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RYAN FLYNN
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Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 17, 2016

Mr. Ed Riege
Environmental Manager
Western Refining, Southwest Inc., Gallup Refinery
92 Giant Crossing Road
Gallup, New Mexico 87301

**RE: REJECTION
RESPONSE TO NMED DISAPPROVAL REVISED INVESTIGATION
REPORT SOLID WASTE MANAGEMENT UNIT (SWMU) NO. 1 AERATION
BASIN AND SWMU NO. 14 OLD API SEPARATOR
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-13-001**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has received the revised *Investigation Report Solid Waste Management Unit (SWMU) No. 1 Aeration Basin and SWMU No. 14 Old API Separator* (Report) dated February 2013 and submitted on behalf of Western Refining Southwest Inc., Gallup Refinery (Permittee). NMED hereby issues this Rejection of the Report in accordance with Permit Section I.J.11.

NMED's May 11, 2015 *Disapproval* letter required the Permittee to make all required changes to the Report and resubmit the document for NMED's review. The Permittee, in its response letter, states "[d]ue to the few actual changes relative to the size of the full report, Western is providing hard copy replacement pages. To simplify the replacement process, the entire text portion of the report, including table of contents is replaced along with Appendix B. New Figures 2, 3, and 7A are enclosed along with revised Tables 2, 7, 8, 9, 10, 12, 13, 14, and 15. An electronic copy of the redline document is enclosed indicating changes to the text of the report, including Appendix

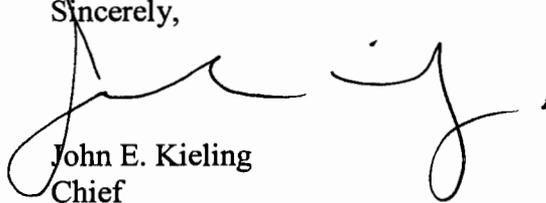
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B. An electronic copy of the full revised report is also provided on the enclosed disk.” As stated above, NMED required resubmittal of the entire Report in its May Disapproval letter. The Permittee did not discuss with NMED whether or not submittal of replacement pages was an appropriate response. In instances where there are relatively few changes required to a document, NMED typically requires replacement pages rather than re-submittal of an entire document; however, this was not such an instance. In this case, the required changes were significant enough to warrant submittal of a revised Report. Furthermore, it is extremely difficult for NMED to review the Permittee’s changes to the document, including the accompanying data tables given the current form of the document (e.g., unbound, loose pages).

The Permittee must submit a full, revised Report. The submittal must include two bound paper copies and also an electronic copy that includes a redline-strikeout version of the Report that shows where all changes have been made to the Report. The revised Report must be submitted on or before **May 2, 2016**.

If you have questions regarding this Rejection, please contact Kristen Van Horn of my staff at 505-476-6046.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain NMED HWB
N. Dhawan NMED HWB
K. Van Horn NMED HWB
C. Chavez OCD
A. Hains WRG
C. Johnson WRG
L. King EPA Region 6

File: Reading File and WRG 2016 File
HWB-WRG-13-001