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Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

January 31, 2017

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

**RE: REQUIREMENT FOR SUBMITTAL OF  
WASTEWATER TREATMENT DATA  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-17-MISC**

Dear Mr. Riege:

As part of the Environmental Protection Agency (EPA) Complaint and Consent Agreement and Final Order (CAFO), dated August 26, 2009 and modified September 1, 2010, with Western Refining Southwest, Inc. Gallup Refinery (Western) there are requirements for sampling and reporting to the New Mexico Environment Department (NMED) and the New Mexico Energy, Minerals and Natural Resource Department, Oil Conservation Division (OCD) regarding collection, sampling and reporting of data for effluent from the wastewater treatment plant, flow meter data, and air quality data.

The CAFO modification, paragraph C reads:

“Respondent shall design, construct, properly permit, and commence operation of an upgraded wastewater treatment system according to the Process Design Report for Wastewater Treatment Plant Workplan as approved by NMED and the New Mexico Energy, Minerals and Natural Resource Department, Oil Conservation Division ("OCD") and that is capable of treating all wastewater in accordance with

the startup milestone established in Paragraph 100.I below. Upon NMED and OCD approval, all deadlines, unless otherwise specified in Paragraph 100.1 below, work/design requirements, and sampling and monitoring requirements in the Process Design Report for Wastewater Treatment Plant Workplan shall become part of, and enforceable under, this Order.”

The May 24, 2010 *Approval with Modifications Process Design Report for the Wastewater Treatment Plant Work Plan (Alternative Design, Revision A)* includes system startup requirements in Comment 17. Because of startup issues and on-going issues with the Macro Porous Polymer Extraction (MPPE) system, NMED continued to require daily sampling of the wastewater effluent. The requirements include daily sampling for diesel-range organics (DRO)-extended, benzene, toluene, ethylbenzene, and xylenes (BTEX), general chemistry parameters, and pH with samples to be sent to an off-site laboratory as well as for on-site laboratory testing. Western is also required to collect and provide monthly flow meter data as well as collect air samples and report those results on a quarterly basis. The data are required to be submitted to NMED and OCD by the last Friday of every month with another requirement to report any exceedance of the benzene limit (0.5 mg/L) within a day. NMED has allowed for some flexibility in the monthly data submittal to allow for time for laboratory data to return and be compiled by Western.

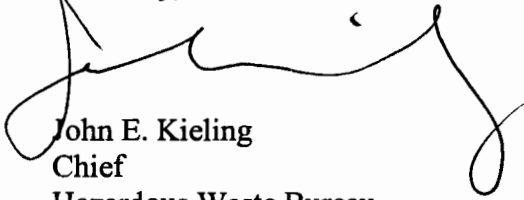
The last email received from Western, dated April 1, 2016, regarding the “Monthly Progress Report” for the waste water effluent sampling is for data collected in February 2016. Western was lax regarding reporting data prior to this, for example: data from December 2015 and January 2016 were received on March 9, 2016; data for October and November 2015 were received January 6, 2016; data for August and September 2015 were received October 23, 2015. NMED is aware of at least one instance of a benzene exceedance that occurred May 8, 2015 (0.72 mg/L) where there was no notification of the exceedance until the “Monthly Progress Report” for May 2015 was emailed on June 30, 2015. To date, the Agencies have exercised their enforcement discretion with regard to missed submittal dates.

In order to re-evaluate the effluent sampling requirements, NMED and OCD must have the data collected over the last year. Western must submit the laboratory data for wastewater effluent sampling collected since February 2016 as well as the recorded flow rate for each month and the results of the quarterly air sampling conducted over the past year. The data must be submitted to NMED and OCD on or before **February 15, 2017**. The data for January 2017 must be submitted no later than **February 24, 2017** which is the last Friday of the month. Subsequent reports must be submitted on the last Friday of each month as required by the above-referenced *Approval with Modifications*.

Ed Riege  
Gallup Refinery  
January 31, 2017  
Page 3

If you have questions regarding this correspondence, please contact Kristen Van Horn of my staff at 505-476-6046.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large loop at the end.

John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain NMED HWB  
K. Van Horn NMED HWB  
J. Griswold, OCD  
C. Chavez OCD  
A. Hains WRG  
G. Tidmore, EPA Region 6  
J. Clay, EPA Region 6  
L. King EPA Region 6

File: Reading File and WRG 2017 File  
HWB-WRG-17-MISC