

CERTIFIED RETURN RECEIPT: 7014 1200 001 8798 3155

October 31, 2016



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

RE: Notice of Violation, Western Refining Southwest Inc.
EPA ID# NMD000333211

Western Refining Southwest, Inc. ("Western"), Gallup Refinery submits the following response to a Notice of Violation ("NOV") dated September 21, 2016 from the New Mexico Environment Department – Hazardous Waste Bureau (NMED-HWB) concerning a Compliance Evaluation Inspection conducted by NMED-HWB inspectors on May 17, 2016. The NOV instructed Western to provide a written description of actions taken, or be taken, in response to NMED's observations. Below, we provide that information in the order of "Corrective Action" paragraphs in the NOV.

1. Corrective Action: Western must label the containers with the words "Hazardous Waste" or other words that identify the contents of the containers to prevent recurrence of the violation. Western corrected the violation at the time of the inspection.

Western Response: *No response required.*

2. Corrective Action: Western must update the contingency plan to include names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator and provide the updated contingency plan to NMED as well as identify actions to be taken to prevent recurrence of this violation.

Western Response: *The contingency plan was updated to include address and phone number of all qualified emergency coordinators. Western submits updated pages from the contingency plan and is attached as Attachment 1 (Part 1, Section 1.2 and Table 1-1). Personnel changes will be notated in writing in the original contingency plan and any significant revisions/changes will be incorporated in a timely manner and redistributed at the earliest possible convenience. The contingency plan is currently under a complete review and will be forwarded as soon as plan is complete and certified.*

3. Corrective Action: Western must update the contingency plan to include a proper evacuation plan and provide the plan to NMED as well as identify actions to be taken to prevent recurrence of this violation.

Western Response: *Western submits updated pages from the contingency plan to include the evacuation plan under Section 3.7 and is attached as Attachment 2 (Section 3.7). Personnel changes will be notated in writing in the original contingency plan and any significant revisions/changes will be incorporated in a timely manner and redistributed at the earliest possible convenience. The contingency plan is currently under a complete review and will be forwarded as soon as plan is complete and certified.*

4. Corrective Action: Western must update the contingency plan to include names, addresses, phone numbers (office and home) of all persons qualified to act as emergency coordinator and provide the updated contingency to NMED as well as identify actions to be taken to prevent reoccurrence of this violation.

Western Response: *The designated response coordinator has been replaced with Mr. Dave Pruner, Environmental Health and Safety Manager (copy attached as Attachment 3). Personnel changes will be notated in writing in the original contingency plan and any significant revisions/changes will be incorporated in a timely manner and redistributed at the earliest possible convenience. The contingency plan is currently under a complete review and will be forwarded as soon as plan is complete and certified.*

5. Corrective Action: Western must immediately contain any universal waste lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed. Western must provide documentation/photographs to NMED that the lamps have been placed in proper containers and closed, and identify actions to be taken to prevent recurrence of the violation.

Western Response: *The 60 universal waste lamps observed behind the I & E shop were complete light fixtures that had been removed from service in the refinery process areas and had not been declared a waste by Western, per 40 CFR 273.5(c)(2). The used lamps in question were still inside the lamp fixture. The lamp fixtures with the lamps were separated and the fixtures repurposed. The remaining fixtures that were not used were discarded after the lamps were removed and handled as a waste by Western. Each lamp removed was individually wrapped, and placed in a plastic tote for transport into a 55 gallon drum labeled "Universal Waste Lamps" (see attached photo in Attachment 4). Western conducts weekly inspections of the Satellite Accumulation areas which includes; checking contents of drums and removing any items found in the site accumulation drums, and inspects drums for proper labels and date and ensures the container is closed, (photograph of drum with label is attached as Attachment 4).*

6. Corrective Action: Western must label each container or package in which such lamps are contained with one of the following phrases: "Universal Waste Lamps", "Waste Lamps", "Used Lamps" or other words that identify the contents. Western must provide documentation/photographs to the NMED that containers used to store the universal waste lamps in question have been labeled and identify actions to be taken to prevent recurrence of the violation.

Western Response: See Western's response to item #5.

