

NAVAJO REFINING COMPANY, ARTESIA REFINERY
COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION
Consolidated Editorial Comments, Typographical Errors, and Issues

	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
1	Navajo Refining Company	Permit Section 3.2.3 Post Closure-care of Regulated Units	<p>Section 3.2.3 Post-Closure Care of Regulated Units and Section 3.2.3.a covers requirements for Post-closure Care of the North Colony Landfarm (NCL). In Section 3.2.3.a.k, NMED has added requirements for product level measurements for the purpose of inventory control. Specifically, this section states <i>At a minimum, Tank 815 must also be gauged once per day to determine the product level in the tank to check for inventory losses. The product level measurements shall be conducted using a method capable of detecting inventory losses of less than one gallon per day.</i></p> <p>In the PMR, Navajo stated the tank is gauged at least once per day. In actuality, the level gauge is electronically monitored nearly continuously and entries are placed into the facility operating record at least once daily. The purpose of that gauging is not for inventory control but to prevent overtopping of the tank. The level gauge installed in the tank is capable of measuring changes of 0.1 foot of level within the tank. The interior diameter of the tank is 116 feet.</p>	<p>The Permit has been modified to state <u>[t]he Permittee must record on the associated daily inspection sheets if any overflow high alarms were sounded. If so, all details of the event must be documented on the daily inspection sheet.</u></p>	Yes

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			<p>Therefore, the gauge sensitivity is approximately 7,900 gallons of product. The changes in temperature throughout a single day can cause volume changes of greater than 0.1 foot due to expansion and contraction of the liquids within the tank. It is not possible to gauge an 80,000 barrel tank to the accuracy required.</p> <p>Navajo described the leak detection system for Tank 815 in detail in the PMR. The leak detection system includes an impermeable liner installed beneath the raised floor of the tank. The liner is sloped toward the exterior ringwall of the tank foundation where "tattle-tales" were installed which allow for visual inspection and identification of any leakage. Navajo asserts that the leak detection system combined with the level gauge monitoring system is adequate to determine if the tank leaks and to prevent overtopping of the tank.</p> <p>Navajo contends that it is highly unlikely that a leak could occur that would not be identified through the leak detection system, but in the event that such an event did occur, the monitoring requirements for the NCL include both soil</p>		

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			<p>and groundwater sampling on a routine basis. The current level of impacts beneath Tank 815 has been quantified and will continue to be monitored throughout the post-closure care period. Section 3.2.3.a.g requires notification of the NMED and Oil Conservation Division (OCD) in the event that monitoring sampling results indicate the presence of a leak from Tank 815 that was not detected by the leak detection system. This section requires that Navajo submit a plan for such gauging by July 31, 2010: <i>The Permittee must provide to the Secretary a plan pertaining to ultrasonic or other Department and OCD-approved product level monitoring for Tank 815 no later than July 31, 2010.</i></p> <p>It is inappropriate for NMED to impose a schedule for submittal of a plan that is prior to the effective date of the Permit. Furthermore, NMED has not provided sufficient rationale for imposing such a stringent inventory requirement for Tank 815. Navajo requests that section 3.2.3.a.k be revised to remove the inappropriate requirements. The initial clause of this section is appropriate.</p>	<p>The Permit has been modified to state <u>July 31, 2011</u> rather than July 31, 2010.</p>	

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			Thus, Navajo requests that the section be modified to: <u>3.2.3.a.k: Inspect Tank 815 daily for signs of deterioration, leaks, or accumulations inside the containment area.</u>		
2	Navajo Refining Company	Permit Section 4.1.1	4.1.1 GROUND WATER, SOIL AND SURFACE WATER CLEANUP LEVELS: This section is a new section inserted by NMED and provides the cleanup levels that should be attained when implementing closure, post-closure and corrective action requirements of the Permit. Navajo requests that the following amendments to various subsections in this section be made. 4.1.1.a.1: <i>The Permittee shall attain the following cleanup levels for all hazardous waste and hazardous constituents in groundwater:</i> Navajo requests that this clause be modified to clarify that the cleanup levels apply for all hazardous waste and hazardous constituents in groundwater that are demonstrated to be present in groundwater due to impacts emanating from the Facility. The recommended language is: <u>4.1.1.a.1: The Permittee shall attain the following cleanup levels for all hazardous waste</u>	All RCRA regulated facilities are required to address hazardous waste or hazardous constituents present in environmental media beneath and down stream or downgradient from the facility regardless of the source.	No

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			<u>and hazardous constituents demonstrated to be present in groundwater due to impacts emanating from the Facility:</u>		
3	Navajo Refining Company	Permit Section 4.1.1.a.1.a	4.1.1.a.1.a: <i>For any contaminant for which EPA has adopted a maximum contaminant level (MCL) for drinking water under 40 CFR parts 141 and 143, the MCL shall be the cleanup level;</i> Navajo requests that this clause be modified to clarify that the MCL applies only to those contaminants emanating from the Facility into groundwater which would otherwise be classified as a drinking water source. The recommended language is: 4.1.1.a.1.a: <u>For any contaminant emanating from the Facility into groundwater, which is classified as a drinking water source, for which EPA has adopted a maximum contaminant (MCL) for drinking water under 40 CFR parts 141 and 143, the MCL shall be the cleanup level.</u>	See response to Comment 2.	No
4	Navajo Refining Company	Permit Section 4.1.1.a.1.b	4.1.1.a.1.b: <i>For any contaminant for which the New Mexico Water Quality Control Commission (WQCC) has adopted numeric standards for ground water listed in 20.6.2.3103 NMAC, the</i>	The Permit has been modified to state [f]or any contaminant for which the New Mexico Water Quality Control Commission (WQCC) has adopted numeric	Yes

