



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

September 15, 2020

Mr. Parrish Miller
Vice President and Refinery Manager
HollyFrontier Navajo Refining LLC
501 East Main St.
Artesia, NM 88210

Sent via email: parrish.miller@hollyfrontier.com

RE: Clean Air Act Section 114 Information Request
HollyFrontier Navajo Refining LLC, Artesia and Lovington Refineries

Dear Mr. Miller:

Enclosed is an Information Request ("Request") issued to HollyFrontier Navajo Refining LLC ("Navajo"). This Request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act ("CAA"), 42 U.S.C. § 7414. The purpose of this Request is to obtain information regarding Navajo's Artesia Refinery in Artesia, New Mexico, and Lovington Refinery in Lovington, New Mexico to determine compliance with applicable provisions of the CAA and the federal consent decree, *United States v. Navajo Refining Company, L.P.*, Case No. CIV-01-1422LH/LCS (D.N.M.) (entered Mar. 5, 2002) (hereinafter, the "Consent Decree").

Please provide the information requested in Enclosure A, Sections III and IV, within thirty (30) and forty-five (45) days of receipt of this letter, respectively. You may direct any technical questions regarding Enclosure A, Section III to Debbie Ford at Ford.Debbie@epa.gov or (214) 665-7235 or James Haynes at Haynes.James@epa.gov or (214) 665-8546, and regarding Enclosure A, Section IV to Prince Nfodzo at Nfodzo.Prince@epa.gov or (214) 665-7491. If you have any legal questions or need to request an extension, please contact Arati Tripathi, Assistant Regional Counsel, at Tripathi.Arati@epa.gov or (214) 665-7404. Thank you for your attention to this matter.

EPA acknowledges that the COVID-19 pandemic may be impacting Navajo's business. If that is the case, please contact us regarding any specific issues you need to discuss.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

HollyFrontier Navajo Refining LLC, Artesia and Lovington Refineries
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Enclosures

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ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency (“EPA”), Region 6 is issuing this Information Request (“Request”) to HollyFrontier Navajo Refining LLC (“Navajo”) pursuant to Section 114(a) of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA and the Consent Decree. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6. Therefore, Navajo is required to provide a response to this Request regarding the Artesia Refinery, located in Artesia, New Mexico and the Lovington Refinery located in Lovington, New Mexico (collectively, the “Artesia and Lovington Refineries”).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emissions data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice. **Enclosure B** specifies the assertion and substantiation requirements for business confidentiality claims.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Navajo. We request that a duly authorized officer or agent of Navajo certify your response to this Request by signing the enclosed Statement of Certification, provided in **Enclosure C**, and returning it with your response. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Navajo to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413. EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

At this time, EPA Region 6 is not accepting any hard-copy document deliveries. **Therefore, we ask Navajo to upload all required information to a OneDrive folder that will be shared with the appropriate Navajo personnel.** Please contact Debbie Ford, at Ford.Debbie@epa.gov or (214) 665-7235, to make arrangements to submit your response. We ask that Navajo upload the response for each question as it is available rather than aggregating all of the responses for the entire Section before performing the upload. Please email the respective Technical Contact

once all the responses for a Section have been uploaded to receive a confirmation of receipt from EPA.

Please be advised that some companies may qualify as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”). To help small business owners assess their small business status, the U.S. Small Business Administration (“SBA”) has established a Table of Small Business Size Standards, which can be found at:

http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Navajo qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockkey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Navajo’s responsibility to respond in a timely fashion to any complaint or Request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact the Enforcement Officer listed above.

This Request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

SECTION I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds. If you have no responsive information or documents pertaining to a particular question or subpart of a question, submit a statement certifying this, along with a detailed explanation for each such question.
4. For each question, identify each person responding to any question contained in this Request on your behalf, as well as each person consulted in the preparation of a response.
5. Please provide copies of documents in searchable electronic format (*e.g.*, pdf).

