment 1 of the January 20, 2017 Order on Consent to Attachment G, Table G-1 of Marathon Gallup Refinery's Resource Conservation and Recovery Act (RCRA) Post-Closure Permit NMD000333211. Attached for your reference is NMED's August 19, 2021 letter. As listed under the New Mexico Administrative Code (NMAC) 20.4.1.901(B)(6), Class 1 modifications under 40 CFR 270.42(a) are considered minor permit modifications under the New Mexico Hazardous Waste Act (NMSA 1978, §74-4-1 to -14). Additionally, due to overlapping footprints among AOCs 20, 21, 22, 23, and 35, the refinery is planning to combine these five (5) AOCs into one AOC labeled Revised AOC #35. Western Refining has updated the AOC Site Map to show the location of Revised AOC #35 that compromises AOCs 20, 21, 22, 23 and 35 (*See Figure 2*). Attached for your reference is Table 1 that lists the 11 AOCs to be restored and identifies the 5 AOCs that will be combined into Revised AOC #35.

Thank you for your attention to this matter. Should you have any questions or would like additional information, please do not hesitate to contact Mr. John Moore at 505-879-7643.

Certification

Marathon Gallup Refinery Letter to NMED
Request for Class I Permit Modification
November 30, 2021

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

Attachments

cc:	D. Cobrain, NMED	M. Suzuki, NMED
	L. Tsinnajinnie, NMED	L. Barr, OCD
	L. King, EPA	M. Bracey, MPC
	K. Luka, MPC	J. Moore, Marathon Gallup Refinery
	H. Jones, Trihydro Corporation	

TABLE

**TABLE 1. AREAS OF CONCERN PERMIT RESTORATION
WESTERN REFINING SOUTHWEST LLCs, MARATHON GALLUP REFINERY, GALLUP, NEW MEXICO**

Unit ID Number	Unit Description	Status
AOC 16	New API Separator Overflow Tanks	Restore to Permit
AOC 17	Railroad Loading/Unloading Facility	Restore to Permit
AOC 18	Asphalt Tank Farm (Tanks 701-709, 713, 714)	Restore to Permit
AOC 20	Crude Slop and Ethanol Unloading Facility	Revised AOC 35
AOC 21	Main Loading Racks	Revised AOC 35
AOC 22	Loading Rack Additive Tank Farm	Revised AOC 35
AOC 23	Retail Fuel Tank Farm (Tanks 1-7, 912, 913, 1001, and 1002)	Revised AOC 35
AOC 24	Crude Oil Tank Farm (Tanks 101 and 102)	Restore to Permit
AOC 26	Process Units	Restore to Permit
AOC 27	Boiler and Cooling Unit Area	Restore to Permit
AOC 28	Warehouse and Maintenance Shop Area	Restore to Permit
AOC 29	Equipment Yard and Drum Storage Area	Restore to Permit
AOC 30	Laboratory	Restore to Permit
AOC 31	Tanks 27 and 28	Restore to Permit
AOC 34	Scrap Yard	Restore to Permit
AOC 35	Main Truck Loading Rack, Crude Slop and Ethanol Unloading Facility, Additive Tank Farm/Loading Rack, and Retail Tank Farm (Tanks 1-7, 912, 913, 1001, and 1002)	Revised AOC 35