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			<p><i>ground water standard shall be the cleanup level; and 20.6.2.3103 NMAC contains "Standards for Ground Water of 10,000 mg/L TDS Concentration or Less". Navajo requests that this clause be modified to clarify that the WQCC numeric standards apply only to those contaminants emanating from the Facility into groundwater which contains 10,000 mg/L TDS or less. The recommended language is:</i></p> <p><u>4.1.1.a.1.b: For any contaminant, emanating from the Facility into groundwater, which contains 10,000 mg/L Total Dissolved Solids (TDS) or less, for which the New Mexico Water Quality Control Commission (WQCC) has adopted numeric standards for ground water listed in 20.6.2.3103 NMAC, the ground water standard shall be the cleanup level.</u></p>	<p><i>standards for ground water listed in 20.6.2.3103 NMAC, the standard for groundwater of 10,000 mg/l TDS concentration or less shall be the cleanup level; and.</i></p> <p>See also response to Comment 2.</p>	
5	Navajo Refining Company	Permit Section 4.1.1.a.1.c	<p>4.1.1.a.1.c: <i>For any contaminant that the WQCC has identified as a toxic pollutant listed in 20.6.2.7.WW NMAC, the level approved by NMED under paragraph 2 or 3 below shall be the cleanup level; Navajo requests that this clause be modified to clarify that the cleanup levels apply only to those toxic pollutants emanating from</i></p>	See response to Comment 2.	No

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			<p>the Facility. The recommended language is: 4.1.1.a.1.c: <u>For any contaminant emanating from the Facility that the WQCC has identified as a toxic pollutant listed in 20.6.2.7.WW NMAC, the level approved by NMED under paragraph 2 or 3 below shall be the cleanup level.</u></p>		
6	Navajo Refining Company	Permit Section 4.1.1.a.2	<p>4.1.1.a.2: <i>If a cleanup level under Item 1 above does not exist for a carcinogenic hazardous waste or hazardous constituent, then the Permittee shall use the most recent version of the EPA <u>Regional Screening Levels for Chemical Contaminants at Superfund Sites (RSLs)</u> for tap water and a target excess cancer risk level of 10⁻⁵ to develop a proposed cleanup level for NMED approval....</i> Navajo requests that this clause be modified to clarify that the cleanup levels apply only to those carcinogenic hazardous waste or hazardous constituents emanating from the Facility. The recommended language is: 4.1.1.a.2: <u>If a cleanup level under Item 1 above does not exist for a carcinogenic hazardous waste or hazardous constituent emanating from the Facility, then the Permittee shall use the most recent version of the EPA <i>Regional</i></u></p>	See response to Comment 2.	No

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			<p><u>Screening Levels for Chemical Contaminants at Superfund Sites (RSLs) for tap water and a target excess cancer risk level of 10⁻⁵ to develop a proposed cleanup level for NMED approval...</u></p>		
7	Navajo Refining Company	Permit Section 4.1.1.a.3	<p>4.1.1.a.3: <i>If a cleanup level under Item 1 above does not exist for a noncarcinogenic hazardous waste or hazardous constituent, then the Permittee shall use the most recent version of the EPA RSLs for tap water and a Hazard Index (HI) of one (1.0) to develop a proposed cleanup level for NMED approval....</i> Navajo requests that this clause be modified to clarify that the cleanup levels apply only to those noncarcinogenic hazardous waste or hazardous constituents emanating from the Facility. The recommended language is: 4.1.1.a.3: <u>If a cleanup level under Item 1 above does not exist for a noncarcinogenic hazardous waste or hazardous constituent emanating from the Facility, then the Permittee shall use the most recent version of the EPA RSLs for tap water and a Hazard Index (HI) of one (1.0) to develop a proposed cleanup level for NMED approval....</u></p>	See response to Comment 2.	No

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8	Navajo Refining Company	Permit Section 4.1.1.a.4	<p>4.1.1.a.4: <i>The Permittee must use the most recent version of NMED's Total Petroleum Hydrocarbon (TPH) Screening Guidelines (as it may be updated) to determine cleanup levels for petroleum hydrocarbons detected in groundwater.</i> Navajo requests that this clause be modified to clarify that the cleanup levels apply only to those petroleum hydrocarbons emanating from the Facility. The recommended language is:</p> <p>4.1.1.a.4: <u>The Permittee must use the most recent version of NMED's Total Petroleum Hydrocarbon (TPH) Screening Guidelines (as it may be updated) to determine cleanup levels for petroleum hydrocarbons emanating from the Facility and detected in groundwater.</u></p>	See response to Comment 2.	No
9	Navajo Refining Company	Permit Section 4.1.1.b	<p>4.1.1.b Soil Cleanup Levels: <i>The Permittee shall attain the following cleanup levels for hazardous waste and hazardous constituents in soil:</i> Navajo requests that this clause be modified to clarify that the cleanup levels apply only to those hazardous waste and hazardous constituents in soil due to impacts from the Facility. The recommended language is:</p> <p>4.1.1.b Soil Cleanup Levels: <u>The</u></p>	See response to Comment 2.	No