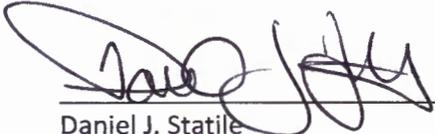
7. Corrective Action: Western must demonstrate the length of time the universal waste has been accumulating from the date it became a waste and provide documentation indicating the length of time the lamps have been accumulating on site. Western must also identify the actions to be taken to prevent recurrence of this violation.

Western Response: See Western's response to item #5. Western conducted an investigation and found that the lamp fixtures removed from service were placed behind the Instrument and Electrical Shop on Monday, May 9, 2016. The unused lamps became a waste when the lamps were removed from the light fixtures by Western on May 17, 2016. Each lamp was individually wrapped, placed in a 55 gallon drum, labeled and stored at the warehouse until the drum was ready for transport and disposal offsite. A copy of the manifest is attached as Attachment 5.

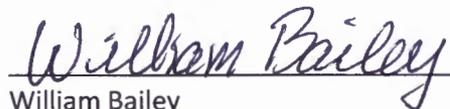
8. Corrective Action: Western must close the container stored outdoors, except when it is necessary to add or remove any used oil, to prevent recurrence of the violation, Western corrected the violation at the time of the inspection.

Western Response: No response required.

Please note that Western makes no admissions and reserves all applicable rights and defenses. If there are any questions concerning this response, please contact Mr. William Bailey, Environmental Supervisor at (505) 726-9743.



Daniel J. Statile
Vice President - Refining



William Bailey
Environmental Supervisor

cc: Michael Space, NMED HWB
Jaime Rodriguez, NMED HWB
William Chavez, NMED District Manager
Cheryl Johnson, WRG



PART I - GENERAL FACILITY INFORMATION
 40 CFR 112.7(a)(3)

1.1 Company Information

Name of Facility:	Western Refining Southwest - Gallup Refinery
Type	Onshore Facility, Petroleum Refinery, SIC 2911
Date of Initial Operation	1957
Location	I-40, Exit 39 Jamestown, McKinley County, New Mexico 87347 17 miles east of Gallup, NM 87301
Mailing address	92 Giant Crossing Road Gallup, NM 87301
Latitude and Longitude	SE1/4, NE1/4, Section 33, T15N, R15W Latitude: 35° 29' 30", Longitude: 108° 24' 40"
Name and Address of Owner	Western Refining Corporate Headquarters: 1250 West Washington St. Suite 101 Tempe, Arizona 85281

1.2 Contact Information

Qualified Individuals for the facility are Mr. Dave Pruner, the Environmental Health and Safety Manager and Mr. Victor McDaniel, the Assistant Refinery Manager. Both are available to respond to an emergency by reaching the facility within a short period of time and have the responsibility for coordinating all emergency response measures and have the authority to commit the resources needed to carry out the contingency plan. The twenty-four (24) hour contact information is provided in Table 1. A letter of Authorization for qualified individuals are found in the Appendix L.

Table 1: Facility Contact Information

NAME/TITLE	ADDRESS – HOME	ADDRESS – WORK	TELEPHONE
Daniel J. Statile, Vice President Refining	31 Eastview Ciniza Circle Jamestown, NM 87347	Gallup Refinery 92 Giant Crossing Rd Gallup, NM 87301	(505) 722-0202 (office) (915) 474-9736 (cell)
Qualified Individual Victor McDaniel, Assistant Refinery Manager	#28 County Road 4961 Bloomfield, NM	Gallup Refinery 92 Giant Crossing Rd Gallup, NM 87301	(505) 726 9569 (office) (505) 947-1584 (cell)
Qualified Individual Dave Pruner, Environmental Health & Safety Manager	12 East Ciniza Loop Jamestown, NM 87347	Gallup Refinery 92 Giant Crossing Rd Gallup, NM 87301	(505) 726-9741 (office) (361) 215-7294 (cell)

facility operations.

The general outline of the briefings is as follows:

- Responsibilities of personnel and Designated Person Accountable for Spill Prevention;
- Spill prevention regulations and requirements;
- Spill prevention procedures;
- Spill reporting and cleanup procedures;
- History/cause of known spill events;
- Equipment failures and operational issues;
- Recently developed measures/procedures;
- Proper equipment operation and maintenance; and
- Procedures for draining rainwater from berms.

