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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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DAVE MARTIN  
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THOMAS SKIBITSKI  
Acting Director  
Resource Protection Division

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

January 8, 2013

Ed Riege  
Manager Environmental  
Western Refining-Gallup Refinery  
Route 3, Box 7  
Gallup, NM 87301

**RE: NOTICE OF VIOLATION AND RESOLUTION  
WESTERN REFINING-GALLUP REFINERY  
EPA ID# NMD000333211**

Dear Mr. Riege:

On September 11, 2012, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Western Refining-Gallup Refinery, located at Interstate 40 at Exit 39, Jamestown. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Large Quantity Generator of hazardous waste and has a Post Closure Care Permit, as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12), and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED observed the following violations:

1. Failure to keep containers holding hazardous waste closed during storage. During the inspection two 55-gallon black metal drums with loose lids were observed on the Vacuum Truck Pad. The drums contained vacuum truck waste codes D001 and D009, which are hazardous wastes. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.34(a)(1), referring 40 CFR § 265.173(a).

2. Failure to accumulate universal waste for less than one year from the date the waste was generated. One 55-gallon cardboard drum of universal waste lamps was found with an accumulation start date of 6/15/11, which is greater than one year for accumulation. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.15(b).

The NMED has reviewed your response to the inspection dated September 28, 2012. Based on that review, the NMED has determined that the violations cited in this Notice of Violation have already been adequately addressed and no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with the NMED's *Enforcement Response Protocol*. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our inspection, or in response to this letter, does not relieve Western Refining-Gallup Refinery of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Don Meyer of my staff at (505) 222-9554 or at [don.meyer@state.nm.us](mailto:don.meyer@state.nm.us). Please address your written response to the attention of Mr. Meyer at the address on the letterhead.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK:dm

cc: Steve Pullen, NMED HWB  
Sandra Martin, NMED HWB  
Don Meyer, NMED HWB  
Kristen Van Horn, NMED HWB  
Jamal Lewis, EPA R6  
William Chavez, Manager, NMED District I

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