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			<u>Permittee shall attain the following cleanup levels for hazardous waste and hazardous constituents in soil due to impacts from the Facility:</u>		
10	Navajo Refining Company	Permit Section 4.1.1.c	4.1.1.c Land Use Determination: <i>All soil cleanup levels shall be based on a residential land use scenario unless NMED determine that an alternate land use is appropriate (e.g., subsistence farming, cultural, or industrial). The Permittee may only propose an alternate land use with less stringent cleanup levels (e.g., industrial) if NMED or EPA can legally and practicably enforce the institutional controls limiting the land use.... Navajo intends to continue operation of the Refinery for the foreseeable future, and thus contends that the application of industrial land use and associated soil cleanup levels is appropriate. Navajo understands the requirement that institutional controls must be enforceable by NMED and/or EPA. Navajo requests clarification of the types of institutional controls that will be acceptable to meet the definition of legally and practicably enforceable.</i>	As part of this Permit Modification, NMED added Table A-2 (SWMUs & AOCs Corrective Action Complete with Controls) to track SWMUs or AOCs that have not been cleaned up to residential cleanup standards or require monitoring or engineering controls to address those sites where continued corrective action is not required as long as the Permittee maintains control of the site. The Permittee will be required to achieve residential cleanup levels if the Permittee transfers the property to the control of another entity.	No

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11	Navajo Refining Company	Permit Section 4.1.1.d	<p>4.1.1.d Surface Water Cleanup Levels <i>The Respondents shall comply with the surface water quality standards outlined in the Clean Water Act (33 U.S.C. §§ 1251 to 1387),....</i> For consistency, Navajo recommends that the reference to “Respondents” be modified to “Permittee”. Thus, this clause should read: 4.1.1.d Surface Water Cleanup Levels <u>The Permittee shall comply with the surface water quality standards outlined in the Clean Water Act (33 U.S.C. §§ 1251 to 1387),....</u></p>	The word <i>Respondents</i> has been changed to <u>Permittee</u> .	Yes
12	Navajo Refining Company	Permit Section 4.1.1.g	<p>4.1.1.g Variance from Cleanup Levels: <i>The Permittee may seek a variance from a cleanup level for soil or ground water as follows:</i> This section describes the procedures for seeking a variance from a cleanup level under the WQCC standards in accordance with 20.6.2.4103 and under the NMED guidance documents <i>Technical Background Document for Development of Soil Screening Levels, Assessing Human Health Risks Posed by Chemicals: Screening Level Risk Assessment</i>, and <i>Guidance for Assessing Ecological Risks Posed by Chemicals:</i></p>	Seeking a variance from a clean up level and performing a risk assessment are separate actions. The procedures for obtaining a variance from the groundwater cleanup standards under 2.6.2 NMAC are very explicit. Any facility in the state of New Mexico may apply for a variance from the Water Quality Control Commission Control (WQCC) numeric groundwater cleanup standards by making a demonstration that such standards cannot be achieved. Any facility can conduct a site specific risk	No

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			<p><i>Screening-Level Ecological Risk Assessment</i>, as updated. Navajo contends that this section is redundant as Section 4.3 (Risk Analysis) outlines the same procedures and references the same regulations and guidance documents. Therefore, to avoid future conflicts, Navajo recommends that Section 4.1.1.g be deleted.</p>	<p>assessment in accordance with the <i>Technical Background Document For Development of Soil Screening Levels</i> (NM SSLs) to demonstrate a soil cleanup standard cannot be achieved.</p>	
13	Navajo Refining Company	Permit Section 4.4.4 and 4.5.5.b	<p>4.4.4 REMEDY COMPLETION This section provides the requirements for submittal of a Remedy Completion Report and the steps required to obtain a Certification of Completion. NMED added the following sentence to the end of Section 4.5.5.b: <i>The Permittee may then petition the Secretary for a Corrective Action Complete determination.</i> Navajo requests clarification regarding the need to petition for a Corrective Action Complete determination after receiving a Certification of Completion. It would appear that the certificate conveys the determination and that the remaining step would be to document the status change in the Permit. Due to the industrial nature of the Refinery and the likelihood of deed recordation for portions of the Refinery for industrial use only, it is likely that some</p>	<p>Permit Section 4.5.5.b has been deleted.</p>	Yes

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			units will be closed with institutional controls. Therefore, Navajo may petition for certification of completion with controls for some units. Navajo recommends that the language be modified, as follows: <u>The Permittee may then petition the Secretary for a Class 3 Permit Modification reflecting the status of a specific unit as Corrective Action Complete or as Corrective Action Complete with Controls, as appropriate.</u>		
14	Navajo Refining Company	Permit Section 4.6.1.b.a.i(d)	4.6.1 CORRECTIVE ACTION FOR PERMITTED UNITS This section contains specific requirements for corrective action for permitted units. NMED inserted cross-references to the cleanup level requirements of Section 4.1.1 of the Draft Permit in various subsections of this section. Subsection 4.6.1.b.a.i(d) contains a cross-reference to section 4.6.1.b.a. To remain consistent with other subsections of the Permit, Navajo recommends that this subsection be revised, as follows: 4.6.1.b.a.i(d): <u>The Permittee shall continue to conduct compliance monitoring until the post-closure care period is complete pursuant to 20.4.1.900</u>	This is an incorrect reference. The Permit has been modified to reference <u>4.6.1.b.a.i(b)</u>	Yes