3.6 Site Security

Security provisions are provided as follows:

- The refinery is continuously staffed by security and operations personnel.
- Employees are issued security badges for entry into the refinery.
- Fencing and gates are installed to restrict access to refinery operations and prevent unauthorized entry.
- Pump controls are located within buildings or in areas restricted to authorized personnel only.
- Loading and unloading connections are locked in the closed position when not in use.
- Lighting is provided in the refinery where spills are likely to occur.
- Vehicle traffic within the refinery is restricted and supervised.

3.7 Emergency Response

In the event that circumstances necessitate an evacuation of the refinery or the surrounding vicinity, the person designated as the Emergency Coordinator is Mr. Dave Pruner, Environmental Health/Safety Manager.

1. Location of Stored Materials:
Storage tanks are used throughout the refinery to hold and store crude oil, natural gasoline, intermediate feed stocks, finished products (gasoline, diesel, kerosene, and propane), chemicals and water. All storage tanks are located above ground. The largest concentration of storage tanks is centrally located along with a cluster of tanks located on the southeast corner of the process area and also directly west of the maintenance shops. Drums and totes, containing various lubricants, chemicals, additives, and used oils, are also located within the warehouse and at various outdoor storage yards and points of usage within the refinery.
2. Hazard Imposed by Spilled Material:
Possible additional hazards imposed by spilled petroleum feed stocks and products into and on the Gallup Refinery area include the following:
 - a. Fire
 - b. Infiltrate and affect the surrounding ground water in the Gallup area.

- c. Vapor cloud explosion caused by pressurized hydrocarbon release.
 - d. Personnel exposure hazards including contact burns and toxic vapor inhalation.
3. Spill Flow Direction:
In the event that a spill occurs and escapes secondary containment, potential spill flow paths for various areas of the refinery are shown in Appendix A. In general, most spills will flow north or west. Spills that enter the refinery process sewer system will be captured at the Waste Water Treatment Unit. Other spills will migrate toward open ground and follow the natural slope and contour of the landscape.
4. Prevailing Wind Direction and Speed:
The prevailing wind direction in the vicinity of the refinery is west-to-east, however, east-to-west winds can occur as well. Orange colored wind socks are located throughout the refinery to aid in identifying the current local wind direction along with the use of a Weather Monitor Vantage Pro 2™ by Davis weather station which monitors current weather conditions. Average wind speed is approximately 6 mph.
5. Water Currents, Tides, or Wave Conditions:
During times of moderate-to-heavy precipitation, the South Fork of the Rio Puerco and its tributaries flows from east-to-west immediately after the occurrence of precipitation, but generally remains dry and intermittent.
6. Arrival Route of Emergency Response Personnel and Equipment:
The primary arrival route for off-site emergency responders is via the off-ramps and north-side access road at Exit 39 on Interstate 40. Emergency Response Personnel and Equipment will arrive via the following routes: (See Appendix A for routes for emergency response personnel and equipment.)
- a. From the east, travel west on Interstate 40 (I-40) and turn north on Exit 39, past the Flying J Travel Center (formerly Pilot) on the right side of the road. Proceed north to the Gallup Refinery entrance. Refinery is located on the north side of I-40.
 - b. From the north, travel south on US Highway 66 to Interstate 40 and turn east. Continue for approximately 17 miles and take Exit 39 and turn north past the Flying J Travel Center. Proceed to the Gallup Refinery entrance. Refinery is located on the north side of I-40.
 - c. From the west, travel east on Interstate 40 and take Exit 39 and turn north past the Flying J Travel Center on the right side of the road. Proceed north to the Gallup Refinery entrance. Refinery is located on the north side of I-40.
7. Emergency Notification:
Gallup Refinery employees and contractors are required to be familiar with the Refinery's audible alarm system and its various emergency notification warnings. Refinery employees and contractors are also obligated to be familiar with the Refinery's radio system for both routine and emergency usage as well as the Refinery's 3911 emergency telephone number.

The Gallup Refinery uses its audible alarm system and in-plant two way radio systems on a daily basis for non-emergency communications. A test of the system is conducted

ATTACHMENT 2

Spill Prevention, Control and Countermeasure Plan
Gallup Refinery



on Friday at 2 pm. In addition, both the audible alarm system and in-plant two way radio systems are used during emergencies and may be augmented by the site’s 3911 emergency telephone number. The off duty emergency call back system is used to notify employees and designated contractors who have responsibilities during an emergency when those persons may be off site.

