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NEW MEXICO  ENTERED
ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

April 24, 2020

Timothy J. Peterkoski
Director, Environmental & Assurance
Marathon Petroleum Company LP
539 South Main Street
Findlay, Ohio 45840

**RE: APPROVAL WITH MODIFICATIONS
REQUEST FOR REGULATORY RELIEF NECESSARY TO RESPOND TO
NOVEL CORONAVIRUS (COVID-19)
WESTERN REFINING SOUTHWEST, INC. - BLOOMFIELD TERMINAL
EPA ID# NMD089416416
WESTERN REFINING SOUTHWEST, INC. - GALLUP REFINERY
EPA ID# NMD000333211
HWB-WRB-MISC
HWB-WRG-MISC**

Dear Mr. Peterkoski:

The New Mexico Environment Department (NMED) has received the Marathon Petroleum Company LP (Marathon) *Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)*. Marathon requests "temporary relief from certain provisions of statutes, rules, orders, and permits at Gallup Refinery and Bloomfield Terminal...in an effort to minimize risk of exposure and otherwise respond to COVID-19 without sacrificing the protection of human health and the environment." NMED has reviewed Marathon's request and hereby issues this Approval with the following modifications.

Marathon provided a list of activities requesting enforcement discretion in Attachments A (Gallup Refinery) and B (Bloomfield Terminal). Marathon must perform these activities to the extent possible while still complying with the requirements of the New Mexico Public Health Order. Marathon must maintain a list of those activities that will be delayed or cannot be

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completed and maintain a record specific to noncompliance as a result of COVID-19.

1. Marathon must continue to notify NMED if any leaks or repairs occur for equipment, piping and tanks (i.e., C-141).
2. NMED recognizes that the Spring 2020 sampling events will have to be postponed. If groundwater samples cannot be collected, NMED requests that Marathon measure water/product levels in all wells, if possible. NMED understands that this is dependent upon staff availability at the Gallup Refinery and Bloomfield Terminal. If Marathon is unable to perform this task, Marathon must document the reason. NMED will discuss scheduling to complete the sampling events after the applicable restrictions due to the pandemic are discontinued.
3. Because the duration of this pandemic is uncertain, Marathon is exempt from requesting the 30-day extension for hazardous waste that may exceed the 180-day storage limit for a small quantity generator or the 90-day storage limit for a large quantity generator in accordance with 40 CFR 262.16(d) and 40 CFR 262.17(b). However, NMED requires weekly inspections of the containers that record the accumulation start date and all hazardous waste must continue to be properly managed in accordance with RCRA regulations.

If you have any questions regarding this letter, please contact Dave Cobrain of my staff at (505) 476-6055.

Sincerely,



Kevin Pierard
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
L. Tsinnajinnie, NMED HWB
C. Chavez, NMEMNRD OCD
J. Moore, Western Refining Southwest, Inc. – Gallup Refinery
G. McCartney, Western Refining Southwest, Inc. - Bloomfield Terminal
L. King, EPA Region 6 (6LCRRC)

File: WRB/WRG 2020 and Reading File