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			<u>NMAC incorporating 40 CFR 264.99(b) and 270.14(c)(7). Compliance monitoring shall continue until the groundwater protection standard as defined in 4.6.a.b.a.i(b) has been achieved for a period of three years. [20.4.1.500 NMAC incorporating 40 CFR 264.100(f)].</u>		
15	Navajo Refining Company	Permit Subsections 4.6.1.b.a.vi, 4.6.2.b.a.vi and 4.6.3.b.a.vi and Section 4.7.6.b	Subsections 4.6.1.b.a.vi, 4.6.2.b.a.vi and 4.6.3.b.a.vi (Record Keeping and Reporting) all state: <i>The Permittee shall submit a written report to the Secretary summarizing the results of the groundwater monitoring and sampling program [20.4.1.500 NMAC incorporating 40 CFR 264.77(c) and 264.100(g)] within 90 days after the completion of field activities for each monitoring event or an alternate date specified by the Secretary.</i> Section 4.7.6.b provides the requirements for submittal of an annual groundwater monitoring report. Navajo recommends that the three subsections refer to this section to avoid confusion between submittal of a report 90 days after completion of field activities or on an annual basis. Navajo recommends that each of the three referenced subsections be modified to read: <u>The Permittee shall submit a written report to the Secretary</u>	The first sentence of Section 4.7.6.b of the Permit has been modified to state <i>...submit an Annual groundwater Monitoring Report...by February 28, of each respective year or other schedule or frequency required by the Secretary.</i>	Yes

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			summarizing the results of the <u>groundwater monitoring and sampling program [20.4.1.500 NMAC incorporating 40 CFR 264.77(c) and 264.100(g)] on an annual basis as required by Section 4.7.6.b...</u>		
16	Navajo Refining Company	Permit Section 4.6.3.c(iii)	4.6.3 EVAPORATION PONDS Section 4.6.3.c(iii) contains requirements for submittal of a closure plan and/or post-closure care plan for the Evaporation Ponds. This requirement includes a reference to 40 CFR 111. Currently, there is no regulation at 40 CFR 111. Navajo believes this is a typographical error and that the proper reference is 40 CFR 265.111. Navajo requests a clarification of the correct regulatory reference.	The Permit has been corrected to reference <u>40 CFR 264.111</u> .	Yes
17	Navajo Refining Company	Permit Section 4.7.6.a	4.7.6 GROUNDWATER MONITORING Section 4.7.6.a requires submittal of an annual Facility-Wide Groundwater Monitoring Work Plan (FWGMWP). The requirement states: <i>The Permittee shall submit an updated revised FWGMWP to the Secretary on an annual basis by June 30th of each respective year.</i> Navajo would like to clarify that the annual updated revised FWGMWP will apply to	The updated FWGMWP will apply upon NMED approval. The most recently approved FWGMWP is enforceable.	No

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			the following calendar year monitoring program. For example, the FWGMWP submitted in 2011 will apply to the monitoring program for 2012. Navajo will implement the updated revised FWGMWP if it is approved by NMED by the beginning of the calendar year to which the FWGMWP applies. In the event that NMED does not approve the updated revised FWGMWP by January 1 st of the calendar year to which the FWGMWP applies, Navajo will continue the monitoring program following the most recently approved FWGMWP.		
18	Navajo Refining Company	Permit Section 4.7.6.a	4.7.6 GROUNDWATER MONITORING Section 4.7.6.a requires submittal of an annual Facility-Wide Groundwater Monitoring Work Plan (FWGMWP). Furthermore, this section includes a reference to Appendix C of the Permit, which outlines sampling procedures and analytical methods: <i>The wells shall be monitored and sampled in accordance with the methods described in Appendix C of this Permit.</i> Appendix C outlines specific sampling procedures and states that the Permittee may request a variance from those procedures if the request is	The Permit has been modified to state <i>The wells shall be monitored and sampled in accordance with the methods described in Appendix C of this Permit <u>unless otherwise specified in the most recent approved FWGMWP.</u></i>	Yes

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			submitted in writing no later than 90 days prior to the schedule sampling activities. Navajo requests clarification that if sampling methods other than those contained in Appendix C are proposed in the FWGWMP, and the Secretary approves the FWGWMP, then no additional notification or request for variance in sampling methods will be required.		
19	Navajo Refining Company	Permit Section 4.7.6	4.7.6 GROUNDWATER MONITORING The section also states that the FWGMWP shall comply with the OCD's groundwater monitoring requirements. Navajo requests clarification that any potential conflicts between the Permit and the OCD groundwater monitoring requirements will be identified and resolved in the FWGMWP. Groundwater monitoring will then be conducted according to the approved FWGMWP.	NMED cannot bar the OCD from imposing requirements that might be different from or in addition to these under this Permit. Currently, the FWGWMWP contains both the NMED and OCD groundwater monitoring requirements and NMED will seek to continue this approach in the future.	No

