



**ENTERED**

John Moore, P.E.  
Environmental Supervisor  
Gallup Refinery

**Western Refining Southwest, Inc.**

A subsidiary of Marathon Petroleum Corporation

I-40 Exit 39  
Jamestown, NM 87347

APR 13 2020

April 13, 2020

Ms. Adrienne Sandoval Oil Conservation Division Director  
New Mexico Energy, Minerals, and Natural Resources Department  
1220 South St. Francis Dr.  
Santa Fe, NM 87505

RE: Gallup Refinery (AP-111 – formerly GW-32)  
OCD Facility WQCC Discharge Permit (DP) Application Requirement

Dear Ms. Sandoval:

Western Refining Southwest, Inc. is in receipt of the above-referenced notice from the Oil Conservation Division, dated March 5, 2020, regarding Gallup Refinery (OCD March 5, 2020 Letter). The OCD March 4, 2020 letter specifically states that our "facility is hereby required under 20.6.2 et seq. NMAC to submit a Water Quality Control Commission (WQCC) discharge permit application with required information within 90 calendar days from the date of this letter." No other information or basis for requiring this permit was provided in this letter.

For your recollection, on February 17, 2012, the Oil Conservation Division (OCD) determined that Gallup Refinery was not required to operate under a Water Quality Control Commission (WQCC) Discharge Permit and accordingly rescinded the WQCC Discharge Permit for GW-032 (OCD February 17, 2012 Letter). OCD's February 17, 2012 Letter stated: "OCD has determined that Western does not intentionally discharge at this facility; therefore, no WQCC Discharge Permit is required."

20.6.2.3104 NMAC provides, in relevant part, the following:

Unless otherwise provided by this Part, no person shall cause or allow effluent or leachate to discharge so that it may move directly or indirectly into ground water unless he is discharging pursuant to a discharge permit issued by the secretary. When a permit has been issued, discharges must be consistent with the terms and conditions of the permit.

The Gallup Refinery has not, and does not, intentionally discharge from any specific source to ground water or surface water and is unaware of any change in circumstances that would alter OCD's 2012 determinations or support exercise of OCD's permit authority at this time. Consequently, Western Refining Southwest, Inc. finds no basis for OCD's call for a permit application, and respectfully requests



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that OCD withdraw its March 5, 2020 Letter requiring such. If you have any questions or would like to further discuss, please feel free to contact me at 505-722-0205 (office) or 505-879-7643.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Moore', written over a horizontal line.

John Moore, P.E.  
Environmental Supervisor

Attachment

CC: Dave Cobrain, NMED



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Environmental Supervisor  
Gallup Refinery

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ATTACHMENT

# New Mexico Energy, Minerals and Natural Resources Department

**Susana Martinez**  
Governor

**John H. Bemis**  
Cabinet Secretary

**Brett F. Woods, Ph.D.**  
Deputy Cabinet Secretary

**Jami Bailey**  
Division Director  
Oil Conservation Division



**FEBRUARY 17, 2012**

Mr. Mark B. Turri  
Refinery General Manager  
Western Refining Southwest, Inc. - Gallup Refinery  
Interstate I-40, Exit 39  
Jamestown, New Mexico 87347

**Re: Rescission of Discharge Permit Renewal (GW-032) Gallup Refinery (Transfer to Abatement Plan No. 111) Section 28, UL: H, Township 15 North, Range 15 West, NMPM, McKinley County, New Mexico**

Dear Mr. Turri:

Based on your responses given in the "Oil & Gas Facilities Questionnaire for Determination of a WQCC Discharge Permit" and a file review, the Oil Conservation Division (OCD) has determined that your facility with an expired or soon to be expired permit is not required to operate under a Water Quality Control Commission (WQCC) Discharge Permit. This means that the WQCC Discharge Permit for GW-032 (Gallup Refinery) is hereby rescinded and you are not required to proceed with the renewal of the expired WQCC Discharge Permit. OCD will close this discharge permit in its database.

Previously, Western Refining Southwest, Inc. (Western) has conducted abatement of ground water contamination at this facility under the authority of its WQCC Discharge Permit, pursuant to 20.6.2.4000 NMAC (PREVENTION AND ABATEMENT OF WATER POLLUTION). OCD has determined that Western does not intentionally discharge at this facility; therefore, no WQCC Discharge Permit is required. However, because of existing ground water contamination at this facility, OCD is requiring Western to continue to abate pollution of ground water pursuant to 19.15.30 NMAC (REMEDIATION). The new Abatement Plan case number for the former GW-032 site is AP-111. Please use this Abatement Plan case number in all future correspondence.

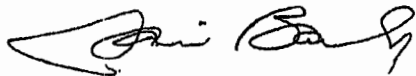
Because this WQCC Discharge Permit will no longer be in effect, you may be required to obtain separate OCD permit(s) for other processes at your facility, such as: pits, ponds, impoundments, below-grade tanks, waste treatment, storage and disposal operations; and landfarms and landfills. OCD will determine if any of these existing processes may require a separate permit under OCD's Oil, Gas, and Geothermal Regulations. If OCD determines that a separate permit(s) is required, then a letter will be sent to you indicating the type of permit.

Please keep in mind, if your facility has any discharges that would require a WQCC Discharge Permit now or in the future, then Western will be required to renew or obtain a WQCC Discharge Permit.

MR. MARK B. TURF  
February 17, 2012  
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If Western has any questions regarding this matter, please contact Glenn von Gonten at 505-476-3488.

Thank you for your cooperation.

A handwritten signature in black ink, appearing to read "Jami Bailey". The signature is fluid and cursive, with a large initial "J" and "B".

Jami Bailey  
Director

JB/cjc