FIGURES

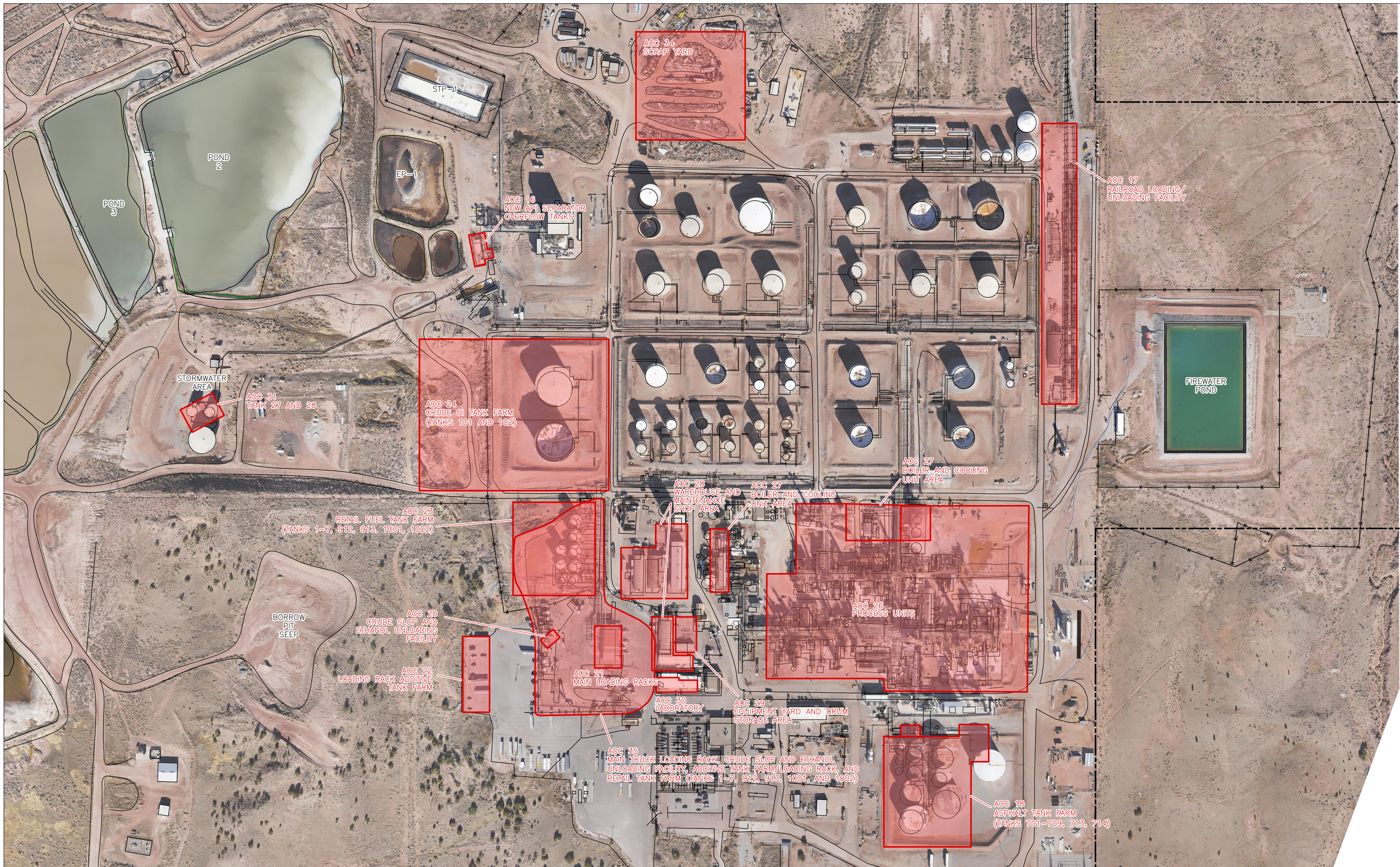


Image Cite: USDA/FSA - Aerial Photography Field Office, NAIP MrSID - Publication: 2014

NOTE:

AOC's 20, 21, 22, 23, AND 35 ARE NOT LISTED IN 2017
CONSENT ORDER ATTACHMENT 1, HOWEVER, CHANGES
TO THE PERMIT ARE DETAILED IN FIGURE 2.

EXPLANATION

---	PROPERTY BOUNDARY (APPROXIMATE)
	AOC LOCATION
AOC	AREA OF CONCERN
API	AMERICAN PETROLEUM INSTITUTE
STP	SANITARY TREATMENT POND



0 200' 400'