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20	Navajo Refining Company	Permit Section 4.7.6	4.7.6 GROUNDWATER MONITORING Finally, this section states that the Secretary may change the date for submittal of the FWGMWP based on progress of other activities. Navajo would like to clarify that in the event that the submittal date for the FWGMWP is changed and in the event that NMED does not approve the updated revised FWGMWP by January 1 st of the calendar year to which the FWGMWP applies, Navajo will continue the monitoring program following the most recently approved FWGMWP.	See response to Comment 17.	No
21	Navajo Refining Company	Appendix A	APPENDIX A SWMU, AOC, AND HAZARDOUS WASTE MANAEMENT (sic) UNIT TABLES The Draft Permit contains a revised Appendix A with four tables, as follows: <ul style="list-style-type: none"> • Table A-1: Solid Waste Management Units (SWMUs) & Areas of Concern (AOCs) Requiring Corrective Action • Table A-2: SWMUs & AOCs Corrective Action Complete with Controls 	The typographical error has been corrected.	Yes

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			<ul style="list-style-type: none"> Table A-3: SWMUs & AOCs Corrective Action Complete without Controls Table A-4: SWMUs & AOCs Hazardous Waste Management Units <p>Navajo recommends that the typographical error in the heading of Appendix A be corrected.</p>		
22	Navajo Refining Company	Appendix A	<p>Table A-1 contains the previously identified SWMUs and AOCs and lists four (4) new SWMUs and 35 new AOCs, as well as modifications of the description of some entries. In Section 1.4 (Definitions) of the Permit, the following definitions are provided for AOC and SWMU: <i>“AOC” means any area of concern that may have a release of hazardous waste or hazardous constituents, which is not from a solid waste management unit and is suspected or determined by the Secretary to pose a potential threat to human health or the environment. “Solid waste management unit” or “SWMU” means any discernible unit at which solid wastes have been</i></p>	<p>The SWMU and AOC designations in Table A-1 have been revised based on the Permittee’s comments, an October 29, 2010 meeting with the Permittee, and the Permittee’s letter dated November 11, 2010, which provided comments and corrections to Table A-1. Because significant changes were made to the numeric sequence and names of the SWMUs and AOCs in Table A-1, a redline strikeout version of the table is not provided. No change is necessary to SWMU 7.</p>	No

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			<p><i>placed at any time, and from which the Secretary determines there may be a risk of a release of hazardous constituents, irrespective of whether the unit was intended for the management of solid or hazardous waste. Placement of solid waste includes one time and accidental events that were not remediated, as well as any unit or area at which solid waste has been routinely and systematically placed.</i> The descriptions provided in Table A-1 are vague and insufficient to determine the reason for defining the area as a SWMU or AOC. Several of the entries are for units that do not exist yet and several refer to units in a manner that is not consistent with Navajo unit identifications. The following entries include new entries in Table A-1 or modifications to previous definitions of SWMUs or AOCs with which Navajo generally concurs:</p> <p>SWMU 7 – Three Mile Ditch: Previously, this SWMU included Evaporation Pond 1. Navajo concurs that Evaporation Pond 1 should be grouped with the other Evaporation Ponds as SWMU 1.</p>		

