



NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

SUSANA MARTINEZ
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Lieutenant Governor

2905 Rodeo Park Drive East, Building 1
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DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

March 29, 2011

SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A REVISED FINAL CLOSURE PLAN NORTH AND SOUTH AERATION LAGOONS FOR WESTERN REFINING SOUTHWEST INC., BLOOMFIELD REFINERY

Dear Interested Person:

Enclosed is a **Public Notice** regarding revisions to the Final Closure Plan for the North and South Aeration Lagoons for Western Refining Southwest Inc., Bloomfield Refinery (Western). The Bloomfield Refinery is owned by San Juan Refining Company and operated by Western; refinery operations were suspended in November 2009. Western is situated in San Juan County approximately 0.5 miles east of U.S. Highway 550 on County Road 4990 (Sullivan Road), and approximately one mile south of the city of Bloomfield. The primary contact at the Bloomfield Refinery for this action is: Mr. Randy Schmaltz.

The enclosed Public Notice provides the location where the Administrative Record, including the proposed Closure Plan, the Public Notice, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. It also explains in summary form the amendments to the existing Closure Plan. Comments and requests for public hearing must be received no later than **5:00 p.m. MDT, April 28, 2011**.

Any person seeking additional information regarding this notice may contact:

Mr. John E. Kieling, Program Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Email: john.kieling@state.nm.us
Telephone: (505) 476-6000
Fax: (505) 476-6030

Sincerely,

John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau



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PUBLIC NOTICE No. 11-01

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
March 29, 2011**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A FINAL CLOSURE PLAN FOR
WESTERN REFINING SOUTHWEST INC., BLOOMFIELD REFINERY
EPA ID NUMBER: NMD089416416**

The New Mexico Environment Department (Department) intends to approve the Final Closure Plan for the North and South Aeration Lagoons (Final Closure Plan) for Western Refining Southwest Inc., Bloomfield Refinery (Western, or the Facility). The Final Closure Plan requires the Facility to conduct closure at the North and South Aeration Lagoons in accordance with the New Mexico's Hazardous Waste Act (HWA) and its associated regulations. The Department is charged with ensuring that Western's hazardous waste operations are managed in a manner protective of human health and the environment.

Western is situated in San Juan County approximately 0.5 miles east of U.S. Highway 550 on County Road 4990 (Sullivan Road), and approximately one mile south of the city of Bloomfield and occupies approximately 263 acres. The Facility is located on the south side of the San Juan River and the Hammond Irrigation Ditch (Hammond Ditch) and situated on a bluff approximately 120 feet above the river. The Facility suspended operations in November 2009. Prior to November 2009, Western had been conducting refining operation since the late 1950's, and had a refining capacity of approximately 18,000 barrels per day. The historic operation of the Facility processed crude oils into gasoline, diesel and jet fuels.

Western is located at the following mailing addresses: P.O. Box 159, Bloomfield, New Mexico 87413. The Applicant's primary contact for this action is: Mr. Randy Schmaltz at the same mailing address.

The Facility generates wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978, or the HWA), and their implementing regulations. The Aeration Lagoons (ALs) will be closed in accordance with 40 CFR 265 subpart G for interim status units and 40 CFR 265.228(a)(1).

The Final Closure Plan addresses the completed partial closure activities at the North and South Aeration Lagoons (N & S ALs) and describes the final closure activities to be conducted when final closure of the N & S ALs occurs. The partial closure activities included the removal of water, sludge, hazardous waste and hazardous waste constituent from the N & S ALs and made necessary repairs to the liner/leachate collection system. The final closure activities of the N & S ALs will include ceasing operation of the ALs, removal of all water and sludge material, complete removal of all liners and leachate collection system, investigate and removal contaminated soils beneath the ALs.

The constituents potentially associated with the ALs include: volatile organic compounds (primarily benzene, toluene, ethylbenzene, xylenes, and methyl tert-Butyl Ether), semi volatile organic compounds, gasoline range organics (GRO), diesel range organics (DRO), motor oil range organics (MRO), and RCRA 8 metals to include arsenic, barium, chromium, and lead.

Western submitted the Final Closure Plan in May of 2010. The Final Closure Plan is now being released for comment and reflects the closure activities to be implemented by the facility at the time the ALs will be removed from service and closed.

PUBLIC REVIEW OF THE DRAFT PERMIT

The Administrative Record for this proposed action consists of the Final Closure Plan, this Public Notice and other supporting documentation the Department relied on to review the Final Closure Plan. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period.

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: *Pam Allen*

A copy of the Final Closure Plan and this Public Notice are also available on the Department's website at: <http://www.nmenv.state.nm.us/hwb/nrcperm.html> under Final Closure Plan. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at address given above. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

The Department issues this public notice on **March 29, 2011**, to announce the beginning of a 30-day comment period that will end at **5:00 p.m. MDT, April 28, 2011**. Any person who wishes to comment on the Final Closure Plan or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and physical address to the respective address below. Only comments and/or requests received before **5:00 p.m. MDT on April 28, 2011** will be considered.

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
E-mail: john.kieling@state.nm.us
Ref: NRC Permit Modification

Written comments must be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing must provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and physical address of all persons whom the requestor represents; (3) a statement of any objections to the revised draft Permit, including specific references to any conditions; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The Department will provide a thirty day notice of a public hearing, if one is scheduled.

The Department must ensure that the Final Closure Plan is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a decision on issuance of the Final Closure Plan, or that may cause the revised Final Closure Plan to be modified. The Department will respond in writing to all public comments. This response will specify which provisions, if any, of the revised Final Closure Plan have been changed in the Final Closure Plan and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the Department's website.

After consideration of all the written public comments received the Secretary of the Department or his designee will make the final decision on this revised Final Closure Plan. The decision will be publicly available, and shall be included in a notification to the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Judy Bentley at NMED, Personnel Service Bureau, Room N-4071, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico, 87502. Ms. Bentley's telephone number is (505) 827-9872. TDY users please access Ms. Bentley's number through the New Mexico Relay Network at 1-800-659-8331.