



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)



BUTCH TONGATE  
Cabinet Secretary  
J. C. BORREGO  
Acting Deputy Secretary

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 3, 2016

Mr. Ed Riege  
Remediation Manager  
Western Refining Southwest, Inc. Gallup Refinery  
92 Giant Crossing Road  
Gallup, New Mexico 87301

**RE: 2016 ANNUAL FEE  
WESTERN REFINING SOUTHWEST-GALLUP REFINERY  
EPA ID #NMD000333211**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has established the 2016 Annual Fee for your facility pursuant to the Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC. In accordance with 20.4.2.201.A NMAC, the enclosed Tables were developed from the facility permit, Part A application, or enforceable document. The tables are formatted accordingly: 1) Table A – Hazardous Waste Management Activities; 2) Table B - Corrective Action; and 3) Table C - Summary of Units.

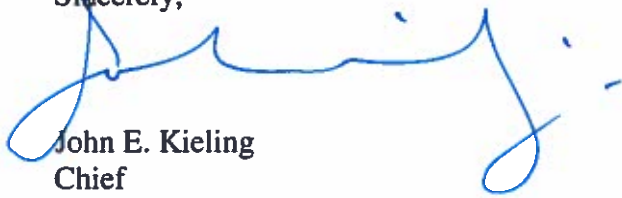
Due to the ongoing permit appeal NMED is not invoicing the areas of concern that are in dispute at this time. Upon resolution of the appeal a modified annual fee will be established to address the disparities.

Enclosed is the invoice for your 2016 annual fees. Under the provisions of 20.4.2.301.C NMAC “[p]ayment shall be due within sixty (60) days of receipt of the invoice unless the facility submits to NMED a written request seven (7) days prior to the end of the sixty (60) day period and receives written approval to extend the time for payment before the date payment is due.” Under the provisions of 20.4.2.302.A NMAC, “any owner or operator seeking to appeal an invoice for fees under this part must first notify the NMED in writing of the intent to appeal the invoice within thirty (30) calendar days of receipt of the invoice. The notice shall set forth the specific matters in dispute, the basis for the dispute, and any matters considered necessary for

NMED's consideration. The parties shall have thirty (30) calendar days from NMED's receipt of notification to meet or confer with NMED to attempt to resolve the matters in the dispute. The secretary may extend deadlines under this section upon a determination that good cause exists. If an agreement is reached resolving the dispute, NMED may issue a revised invoice and the owner and operator shall comply with the terms of such agreement and revised invoice. If an agreement is not reached, NMED shall issue a notification to all parties that an agreement has not been reached. Failure to notify NMED of an appeal in the required timeframe shall prohibit the owner and operator from appeal of the invoice."

Should you have questions concerning this Annual Fee please contact Dave Cobrain, at (505) 476-6055, or me at (505) 476-6035.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

Attachments

cc: J. Valdez, NMED HWB  
D. Cobrain, NMED HWB  
K. Van Horn, NMED HWB  
File: Reading and 2016 Annual Fee

**TABLE A**  
**Western Refining Southwest, Inc. - Gallup 2016 Annual Fee**  
**HAZARDOUS WASTE MANAGEMENT ACTIVITIES**

Unit ID No.	Unit Type/Description	Process	Comments	Fee
LDF 1	Land Treatment Unit	Post-Closure		\$4,000.00
Total Annual Fee:				\$4,000.00