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6. Data should be provided in searchable and editable electronic format (*e.g.*, spreadsheet).
7. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
8. Please identify each person answering and each person consulted in preparing to answer each question and subpart of each question.
9. Paper documents should be electronically produced, i.e. scanned and legible copies, organized by the number of the question to which it responds. "Paper documents" means (i) documents that exist only in paper form, or (ii) paper version of documents that also exist in electronic form, only in cases where the paper version contains additional information, such as annotations or signatures, that exist only on the paper copy.
10. Please submit confidential business information (CBI) and non-confidential information separately and identify as such. Please mark each page that is CBI as such. To make a CBI claim on electronic copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in **Enclosure B**.
11. Indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state (*e.g.*, Agency Interest, Regulated Entity) identification numbers for the Artesia Refinery and Lovington Refinery.
12. Please identify documents consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.
13. If Navajo has no responsive information or documents for a particular question, please submit a statement certifying this, along with a detailed explanation. If a document is responsive to more than one question, this must be so indicated, and only one copy of the document need be provided.
14. If information responsive to this Request was previously provided to EPA subsequent to a recent EPA CAA inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If previously submitted information does not fully and completely respond to a question, Navajo is obligated to provide additional information to fully and completely respond to that question. If Navajo has any questions regarding the

responsiveness of previously submitted information, please contact Arati Tripathi at (214) 665-7404.

15. The enclosed Statement of Certification (**Enclosure C**) must be filled out and signed by a responsible corporate official and submitted along with your responses to this Request.

SECTION II. DEFINITIONS

All terms used in the Request will have their ordinary meaning unless such terms are defined in the CAA, other CAA implementing regulations, or otherwise defined herein:

1. The term “Artesia Refinery” refers to Navajo’s Artesia Refinery located at 501 E Main St., Artesia, New Mexico.
2. The term “Consent Decree” shall mean the federal consent decree, *United States v. Navajo Refining Company, L.P.*, in Case No. CIV-01-1422LH/LHS, entered in the United States District Court for the District of New Mexico on March 5, 2002.
3. The terms “document,” “documents,” and “documentation” means any object that records, stores, or presents information, and includes writings of any kind, formal or informal, draft or final, whether or not wholly or partially in handwriting, including documentation solely in electronic form, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. The term HollyFrontier Navajo Refining LLC (“Navajo”) includes any officer, director, agent, or employee of Navajo, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
5. The term “Lovington Refinery” refers to Navajo’s Lovington Refinery located at 7406 S. Main Ave, Lovington, New Mexico.

6. The terms “person” or “persons” shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
7. The terms “you” or “yours” means all companies or corporations with which Navajo is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

SECTION III. CLEAN AIR ACT COMPLIANCE QUESTIONS

Using the Instructions and Definitions set forth in Sections I and II of Enclosure A, please provide responses to the following Questions about the Artesia Refinery.

1. If the New Mexico Environment Department (“NMED”) has taken enforcement action in response to information responsive to this Request, please provide the Notice of Violation and/or relevant enforcement documents.
2. NESHAP Subpart CC fenceline monitoring program:
 - a. Provide all documents pertaining to root cause analyses initiated between October 2016 through the receipt of this Request to determine the cause of any exceedances of the NESHAP Subpart CC benzene action level (9 µg/m³).
 - b. Provide all documents pertaining to corrective action plans initiated and/or completed, and any other corrective action taken to bring benzene emissions below the action level (9 µg/m³), between October 2016 through receipt of this Request.
 - c. Provide all benzene air monitoring data, within and outside the Artesia Refinery fenceline, collected between October 2016 and receipt of this Request, from both permanent and temporary air monitoring locations, including, but not limited to:
 - i. The following data described in the May 15, 2019 Corrective Action Plan:
 1. The data from the temporary sampling locations around Tank 57 (TS5, TS6, TS7, and TS8) during the September 2017 root cause investigation;
 2. The data from the three temporary sampling locations placed around Tank 57 (T13A, T14A, and T14B) during the November 2018 root cause investigation; and,
 3. The data from all other temporary monitors identified in the May 15, 2019 Corrective Action Plan.

