

# AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
County of Bernalillo SS

Linda MacEachen, being duly sworn, declares and says that she is Classified Advertising Manager of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made or assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 30 day of November 11 and the subsequent consecutive publications on \_\_\_\_\_, 20\_\_\_\_.

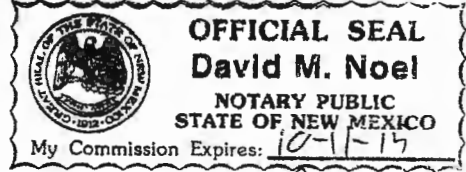
Linda MacEachen

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 30 day of November of 2011.

PRICE \$ 339.07

Statement to come at end of month.

ACCOUNT NUMBER C81227



CLA-22-A (R-1/93)

WRG

ENTERED

**PUBLIC NOTICE No. 11-05**

**NEW MEXICO ENVIRONMENT  
DEPARTMENT  
HAZARDOUS WASTE BUREAU  
SANTA FE, NEW MEXICO  
November 30, 2011**

**NOTICE OF PUBLIC COMMENT  
PERIOD AND OPPORTUNITY  
TO REQUEST A PUBLIC  
HEARING ON A DRAFT HAZ-  
ARDOUS WASTE PERMIT FOR  
WESTERN REFINING SOUTH-  
WEST INC., GALLUP REFINERY  
EPA ID NUMBER:  
NMD00033211**

The New Mexico Environment Department (Department) intends to issue a Hazardous Waste Permit for Post-Closure Care (Permit) for Western Refining Southwest, Inc. Gallup Refinery (WRG, or the Facility). The Permit requires the Facility to conduct post-closure care at the hazardous waste management unit, Land Treatment Unit, and to perform corrective action at solid waste management units (SWMUs) and areas of concern (AOCs) in accordance with the New Mexico's Hazardous Waste Act (HWA) and its associated regulations. The Department is charged with ensuring that WRG's hazardous waste operations are managed in a manner protective of human health and the environment.

The Facility is located in McKinley County, New Mexico approximately 17 miles east of Gallup, NM at Exit 39 of Interstate 40 (I-40), Jamestown, New Mexico. The Facility occupies approximately 810 acres. The Facility is an operating refinery owned by Western Refining Southwest, Inc. (the Permittee) and has been in operation since the 1950's. The crude oil capacity of the Facility is approximately 32,000 barrels per day. The current and historic operation of the Facility is that it processes crude oil final products which include propane, butane, naphtha, unleaded gasoline, diesel (low sulfur and ultra-low sulfur), and residual fuel.

The Facility is located at the following mailing address: Gallup Refinery, Route 3 Box 7, Gallup, NM 87301. The Applicant's primary contact for this action is: Mr. Ed Riege at the same mailing address.

The Facility generates wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978, or the HWA), and their implementing regulations.

The Department also announces the availability of a Fact Sheet providing the basis for the proposed action on the draft Permit and the significant factual and regulatory issues considered in preparing the draft Permit. The Fact Sheet explains the basis for the draft permit and permit conditions, including applicable statutory and regulatory support.

**PUBLIC REVIEW OF THE  
DRAFT PERMIT**

The Administrative Record for this proposed action consists of the permit application, the draft Permit, this Public Notice, the Fact Sheet, and other supporting documentation the Department relied on to develop the draft permit. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period.

NMED - Hazardous Waste Bureau  
2905 Rodeo Park Drive East,  
Building  
Santa Fe, New Mexico  
87505-6303  
Phone: (505) 476-6000  
Monday - Friday:  
8:00 a.m. to 5:00 p.m.  
Contact: Pam Allen

A copy of the draft Permit, this Public Notice, and the Fact Sheet are also available on the Department's website at: <http://www.nmenv.state.nm.us/nwb/giantperm.html> under Draft Permit. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at address given above. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor. The public comment period has been extended from November 15, 2011 to December 16, 2011. Any person who wishes to comment on the revised draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and physical address to the respective address below. Only comments and/or requests received before 5:00 p.m. MDT on December 16, 2011 will be considered.

John E. Kleing,  
Acting Bureau Chief  
Hazardous Waste Bureau - New  
Mexico Environment Department  
2905 Rodeo Park Drive East,  
Building  
Santa Fe, New Mexico  
87505-6303  
Phone: (505) 476-6000  
E-mail: [john.kleing@state.nm.us](mailto:john.kleing@state.nm.us)  
Ref: WRG Permit

Written comments must be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing must provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and physical address of all persons whom the requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any conditions; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The Department will provide a thirty day notice of a public hearing, if one is scheduled.

