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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 21, 2018

Jessica O'Brien
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-18-MISC**

Dear Ms. O'Brien:

In an August 17, 2017 letter the New Mexico Environment Department (NMED) clarified Western Refining Southwest, Inc. Gallup Refinery's (Permittee) responsibilities regarding reporting spills and releases. The purpose of this letter is to reiterate spill and release reporting requirements under the facility's RCRA Post-Closure Care Permit (RCRA Permit).

The Permittee is required to report spills or releases greater than or equal to five barrels (bbls) or one gallon if the release is acutely hazardous material. 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). 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 Permittee has been inconsistent regarding the reporting of releases and the associated follow-up written report and is thus not meeting the reporting requirements in the RCRA Permit.

NMED's August 17, 2017 letter discussed failure to submit initial release reports for the March 26, 2017 naphtha release near Tank 567 and the May 7, 2017 gasoline release at the railroad

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loading rack. The initial report for both incidents was submitted and dated August 30, 2017. Missed spill reporting was identified during NMED's review of the 2016 Facility-Wide Groundwater Monitoring Report, dated August 31, 2017. That report included an Appendix E which listed and discussed various spills and releases that had occurred in 2016. Many of the spills were either reported or too small to report; however, a 243 bbl release of distillate that occurred on July 23, 2016 near Tank 106 was never reported to NMED. Another example is the 200-gallon sewer cup overflow of a straight run and water mixture on August 18, 2016. These releases are required to be reported to NMED. Provide spill reports for both of these releases and all related analytical laboratory results and other soil cleanup information.

Additionally, per RCRA Permit settlement negotiations, NMED added Section IV.B.4 (Future Releases) to the RCRA Permit. The Permittee is required to submit a response action report within one year after a newly discovered spill or release. The response action reports regarding the naphtha release and the gasoline spill, mentioned in the paragraph above, are both currently overdue. Additionally, there was an 80 bbl release of sodium hydroxide near the flare and former Old API Separator on April 20, 2017 which also requires a final report that is overdue as well as a corrected initial C-141 report, because the dates included in the original report are incorrect. In July, a response action report is due regarding the July 30, 2017 overflow at Tank 35.

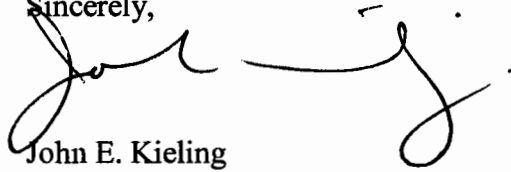
During a phone conversation NMED and the Permittee discussed response action reporting format requirements and whether all spills, regardless of size, require a response action report. NMED stated that the previously submitted response action reports followed an acceptable format. Since the Energy Minerals and Natural Resource Department's Oil Conservation Division (OCD) requires a final C-141 report, all spills and releases require final documentation.

Additionally, the Permittee submitted a response dated September 7, 2017 to NMED's Disapproval of the Response Action Report for the April 3, 2016 ASO Caustic Release; however, the revised report was not included with the submittal. NMED contacted the Permittee by email in October 2017 and February 2018 regarding the submittal. A revised report has not yet been received.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

John E. Kieling
Chief
Hazardous Waste Bureau

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

File: Reading File 2018 and WRG-18-MISC