



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

**2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov**



BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

PUBLIC NOTICE No. 17-05

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
June 2017**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A CLASS 3 PERMIT MODIFICATION FOR
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID NUMBER: NMD000333211**

The New Mexico Environment Department (NMED) intends to issue a Class 3 Permit Modification for the Hazardous Waste Permit for Post-Closure Care (Permit) for Western Refining Southwest, Inc. Gallup Refinery (WRG, or the Facility). The Permit was originally issued in October 2013. The Permit requires the Facility to conduct post-closure care at a 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 NMED is charged with ensuring that WRG's hazardous waste operations are managed in a manner that is protective of human health and the environment.

WRG is located in McKinley County, New Mexico approximately 17 miles east of Gallup, New Mexico Interstate 40 (I-40) Exit 39, 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 1950s. The crude oil processing capacity of the Facility is approximately 25,000 barrels per day. The current and historic operation of the Facility is processing crude oil into final products which include propane, butane, naphtha, gasoline, diesel, asphalt, and residual fuels.

WRG is located at the following mailing address: Gallup Refinery, 92 Giant Crossing Road, Gallup, NM 87301. The Applicant's primary contact for this action is: Mr. Bill Bailey 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 its implementing regulations (Title 20 Chapter 4 NMAC).

The Department also announces the availability of a Fact Sheet providing the basis for the proposed action on the Class 3 Permit Modification and the significant factual and regulatory issues considered. The Fact Sheet explains the basis for the modifications to the 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 modification request, 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 87505-6313
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: <https://www.env.nm.gov/HWB/giantperm.html>. 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 Department issues this public notice on June 23, 2017, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, August 22, 2017**. Any person who wishes to comment on the revised draft Permit or request a public hearing should submit written or electronic mail (e-mail) comments with the commenter's name and physical address to the address below. Only comments and/or requests received before **5:00 p.m. MDT on August 22, 2017** will be considered.

Mr. John Kieling
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone: (505) 476-6000
E-mail: john.kieling@state.nm.us
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 and 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

Any person with a disability and requiring assistance or auxiliary aid to participate in this process should contact Mr. Vincent Velarde, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, TDD or TDY users please access Mr. Velarde's number via the New Mexico Relay Network at 1-800-659-8331.

NONDISCRIMINATION STATEMENT

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kristine Pintado, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.