The Department must ensure that the draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a decision on issuance of a final permit, or that may cause the revised draft Permit to be modified. The Department will respond in writing to all public comments. This response will specify which provisions, if any, of the draft Permit have been changed in the final permit and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the Department's website.

After consideration of all the written public comments received the Secretary of the Department or his designee will make the final decision on this draft Permit. The decision will be publicly available, and shall be included in a notification to the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

**ARRANGEMENTS FOR  
PERSONS WITH DISABILITIES**

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.

**AVISO AL PUBLICO Nro. 11-05**

**DEPARTAMENTO DEL MEDIO  
AMBIENTE DE NUEVO MEXICO  
OFICINA DE DESPERDICIOS  
PELIGROSOS  
SANTA FE, NUEVO MEXICO  
Noviembre 30, 2011**

**ANUNCIO DEL PLAZO PARA  
COMENTARIOS DEL PUBLICO  
Y OPORTUNIDAD DE  
PEDIR AUDIENCIA PUBLICA  
ACERCA DEL PERMISO  
PRELIMINAR PARA  
DESPERDICIOS PELIGROSOS  
EN LA REFINERIA DE  
WESTERN REFINING  
SOUTHWEST, INC. EN GALLUP  
NUMERO DE IDENTIFICACION  
DE LA AGENCIA  
DE PROTECCION  
AMBIENTAL: NMD00033211**

El Departamento del Medio Ambiente de Nuevo Mexico (Departamento) tiene la intencion de expedir un Permiso de Desperdicios Peligrosos para el Mantenimiento Post-Cierre (Permiso) de la Refineria de Gallup al Western Refining Southwest, Inc. (WRG o la Instalacion). El Permiso le obliga a la Instalacion a realizar obras de mantenimiento en la unidad para el manejo de desperdicios peligrosos, Unidad de Tratamiento de Tierras, y tomar medidas correctivas en las unidades para el manejo de desperdicios solidos (SWMUs) y areas de preocupacion (AOCs) en apego al Decreto de Ley sobre Desperdicios Peligrosos (HWA) de Nuevo Mexico y los reglamentos correspondientes. Es la mision del Departamento asegurar que las operaciones de desperdicios peligrosos de WRG se llevan a cabo de una manera que protege la salud humana y el medio ambiente.

La Instalacion se encuentra en el Condado de McKinley, Nuevo Mexico, a unas 17 millas al este de Gallup, NM, en la Salida 39 del camino interestatal 40 (I-40), Jamestown, Nuevo Mexico. La Instalacion ocupa una extension de aproximadamente 810 acres. La Instalacion es una refineria en operaciones que pertenece a Western Refining Southwest, Inc. (el Permitario) y ha estado en operacion desde los 1950s. La Instalacion cuenta con la capacidad de refinar aproximadamente 32,000 barriles de petroleo crudo por dia. Su operacion actual e historica involucra el procesamiento de petroleos crudos con el fin de elaborarlos como propano, butano, napha, gasolina sin plomo, combustible diesel (de azufre reducido y ultra-reducido), y combustible residual.

La direccion postal de la Instalacion es: Gallup Refinery, Route 3 Box 7, Gallup, NM 87301. El contacto principal en la refineria para el presente asunto es: Mr. Ed Riege en la misma direccion postal.

La Instalacion genera desperdicios sujetos a los reglamentos del Decreto de Ley Federal para la Conservacion y Recuperacion de Recursos Peligrosos (Capitulo 74, Articulo 4, NMSA 1978, o HWA) y sus reglas de implementacion. El Departamento anuncia la disponibilidad de una Hoja de Datos que explica la base para las acciones que propona tomar respecto al Permiso preliminar y las cuestiones objetivas y reglamentarias mas importantes al preparar el permiso preliminar. La Hoja de Datos explica la base para el Permiso preliminar y las condiciones que impone el Permiso, incluyendo los apoyos estatutarios y reglamentarios que se aplican.