- ii. All FLIR infrared camera footage of Tank 57 that was not previously provided in the October 16, 2019 transmittal of information requested during the October 1-4, 2019 EPA and NMED inspection of the Artesia Refinery.
 - d. Provide information on all the sampling equipment, temporary and permanent, employed at the Artesia Refinery, including equipment specifications, sampling periods, sampling locations identified on a plot plan, and sampling methods for all sampling data provided in response to Question 2.c above.
3. Provide a current dated detailed plot plan that identifies each process area, tank, loading operation, stack and flare.
4. For the North, South, FCC, Alky, and GOHT Flares:
- a. Provide hourly-average data for each flare for the period October 7, 2019 through July 31, 2020 for the following parameters:
 - i. Vent gas flow rate (KSCFH);
 - ii. Vent gas hydrogen sulfide (H₂S) concentration (ppm);
 - iii. Vent gas total sulfur (TS) concentration (ppm); and
 - iv. Vent gas net heating value (BTU/SCF).
 - b. Provide hourly-average data for each flare from the first day data were available (i.e., including prior to monitor certification) through July 31, 2020 for the following parameters:
 - i. Assist steam flow rate (KSCFH or LB/HR);
 - ii. Supplemental gas flow rate (KSCFH); and
 - iii. Combustion zone net heating value (BTU/SCF).
 - c. Provide the date of physical installation and the date measurement readings were first provided for each monitor installed to comply with NESHAP Subpart CC, 40 C.F.R. §§ 63.670 and 671, including but not limited to:
 - i. Flow meters;
 - ii. Gas chromatographs;
 - iii. Mass spectrometers; and
 - iv. Calorimeters.
 - d. Provide all correspondence, including letters and emails, between Navajo and each vendor for each monitor installed to comply with NESHAP Subpart CC, 40 C.F.R. §§ 63.670 and 671, including but not limited to:
 - i. Flow meters;
 - ii. Gas chromatographs;
 - iii. Mass spectrometers; and
 - iv. Calorimeters.

5. NESHAP Subpart CC storage vessels at the Artesia Refinery:
- a. For each storage vessel, provide tank ID, Group 1 or Group 2 status, the date and type of communication (*e.g.* 1/15/1999 NOCS) for identifying Group 1 and Group 2 storage vessel to EPA/NMED, the date of the last empty/degas inspection for each Group 1 storage vessel, and if subject to the overlap provisions of NESHAP Subpart CC, which compliance option was selected to meet NESHAP Subpart CC requirements.
 - b. For storage vessels subject to 40 C.F.R. § 63.660:
 - i. What is the compliance date for each storage vessel?
 - ii. If the floating roof did not meet the requirements of 40 C.F.R. § 63.1063(a)(2)(i) – (a)(2)(viii) as of June 30, 2014, provide documentation when the storage vessel did meet these requirements or when this is planned.
 - c. Provide documentation of the transition of storage vessel provisions from 40 C.F.R. § 63.646 to 40 C.F.R. § 63.660 (*e.g.*, analysis of provisions, compliance by the Artesia Refinery, any delayed compliance, procedure changes, inspection changes, modifications to meet NESHAP Subpart WW requirements, seal gap measurement and gap area calculation changes, changes from/to Group 1/Group 2 status, training).
 - d. Provide documentation of extensions used from 2015 – 2019 when emptying a tank for an internal inspection was delayed.
 - e. Provide detailed explanation or procedures used by Navajo for calculating emissions from floating roof landings.
 - f. Provide documentation (*e.g.*, forms from Operations sent to Environmental, Emission Events Log kept by Environmental, calculation of landing emissions) of all floating roof landings for 2015 – 2019.
 - g. Have revisions been made to the file 2019 Tank Applicability (RAS) v2.xlsx (document “HFNA-000005934”) since the file was provided to EPA in October 2019? If so, provide a summary of changes or an updated file.
 - h. Provide documentation of tank level, product, vapor pressure, and temperature for T-108, T-401, and T-411 from 2016 – present.
 - i. Provide current design drawings for Group 1 storage vessels at the Artesia Refinery.
 - j. T-411 work order 1002699 (document “HFNA-000007668”) dated 4/26/16:
 - i. Has this repair been completed?
 - ii. If not, provide an explanation why not?
 - iii. Describe any actions to minimize emissions.
 - iv. Provide the date of the last empty/degas inspection and a summary of findings.
 - v. Has this been reported in Title V Deviation Reports?

