

LEGAL NOTICE
Gallup - McKinley County
New Mexico

**NEW MEXICO
ENVIRONMENT
DEPARTMENT**

Hazardous Waste Bureau

2905 Rodeo Park Drive East,
Building 1
Santa Fe, New Mexico
87505-6303
Phone (505) 476-6000
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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 HAZARDOUS WASTE
PERMIT FOR**

**WESTERN REFINING
SOUTHWEST INC., GALLUP
REFINERY**

EPA ID NUMBER:
NMD000333211

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 oils (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: Ms. Ed Ridge 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 1
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/hwb/draftperm.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. Kielling, Acting Bureau
Chief
Hazardous Waste Bureau -
New Mexico Environment
Department
2905 Rodeo Park Drive East,
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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 3469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-9872. TDD users please access her number via the New Mexico Relay Network at 1-800-659-8931.