



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

JUL 12 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 8118

Ms. Leslie Ann Allen, Senior Vice President
Environmental and Regulatory Affairs
Western Refining Southwest, Inc.
123 W. Mills Ave., Suite 200
El Paso, TX 79901

Re: Administrative Order, Docket Number: CWA-06-2013-1829
NPDES Facility Number: NMR05GD51

Dear Ms. Allen:

Enclosed is an Administrative Order (AO) issued to Western Refining Southwest, Inc. for violation of the Clean Water Act (CWA), 33 U.S.C. §§ 1251-1387. Violations were identified during a May 8, 2013, inspection of your Gallup, New Mexico refinery facility, conducted by the New Mexico Environment Department on behalf of the Environmental Protection Agency (EPA). The violations were discussed with your staff at the time of the inspection. The violations alleged include, but are not limited to, the following:

- a) Failure to include on the site map the size of the facility in acres, the locations of all receiving streams that may be impaired or have Total Maximum Daily Loads established, and locations and sources of run-on to the facility;
- b) failure to include locations of all potential pollutant sources and significant materials that have been handled, treated, stored or disposed of at the facility for three years prior to a revision of the Storm Water Pollution Prevention Plan (SWPPP); and
- c) failure to properly sign and certify the SWPPP as required in Appendix B, Subsection 11, of the permit.

In addition, between January 1, 2009, and May 1, 2013, there were four (4) rain events of one-half inch or greater at the facility, which resulted in a discharge of pollutants from the facility into waters of the United States.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of this AO. The AO also contains other compliance deadlines and information demands. The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2013-1829 and NPDES Facility Number NMR05GD51 on your response.

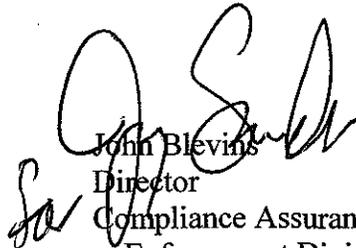
Also enclosed is an "Information Sheet" relating to the Small Business Regulatory Enforcement Fairness Act and a "Notice of Registrant's Duty to Disclose" relating to the disclosure of environmental legal proceedings to the Securities and Exchange Commission.

Re: Administrative Order
Western Refining Southwest, Inc.

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If you have any questions, please contact Mr. Everett H. Spencer, of my staff,
at (214) 665-8060.

Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. James Hogan
Acting Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502-5469

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1445 Ross Avenue, Suite 1200, Dallas, TX 75202

Docket Number: CWA-06-2013-1829, NPDES Facility Number: NMR05GD51

**FINDINGS OF VIOLATION, COMPLIANCE ORDER, AND
INFORMATION DEMAND**

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Sections 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Western Refining Southwest, Inc. ("Respondent") is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violations alleged herein, Respondent owned or operated the oil refinery facility located at Interstate 40, Exit 39 in Jamestown, Mckinley County, New Mexico ("facility") and was, therefore, an "owner or operator."

3. At all times relevant to this Order, the facility acted as a "point source" of a "discharge" of "pollutant[s]" as defined by Section 502(12) and (14), 33 U.S.C. § 1362(12), (14), into the receiving waters of the South Fork of the Puerco River, which is considered a "water of the United States" as defined by 40 C.F.R. § 122.2. As a result, Respondent and facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

4. The facility is an industry identified under 40 C.F.R. § 122.26(b)(14)(ii) operating under Standard Industrial Classification (SIC) Code 2911 (Sector C) and is subject to the Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity issued by EPA on September 29, 2008.

5. The facility began operations defined as industrial activity on or before 2009, which continued throughout the time period relevant to this action.

6. On May 8, 2013, the facility was inspected by New Mexico Environment Department storm water inspectors on behalf of EPA. As a result of this inspection, the facility was found to be in violation of Section 402 of the Act, 33 U.S.C. § 1311.

7. According to the EPA Storm Water Processing Center database that records all applications for storm water general permit coverage, Respondent submitted a Notice of Intent for permit coverage for its activities at the facility and was covered by NPDES Permit No. NMR05GD51 at the relevant times for the relevant activities. During the time period of January 1, 2009, through May 1, 2013, there were four (4) rain events of one-half (½) inch or greater at the facility. Each day of NPDES permit non-compliance was a violation of Section 402 of the Act, 33 U.S.C. § 1311.

8. Part 5.1.2 of the permit was violated in that the Respondent failed to include the following on the site map as part of the Storm Water Pollution Prevention Plan ("SWPPP"): 1) the size of the facility in acres; 2) the locations of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired and, if so, whether the waters have Total Maximum Daily Loads established for them; and 3) locations and sources of run-on to the facility from adjacent properties that may contain significant quantities of pollutants.

9. Part 5.1.3.2 of the permit was violated in that the site map, as part of the SWPPP for the facility, failed to contain locations of all potential pollutants and significant materials that have been handled, treated, stored, or disposed of at the facility for three years prior to revision of the SWPPP.

10. Part 5.1.3.3 of the permit was violated in that the site map, as part of the SWPPP for the facility, failed to indicate locations where significant spills or leaks have occurred.

11. Part 5.1.7 of the permit was violated in that the SWPPP was not properly signed and certified as required in Appendix B, Subsection 11, of the permit.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders the Respondent to take the following actions:

A. Within thirty (30) days of the effective date of this Order, Respondent shall develop or revise the SWPPP and its standard operating procedures ("SOPs") in order to comply with the deficiencies noted in paragraphs 8-11 above.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA a copy of the revised portion of the SWPPP and SOPs for review. The SWPPP and SOPs should be submitted electronically to Mr. Everett H. Spencer, of my staff, at spencer.everett@epa.gov for review.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a written certification of compliance with this Order to the EPA, Region 6. The written certification should be addressed to:

Mr. Everett H. Spencer
Water Enforcement Branch (6EN-WM)
U.S. EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, states the scope of such review.

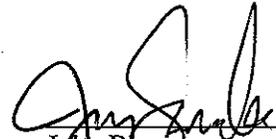
Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative or judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order, or the Section 308 Information Demand, or the Act can result in further administrative action, or a civil judicial action initiated by the U.S. Department of Justice.

Compliance with the terms and conditions of this Order does not relieve the Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.

The effective date of this Order is the date it is received by the Respondent.

07-12-2013
Date



John Blevins
Director
Compliance Assurance and
Enforcement Division