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**To:** [JMoore5@Marathonpetroleum.com](mailto:JMoore5@Marathonpetroleum.com)  
**Cc:** [Cobrain, Dave, NMENV](#); [Suzuki, Michiya, NMENV](#); [Chavez, Carl J, EMNRD](#); [McDill, Teresa L, EMNRD](#); ["king.laurie@epa.gov"](mailto:king.laurie@epa.gov)  
**Subject:** Letters to Mr. Moore  
**Date:** Tuesday, March 30, 2021 9:09:03 AM  
**Attachments:** [WRG 2021- HWB-WRG-21-003.pdf](#)  
[WRG 2021- HWB-WRG-18-013.pdf](#)

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Good Morning,  
Please see attachment.

Cynthia Martinez  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Bldg.1  
Santa Fe, New Mexico 87505-6313



Michelle Lujan Grisham  
Governor

Howie C. Morales  
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NEW MEXICO  
ENVIRONMENT DEPARTMENT

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James C. Kenney  
Cabinet Secretary

Jennifer J. Pruett  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 30, 2021

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

**RE: APPROVAL  
RESPONSE TO DISAPPROVAL INVESTIGATION WORK PLAN BACKGROUND  
CONCENTRATIONS  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-18-013**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Response to Disapproval Investigation Work Plan Background Concentrations* (Response), dated September 26, 2019 submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (the Permittee). NMED hereby issues this Approval with the following comment.

The response to NMED's *Disapproval Comment 2* states, "[t]he soil exposure pathways identified in the NMED guidance do not appear to be applicable to bedrock. The bedrock at the refinery has a very low permeability and should not be treated the same as the overlying soils. Therefore, the samples initially proposed for bedrock have been removed from the Work Plan in Sections 2.3.1, 3.1, 3.7, and 3.8. If in the future there is a clear need to establish background concentrations for inorganics in bedrock, then a new Work Plan will be prepared."

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Mr. Moore  
March 30, 2021  
Page 2

Note that although the NMED guidance provides conservative default values for risk screening levels where site-specific information is unavailable, the risk associated with soil exposure pathways should be assessed in a site-specific manner. The Chinle stratigraphic unit (bedrock) is observed at depths between zero and ten foot below ground surface (bgs) at the site that is relevant to the risk exposure intervals; therefore, the soil exposure pathways are applicable to bedrock. Based on their interpretation, the Permittee removed the proposed investigations for bedrock from the Work Plan. Note that the lack of such site-specific data may result in the requirement for adherence to the more conservative default values when evaluating risk for bedrock. NMED recommends an inclusion of such site-specific data because bedrock is present at the site. Regardless, the Work Plan is hereby approved because the Permittee further states that a new work plan for an evaluation of inorganics in bedrock will be prepared in the future, as necessary.

The Permittee may either submit a revised work plan that includes investigations for bedrock or implement the investigation work based on this approved Work Plan. If the Permittee elects to submit a revised work plan, submit the required document for NMED's review no later than **July 30, 2021**. If the Permittee elects to implement the investigation based on this approved plan, a report summarizing the results of the investigation must be submitted no later than **December 31, 2022**.

This approval is based on the information presented in the document as it relates to the objectives of the work identified by NMED at the time of review. Approval of this document does not constitute agreement with all information or every statement presented in the document.

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

Sincerely,



Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

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

File: Reading File and WRG 2021 File

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**Oil Conservation Division**  
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**Santa Fe, NM 87505**

COMMENTS

Action 22382

**COMMENTS**

Operator:			OGRID:	Action Number:	Action Type:
WESTERN REFINING SOUTHWEST, IN	6700 Jefferson NE, Suite A-1	Albuquerque,	705791	22382	DISCHARGE
NM87109					PERMIT

Created By	Comment	Comment Date
tmcill	NMED Approval of Background Concentrations March 30, 2021 HWB-WRG-18-013	03/30/2021

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CONDITIONS

Action 22382

**CONDITIONS OF APPROVAL**

Operator:	OGRID:	Action Number:	Action Type:
WESTERN REFINING SOUTHWEST, IN NM87109	705791	22382	DISCHARGE PERMIT

OCD Reviewer	Condition
tmcidill	None