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**Certified Mail - Return Receipt Requested**

August 19, 2021

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

**RE: DETERMINATION OF AREA OF CONCERN (AOC) ENTRY TO THE PERMIT  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-MISC**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has completed its review for eleven Area of Concern (AOC) assessment reports required by the January 20, 2017 Order on Consent issued to Western Refining Southwest (Respondent). A portion of the reports were submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery, the successor to the Respondent (the Permittee). NMED issued an *Approval* for the last assessment report on May 25, 2021 and stated that, "[s]ince this Report is the last Assessment Report required by the Consent Order [Order], NMED will provide a determination regarding addition of the AOCs listed in the Order to the Permit under separate cover."

In accordance with the determination criteria described in Section IV.D of the Order, NMED determined that the AOCs listed in Attachment 1 of the Order must be restored to the Permit because (1) soil or groundwater contamination was already identified to be present in the area, or (2) contamination has potentially occurred, and the presence/absence of residual contamination has not been investigated in the area. Each AOC is individually evaluated and the basis for the determination is described below:

**AOC 16 (New API Separator Overflow Tanks)**

The *Assessment Report for Area of Concern 16 (AOC 16) API Overflow Area*, dated January 3, 2019, recommends an additional assessment and corrective action for AOC 16 due to the previous occurrences of releases. The soils and/or groundwater in AOC 16 are already known to be contaminated. Accordingly, AOC 16 must be restored to the Permit.

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**AOC 17 (Railroad Loading/Unloading Facility)**

The *AOC 17 Railroad Loading/Unloading Facility Assessment Report*, dated December 11, 2018, indicates that petroleum hydrocarbons were previously released and residual contamination is still present in AOC 17. The NMED's *Approval Response to Disapproval Rail Car Loading Area Release Soil Sampling Investigation Work Plan*, dated June 15, 2021, requires the Permittee to implement field investigation for the area in accordance with the approved work plan and submit an investigation report summarizing the results of the investigation no later than **December 31, 2021**. The soils and/or groundwater in AOC 17 are already known to be contaminated. Accordingly, AOC 17 must be restored to the Permit.

**AOC 18 (Asphalt Tank Farm (Tanks 701-709, 713, 714))**

The *Area of Concern 18 - Asphalt Tank Farm Assessment Report*, dated March 28, 2019, indicates that petroleum hydrocarbons were previously released in AOC 18 and the extent of residual contamination has not been fully investigated. The extent of residual contamination must be investigated. The soils and/or groundwater in AOC 18 are already known to be contaminated. Accordingly, AOC 18 must be restored to the Permit.

**AOC 24 (Crude Oil Tank Farm (Tanks 101 and 102))**

The *Area of Concern 24 - Crude Oil Tank Farm Assessment Report*, dated December 11, 2019 indicates that crude oil was previously released and residual contamination is still present in AOC 24. The extent of residual contamination must be investigated. The soils and/or groundwater in AOC 24 are already known to be contaminated. Accordingly, AOC 24 must be restored to the Permit.

**AOC 26 (Process Units)**

The *Assessment Report for AOC 26 – Process Units*, dated November 19, 2020, reports releases of various chemicals including petroleum hydrocarbons. In addition, Comment 9 of the NMED's *Disapproval Marketing Tank Farm Laser-induced Fluorescence/Hydraulic Profiling Investigation Report*, dated June 2, 2021, requires the Permittee to submit a work plan proposing to investigate the Process Area no later than **November 30, 2021**. The soils and/or groundwater in AOC 26 are already known to be contaminated. Accordingly, AOC 26 must be restored to the Permit.

**AOC 27 (Boiler and Cooling Unit Area)**

The *Assessment Report for AOC 27 – Boiler and Cooling Unit Area* reports discovery of oily water on the ground within AOC 27. Since AOC 27 is located within the boundary of AOC 26 (Process Units) where an investigation is required, AOC 27 must also be investigated along with AOC 26. The absence of residual contamination in the AOC has not been confirmed. Accordingly, AOC 27 must be restored to the Permit.

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**AOC 28 (Warehouse and Maintenance Shop Area)**

The *Assessment Report for AOC 28 – Warehouse and Maintenance Shop Area*, dated September 10, 2020, reports previous disposal of chlorinated solvents in the vicinity of the mechanical shop. The absence of residual contamination in the AOC has not been confirmed. Potential contamination associated with previous disposal activities must be investigated. Accordingly, AOC 28 must be restored to the Permit.

**AOC 29 (Equipment Yard and Drum Storage Area)**

The *Assessment Report for AOC 29 – Equipment Yard and Drum Storage Area*, dated December 15, 2020, reports observations of soil staining in AOC 29. The Permittee must confirm the absence of contamination associated with the soil staining. Accordingly, AOC 29 must be restored to the Permit.

**AOC 30 (Laboratory)**

The *Assessment Report for AOC 30 – Laboratory*, dated November 15, 2020, reports that reagents, solvents, and hydrocarbon and wastewater samples have been managed in the laboratory and discharges from the laboratory sink were routed to the wastewater treatment plant. However, potential contamination associated with laboratory activities (e.g., discharges from the sink/leaky sewer lines) has not fully been investigated. The Permittee must confirm the absence of contamination in AOC 30. Accordingly, AOC 30 must be restored to the Permit.

**AOC 31 (Tanks 27 and 28)**

Although (1) the *Assessment Report for AOC 31 – Tanks 27 and 28*, dated March 25, 2021, does not report any documented spills from Tanks 27 or 28 and (2) contamination associated with the July 2017 release from Tank 35 located adjacent to Tanks 27 and 28 was fully investigated and remediated, these tanks are still in use to store wastewater and future spills may occur again during heavy rain events. Accordingly, AOC 31 must be restored to the Permit or Tanks 27, 28, and 35 must be decommissioned to be eliminated from listing on the Permit.

**AOC 34 (Scrap Yard)**

Although the *Assessment Report for AOC 34 – Scrap Yard*, dated April 13, 2021, does not report any documented releases in AOC 34, the area is located between Solid Waste Management Units (SWMUs) 4 and 5 pending an additional investigation and may potentially be affected by more recent releases (e.g., French Drain area). AOC 34 may be required to be investigated contingent upon the results of additional investigation associated with SWMUs 4 and 5. AOC 34 must be restored to the Permit unless SWMUs 4 and 5 are fully investigated and determined to be unaffected.

The Permittee must submit a request for a Class 1 Permit Modification, which will serve as the Second Permit Modification referenced in the January 20, 2017 Order on Consent, to add the

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AOCs listed in Attachment 1 of the Order to Attachment G, Table G-1 of the Gallup Refinery Final RCRA Post-Closure Permit no later than **November 30, 2021**.

If you have questions regarding this letter, please contact Michiya Suzuki of my staff at 505-690-6930.

Sincerely,



Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

cc: L. Tsinnajinnie, NMED HWB  
M. Suzuki, NMED HWB  
T. McDill, OCD  
L. King, EPA Region 6 (6LCRRC)

File: Reading File and WRG 2021 file