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ENTERED



James C. Kenney  
Cabinet Secretary

Jennifer J. Pruett  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 21, 2020

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

**RE: APPROVAL WITH MODIFICATIONS  
EVAPORATION PONDS NOS. 6, 7, AND 9 RESPONSE TO APPROVAL WITH  
MODIFICATIONS  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-20-001**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Evaporation Ponds Nos. 6, 7, and 9 Response to Approval with Modifications* (Response), dated November 18, 2020, submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (the Permittee). NMED hereby issues this Approval with Modifications with the following comments.

**Comment 1**

The response to NMED's *Approval with Modifications* Comment 1 states, "[a]fter recent discussions with a Marathon representative, it is our understanding that the ponds were constructed in the late 1950's and no synthetic liners were used in the construction of the ponds." However, the Executive Summary of the *Geotechnical Engineering Report – Revised* (revised Report), dated November 17, 2020, page 1, states, "[t]he ponds are lined with HDPE or

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clay.” The statement is misleading. Revise the statement for accuracy and provide a replacement page.

**Comment 2**

The response to NMED’s *Approval with Modifications* Comment 6 states, “[I]t is our understanding that, at this point in time Marathon is temporarily suspending the use of the ponds and the pond water levels have been reduced. Once the ponds are placed back in service, Marathon intends to contact Terracon to prepare a monitoring plan to report piezometer readings, taken quarterly, and reported for future annual periodic groundwater reports.” Assuming a reduction in the pond level and corresponding reduction in piezometric level modeled in stability analyses has occurred in conjunction with the ponds having been taken out of service, NMED agrees that monitoring can be implemented once ponds are placed back into service; however, if Pond 6 water/piezometric level cannot be demonstrated to be below the level shown in the stability analysis presented in Appendix D, Exhibit D-1, *Pond 6 - Slope Stability Analysis*, of the revised Report, which indicates a minimum factor of safety of 1.5, monitoring must be continued until the level is below the analyzed piezometric level and the pond remains out of service.

**Comment 3**

The response to NMED’s *Approval with Modifications* Comment 8 states, “[t]he rapid drawdown condition was analyzed as if the ponds have been completely emptied with a rapid draw down water condition at the face of face of [sic] the slopes and with fully saturated conditions. The results of these rapid draw down analyses are included and discussed in the updated report.” A minimum factor of safety of 1.3 for rapid drawdown is recommended in several guidance documents. The Geotechnical Opinions and Considerations Section, page 9, suggests that although operations are suspended at Pond 7, the current water level is relatively unchanged inside the pond and no maintenance is being conducted to require a drawdown. Based on the calculated factor of safety under a rapid drawdown condition for Ponds 6 and 7 presented in the Stability Evaluation Results Section, page 8, an operational constraint limiting a rapid drawdown condition for Ponds 6 and 7 is necessary because the calculated values are both below 1.3. If maintenance or operations at the facility require a rapid drawdown, a re-evaluation of the rapid drawdown condition must be resubmitted to NMED based on updated data and piezometric levels. No revision required to the revised Report.

The Permittee must address the comments above and submit the required replacement page no later than **March 27, 2021**.

This approval is based on the information presented in the document as it relates to the objectives of the work identified by NMED at the time of review. Approval of this document does not constitute agreement with all information or every statement presented in the document.

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If you have questions regarding this Approval with Modifications, please contact Michiya Suzuki of my staff at 505-476-6046.

Sincerely,



Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

cc: M. Suzuki, NMED HWB  
C. Chavez, OCD  
L. King, EPA Region 6 (GLCRRC)

File: Reading File and WRG 2020 File  
HWB-WRG-20-001