- k. T-111 and T-417 vapor pressure documentation provided December 17, 2019, did not provide the details to which tank the vapor pressure applies. Please provide the details for 7/1/2017 – 9/30/2017.
- l. Provide a report of all open work orders for tanks that were opened in 2019 or earlier and an explanation why the work is not complete.
- m. T-1225:
 - i. Was the water observed on the roof in October 2019 pumped off or allowed to evaporate? If pumped, why was no work order provided during the December 2019 site visit?
 - ii. Please explain the cause for the water accumulation.
 - iii. Describe repairs anticipated to prevent accumulation in the future. When are these scheduled?
- n. Identify the two tanks constructed after May 2014 and prior to March 2016 that are adjacent to T-433, and provide details about product stored, tank type, NESHAP Subpart CC storage vessel group status, capacity, diameter, height, date of initial fill, and date of NOCS.
- o. Identify the tank constructed after May 2014 and prior to March 2016 that is adjacent to T-400, and provide details about product stored, tank type, NESHAP Subpart CC storage vessel group status, capacity, diameter, height, date of initial fill, and date of NOCS.
- p. T-830 was constructed in 2011 according to the 2019 Tank Applicability (RAS) v2.xlsx (HFNA-000005934) and is described as storing “Storm Water” and having 0 weight percent HAPs. The Title V renewal application Storage Tank Potential to Emit HAP table indicates that the stored product is “Slop” and the total of the liquid weight percent of all HAPs is 22.79 weight percent.
 - i. Provide the correct information for T-830, including an updated NESHAP Subpart CC tank applicability sheet.
 - ii. Provided the current design drawing for T-830.
- q. T-829 was constructed sometime after 2010 and is an IFR tank described as the Wastewater Equalization Tank.
 - i. Provide the current design drawing for T-829.
 - ii. Explain why T-829 is not included in the Figure 1: Wastewater Collection and Treatment (Revision 3 dated 11/15/2019) submitted as part of the December 30, 2019 Revised End of Line Sampling Plan.
 - iii. Provide a detailed description of the operation and function of T-829 as part of the wastewater system.
 - iv. Provide a complete wastewater system diagram that includes T-829.
- r. T-897 is listed in Table 103.G Summary Applicability – Wastewater in the current Title V Permit P051-R2 issued May 6, 2015. This tank does not appear in Figure 1:

- Wastewater Collection and Treatment submitted as part of the December 30, 2019 Revised End of Line Sampling Plan. T-897 does not appear in the wastewater system plot plan nor as a tank in the 2019 Tank Applicability (RAS) v2.xlsx (HFNA-000005934) file.
- i. Provide a description of T-897 with details of its operation and function as part of the wastewater system.
 - ii. Provide an updated plot plan showing the location of T-897.
 6. Tank emissions observed using the FLIR infrared camera (T-11, T-12, T-108, T-109, T-124, T-401, T-411, T-415, T-417, T-431, T-432, T-434, T-1225):
 - a. Provide documentation of any investigations, inspections, sampling of product, analysis of product, or other activities to determine the cause of tank hydrocarbon emissions during the October 2019 inspection or December 2019 site visit.
 - b. For the activities conducted in Question 6.a provide documentation of repaired components and work orders for components scheduled to be repaired.
 7. T-57 and its operation:
 - a. T-57 future plans:
 - i. Does Navajo plan to repair or demolish T-57?
 - ii. If Navajo plans to repair, what repairs would have to be completed to meet API 653 standards?
 - iii. Has Navajo begun any repairs? If so, provide details.
 - iv. If Navajo plans to demolish, does Navajo have a date for demolition and will this be removed from the operating permits?
 - b. In the document “HFNA-000006186 Temps.xlsx” Navajo provided the inlet temp for X-187 cooler, outlet temperature for X-172 heat exchanger, T-57 level, and T-57 temp. Provide the tag identification number, the setpoints for each, alarms descriptions and alarm settings for each of the data points.
 - c. T-57 tank levels:
 - i. Provide an explanation for the level readings provided in the document “HFNA-000006186 Temps.xlsx” above the tank height of 48.7 feet (some as high as 53.2 feet), that were reported for various periods from 2015 – 2019.
 - ii. If the actual levels were at least 4.5 feet too high, does that mean when the tank level read 5.1 feet, it was actually at 0.6 feet?
 - iii. How did operators track tank levels for safe operation of the tank and prevention of overfill?
 - iv. Provide work orders for any repairs to the level indicator for T-57 for the period 2015-2019.
 - d. In the document “HFNA-000006186 Temps.xlsx” the data began on 1/31/2015. T-57 temperature indicated “No Data” from 1/31/2015 through 3/25/2015. When did the period of “No Data” for T-57 temperature begin? What was the cause of the lack of

data? Provide work orders for any repairs made to resume data collection of tank temperature for that period.