<p align="center">NAVAJO REFINING COMPANY, ARTESIA REFINERY COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION Consolidated Editorial Comments, Typographical Errors, and Issues</p>					
	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
23	Navajo Refining Company	Appendix A	<p>The following entries include new entries in Table A-1 or modifications to previous definitions of SWMUs or AOCs with which Navajo generally concurs.</p> <p>SWMU 24 – PG Loading Racks: Navajo recently reported a release at the PG Loading Racks located in the southwestern portion of the Refinery. Although Navajo generally concurs that this area constitutes an AOC and should be entered in Table A-1, it does not meet the definition of a SWMU. Therefore, Navajo requests that this entry be modified to be entered as an AOC.</p>	See response to Comment 22.	Yes
24	Navajo Refining Company	Appendix A	<p>The following entries include new entries in Table A-1 or modifications to previous definitions of SWMUs or AOCs with which Navajo generally concurs.</p> <p>AOC 7 – West Tank Farm: Tank 737 appears to be listed twice in this entry. Tank 902 is listed but there is no such tank at the Refinery. Tank 802 is located in this area and thus Navajo assumes that the reference to Tank 902 should be corrected to be a reference to Tank 802. Navajo generally concurs with this entry as an AOC but requests that the specific</p>	See response to Comment 22.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			tank references be corrected.		
25	Navajo Refining Company	Appendix A	<p>The following entries include new entries in Table A-1 or modifications to previous definitions of SWMUs or AOCs with which Navajo generally concurs.</p> <p>AOC 9 – Aggressive Biological Treatment Tanks: These treatment tanks are part of the wastewater treatment process. Based on operational history, Navajo generally concurs that this area constitutes an AOC.</p>	See response to Comment 22.	Yes
26	Navajo Refining Company	Appendix A	<p>The following entries include new entries in Table A-1 or modifications to previous definitions of SWMUs or AOCs with which Navajo generally concurs.</p> <p>AOC 17 – Alkylation Oil/Water Sep: Navajo generally concurs that this area constitutes an AOC.</p>	See response to Comment 22.	Yes
27	Navajo Refining Company	Appendix A	The following entries include new entries in Table A-1 or modifications to previous definitions of SWMUs or AOCs with which Navajo generally concurs.	See response to Comment 22	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			<p>AOC 38 – 2007 South Plant Mercury Release: This release was investigated and remediated and the results were reported to NMED. Because cleanup was conducted, Navajo will petition for a status change to Corrective Action Complete, according to the requirements of Section 4.4.4. Until that petition has been submitted, Navajo concurs that this AOC should be listed in Table A-1.</p>		
28	Navajo Refining Company	Appendix A	<p>The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following:</p> <p>AOC 18 – Railcar Loading and Off-Loading Rack (RLO-8) and Railcar Loading and Off-loading Rack (RLO-19), RLO-9 (sulfur rail car loading).</p>	<p>The Permit <i>defines</i> “AOC” as <i>any area of concern that may have a release of hazardous waste or hazardous constituents, which is not from a solid waste management unit and is suspected or determined by the Secretary to pose a potential threat to human health or the environment.</i></p> <p>NMED has determined that these units are suspected of having a release of hazardous constituents due to past operations and therefore, the Permittee is required to assess whether or not a release has occurred at each of these units. See also response to Comment 22.</p>	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
29	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 19 – Asphalt Truck Loading Rack #2 (TL-2).	See responses to Comments 22 and 28.	Yes
30	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 20 – LPG Truck Loading Rack (TL-5).	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
31	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 21 – Fuel Truck Loading Rack (TL-552) : Navajo does not currently list a fuels truck loading rack by this reference and requests clarification on the unit reference.	See responses to Comments 22 and 28.	Yes
32	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 22 – Truck Loading and Off-Loading Rack (TLO-17) .	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
33	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 23 – Truck/Railcar Loading Off-Loading Rack (TRLO-9).	See responses to Comments 22 and 28.	Yes
34	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 24 – Asphalt Truck Off-Loading Tack (TO-6): This entry contains a typographical error “Tack” that should be corrected to “Rack”.	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
35	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 25 – Gasoline Truck Off-Loading Rack (TO-10) ; The proper reference for TO-15 is the "Gasoline Blends Truck Off-Loading Rack".	See responses to Comments 22 and 28.	Yes
36	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 26 – Transmix Truck Off-Loading Rack (TO-11) .	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
37	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 27 – HR Truck Off Loading Rack (TO-12) : The proper reference for TO-12 is the "HF Truck Off-Loading Rack".	See responses to Comments 22 and 28.	Yes
38	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 28 – Ethanol Truck Off-Loading Rack (TO-15)	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
39	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following: AOC 29 – TEL Truck Off-loading Rack (TO-16)	See responses to Comments 22 and 28.	Yes
40	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following AOC 30 – Crude Truck Off-Loading Rack (TO-18)	See responses to Comments 22 and 28.	Yes
41	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following. AOC 31 – Gas Oil Truck Off-Loading Pot Pump (TO-21) : The proper reference for TO-21 is “Gas Oil Truck Off-Loading for use with a portable pump”.		
42	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following. AOC 32 – Gas Oil Truck Off-Loading Tack (TO-551) : Navajo does not currently list a fuels truck loading rack by this reference and requests clarification on the unit reference.	See responses to Comments 22 and 28.	Yes
43	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following. AOC 35 – Rail car loading and unloading facilities: Rail car loading and unloading facilities have been listed above in separate AOCs. Navajo contends that it is inappropriate to list these facilities both individually and as a group. Navajo requests that this entry be removed from Table A-1		
44	Navajo Refining Company	Appendix A	The following entries all reference rail car or truck loading or off-loading racks. The designations referenced in Table A-1 generally correspond to the designations of these racks in the Refinery Title V Air Permit. In a few instances, there are typographical errors or incomplete descriptions of the units. Navajo requests clarification as to why each of these units is listed as an AOC. The entries include the following. AOC 36 – Truck Loading racks: Truck loading and unloading facilities have been listed above in separate AOCs. Navajo contends that it is inappropriate to list these facilities both	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			individually and as a group. Navajo requests that this entry be removed from Table A-1.		
45	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>SWMU 25 – Above Ground API: No known releases have occurred from this API Separator. This unit was constructed above ground on a concrete foundation and curb, with the bottom of the unit approximately 3 feet aboveground so that the underside can be inspected. Any liquids that could potentially be released would be captured on the foundation and would drain into the process sewer system and be captured. Navajo requests that this entry be removed from Table A-1.</p>	<p>The API separator is an operating unit that generates hazardous waste. NMED will require assessment of this unit when the unit ceases operation unless a release is discovered during operation in which case NMED will require a site investigation to assess the release upon discovery.</p> <p>See also responses to Comments 22 and 28.</p>	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
46	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>SWMU 26 – North Plant Process Area: Although not clear in the Draft Permit, Navajo presumes that the NMED is referring to the process areas located north of the Crude Tank Farm (AOC 5) and south of Eagle Draw as it crosses the Refinery, excluding any other previously defined SWMUs and AOCs. Navajo requests clarification of the area encompassed by this newly defined SWMU and the discernable unit(s) from which the Secretary has determined that there may have been a release or releases.</p>	<p>There are documented releases in this area. The North Plant Process Area includes all active and inactive process units located east and south of Eagle Draw and North of Moseley Avenue.</p> <p>See also responses to Comments 22 and 28.</p>	Yes

