



**Air Quality Bureau**  
**NOTICE OF VIOLATION**

<b>CASE NUMBER:</b>	WRT-1156-2101	<b>ICIS ENFORCEMENT ACTION ID:</b>	NM000A95194
<b>COMPANY NAME:</b>	Western Refining Terminals, LLC	<b>FACILITY NAME:</b>	Bloomfield Products Terminal
<b>PERMIT(S):</b>	TV P024R3	<b>SOURCE CLASS:</b>	Major
<b>INSPECTION DATE:</b>	December 28, 2020	<b>EARLIEST DISCOVERY:</b>	December 14, 2020
<b>SELF-REPORTED:</b>	No	<b>*NRV, FRV OR HPV:</b>	FRV
<b>FACILITY LOCATION:</b>	¼ mile S of Bloomfield, NM	<b>CONTACT PERSON:</b>	Gary Russell Sr. Environmental Specialist (678) 594-6377 gfrussell@marathonpetroleum.com
<b>MAILING ADDRESS:</b>	111 County Road 4990 Bloomfield, NM 87413	<b>COUNTY:</b>	San Juan County
<b>AGENCY INTEREST:</b>	AI #1156	<b>AQB AIRS #:</b>	350450023

This Notice of Violation (NOV) is a written record of the AIR QUALITY BUREAU'S ("Bureau") finding that a violation of AIR QUALITY CONTROL REGULATIONS OR AIR QUALITY PERMIT CONDITIONS has occurred. A Notice is issued each time a violation is observed or discovered. This Notice may subject you to monetary penalties through administrative, civil, or criminal prosecution.

Each violation set forth in this NOV has been evaluated in accordance with EPA's Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources (September 2014) and Timely and Appropriate Enforcement Response to High Priority Violations (August 2014). The overall assessment of this enforcement case reflects the highest level determined. The Bureau has determined the violations outlined in this document are Federally-Reportable Violations (FRVs).

If you have questions or believe any statement in this notice is erroneous, please contact Enforcement Specialist Charles Butler at (505) 660-6110 or [charles.butler@env.nm.gov](mailto:charles.butler@env.nm.gov). If you are represented by counsel, please contact Assistant General Counsel Christopher Westenberger at (505) 469-8862 or [christopher.westenberger@env.nm.gov](mailto:christopher.westenberger@env.nm.gov).

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue this Notice of Violation to the Air Quality Bureau Chief.

Please note that your facility will appear on the Department's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/> ). Further, the Department will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved.

---

**Air Quality Bureau Official**

---

**Date**

<b>Company:</b> Western Refining Terminals, LLC	<b>Inspection By:</b> Jeremy Cahn
<b>Facility:</b> Bloomfield Products Terminal	<b>Date of Discovery:</b> December 14, 2020
<b>NOV #:</b> WRT-1156-2101	<b>NOV Prepared By:</b> Charles Butler
<b>Permit #:</b> P024R3	<b>NRV, FRV or HPV:</b> FRV

## **VIOLATION 1**

**Number of Claims:** 3

### **Requirement:**

According to Title V Permit No. P024R3, Specific Condition A203.C, *Truck Loading/Unloading Rack Vapor Recovery Unit (VRU) Control Device Inspection for Unit TLR-1* "At least once per month, the permittee shall inspect the vapor recovery unit for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the event that a leak or defect is detected, the permittee shall repair the leak or defect as soon as practicable and in a manner that minimizes VOC and HAPs emissions to the atmosphere."

### **Description:**

From November 30 to December 15, 2020, Bureau inspector Jeremy Cahn completed a review of semiannual report May 1, 2020, to October 24, 2020, received by the Bureau on 12/14/2020. This report showed no auditory/visual/olfactory (AVO) inspections on unit TLR-1 from July 1, 2020, to September 30, 2020.

### **Conclusion:**

The failure of Bloomfield Products Terminal to perform monthly AVO inspections on the Truck Loading/Unloading Rack (TLR-1) during July, August and September 2020 violates Permit No. P024R3, Specific Condition A203.C and results in three claims.