- e. In the document “HFNA-000006186 Temps.xlsx” the data began on 1/31/2015. T-57 level indicated “No Data” from 1/31/2015 through 3/26/2015. When did the period of “No Data” for T-57 level begin? What was the cause of the lack of data? Provide work orders for any repairs made to resume data collection of tank levels for that period.
 - f. Heat exchangers X-571, X-572, or X-172:
 - i. Are there any cooling water flow indicators or flow meters? If so, provide that data for the period 1/31/2015 – 9/29/2019.
 - ii. Are there any alarms for low flow of cooling water through the heat exchangers? If so, please provide details for each for the period 1/31/2015 – 9/29/2019.
 - g. Provide any operator log entries from 3/1/2018 – 8/17/2018 related to elevated temperatures in tank T-57 or heat exchanger X-172 outlet.
 - h. Provide work orders, inspection documents, and repair documentation for heat exchangers X-571, X-572, or X-172 during the time period 3/1/2018 – 8/17/2018.
8. Heat Exchange Systems and NESHAP Subpart CC:
- a. Provide written procedures for NESHAP Subpart CC monitoring of heat exchange systems.
 - b. Provide written procedures for locating leaks detected by the monitoring program.
 - c. Provide monthly monitoring documentation for Y-11 and Y-12 cooling towers for 2016 – present.
 - d. Provide the required records and reporting of leaks for all heat exchange systems from 2016 – present.
 - e. Provide the heat exchanger sampling results to identify the source(s) of the leak(s) detected from the Y-11 and Y-12 Cooling Towers for 2016 – present.
 - f. Cooling Tower Y-12:
 - i. Explain the statement noted on monthly El Paso sampling forms: “Unable to obtain sample due to air in sample line. Client was informed.”
 - ii. How long has a sample not been taken at the Y-12 cooling tower?
 - iii. Provide the name of who was informed.
 - iv. What action was taken by the informed client to correct the problem.
 - v. Was sampling conducted in an alternate location?
9. Wastewater System and NSPS Subpart QQQ:
- a. Provide copies of the semi-annual NSPS Subpart QQQ reports for 2016 – present.

- b. Provide all documentation of any investigations, inspections, or other actions to determine the cause of hydrocarbon emissions observed with the FLIR infrared camera at the wastewater system during the October 2019 inspection or December 2019 site visit.
- c. For the activities conducted in Question 9.b provide documentation of repaired components and work orders for components scheduled to be repaired.
- d. Have the actions described in Question 9.b eliminated the emissions?
- e. Are there any modifications planned for the Aboveground API Separators, the D829/D830 Carbon Canister System, or the associated closed vent system? If so, provide details.
- f. Provide copies of any third-party program audits/reports for NSPS Subpart QQQ for 2016-present.
- g. D-829/D-830 Dual Carbon Canister System:
 - i. Provide the design specifications.
 - ii. Provide all documentation that includes a general description of the gas streams that enter the canister system and the manufacturer's recommendations for the canister system.
 - iii. Provide design and installation specifications, including specifications for piping, valves, hoses, flow indicator, orifice plates, carbon canisters, carbon canister type, assumed concentrations in the gas stream to be controlled.
 - iv. Provide all maintenance documentation for the differential pressure gauge for 2015 – present.
 - v. Provide documentation of differential pressure for 2015 – present.
 - vi. Provide procedures for removing condensed water from the vertical tubing from the vent stream to the differential pressure gauge.
 - vii. Provide a P&ID drawing of T-49 and the vent header to the carbon canister system.
 - viii. Provide design specifications for any relief valves associated with T-49.
- h. D-8002/D-8003 Dual Carbon Canister System:
 - i. Provide the design specifications.
 - ii. Provide all documentation that includes a general description of the gas streams that enter the canister system and the manufacturer's recommendations for the canister system.
 - iii. Provide design and installation specifications, including specifications for piping, valves, hoses, flow indicator, orifice plates, carbon canisters, carbon canister type, assumed concentrations in the gas stream to be controlled.
- i. Provide carbon canister monitoring records from October 1, 2019 – present for the D-829/D-830 and D-8002/D-8003 Dual Carbon Canister Systems.