**TABLE B**  
**Western Refining Southwest, Inc. - Gallup 2016 Annual Fee**  
**CORRECTIVE ACTION**

Count	Unit ID No.	Unit Type/Description	Comments	Fee
1	SWMU 1	Aeration Basin		\$750.00
2	SWMU 2	Evaporation Ponds		\$750.00
3	SWMU 3	Empty Container Storage Area		\$750.00
4	SWMU 4	Old Burn Pit		\$750.00
5	SWMU 5	Landfill Areas		\$750.00
6	SWMU 6	Tank Farm		\$750.00
7	SWMU 7	Fire Training Area		\$750.00
8	SWMU 8	Railroad Rack Lagoon		\$750.00
9	SWMU 9	Drainage Ditch Near Inactive Landfarm		\$750.00
10	SWMU 10	Sludge Pits		\$750.00
11	SWMU 11	Secondary Oil Skimmer		\$750.00
12	SWMU 12	Contact Wastewater Collection System		\$750.00
13	SWMU 13	Drainage Ditch between API Evaporation Ponds and Neutralization Tank Evaporation Ponds		\$750.00
14	SWMU 14	API Separator		\$750.00
15	AOC 15	New API Separator	Permit Appeal	
16	AOC 16	New API Separator Overflow Tanks	Permit Appeal	
17	AOC 17	Railroad Loading/Unloading Facility	Permit Appeal	
18	AOC 18	Asphalt Tank Farm (tanks 701-709, 713, 714)	Permit Appeal	
19	AOC 19	East Fuel Oil Loading Rack	Permit Appeal	
20	AOC 20	Crude Slop and Ethanol Unloading Facility	Permit Appeal	
21	AOC 21	Main Loading Racks	Permit Appeal	
22	AOC 22	Loading Rack Additive Tank Farm	Permit Appeal	
23	AOC 23	Retail Fuel Tank Farm (tanks 1-7, 912, 913, 1001, 1002)	Permit Appeal	
24	AOC 24	Crude Oil Tank Farm (tanks 101 and 102)	Permit Appeal	
25	AOC 25	Tank 573 (Kerosene tank)	Permit Appeal	
26	AOC 26	Process Units	Permit Appeal	
27	AOC 27	Boiler and Cooling Unit Area	Permit Appeal	
28	AOC 28	Warehouse and Maintenance Shop Area	Permit Appeal	
29	AOC 29	Equipment Yard and Drum Storage Area	Permit Appeal	
30	AOC 30	Laboratory	Permit Appeal	
31	AOC 31	Tanks 27 and 28	Permit Appeal	
32	AOC 32	Flare and Ancillary Tanks (tanks Z85V2, V85V3, Z84-T105)	Permit Appeal	
33	AOC 33	Storm Water Collection System	Permit Appeal	
34	AOC 34	Scrap Yard	Permit Appeal	
Total Annual Fee:				\$10,500.00

**TABLE C**  
**Western Refining Southwest, Inc. - Gallup 2016 Annual Fee**  
**SUMMARY OF UNITS**

<b>Number of Units</b>	<b>Unit Type</b>	<b>Fee</b>
0	Disposal	\$0.00
0	Treatment	\$0.00
0	Storage	\$0.00
1	Post Closure Care	\$4,000.00
0	Corrective Action Management Unit	\$0.00
0	Temporary Unit	\$0.00
0	Remedial Action Plan Unit	\$0.00
14	Corrective Action	\$10,500.00
<b>Total Annual Fee:</b>		<b>\$14,500.00</b>





**New Mexico  
Environment Department  
Hazardous Waste Bureau**

Western Refining Southwest  
Gallup  
Rt. 3 Box 7  
Gallup, NM 87301  
Attn: Ed Riege

October 3, 2016

Invoice # - HWB-WRG-2016-AF  
Western Refining Company Gallup 2016 Annual Fee

Quantity	Item	Item Cost	Total Cost
1	Post Closure Unit	\$4,000.00	\$4,000.00
14	SWMU / AOC - First 150 units (1 to 150)	\$750.00	\$10,500.00
		<b>Total Fees</b>	\$14,500.00
		<b>Adjustment</b>	\$0.00
		<b>Pay This Amount</b>	<b>\$14,500.00</b>

**Make Checks Payable to: NMED/HWB**

**Mail Checks and Invoice to:**

**New Mexico Environment Department, HWB  
Attn: James Valdez  
2905 Rodeo Park Drive East, Bldg 1  
Santa Fe, NM 87505**

When you provide a check as payment, you authorize the State of New Mexico to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

Check Number: \_\_\_\_\_ Amount Received: \_\_\_\_\_

Date Received: \_\_\_\_\_



Western Refining Southwest Inc  
 1250 W Washington Suite 101  
 Tempe AZ 85281  
 (602) 286-1400

Check: 10511413  
 Date: 11/16/2016  
 Supplier: 76707  
 Stub 1 of 1

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Description</u>	<u>Gross</u>	<u>Discount</u>	<u>Net</u>
HWBWRG2016AF	10/3/16	WWB-WRG-2016-AF	14,500.00		14,500.00
<b>TOTALS</b>			<b>14,500.00</b>		<b>14,500.00</b>

**RECEIVED**

NOV 17 2016

**NMED  
 Hazardous Waste Bureau**

Western Refining offers electronic payment option - Contact (602) 286-1400

THE FACE OF THIS CHECK IS PRINTED BLUE - THE BACK CONTAINS A SIMULATED WATERMARK



Western Refining Southwest Inc  
 1250 W Washington Suite 101  
 Tempe AZ 85281  
 (602 ) 286-1400

Bank of America  
 DALLAS, TEXAS  
 64-1278/611

10511413

Date: 11/16/2016

Check No.: 10511413

\$\*\*\*\*14,500.00  
 Amount

Pay  
 FOURTEEN THOUSAND FIVE HUNDRED AND 00/100\*\*\*\*\*

To the Order Of:  
 State of New Mexico Environment Dept  
 2905 Rodeo Park Drive East Bldg 1  
 Santa Fe NM 87505

\_\_\_\_\_  
 Robert A. Smith

⑈ 10511413⑈ ⑆061112788⑆ 003299838344⑈