<p align="center">NAVAJO REFINING COMPANY, ARTESIA REFINERY COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION Consolidated Editorial Comments, Typographical Errors, and Issues</p>					
	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
47	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>SWMU 27 – South Plant Process Area: Although not clear in the Draft Permit, Navajo presumes that the NMED is referring to the process areas between Texas Avenue and the southern Refinery boundary (US Highway 82), and between Freeman Avenue and the Southeast Tank Farm, excluding any other previously defined SWMUs and AOCs. Navajo requests clarification of the area encompassed by this newly defined SWMU and the discernable unit(s) from which the Secretary has determined that there may have been a release or releases.</p>	<p>The Permittee is correct in their identification of the South Plant Process Area.</p> <p>See also responses to Comments 22 and 28.</p>	Yes
48	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which</p>	<p>See responses to Comments 22 and 28.</p>	Yes

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			<p>the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC 6 – Northeast Tank Farm: None of the tanks listed in this entry have been placed into service at this time. Tank 437 was previously in service at a different location and was emptied and cleaned prior to being moved to the current location. Tank 437 and Tank 1225 contain crude oil and are currently in service. Both of these tanks have been constructed with underlying liners to prevent releases to the soil. Navajo assumes that the reference to Pitch Tank 1 and Pitch Tank 2 correspond to Tank 81 and Tank 82. Tank 81 is not yet in service and as such could not have had a release. Tank 82 is discussed separately below. Navajo requests this entry be removed from Table A-1.</p>		

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49	Navajo Refining Company	Appendix A	The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1: AOC 8 – South Tank Farm: All of the tanks in this area have been used to store asphalt. In the event that asphalt is released from any of these tanks, it immediately hardens and is easily removed. Asphalt is commonly used for roadways and Navajo does not believe that this material should be considered as a potential threat to human health or the environment. Navajo does not concur that this area constitutes an AOC. Navajo requests that this entry be removed from Table A-1	See responses to Comments 22 and 28.	Yes
50	Navajo Refining Company	Appendix A	The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by	See response to Comments 29.	No

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1: AOC 10 – Old Dissolved air Flotation Unit (DAF): No releases have occurred from the DAF. Navajo does not concur that this area constitutes an AOC. Navajo requests that this entry be removed from Table A-1		
51	Navajo Refining Company	Appendix A	The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1: AOC 11 – DAF-806 Wastewater Treatment Plant Unit: This unit was constructed on concrete containment in such a manner that any potential releases would be captured and returned to the process wastewater treatment system.	See also responses to Comments 22 and 28.	Yes

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			No known releases have occurred. Navajo does not concur that this area constitutes an AOC. Navajo requests that this entry be removed from Table A-1.		
52	Navajo Refining Company	Appendix A	The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1: AOC 12 – New DAF Unit Future Tanks: Navajo contends that it is not appropriate to define a future tank as an AOC. A tank that does not yet exist does not have the potential for a release of a hazardous waste or hazardous constituent. Navajo requests that this entry be removed from Table A-1.	See response to Comments 22.	Yes

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53	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC 13 – New API Unit Future Tanks: Navajo contends that it is not appropriate to define a future tank as an AOC. A tank that does not yet exist does not have the potential for a release of a hazardous waste or hazardous constituent. Navajo requests that this entry be removed from Table A-1.</p>	See response to Comments 22.	Yes
54	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal</p>	See responses to Comments 22 and 28.	Yes

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			of the following from Table A-1: AOC 14 – Wastewater Collection System: Navajo performs periodic testing of all below grade components of the wastewater collection system for compliance with the OCD Permit. The approved integrity testing plan includes testing of 20 percent of all underground lines, which includes wastewater collection system drain lines, each year. Under that approved program, any identified leaks are immediately uncovered, inspected and repaired. In the event that a release is identified, notification of the NMED and OCD is required by the integrity testing program and by the Permit. Navajo requests that this entry be removed from Table A-1.		
55	Navajo Refining Company	Appendix A	The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:	See response to Comments 22.	Yes

<p align="center">NAVAJO REFINING COMPANY, ARTESIA REFINERY COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION Consolidated Editorial Comments, Typographical Errors, and Issues</p>					
	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			<p>AOC 15 – WWTS – downstream of operating API separator: This entry is vague and it is not clear which units or areas are included. There have been no known releases from the wastewater treatment system downstream of the API separators. Navajo requests clarification of the units and/or areas included in this entry. Navajo requests that this entry be removed from Table A-1.</p>		
56	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC 16 – New Wastewater Tank: Navajo contends that it is not appropriate to define a future tank as an AOC. A tank that does not yet exist does not have the potential for a release of a hazardous waste or hazardous constituent. Navajo requests that this entry be removed from Table A-1.</p>	See response to Comments 22.	Yes

<p align="center">NAVAJO REFINING COMPANY, ARTESIA REFINERY COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION Consolidated Editorial Comments, Typographical Errors, and Issues</p>					
	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
57	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC 33 – New Property: Navajo requests clarification as to which property is included in this listing and what portions of the property are considered to have the potential for release of hazardous wastes or hazardous constituents.</p>	See responses to Comments 22 and 28.	Yes
58	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC 34 – Talon Tank and Ancillary</p>	See responses to Comments 22 and 28.	Yes