### **Required Information:**

Western Refining Terminals, LLC shall identify the cause(s) of this violation and provide a report within 30 days of receipt of this Notice of Violation of the actions taken to prevent the recurrence of this violation as described below. Provide the following information:

1. Description of the cause(s) of this violation;
2. Documentation of the steps taken to correct the violation to date; and
3. Documentation of steps taken (or description of steps to be taken) to prevent the recurrence of this violation.

<b>Company:</b> Western Refining Terminals, LLC	<b>Inspection By:</b> Jeremy Cahn
<b>Facility:</b> Bloomfield Products Terminal	<b>Date of Discovery:</b> December 14, 2020
<b>NOV #:</b> WRT-1156-2101	<b>NOV Prepared By:</b> Charles Butler
<b>Permit #:</b> P024R3	<b>NRV, FRV or HPV:</b> FRV

## **VIOLATION 2**

### **Number of Claims: 24**

**Requirement:** Title V Permit No. P024R3, specific condition A111.A 20.2.61 NMAC *Opacity Requirements (Units B-502A, P-521, P-521A, P-526)* states in relevant part, “(1) (a) Visible emission observations shall be conducted over a 10-minute period during operation after completion of startup mode in accordance with the procedures 40 CFR 60, Appendix A Reference Method 22 (EPA Method 22). If no visible emissions are observed, no further action is required.”

### **Description:**

On December 15, 2020, the AQB Inspector completed his review of the Title V semiannual report for the dates May 1, 2020, to October 24, 2020 received by NMED-AQB on December 14, 2020. The Inspector discovered in the document that no Method 22 testing was performed on units P-521 and P-521A during the third quarter of 2020. Facility personnel stated by phone on February 19, 2021, that units P-521 and P-521A are started weekly for National Fire Protection Association testing to ensure the engines are operational in the event of a fire. The Inspector issued Western Refining Terminals a Post Inspection Notification (PIN) on February 18, 2021.

### **Conclusion:**

Bloomfield Products Terminal failed to conduct Method 22 observations following weekly start-ups of engines P521 and P521A during the 3<sup>rd</sup> quarter of 2020, violating Permit No. P024R3, Specific Condition A111.A. The two pieces of equipment should have each had 12 weekly NFPA tests over the quarter. Missing 12 weekly tests for 2 units represents 24 claims.

### **Required information:**

Western Refining Terminals, LLC shall identify the cause(s) of this violation and provide a report within 30 days of receipt of this Notice of Violation of the actions taken to prevent the recurrence of this violation as follows. Information to be provided:

1. Description of the cause(s) of this violation;
2. Documentation of the steps taken to correct the violation to date; and
3. Documentation of steps taken (or description of steps to be taken) to prevent the recurrence of this violation.

**ADDITIONAL INFORMATION VERIFICATION**

This form must be completed and signed by the facility’s Responsible Official (Title V) or other designee and returned within 30 days of the receipt of the Notice of Violation. All additional information must be submitted according to each violation’s instructions. Documentation for additional information (in addition to this form) must be submitted electronically no later than the dates specified for each violation to Enforcement Specialist Charles Butler at [charles.butler@env.nm.gov](mailto:charles.butler@env.nm.gov) or Enforcement Manager Teresa McDill at [teresa.mcdill@env.nm.gov](mailto:teresa.mcdill@env.nm.gov).

All submittals must be submitted using the Reporting Submittal Form. The Reporting Submittal Form and instructions can be located at: <https://www.env.nm.gov/air-quality/compliance-and-enforcement/#>

Please note that your facility now appears on the Department’s Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, the Department will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved, including the payment of the assessed civil penalty.

*I hereby verify that Western Refining Terminals, LLC has initiated the required additional information response outlined in this Notice of Violation. The following information has been submitted or will be submitted by the dates indicated below for each violation. All required documentation will be submitted electronically within 30 days of the receipt of the Notice of Violation.*

Date NOV received: \_\_\_\_\_

*Alleged Violation 1*

- \_\_\_\_\_ *A description of the cause of the violation*
- \_\_\_\_\_ *Documentation of the steps taken to correct the violation to date*
- \_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation*

*Alleged Violation 2*

- \_\_\_\_\_ *The cause of the violation*
- \_\_\_\_\_ *Documentation of the steps taken to correct the violation to date*
- \_\_\_\_\_ *Documentation of steps taken (or to be taken) to prevent recurrence of this violation*

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Printed Name:

Title: