



**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT**

IN THE MATTER OF:)
)
WESTERN REFINING SOUTHWEST, LLC,)
Successor to)
WESTERN REFINING SOUTHWEST, INC,)
RESPONDENT.)

ORDER ON CONSENT

TERMINATION

May 6, 2022

ORDER HISTORY

This Order on Consent (Order) was issued pursuant to the Hazardous Waste Act, NMSA 1978, § 74-4-10 and entered into by the Secretary of the New Mexico Environment Department (NMED), and Respondent, Western Refining Southwest, Inc. (Western) on January 20, 2017. Western Refining Southwest was purchased by Tesoro Companies, Inc., subsequently Andeavor LLC, in June 2017. The refinery was purchased by Marathon Petroleum Company in June 2018. Marathon Petroleum Company operates the refinery as Western Refining Southwest, LLC and is the successor to Western Refining Southwest, Inc.

On September 16, 2011, NMED issued a draft renewal permit for post-closure care of the Land Treatment Unit (LTU) and corrective action at Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs). Western was the only party that submitted comments. NMED and Western met to discuss comments on the draft permit in 2011 and 2012. On October 31, 2013, NMED issued the renewal permit (the "Permit"). The effective date of the Permit was December 2, 2013. Western appealed the Permit on November 27, 2013. The appeal was primarily prompted by NMED's addition of 20 AOCs for investigation and remediation in addition to the SWMUs and AOCs listed in the previous Permit.

Following the filing of the appeal, Western and NMED entered into mediation and agreed to address Western's objections to the addition of the AOCs by means of this Consent Order. The Parties agreed to modify the Permit to transfer the added AOCs from the Permit to the Order. The Order required the Respondent to submit release assessment reports for each of the AOCs over a period of four years to be completed in June 2021. In accordance with Order Section IV.D, NMED would make a determination as to whether the AOCs would be eliminated from corrective action requirements or added to the permit as requiring corrective action after receipt of the final release assessment report.

The Respondent submitted the final release assessment in June 2021. Based on NMED's administrative record and the information provided in the release assessment reports, all of the AOCs listed in the Order require further investigation.

NMED issued its determination to the Respondent on August 19, 2021 and directed the Respondent to submit a permit modification request to add the units to the permit.

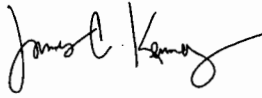
The Respondent submitted a request to terminate the Order dated October 8, 2021.

The Respondent submitted a Class 1 Permit Modification Request to add the AOCs to the permit on December 3, 2021.

NMED approved the Permit Modification Request and added the units to the Permit on February 16, 2022.

FINAL DETERMINATION

The Respondent has fulfilled the requirements of the Order. The Permit has been modified to add the units listed in the Order to the Permit. The terms of the Order have been met. NMED hereby terminates the Order on Consent as requested by the Respondent.



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Kenney
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James C. Kenney
Cabinet Secretary

Date