The Refinery’s radio system is used for routine daily internal two-way radio communications and also during emergencies. The table below lists the assigned Departments and/or functions for each of the radio system channels:

Radio Channel	Designated Department/Function
1	Emergency, Security, Safety/TAC 1
2	Operations 2
3	Operations 3
4	Maintenance
5	Tank Field/Off-sites
6	TAC 2 available tactical channel
7	TAC 3 available tactical channel
8	Turnaround
9	Same as Operations 2 but with another repeater for coverage
10	Same as Tank Field/Off-sites but with another repeater for coverage

The Refinery has established “3911” as its internal emergency notification and communication process. Emergency phone number 3911 can be dialed from any phone within the refinery’s phone system. The following phones ring when 3911 is dialed.

- Guard Building
- Central Control Room
- Safety Office
- Boiler House Control Room
- Fire and Safety Technician bunkhouse.

All of the designed 3911 lines will ring at the same time and as soon as the phone is picked up the remaining lines will stop ringing limiting the call to one person to receive information. The remaining phones if picked up will have a dial tone. Once information is obtained the following are contacted.

- Shift superintendent for all non-medical emergencies.
- Kurtz EMS group if emergency is of a medical nature only, then contact the Shift Superintendent.

All on-site personnel are alerted that an emergency is in progress by means of the Emergency Warning System located at the Truck Rack Attendant’s building and the Security Building. The audible alarm is activated manually by the Truck Rack Attendant or Security Officer and is used for local notification as follows:

ATTACHMENT 2

Spill Prevention, Control and Countermeasure Plan
Gallup Refinery



Incident Level	Event	ERT Response	Non-Essential Personnel Response	Audible Alarm	EOC Response
I	Medical-no rescue required	Does not require response of full onsite Refinery ERT	None	None	None
	Fire – Immediately extinguished by use of a fire extinguisher	Does not require response of full onsite refinery ERT	None	None	None
	Small Release – immediately controlled by closing a valve, shutting down a pump, etc.	Does not require response of full onsite refinery ERT	None	None	None
II	Fire or Release	Immediate response of ALL ERT members to proceed to designated location to prepare to respond as directed by the Incident Commander	All non-essential personnel proceed to Assembly areas	Audible Alarm with a verbal Command	EOC Activated
III	Fire or Release – which requires commitment of major resources	Response of all ERT members, Kurtz Fire and Safety technicians; Off-duty ERT member and/or request of mutual aid resources	All non-essential personnel proceed to Assembly areas	Audible alarm with a verbal command	EOC Activated
IV	Fire or Release which requires evacuation	Possible evacuation	Full evacuation	Audible alarm with a verbal command	Possible relocation of EOC
All Clear	Incidents II – IV	Stand down	Return to workstations	Audible alarm with a verbal command	Stand down of EOC per Emergency Manager

The Operations Shift Superintendent, based upon such criteria as personnel safety, the current operating conditions of the Refinery, size and type of event, is responsible for determining when the Refinery’s Emergency Warning System is activated.

The Communicator @NXT™ emergency notification system was established to expedite efficient notifications to refinery emergency response personnel. This system can be activated by phone or computer from any location on or off site, at any time, by individuals who have been trained and given activation permission. The “Communicator” is capable of dialing 24 cell phones in 12 seconds. In the event that there is no answer on the cell phone, calls will be made to home phones followed by e-mail if necessary.

3.7.1 Personnel Accounting and Assembly Areas

The personnel accounting process begins once an individual enters the Refinery. Refinery employees and resident contractors, once assigned to the site, are issued access cards which contribute to the personnel accounting system.

There are incident scenarios which could require individuals at the Refinery and the surrounding community to either shelter-in-place or evacuate until the incident is resolved. The Emergency

Manager, in concert with the Field Incident Command (FIC) must rapidly evaluate the situation and initiate the appropriate actions to protect life and safety. Depending on the location and severity of the incident, personnel may be required to:

- Egress from identified portions of the refinery to designated emergency assembly areas
- Evacuate the refinery to designated evacuation assembly areas and advise the New Mexico State Police to evacuate the surrounding community.

Sheltering in place means personnel will move inside an enclosure (emergency assembly area). Once inside, personnel are to close all doors, windows and shut off heating and ventilation systems. Personnel are to avoid remaining by windows. Personnel accounting will be performed by a Building Warden at the designated assembly areas. Each Building Warden is responsible for personnel accounting and communications with the Emergency Operations Center (EOC). The Building Warden is in charge of the Assembly Area and the personnel within that area until the event is mitigated.

