



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202 - 2733**



MAR 26 2014

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MAR 28 2014

**NMED
Hazardous Waste Bureau**

Mr. John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

RE: United States Environmental Protection Agency (EPA) Region 6 Review of the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Post-Closure Care Permit for Western Refining Southwest Inc. – Gallup Refinery; EPA ID NMD000333211

Dear Mr. Kieling:

We have completed our review of the final post-closure care permit for the facility referenced above and have no comments. The purpose of this letter is to document our review process while providing oversight for hazardous waste permitting.

Our review was initiated by obtaining the following documents: the Part A and B Permit Renewal Application, the Final Permit, NODs, public comments and response to comments, along with other pertinent information related to the application/permit. Overall, the application submitted by the facility addressed the 40 CFR requirements. The permit is well written and includes supporting documentation covering the permitted unit and corrective action requirements. In addition, we found that the financial assurance and the permit renewal information have been updated in RCRAInfo. See the enclosed checklist for more information.

If you have any questions regarding this letter, please contact Gary Miller of my staff at (214) 665-8306.

Sincerely,

Kishor Fruitwala, Ph.D., P.E.
Chief, Facilities Assessment Section
Multimedia Planning and
Permitting Division

Enclosure

cc: Randall Rush, 6PD-O

Oversight Checklist for Post-Closure Permits

**Western Refining Southwest Inc. - Gallup Refinery, Jamestown, NM, EPA ID #NMD000333211,
Permit effective date is 12/03/2014, Review completed March 19, 2014.**

Performance Standards	Y/N	Comments
1. Permit conditions are consistent with the authorized state program and the intent of the regulations regarding level of control, containment, cleanup or protection.	Y	Permit describes the regulatory basis for issuing the permit along with the permitted activities and units. Permitted activities include post-closure care of the closed Land Treatment Unit (LTU). Also requires the Permittee to conduct corrective action activities and to conduct tasks in accordance with a schedule of compliance. Permit also includes a review of the closure and post-closure requirements associated with the land disposal units 5 years after the effective date.
2. Permit conditions are clear, understandable and enforceable.	Y	Permit requirements are clear and understandable.
3. Proper documentation and an administrative record are maintained.	Y	We obtained documents for this review from NMEDs web site and the file contains the application, notice of public comment period, response to comments and the final permit.
4. Post-closure care, monitoring and maintenance controls are provided.	Y	Permit specifies the requirements which include groundwater monitoring, inspection and repair as needed of the final cover over the former LTU, maintain records and conduct corrective action as necessary to protect human health and the environment.
5. Controls address: enforceability	Y	Permit describes the compliance reporting requirements. Permit identifies the SWMUs and AOCs requiring corrective action and requires newly identified SWMUs and AOCs to be added to the list.
6. Controls address: compliance schedules.	Y	Permit includes a schedule of compliance (see Permit Attachment E) and includes general and specific standards for permitted activities.
7. Controls address: soil and ground-water monitoring requirements.	Y	A groundwater monitoring program is required to remain in place until completion of corrective action (Demonstration of attainment of cleanup standards for three years). Groundwater cleanup levels are listed in the permit. The permit requires compliance with a sampling strategy for soils. If attainment of soil remediation standards is met the Permittee can request the post-closure period be shortened. In addition a facility wide groundwater monitoring plan is required in the permit.

Oversight Checklist for Post-Closure Permits

<p>8. Controls address: review of cost estimates and financial assurance instruments to assure they accurately reflect closure and post-closure costs and are sufficient to cover cost estimates.</p>	<p>Y</p>	<p>Closure cost estimate is \$1,318,780 and post closure care estimate is \$130,088. Western is using a corporate guarantee which expires 3/30/2014. Permit also requires submittal of a cost estimate for corrective action within 180 days of the permit effective date. In addition the permit requires the establishment of a financial assurance mechanism within 90 days after approval of the cost estimate.</p>
<p>9. Public participation requirements are met.</p>	<p>Y</p>	<p>Public comment period was provided.</p>
<p>10. Describe the closed units including general information on post-closure requirements. Verify that all units described in the application are included in the permit.</p>		<p>Post closure care of a Land Treatment Unit consisting of 3 cells. The LTU last received waste in November 1990.</p>
<p>11. Verify RCRA Info data is up to date</p>	<p>Y</p>	<p>Permitting data for the closed landfarm has been updated to reflect renewal date and scheduled expiration date. Financial Assurance data is up to date.</p>