



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY



Certified Mail - Return Receipt Requested

February 16, 2022

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

**RE: CLASS 1 PERMIT MODIFICATION FEES (WITHOUT PRIOR NMED APPROVAL)
MARATHON PETROLEUM COMPANY LP
(FORMERLY WESTERN REFINING SOUTHWEST, INC.)
MCKINLEY COUNTY, GALLUP, NEW MEXICO
EPA ID # NMD000333211
HWB-WRG-21-023**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has completed its review of the Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (Permittee) *Class 1 Permit Modification Request* (Request) dated November 30, 2021 and received on December 3, 2021.

The Permittee requests 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 (Permit), as directed by the NMED's August 19, 2021 letter. In addition, the Permittee proposes to combine AOCs 20, 21, 22, 23, and 35 into one AOC labeled as revised AOC 35 due to overlapping footprints. Permit Attachment G has already incorporated the proposed change; therefore, the modification is not required.

Following review of the permit modification request and related documents the NMED determined that the proposed change is a Class 1 Permit Modification requiring prior approval from the Department pursuant to 40 CFR §270.42(d)(2)(i)), as specified in Appendix I to 40 CFR §270.42. The requested Permit Modification is hereby approved. The updated Attachment G is provided as an attachment to this letter (Attachment 1). In addition, the Permittee notified NMED regarding a modification to the Facility owner name on the January 8, 2021. This change

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313
Telephone (505) 476-6000 - www.env.nm.gov

Mr. Moore
February 16, 2022
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was also incorporated into Permit Section I.B and a replacement page is provided as Attachment 2.

Since the Permit Modification is not a self-implementing change but one that required approval from NMED, the Permittees must, pursuant to 40 CFR §270.42(a)(ii), send out a notice of the Permit modification to all persons on the Facility mailing list previously received from the Department. This notification must be made within 90 calendar days from the date the Permittees receive this letter of approval.

Additionally, the Permittee must also incorporate the attached revised Permit Attachment G, Table G-1(Solid Waste Management Units (SWMUs) & Areas of Concern (AOCs) Requiring Corrective Action) into the RCRA Permit as a replacement of the current Table G-1.

The New Mexico Hazardous Waste Management Fee Regulations 20.4.2 NMAC require assessment of fees when administrative review of a document is complete. NMED has attached an invoice to this letter.

Payment is due within sixty (60) calendar days from the date that you receive the invoice in accordance with 20.4.2.301.C NMAC. If you disagree with the fee assessed, you may notify the NMED in writing, at the address above, of the intent to appeal the invoice under the provisions of 20.4.2.302.A NMAC.

If payment is by check, then you must provide the invoice number on the check. If payment is transmitted electronically, then you must submit a letter to Mr. Dave Cobrain, NMED Hazardous Waste Bureau, indicating the invoice number, payment amount, and the assessed activity prior to transferring funds.

If you have any questions regarding this letter, please contact Michiya Suzuki of my staff at 505-690-6930.

Sincerely,



Rick Shean
Chief
Hazardous Waste Bureau

cc: J. Sanchez, NMED HWB
D. Cobrain, NMED HWB
M. Suzuki, NMED HWB

PART I: GENERAL PERMIT CONDITIONS

I.A AUTHORITY

This Permit is issued pursuant to the authority of the New Mexico Environment Department (NMED) under the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 through 74-4-14, in accordance with the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC.

Pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992k, and 40 CFR Part 271 and Part 272, Subpart GG, the State of New Mexico, through the NMED, is authorized to administer and enforce the state hazardous waste management program under the HWA in lieu of the federal program.

This Permit contains terms and conditions that the NMED has determined are necessary to protect human health and the environment at the Gallup Refinery. (40 CFR § 270.32(b)(2)).

I.B PERMITTEE

The Secretary of the New Environment Department issues this Permit for Western Refining Southwest, LLC, hereinafter referred to as the Permittee, the owner and operator of Gallup Refinery (the Facility), with EPA ID No. NM 000333211, located in McKinley County, New Mexico.

In accordance with 40 CFR § 270.1(c), owners and operators of land treatment facilities (as defined in 20.4.1.100 NMAC incorporating 40 CFR § 260.10), also referred to as land treatment units, that received waste after July 26, 1982, must have a post-closure care permit. The RCRA Hazardous Waste Land Treatment Unit (LTU) at the Gallup Refinery, last received waste in November 1990. The LTU must address the applicable parts of 40 CFR Part 264, Subparts F and G regarding groundwater monitoring, corrective action, and post-closure care. This Post-Closure Care Permit (the Permit) identifies the activities that shall be performed at the Facility and is designed to meet RCRA post-closure care requirements in 40 CFR §§ 264.117 through 264.120.

I.C PERMITTED ACTIVITY

This Permit authorizes the Permittee to conduct post-closure care at the LTU which is a Hazardous Waste Management Unit (HWMU). This Permit also requires the Permittee to conduct corrective action activities and to conduct tasks in accordance with a schedule of compliance. A post-closure care permit was previously issued in 2000. This Permit establishes the general and specific standards for these activities, as required pursuant to the Hazardous Waste Act (HWA), and the New Mexico Hazardous Waste Management Regulations.