- j. Individual Drain Systems:
 - i. Provide copies of all procedures for performing NSPS Subpart QQQ individual drain systems inspections.
 - ii. Provide a master list of components inspected, type of component, type of service for drains (i.e., in active service, out of active service), and monitoring frequency.
 - iii. Provide a current drawing of each individual drain system at the Artesia Refinery with each component subject to NSPS Subpart QQQ clearly located and identified.
 - iv. Provide inspection documentation for 2016 – present, including corrective actions taken.
 - k. Prior to the installation of the flow meter at the API Separators, how was flow in the wastewater system measured?
 - l. How frequently is the flow meter at the API Separators calibrated? Provide all documentation of calibration and certification provided by the manufacturer.
 - m. Provide daily documentation of oil collected from the API Separator for 2016 – present.
 - n. Provide all documentation of any investigation of wastewater flows and accuracy of flow meters at the API Separators and any other downstream flow meters (*e.g.* injection wells) or material measurement conducted after EPA’s December site visit to the Artesia Refinery.
 - o. Provide documentation of blown gaskets and subsequent replacement or repairs on the oil pumps below the API Separators for 2016 – present.
 - p. Provide all documentation of contractor cleanup of spilled oil below the API Separators for 2016 – present.
 - q. Capital project referenced in the Consent Decree periodic reports to retrofit the catch basins to meet NSPS Subpart QQQ:
 - i. Provide all documentation on the discovery of the non-compliance.
 - ii. Provide all documentation on the capital project.
 - iii. Provide a status report on the project detailing completed activities and dates completed and outstanding activities and projected date(s) for completion.
10. Emission Inventory:
- a. Provide all documentation on any changes made for the 2019 Emission Inventory reporting to NMED, including, but not limited to, any updates to speciation of materials in tanks or vapor pressure of materials.
 - b. Provide the 2019 Emission Inventory data file and the Air Emission Inventory Submittal.

11. Risk Management Program:
 - a. Provide a list of units at the Artesia Refinery by number, name, and if subject to RMP provisions, the RMP Process ID and description.
 - b. Provide a current plot plan for the Artesia Refinery that identifies the boundaries of each RMP process with associated piping and affected tanks.
 - c. For all heat exchangers at the Artesia Refinery, provide the heat exchanger ID, description, unit ID associated with the heat exchanger, RMP process associated with the heat exchanger, cooling tower associated with the heat exchanger, in HAP service (per NESHAP Subpart CC definition) or not in HAP service, if not in HAP service, EPA Method 18 results from the determination, interval or risk based inspection schedule, date changed from interval to risk based inspection schedule, tube side fluid, shell side fluid, number of tubes in the heat exchanger, number of plugged tubes, dates of the last two inspections, inspection documentation, findings from the inspection, repairs made, the next planned inspection, and all documentation for the transition from interval-based to risk-based inspections, if applicable.
12. Leak Detection and Repair (“LDAR”):
 - a. Provide the state, local, and federal LDAR regulations or LDAR permit provisions to which each process unit was subject from 2015 - present, and the dates during which each regulation or provision applied.
 - b. For each process unit identified in Navajo’s P051-R3 Permit Application dated May 2019 and the LDAR database, provide the following:
 - i. Provide a list of each process unit in the application and state whether it corresponds to a process unit in the database.
 - ii. Provide a list of each process unit in the database and state whether it corresponds to a process unit in the application.
 - iii. For process units that do not appear to have corresponding matches, provide a description of where the process unit is currently listed and provide additional information that detail why the database and permit application do not match.
 - iv. For each process unit associated to the application and/or database, provide the unit number, unit name, unit description, and the startup date of the process unit. Do not use any abbreviations or acronyms.
 - c. For each process unit to which an LDAR regulation or LDAR permit provision applies, provide the following:
 - i. A summary of leak definitions, organized by component type,
 - ii. A summary of first and final repair requirements, organized by component type,
 - iii. A summary of monitoring frequencies, organized by component type, and
 - iv. A summary of component types that are not monitored, as referenced in Navajo’s P051-R3 Permit Application dated May 2019.
 1. For components that are not monitored, provide a description of the component and an explanation for why each component is not monitored.