**REPASO DEL PERMISO  
PRELIMINAR POR EL PUBLICO**

El Acta Administrativa de la accion propuesta consiste de la solicitud de permiso, el Aviso al Publico, la Hoja de Datos y otros documentos de apoyo que uso el departamento en la elaboracion del permiso preliminar. Se puede repasar el Acta Administrativa con cita previa en el siguiente lugar durante el plazo para comentarios publicos:

NMED - Oficina de Desperdicios Peligrosos  
2905 Rodeo Park Drive East,  
Building 1  
Santa Fe, New Mexico  
87505-6303  
Tel: (505) 476-6000  
Lunes a viernes 8:00 a.m. - 5:00 p.m.  
Contacto: Pam Allen

Una copia del Acta Administrativa y la Hoja de datos tambien se encuentra bajo el titulo Draft Permit (Permiso Preliminar) en el sitio del Departamento en el Internet: <http://www.nmenv.state.nm.us/nwb/giantperm.html> Para obtener una copia completa o parcial del Acta Administrativa, sirvase comunicarse con Ms. Pam Allen al (505) 476-6000, o a la direccion postal indicada arriba. El Departamento proporcionara copias completas o parciales del Acta Administrativa al costo del solicitante.

El periodo de comentarios publicos se ha ampliado de 15 de Noviembre 2011; con el fin de anunciar el comienzo del plazo de 60 dias para comentarios que terminan a las 5 de la tarde, MDT, el 16 de Diciembre, 2011. Cualquiera que desea comentar sobre el Permiso preliminar revisado o solicitar una audiencia publica lo debe hacer presentando sus comentario(s) escrito(s) por correo convencional o electronico (e-mail) con su nombre y direccion fisica a la direccion que se da a continuacion. Unicamente los comentarios y/o solicitudes recibidos antes de las 5 de la tarde, MDT, el 16 de Diciembre, 2011, seran considerados.

John E. Kleing, Director  
en Funciones  
Oficina de Desperdicios Peligrosos  
- Departamento del Medio  
Ambiente de Nuevo Mexico  
2905 Rodeo Park Drive East,  
Building 1  
Santa Fe, New Mexico  
87505-6303  
Tel: (505) 476-6000  
E-mail: [john.kleing@state.nm.us](mailto:john.kleing@state.nm.us)  
Asunto: Permiso de Western Refining Gallup

Los comentarios escritos deben fundamentarse en informacion razonablemente disponible y deben incluir el grado que sea factible, todos los materiales objetivos a los cuales se hacen referencias. No hay necesidad de volver a presentar documentos que ya forman parte del Acta Administrativa siempre que sean explicitas las referencias del comentarista. Las solicitudes de audiencia publica deben incluir: (1) una declaracion objetiva clara y concisa de la naturaleza y alcance del litigio de la persona que solicita la audiencia; (2) nombres y direcciones de todas las personas que representa el solicitante; (3) una declaracion acerca de cualquier objecion al Permiso preliminar con referencias especificas a las condiciones objetadas; y (4) una declaracion que define los temas que quiere el comentarista que sean considerados en la audiencia. El Departamento anunciara una audiencia treinta dias antes de la fecha de realizarla.

El Departamento debe asegurar que sea consistente el Permiso preliminar con los Reglamentos de Nuevo Mexico sobre el Manejo de Desperdicios Peligrosos. Todos los comentarios escritos seran considerados al formular una decision sobre la emision de un permiso final o que podria resultar en la modificacion del Permiso preliminar. El Departamento respondera por escrito a todos los comentarios del publico. La respuesta especificara cuales disposiciones, si las hay, del Permiso fueron cambiadas y dara las razones para los cambios. Todos los que presentan comentarios escritos o que piden notificacion por escrito seran avisados de la decision por correo. Estas respuestas tambien apareceran en el sitio del Departamento en el Internet.

Despues de considerar todos los comentarios escritos del publico, el Secretario del Departamento, o su designado, tomara la decision final sobre el Permiso preliminar. La decision estara a la disposicion del publico y se incluira en la notificacion a los Solicitantes por correo certificado. La decision del Secretario sera la decision final de la dependencia y sera susceptible a apelacion segun las reglas del HWA.

**ARRGLOS PARA PERSONAS  
DISCAPACITADAS**

Las personas con alguna discapacidad y que necesitan ayuda o atenciones auxiliares para participar en este proceso deben comunicarse con Judy Bentley al Departamento del Medio Ambiente de Nuevo Mexico, Oficina de Recursos Humanos, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, numero de telefono: (505) 827-9872. Usuarios del sistema TDY pueden llamarla mediante su numero en la red New Mexico Relay Network al 1-800-659-8331.  
Journal: November 30, 2011