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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 15, 2021

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

**RE: DISAPPROVAL
RESPONSE TO DISAPPROVAL INVESTIGATION REPORT SOLID WASTE MANAGEMENT
UNITS (SWMU) NO. 4 OLD BURN PIT AND NO. 5 LANDFILL AREAS
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-17-006**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Response to Disapproval Investigation Report Solid Waste Management Units (SWMU) No. 4 Old Burn Pit and No. 5 Landfill Areas* (Response), received on October 22, 2018, submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (the Permittee). NMED hereby issues this Disapproval with the following comments.

Comment 1

The Permittee only submitted the response to Comments 4 and 7 of the NMED's June 7, 2018 *Disapproval*. There are total of eight comments to be addressed in the *Disapproval* and the response to other comments was not included in this submittal. Although the Response

Mr. Moore
March 15, 2021
Page 2

asserted that the revised Report would be submitted by December 14, 2018, the required submittal was not received. The June 7, 2018 *Disapproval* requires two hard copies, an electronic and a red-line strikeout (RLSO) version of the revised Report. The Permittee must provide the response to all NMED's comments of the June 7, 2018 *Disapproval*, two hard copies and an electronic and a RLSO version of the revised Report no later than **June 30, 2021**.

Comment 2

The response to NMED's *Disapproval* Comment 4 states, "[t]here is no storage, handling, processing or refining of petroleum hydrocarbons in the subject area." In a response letter, explain whether the area in the vicinity of SWMUs 4 and 5 was potentially affected by recent releases (e.g., French Drain area). If recent releases potentially affected the area, propose to submit a work plan to recollect soil samples in SWMUs 4 and 5.

The Permittee must address all comments in this letter and submit a response letter no later than **July 7, 2021**. In addition, a separate response letter that addresses all comments in the June 7, 2018 *Disapproval* and two hard copies and an electronic and a RLSO version of the revised Report must be submitted no later than **June 30, 2021**, as directed by Comment 1.

If you have questions regarding this Disapproval, 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
T. McDill, OCD
L. King, EPA Region 6 (6LCRRC)

File: Reading File and WRG 2021 File