2. For components that are exempt from monitoring, provide the regulatory citation and an explanation of how each component qualifies for the exemption from monitoring.
 3. For components that Navajo believes are exempt from an LDAR regulation or LDAR permit provision because they are not in VOC service, provide an analysis demonstrating the component is not in VOC service.
- d. Provide the Artesia Refinery's semi-annual LDAR reports from 2015 - present.
 - e. Provide existing written plans or procedures for the Artesia Refinery's LDAR program.
 - f. For each component of each process unit that is part of a closed vent system, provide all documentation of AVO inspections for 2015 - present.
 - g. Provide all documentation of weekly visual inspections for 2018 - present for pumps in light liquid service.
 - h. For each pump equipped with dual mechanical seals, provide a description of the design and operation of the dual mechanical seal system as well as the design of the sensor failure system.

SECTION IV. CONSENT DECREE COMPLIANCE QUESTIONS

Using the Instructions and Definitions set forth in Sections I and II of Enclosure A, please provide responses to the following Questions about the Artesia and Lovington Refineries. Unless otherwise specified, provide responses to each applicable question for 01/01/2014 - 12/31/2019.

1. Identify the owner and/or operator of the Artesia and Lovington Refineries. If the entity is a subsidiary, also identify the parent company. Provide the following information for the owner and/or operator:
 - a. Current organizational chart, including a chart reflecting the relationship between the Artesia and Lovington Refineries and all of their direct or indirect owners or parent companies.
 - b. Indicate how long the entity has owned and/or operated the Artesia and Lovington Refineries. If the entity has owned and operated the Artesia and Lovington Refineries for less than five (5) years, identify the previous owner and/or operator.
 - c. Identify officers, members, managing members, limited partners, and general partners, and describe each of their roles and involvement in decision-making processes for the owner and/or operator.

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2. Provide current operating permits highlighting Consent Decree emission limits, standards, monitoring and QA/QC requirements.
3. Provide a brief written description of the Artesia and Lovington Refineries, including simplified process flow diagrams.
4. For all continuous emission monitoring systems (“CEMS”) installed as a requirement under the Consent Decree, provide the following:
 - a. CEMS identification, pollutant measured, process unit ID and name.
 - b. Quarterly excess emissions and CEMS downtime reports and detailed explanation of emission limit exceedances.
 - c. CEMS audit (CGAs and RATAs) and performance test reports.
 - d. Current CEMS calibration gas certifications.
5. For the FCCUs covered by the Consent Decree, provide the 3-hour and 365-day rolling average NO_x emission trends, 7-day and 365-day rolling average SO₂ emission trends, 1-hour and 365-day rolling average CO emission trends and any alternative monitoring parameter trends for 08/01/2019 to 07/31/2020.
6. For the heaters and boilers covered by the Consent Decree, provide the most recent NO_x control plan, listing all heaters and boilers, NO_x emission limits, and type of control technology installed.
7. Provide simplified process flow diagram(s) and description(s) of the fuel gas system(s).
8. Provide the 3-hour average NO_x emission trends from 08/1/2019 to 07/31/2020 for the units listed in Question 6.
9. Provide the 3-hour rolling average H₂S concentration trends for the fuel gas system(s) from 08/1/2019 to 07/31/2020.
10. Provide simplified process flow diagrams for the sulfur recovery plants.
11. Provide the 12-hour rolling average SO₂ emission trends from 08/01/2019 to 07/31/2020 for the sulfur recovery units.
12. Provide a list of acid gas, tail gas, and hydrocarbon flaring incidents that occurred during the five (5) years prior to the date of this Request.