I.D CITATIONS

Wherever the Permit cites a provision of 20.4.1 NMAC or 40 CFR the Permit shall be deemed to incorporate the citation by reference, including all subordinate provisions of the cited provision, and make binding the full text of the cited provision. Hazardous waste management regulations are frequently cited throughout this Permit. The federal *Hazardous Waste Management*



**New Mexico
Environment Department
Hazardous Waste Bureau**

Western Refining Southwest
Gallup
92 Giant Crossing Rd.
Gallup, NM 87301
Attn: John Moore

2/16/2022

Invoice # - HWB-WRG-21-023
Class 1 Permit Modification Request, dated November 30, 2021

Quantity	Item	Item Cost	Total Cost
1	Class 1 (with prior approval)	\$6,500.00	\$6,500.00
		Total Fees	\$6,500.00
		Adjustment	\$0.00
		Pay This Amount	\$6,500.00

Make Checks Payable to: NMED/HWB

Mail Checks and Invoice to:

**New Mexico Environment Department, HWB
Attn: Bureau Financial Manager
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.

ATTACHMENT G

ATTACHMENT G: LIST OF UNITS

**TABLE G-1
 SOLID WASTE MANAGEMENT UNITS (SWMUS) & AREAS OF CONCERN (AOCS)
 REQUIRING CORRECTIVE ACTION**

Unit ID Number	Unit Description	Notes
SWMU 1	Aeration Basins	
SWMU 2	Evaporation Ponds	
SWMU 3	Heat Exchanger Bundle Cleaning Pad	Original SWMU 3, Empty Container Storage Pad, was approved for No Further Action by the EPA on January 7, 1994. The Empty Container Storage Area is removed from the unit description; however, the area was subsequently used for cleaning of heat exchanger bundles and is thus retained as SWMU 3
SWMU 4	Old Burn Pit	
SWMU 5	Landfill Areas	
SWMU 6	Tank Farm	
SWMU 7	Fire Training Area	
SWMU 8	Railroad Rack Lagoon and Fan-Out Area	Corrective Action Complete, moved to Table G-3
SWMU 9	Drainage Ditch and Inactive Landfarm	
SWMU 10	Sludge Pits	
SWMU 11	Secondary Oil Skimmer	
SWMU 12	Contact Wastewater Collection System/Stormwater Collection System	AOC 33 combined with SWMU 12
SWMU 13	Drainage Ditch Between API Evaporation Ponds and Neutralization Tank Evaporation Ponds	
SWMU 14	Old API Separator/ Flare and Ancillary Tanks (tanks Z85V2, V85V3, Z84-T105)	AOC 32 combined with SWMU 14
AOC 15	New API Separator	
AOC 16	New API Separator Overflow Tanks	Restored to Table G-1 from the 2017 Order
AOC 17	Railroad Loading/Unloading Facility	Restored to Table G-1 from the 2017 Order

AOC 18	Asphalt Tank Farm (tanks 701-709, 713, 714)	Restored to Table G-1 from the 2017 Order
AOC 19	East Fuel Oil Loading Rack	Corrective Action Complete, moved to Table G-3
AOC 20	Crude Slop (Transmix) and Ethanol Unloading Facility	Combined with AOC 21, 22, and 23 to become AOC 35
AOC 22	Loading Rack Additive Tank Farm	Combined with AOC 20, 21, and 23 to become AOC 35
AOC 23	Retail Fuel Tank Farm (tanks 1-7, 912, 913, 1001, 1002)	Combined with AOC 20, 21, and 22 to become AOC 35
AOC 24	Crude Oil Tank Farm (tanks 101 and 102)	Restored to Table G-1 from the 2017 Order
AOC 25	Tank 573 (Kerosene tank)	Corrective Action Complete, moved to Table G-3
AOC 26	Process Units	Restored to Table G-1 from the 2017 Order
AOC 27	Boiler and Cooling Unit Area	Restored to Table G-1 from the 2017 Order
AOC 28	Warehouse and Maintenance Shop Area	Restored to Table G-1 from the 2017 Order
AOC 29	Equipment Yard and Drum Storage Area	Restored to Table G-1 from the 2017 Order
AOC 30	Laboratory	Restored to Table G-1 from the 2017 Order
AOC 31	Tanks 27 and 28	Restored to Table G-1 from the 2017 Order
AOC 32	Flare and Ancillary Tanks (tanks Z85V2, V85V3, Z84-T105)	Combined with SWMU 14
AOC 33	Storm Water Collection System	Combined with SWMU 12
AOC 34	Scrap Yard	Restored to Table G-1 from the 2017 Order
AOC 35	Main Loading Racks/ Crude Slop (Transmix) and Ethanol Unloading Facility/ Loading Rack Additive Tank Farm/ Retail Fuel Tank Farm (tanks 1-7, 912, 913, 1001, 1002)	Former AOC 21, combined with AOC 20, 21, and 23 to become AOC 35

This list shall be modified if any additional SWMUs or AOCs are discovered or reported after the effective date of this Permit and the NMED determines that additional investigation of such SWMU or AOC is necessary.

**TABLE G-2
SWMUs & AOCs
CORRECTIVE ACTION COMPLETE WITH CONTROLS**

NAME	UNIT DESCRIPTION

**TABLE G-3
SWMUs & AOCs
CORRECTIVE ACTION COMPLETE WITHOUT CONTROLS**

NAME	UNIT DESCRIPTION
SWMU 8	Railroad Rack Lagoon and Fan-Out Area
AOC 19	East Fuel Loading Rack
AOC 25	Tank 573 (Kerosene Tank)