



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

State of 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



ENTERED



BUTCH TONGATE
Cabinet Secretary
J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 17, 2017

Mr. William Bailey
Environmental Supervisor
Western Refining Southwest Inc., Gallup Refinery
92 Giant Crossing Road
Gallup, New Mexico 87301

**RE: SPILL AND RELEASE REPORTING REQUIREMENTS
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
WRG-17-MISC**

Dear Mr. Bailey:

The purpose of this letter is to clarify Western Refining Southwest, Inc. Gallup Refinery's (Permittee) responsibilities regarding the reporting of spills and releases. The New Mexico Environment Department Hazardous Waste Bureau (NMED) understands that there have been personnel changes at the Gallup Refinery that may have resulted in overlooking established reporting protocols.

The Permittee's Resource Conservation and Recovery Act (RCRA) Permit includes 24-Hour and Subsequent Reporting requirements in Permit Section II.C.2.c. An oral report is required within 24 hours from the time the Permittee becomes aware of non-compliance (e.g., a spill or release). In the past, the Permittee's personnel contacted Hazardous Waste Bureau staff to report the spill as well as placing calls to contacts from the New Mexico Energy, Minerals and Natural Resource Department, Oil Conservation Division (OCD) and other agencies as needed. A written report is also required by Permit Section II.C.3, to be submitted to the NMED within 5 calendar days of the spill or release. The written report includes the same information required by the oral report and any additional information collected. As part of the January 2017 Settlement Agreement between the Permittee and NMED and the subsequent Permit modification, language was added in Permit Section IV.B.4.a that formally allows the OCD C-141 reporting form to substitute for

Mr. Bailey
Gallup Refinery
August 17, 2017
Page 2

the written report required by Permit Section II.C.3; in the past, NMED accepted this form informally. However, the Permittee has been inconsistent regarding the reporting of releases and the follow-up written report and is thus not meeting the reporting requirements in the RCRA Permit.

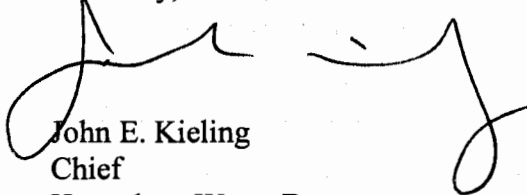
For example, a release of naphtha occurred on March 26, 2017 and the Permittee contacted NMED's Incident Response Coordinator the next day. The representative indicated they would also contact OCD and that a five-day report and a C-141 report would subsequently be filed with the agencies as well. The OCD's Aztec office was notified; however, the Santa Fe office was not. Contacting the Project Leader at HWB and the Project Leader in the OCD Santa Fe office is reporting protocol. The written report has not been submitted to either agency to date. Another example is the May 7, 2017 release of gasoline at the Railroad Loading Rack. A representative of the facility contacted the Hazardous Waste Bureau within 24-hours and an email was sent with some information related to the release; however, this email did not fulfill the reporting requirements in Permit Section II.C.2.c and a C-141 form has not been submitted since the email was sent on May 8, 2017.

The Permittee must submit the C-141 forms for the March 26, 2017 naphtha release and the May 7, 2017 gasoline release to NMED and OCD no later than **September 1, 2017**. Include figures documenting the location and extent of the releases and ensure that the C-141 form includes adequate detail regarding the releases and any immediate spill response (e.g., amount of liquids recovered, initial soil removal actions and other details required by Permit Section II.C.2.c).

The Permittee must also submit reports on any other releases that have occurred in 2017 and ensure that all employees tasked with tracking releases are aware of the reporting requirements and the established reporting procedures.

If you have questions regarding this letter, please contact Kristen Van Horn at 505-476-4046.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: K. Van Horn, NMED HWB
C. Chavez, EMNRD OCD
L. King, EPA

File: Reading File 2017 and WRG-17-MISC