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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 23, 2019

John Moore
Environmental Superintendent
Western Refining Southwest Inc., Gallup Refinery
92 Giant Crossing Road
Gallup, New Mexico 87301

**RE: DISAPPROVAL
ASSESSMENT REPORT FOR AOC 16 – API OVERFLOW AREA
MARATHON PETROLEUM COMPANY LP, GALLUP REFINERY
(FORMERLY WESTERN REFINING SOUTHWEST INC.)
EPA ID # NMD000333211
HWB-WRG-19-001**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) is in receipt of the Marathon Petroleum Company LP dba Western Refining Southwest, Inc. Gallup Refinery (the Permittee) *Assessment Report for AOC 16 – API Overflow Area* (Report) dated January 3, 2019. The Report was submitted in accordance with the requirements of the January 2017 Consent Order (Consent Order).

The purpose of the Consent Order is to determine whether areas of concern (AOCs) listed in Attachment 1 of the Consent Order require investigation or if the Permittee can provide sufficient information to determine that no further investigation or remediation is necessary.

Consent Order Section IV.B requires NMED to review the Report and deem the report “approved, disapproved, or disapproved in part...” The Permittee provided information required by Consent Order Section IV.C (Contents of AOC Assessment Report). NMED reviewed the Report and hereby issues this Disapproval. The Permittee must address the following comments.

Comment 1

Under the topic “designation of type of function of unit(s)” the Report states, “[t]he subject area identified as AOC 16 is an open area north of the New API Separator and is not a unit or area otherwise used to manage solid waste. The AOC was identified based on a release of wastewater to the area.” This description is not accurate. Frac tanks were in place since at least 2007. The tanks were used to capture overflow from the New API Separator (NAPIS) when it was overwhelmed during storm events. Originally, one frac tank was located just north of the NAPIS and connected directly to the NAPIS. When the NAPIS overflowed, the frac tank also overflowed. Overflows affecting the frac tank area occurred on June 23, 2007, June 10, 2009, September 5, 2009 and December 8, 2009. In Spring 2010 the frac tank arrangement was changed and four additional the tanks were added north of the original frac tank and placed within a containment berm as part of an interim measure to address the multiple releases of untreated wastewater. The NAPIS and all of frac tanks experienced overflows on July 30 and August 2, 2010. The additional frac tanks were located approximately where the DGF Feed Tank is now located. The DGF Feed Tank also experienced an overflow on August 5, 2014. The NAPIS unit handles oily process wastewater from the refinery. API Separator sludge is a listed waste (K051, F037, and F038). Overflows also contained hazardous constituents. The area designated as AOC 16 experienced multiple releases of wastewater that contained listed hazardous waste as well as hazardous constituents and the designation as an AOC was not based on a single release. Revise the Report for accuracy.

Comment 2

Under the topic “dimensions, capacities and structural description of unit(s)” the Report states, “[t]he AOC is estimated to cover an area approximately by 60 feet by 90 feet, but it has not been fully defined by sampling and analysis of environmental samples. Some removal of impacted soils occurred shortly after the release that occurred on December 8, 2009 and the available information is attached.” This information was previously submitted to NMED. Additional releases occurred after this cleanup. Provide summaries and data regarding the cleanup and confirmation sampling related to the subsequent releases.

Comment 3

Under the topic “dates that the unit(s) was operated” the Report states, “[a]s the AOC is not a “unit”, there is not a date of operation”. There should be records of when frac tanks were first used and a record of when their use was discontinued and when the DGF Feed Tank was placed in the area.

Comment 4

Under the topic “all available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s)” the Report states, “[t]he latest correspondence that was located is attached. This documents the results of efforts to address the last two spills that occurred on September 5, 2009 and December 8, 2009. Based on this information, it appears that additional assessment and possibly corrective action may be necessary for AOC 16.” Additionally, releases from the NAPIS occurred after those dates on July 30 and August 2, 2010 as well as the DGF Feed Tank release on August 5, 2014. There were also releases before the 2009 releases. Revise the Report for accuracy.

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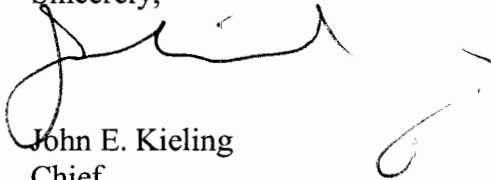
As specified by the Consent Order Section IV.D (NMED Determination of AOC Entry or Elimination) NMED will make a determination of whether or not AOC 16 should be restored to the RCRA Permit or eliminated from corrective action requirements when NMED receives the last Assessment Report.

The Permittee must address all comments in this Disapproval and submit a revised Report. The revised Report must be accompanied with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments.

In accordance with Consent Order Section IV.B (AOC Assessment Report), the revised Report must be submitted for NMED review no later than **July 22, 2019**.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: K. Van Horn, NMED HWB
D. Cobrain, NMED HWB
B. Moore, MPC
L. King, EPA

File: Reading File and WRG 2019 File
WRG-19-001