3.7.1 Evacuation Plan

Following the Activation of the Refinery's Audible Alarm system, non-essential personnel are to:

1. Assess if the event is an emergency or evacuation.
2. Follow the directions of a Building Warden; or
3. Select a safe route to an appropriate assembly area by:
 - Turning off motorized vehicles, welding machines, etc., to "safe" their area or equipment
 - Determine wind direction through visual indicators (wind socks, steam, etc.)
4. Proceed in an orderly manner, on foot or by use of a bicycle upwind or crosswind to one of the predetermined assembly areas.
5. Remain in the assembly area until relocated to another shelter, the "All Clear" is given through sounding of the Refinery's audible alarm system, or released by the FIC/EOC.

EOC Members

1. Select a safe route to the appropriate Emergency Operations Center.
2. Activate the EOC and Unified Incident Command System.

Building Wardens

1. Provide instructions during an emergency (e.g., directing personnel to an assembly area, moving personnel from one assembly area to another).
2. Conduct personnel accounting at the assembly area by:
 - Gathering and keeping the personnel in the assembly area.
 - Recording all personnel who are present.
3. Use the Phone only for collecting and reporting personnel accounting information.
4. Report assembly area accountability BY PHONE, NOT E-MAIL OR TEXT MESSAGE to the following numbers: Primary (505) 722-228; Secondary 505-870-4322
DO NOT provide names of injured personnel over the radio; request "Emergency Traffic" and ask for medical assistance over the radio if there is a medical emergency.
5. Verify rooms and other enclosed areas in the assembly area are vacant if this activity can be performed without endangering yourself or others.

Security

1. Stop incoming/outgoing traffic at main gate.
2. Position a Security Officer and vehicle west of the "Y" on the primary entry road to control access to the refinery.

Emergency Manager

1. Decides in communication with the Incident Commander, where to shelter in place or evacuate personnel from:
 - An area within the refinery
 - The refinery as a whole
 - The surrounding area
2. Coordinate community evacuation with local law enforcement.

Special Considerations – Operations

The operations shift personnel typically perform "personnel accounting" through radio communications and visual contact while performing various activities in the field. However, as "mission critical" as their actions are, Operations shift personnel may be required to evacuate from the refinery if an event is determined to be untenable. In this instance, the Operations Director would consult with the Emergency Manager and the Incident Commander concerning evacuating the Operations shift personnel from the refinery. The Operations shift personnel should attempt to "safe" the process area by; if possible, using emergency shutdown procedures prior to evacuating.

3.7.2 Emergency Assembly Areas

1. South office area of the main administration building.
2. Instrument and Electrical Shop
3. Modular Building #2 (Conference Room)
4. Modular Building #4 (Conference Room)
5. Contractor Compound
6. Main gate (Driver waiting room)
7. Guard Office
8. Fire Station

ATTACHMENT 3



WNR
LISTED
NYSE

October 10, 2016

To Whom It May Concern:

Mr. Dave Pruner (Environmental Health & Safety Manager), is the designated Qualified Individual (QI) under the prescribed federal regulations {40CFR 112.20(h) (3) (ix), 30 CFR 254, 33 CFR 154/155 (USCG) and 40 CFR 194 (DOT Pipeline) for Western Refining (Gallup Refinery). In the event of a Petroleum Product Discharge at the Western Refining facility, Mr. Pruner, a representative on behalf of Western Refining (Gallup Refinery), is granted full authority to undertake all of the roles and responsibilities of the Qualified Individual including the following:

1. Activate and engage in contracts with Oil Spill Removal Organizations (OSRO);
2. Act as a liaison with the pre-designated Federal On-Scene Coordinator (FOSC); and
3. Obligate funds required to carry out responsive activities.

A handwritten signature in black ink, appearing to read 'Mark Smith', is written over a horizontal line.

Mark Smith
Executive Vice President, Operations
Representative for Western Refining, Owner/Operator

A handwritten date '10/17/2016' is written in black ink over a horizontal line.

Date

ATTACHMENT 4

Light fixtures



ATTACHMENT 4 - CONTINUED

Lamps removed and individually wrapped



55 Gallon Drum at Satellite Accumulation Area for Waste Lamps