13. Provide 3-hour rolling average H₂S and TRS concentration trends for the covered flares from 08/01/2019 to 07/31/2020.
14. Provide the following for the Benzene Waste Operations NESHAP (“BWON”) program(s):
 - a. BWON process descriptions.
 - b. BWON process flow diagram(s).
 - c. List of aboveground storage tanks in BWON service.
 - d. Most recent roof seal inspection reports for tanks listed in Question 14.c.
 - e. Total Annual Benzene reports.
 - f. Annual training records for employees who conduct BWON sampling.
15. Provide the following for your LDAR program(s):
 - a. Written Refinery-Wide LDAR Program.
 - b. Annual training records for LDAR technicians.
 - c. Three most recent LDAR audit reports and complete, written records of corrective actions following any deficiencies noted during any audit.
 - d. QA/QC procedures.
 - e. Quarterly QA/QC records of monitoring data.
 - f. Name and title of persons responsible for LDAR management.
 - g. Describe the MOC tracking program for newly added valves and pumps. Describe this process within the LDAR compliance management software (i.e., Guideware).
 - h. Provide MOC project worksheets for 2018.
 - i. Instrument calibration records for February 2020.
 - j. Instrument certification records from January 2019 to June 2020.
 - k. Delay of Repair procedures. Provide each unit supervisor who can attest that each piece of equipment is technically infeasible to repair without a process unit shutdown.

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1. Drill and tap records for all successful and failed attempts at this repair method. Include documentation for when a piece of equipment is not eligible for drill and tap due to a safety, mechanical, or major environmental concern

ENCLOSURE B

CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. These regulations provide that business information is entitled to confidential treatment if: (a) The business has asserted a business confidentiality claim which has not expired by its terms, nor has been waived nor withdrawn; (b) that the business has satisfactorily shown that it has taken reasonable measures to protect the confidentiality of the information and it intends to continue to take such measures; the information is not, and has not been, reasonably obtainable without the business’s consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding); (d) no statute specifically requires disclosure of the information; and either (e)(1) disclosure of the information is likely to cause substantial harm to your business’s competitive position¹; or (e)(2) the information is voluntarily submitted, and its disclosure would be likely to impair the Government’s ability to obtain necessary information in the future. See 40 C.F.R. §§ 2.208(a)-(e). Emissions data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. See 40 C.F.R. § 2.301(e).

¹ You will not be required to show that disclosure of the information is likely to cause substantial harm to your competitive position, in light of the Supreme Court’s decision in *Food Marketing Institute v. Argus Leader Media*, No. 18-481 (U.S. Supreme Court, June 24, 2019). As a result of that decision, EPA will not consider whether there is substantial competitive harm in evaluating your CBI claim

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a substantiation request letter (separate from this Request) asking you to substantiate your CBI claim. If you receive a substantiation request letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive a substantiation request letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying and substantiating the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive a substantiation request letter, for each item or class of information that you identify as being subject, you will be asked to answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. § 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

You will not be required to respond to this question in light of the Supreme Court's decision in *Food Marketing Institute v. Argus Leader Media*, No. 18-481 (U.S. Supreme

Court, June 24, 2019). As a result of that decision, EPA will not consider whether there is substantial competitive harm in evaluating your CBI claim.²

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emissions data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. §§ 2.301(a)(2)(i)(A)-(C). “Emission data” means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source operation); and

(C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline specified in a substantiation request letter, should you receive such a letter. EPA will construe your failure to furnish a timely response to a substantiation request letter as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1), and EPA may release the information.

² For more information, please visit the Department of Justice’s guidance at: <https://www.justice.gov/oip/exemption-4-after-supreme-courts-ruling-food-marketing-institute-v-argus-leader-media>

ENCLOSURE C

STATEMENT OF CERTIFICATION

**Artesia and Lovington Refineries
HollyFrontier Navajo Refining LLC
New Mexico**

You are responding to the U.S. Environmental Protection Agency's ("EPA") Information Request, issued pursuant to Section 114 of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations, and the federal consent decree, *United States v. Navajo Refining Company, L.P.*, Case No. CIV-01-1422LH/LCS (D.N.M.) (entered Mar. 5, 2002).

Please sign the certification statement below.

I certify under penalty of law that am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to Section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

Signature

Printed Name

Title

Executed on _____