NAVAJO REFINING COMPANY, ARTESIA REFINERY COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION Consolidated Editorial Comments, Typographical Errors, and Issues					
	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			<p>Equipment: This unit was constructed on concrete containment in such a manner that any potential releases from the tanks would be captured and returned to the process wastewater treatment system. No known releases have occurred. Navajo does not concur that this area constitutes an AOC. Navajo requests that this entry be removed from Table A-1.</p>		
59	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC 37 – Empty Drum Storage Area (Old City of Artesia Trickling Bed Filter): According to the requirements of the OCD Permit, all drums stored in the empty drum storage area are triple-rinsed prior to placement in the storage area. As a result, the potential for release of hazardous wastes or hazardous</p>	See responses to Comments 22 and 28.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			constituents does not exist. Navajo requests that this entry be removed from Table A-1.		
60	Navajo Refining Company	Appendix A	The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1: AOC 39 – Bone Yard: Navajo policy requires that any used items (units, piping, etc.) placed in the bone yard area must be drained, cleaned and triple-rinsed prior to placement in the area. As such, the Navajo does not concur that there is a potential threat to human health or the environment from this area. Navajo requests that this entry be removed from Table A-1.	See responses to Comments 22 and 28.	Yes
61	Navajo Refining Company	Appendix A	The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that	See response to Comments 22.	Yes

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	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			<p>potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC 40 – Tank 82: This tank was designed as an asphalt tank and caught fire during installation of insulation in March 2010. The tank did not contain waste or hazardous constituents at the time, but contained hydrotest water. Although no release of hazardous constituents occurred, OCD performed a soil investigation of the area surrounding the tank. Navajo collected split samples during that investigation and no hazardous constituents were present in the soil. Navajo requests that this entry be removed from Table A-1.</p>		
62	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo</p>	See responses to Comments 22 and 28.	Yes

NAVAJO REFINING COMPANY, ARTESIA REFINERY COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION Consolidated Editorial Comments, Typographical Errors, and Issues					
	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			<p>requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>AOC ? – Above and Underground Piping: Navajo has an active underground pipeline integrity assessment program and performs routine inspections of aboveground piping. Any release of hazardous waste or hazardous constituents from piping identified during the integrity testing or inspections would be reported, as required by the Permit. It is inappropriate to identify all piping within the Refinery as an AOC. Navajo requests that this entry be removed from Table A-1.</p>		
63	Navajo Refining Company	Appendix A	<p>The following entries in Table A-1 are unclear, either due to the description provided or because the manner in which the units are constructed is such that potential releases are captured by secondary containment and there is no reason to believe that a release to the environment has or could occur. Navajo requests clarification for the inclusion of the following in Table A-1 and/or removal of the following from Table A-1:</p> <p>Note – any newly installed tank shall</p>	Table A-1 of the Permit has been modified to remove this footnote from Table A-1.	Yes

<p align="center">NAVAJO REFINING COMPANY, ARTESIA REFINERY COMMENTS ON THE RESOURCE CONSERVATION AND RECOVERY ACT DRAFT CLASS 3 PERMIT MODIFICATION Consolidated Editorial Comments, Typographical Errors, and Issues</p>					
	COMMENTER	TOPIC AREA OR PERMIT LOCATION	COMMENT SUMMARY	NMED RESPONSE TO COMMENT	CHANGE MADE TO PERMIT Yes/No
			<p>be included in the nearest Tank Farm/AOC area. It is unclear why this note has been added to Table A-1. Any new SWMU or AOC will be properly identified according to Section 4.7.2 of the Permit. Navajo requests the rationale for adding this note to the table.</p>		
64	Navajo Refining Company	Section 4.7.2 and Table A-1	<p>Although Navajo does not concur with the entries in Table A-1, it is understood that each new entry in Table A-1 constitutes a newly identified SWMU or AOC, which will require an assessment as per Section 4.7.2 of the Permit. Section 4.7.2 requires that such an assessment be submitted within 90 days of identification of the newly identified SWMU or AOC. Navajo proposes to submit a schedule for submittal of the assessments for newly identified SWMUs and AOCs within 30 days of issuance of the Permit.</p>	<p>The Permit has been modified in Section 4.7.2 to state <i>The Permittee shall prepare and submit to the Secretary, within 90 days of notification or alternate date established by the Secretary, a SWMU Assessment Report (SAR) for each SWMU or AOC identified under Permit Section 4.7.1 and this section (4.7.2).</i></p>	Yes
65	Navajo Refining Company	Table A-4	<p>Table A-4: The title of Table A-4 appears to be incorrect in that it lists SWMUs, AOCs and Hazardous Waste Management Units. Navajo believes this may be a typographical error and requests that the words "SWMUs & AOCs" be removed from the title. The current status of the Hazardous Waste Management Units is</p>	<p>Table A-4 is a list of Hazardous Waste Management Units. These units were originally named SMWU 1 (the Evaporation Ponds), SWMU 6 (The North Colony Landfarm), and SWMU 8 (Tetra Ethyl Lead Impoundment). The name of the units while potentially causing some confusion, does not change their</p>	Yes

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			not included in Table A-4. Navajo requests that a column be added to Table A-4 to reflect the current status of each of these units.	status as hazardous waste management units. The title of Table A-4 has been modified to delete SWMUs & AOCs. A status column has been added to Table A-4.	
66	Navajo Refining Company and NMED	Appendix A	NMED met with the Permittee on October 29, 2010, it was agreed that the Permittee would submit a map that locates and identifies all SWMUs and AOCs.	Appendix A of the Permit has been modified to state that <u>Within 90 days after the effective date of this Permit, the Permittee shall submit, to the Secretary, an updated site plan displaying and labeling the locations of all SWMUs and AOCs listed in the Permit.</u>	Yes