1252 Commerce Drive
Laramie, Wyoming 82070
www.trihydro.com
(P) 307/745.7474 (F) 307/745.7729

FIGURE 1

2017 CONSENT ORDER

ATTACHMENT 1

LISTED AOC's

WESTERN REFINING SOUTHWEST LLC

MARATHON GALLUP REFINERY

GALLUP, NEW MEXICO

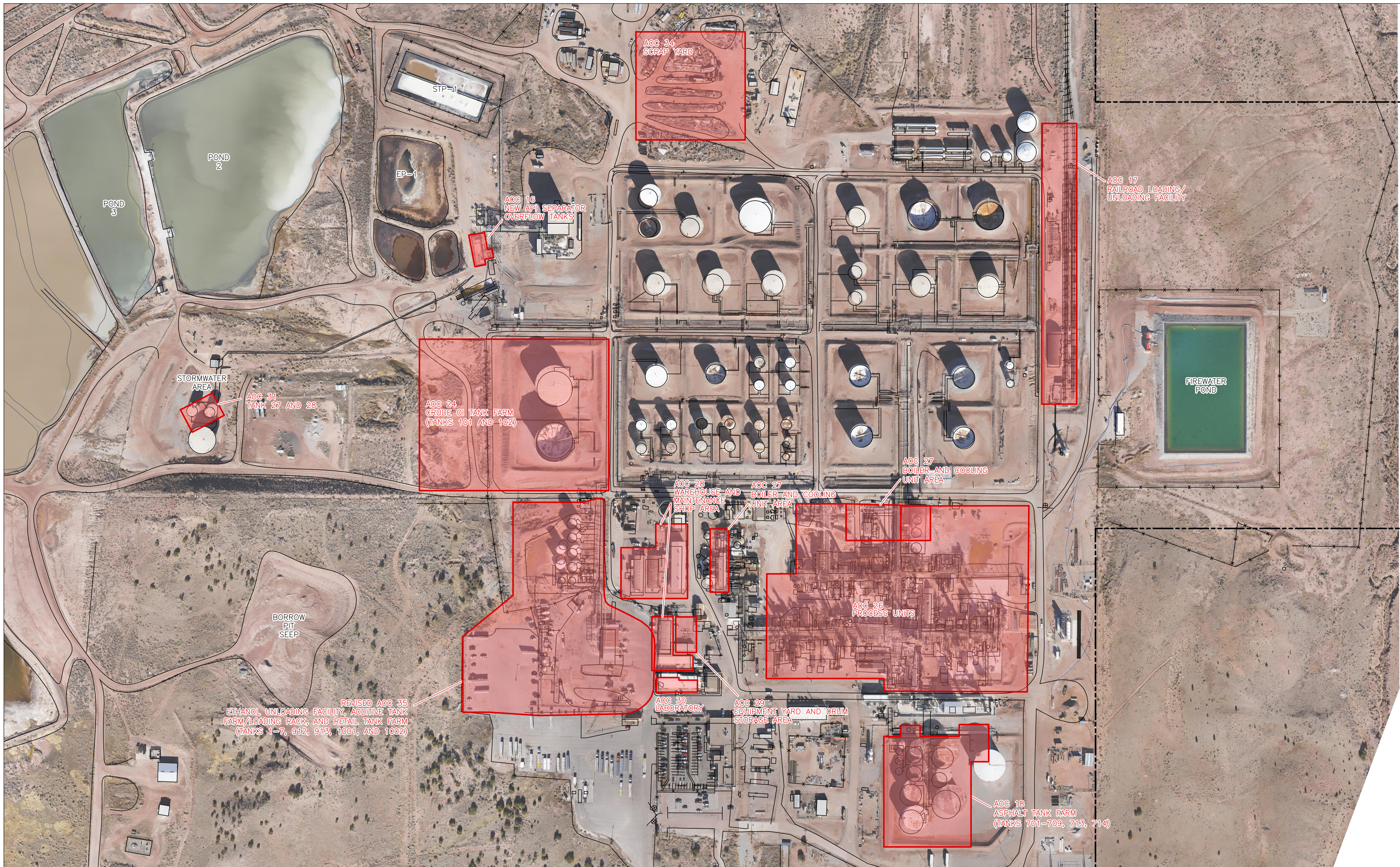
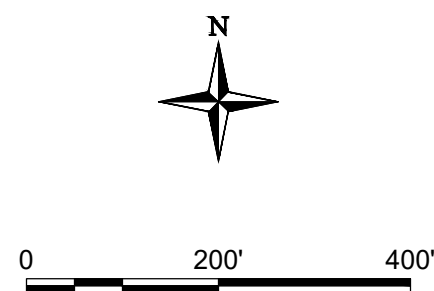


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EXPLANATION

	PROPERTY BOUNDARY (APPROXIMATE)
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Trihydro
CORPORATION
1252 Commerce Drive
Laramie, Wyoming 82070
www.trihydro.com
(P) 307/745.7474 (F) 307/745.7729

FIGURE 2

UPDATED AOC PERMIT MODIFICATION SITE MAP

**WESTERN REFINING SOUTHWEST LLC
MARATHON GALLUP REFINERY
GALLUP, NEW MEXICO**

Drawn By: REP	Checked By: CF	Scale: 1" = 200'	Date: 11/11/2021	File: 697-SITEMAPAOC-COMB-202110
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ATTACHMENT A



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

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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,

A handwritten signature in blue ink, appearing to read 'D. Cobrain', is positioned above the printed name.

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

District I

1625 N. French Dr., Hobbs, NM 88240
Phone:(575) 393-6161 Fax:(575) 393-0720

District II

811 S. First St., Artesia, NM 88210
Phone:(575) 748-1283 Fax:(575) 748-9720

District III

1000 Rio Brazos Rd., Aztec, NM 87410
Phone:(505) 334-6178 Fax:(505) 334-6170

District IV

1220 S. St Francis Dr., Santa Fe, NM 87505
Phone:(505) 476-3470 Fax:(505) 476-3462

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

CONDITIONS

Action 64819

CONDITIONS

Operator: Western Refining Southwest LLC 539 South Main Street Findlay, OH 45840	OGRID: 267595
	Action Number: 64819
	Action Type: [UF-DP] Discharge Permit (DISCHARGE PERMIT)

CONDITIONS

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