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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

APR 06 2020

Mr. Robert S. Hanks
Environmental Superintendent
Western Refining Southwest, Inc.,
Gallup Refinery
92 Giant Crossing Road
Gallup, New Mexico 87301

Mr. Gregory McCartney
Project Manager
Western Refining Southwest, Inc.,
Bloomfield Terminal
P.O. Box 159
Bloomfield, New Mexico 87413

**RE: FISCAL YEAR ENDING 2018 FINANCIAL ASSURANCE SUBMITTAL
WESTERN REFINING SOUTHWEST, INC. - GALLUP REFINERY AND
BLOOMFIELD TERMINAL
EPA ID # NMD000333211
EPA ID # NMD089416416
HWB-WRG-MISC
HWB-WRB-MISC**

Dear Messrs. Hanks and McCartney:

The New Mexico Environment Department (NMED) has reviewed the Western Refining, Southwest, Inc. (Western) Fiscal Year (FY) 2018 financial assurance submittal dated March 25, 2019 and received on February 4, 2020. Western has not met the requirements for provisions of financial assurance information for 2018 and is not in compliance with 40 CFR 264 and 265. The Permittee must address the following comments and incorporate them in the 2020 submittal.

Comment 1

The March 25, 2019 CFO letter format does not match the 2018 CFO letter's format, nor does it follow the format as specified in 40 CFR 264.151(f). For example, the 2018 CFO letter format second paragraph provides separate Closure, Post-Closure, and Corrective action costs for their Gallup facility while the 2019 CFO letter format provides one value for all three costs.

Western must report separate amounts for closure, post-closure, and corrective action in the 2020 financial assurance submittal. Corrective action cost estimates have not previously been reported but must be reported separately if included in Section 2 of the CFO letter.

Comment 2

The March 25, 2019 submitted Corporate Guarantee for Closure or Post-Closure Care omitted the owner or operator's name under Recital 9. Include the name of the "owner/operator" in the 2020 submittal.

Comment 3

Marathon Petroleum Company LP's Senior Financial Analyst sent an e-mail dated March 25, 2019 providing an electronic link for Marathon Petroleum's Corporation Annual report for 2018. The form 10-K contains the Report of Independent Registered Public Accounting firm required per 40 CFR 264.143(f)(3)(ii), 264.145(f)(3)(ii), and 264.147(f)(3)(ii). As of March 3, 2020, NMED has yet to receive the form 10-K hardcopy and the Independent Registered Public Accounting document referenced in the March 25, 2019 e-mail. Submitting the annual report via an e-mailed link is not an acceptable format. Provide the Hardcopy 10-K annual report and Independent letter or submit it on a CD/DVD for the NMED Administrative Record in order to satisfy 40 CFR 264.143f, 264.145(f), and 264.147(f).

Western must incorporate Comments 1 through 3 from this letter for the 2020 future financial assurance submittal.

If you have any questions, please contact Vanessa Colón of my staff at 505-476-6058.

Sincerely,



Kevin Pierard
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
L. Tsinnajinnie, NMED HWB
V. Colón, NMED HWB
L. King, EPA Region 6
A. Kitchen, Marathon Petroleum Company, LP

File: WRB AND WRG /2020 Readings