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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 11, 2008

Mr. Randy Schmaltz  
Environmental Manager  
Western Refining, Bloomfield Refinery  
P.O. Box 159  
Bloomfield, New Mexico 87413

**RE: APPROVAL WITH MODIFICATIONS  
INVESTIGATION WORK PLAN GROUP 2  
WESTERN REFINING SOUTHWEST, INC., BLOOMFIELD REFINERY  
EPA ID# NMD089416416  
HWB-GRCB-07-005**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) has reviewed Western Refining Southwest, Inc., Bloomfield Refinery's (Western) revised *Investigation Work Plan Group 2 (SWMU No. 2 Drum Storage Area North Bone Yard, SWMU No. 8 Inactive Landfill, SWMU No. 9 Landfill Pond, SWMU No. 11 Spray Irrigation Area, and SWMU No. 18 Warehouse Yard)* (Work Plan), dated July 2008. NMED hereby issues this Approval with Modifications. Western must adhere to all modifications and requirements included in the comments below.

**Comment 1**

Western states in Section 5.1 (Drilling Activities) that "[a]ll soil borings will be drilled to a minimum depth of 10 feet with at least one boring at each of the individual potential source areas drilled to the top of saturation, with the exception of SWMU NO. 2 where all soil borings will be drilled to the water table. Soil samples will be collected continuously and logged by a qualified geologist or engineer."

It is not clear if the references to "soil borings" include borings drilled during monitor well

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installations. Therefore, all references to soil sampling that pertain to "soil borings" must apply to the soil borings drilled as part of the installation of monitoring wells.

**Comment 2**

Western states in Section 5.1 (Drilling Activities) that "[s]oil borings will be drilled three feet beneath the deepest evidence of waste materials or other signs of contamination."

In addition to the above, specifically at SWMU No. 8 (Inactive Landfill), Western must drill to a minimum of three feet below the landfill material at each location.

**Comment 3**

Western states in Section 5.2 (Soil Sampling), page 14, that "[d]iscrete soil samples will be collected for laboratory analyses at the following intervals:" and bullet 3 then states "from the 6" interval at the top of saturation (deep borings)."

The term "deep" is vague and could be different at each solid waste management unit (SWMU). Therefore, Western must collect a discrete sample for laboratory analyses from the 6-inch interval at the top of the zone of saturation from all borings advanced to the water table.

**Comment 4**

Western states in Section 5.2.1 (Soil Sample Field Screening and Logging) that "[s]amples obtained from the borings will be screened in the field on 2.5 foot intervals for evidence of contaminants. Field screening results will be recorded on the exploratory boring and excavation logs."

See Comment 1.

**Comment 5**

Western states in Section 5.3.2 (Groundwater Sampling) that "[i]n addition, if any other deep soils borings encounter groundwater, then a groundwater samples will be collected for analysis prior to plugging the boring.

Western must collect groundwater samples for chemical analysis from all borings where groundwater is encountered.

**Comment 6**

Western's response to Comment 14 of NMED's Notice of Disapproval states "[a]s requested. Section 7 has been revised. It provides flexibility for NMED to direct Western to prepare a revised work plan and to collect additional data in order to obtain the objectives of the investigation; however, it is solely in NMED's discretion to request the additional data

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collection. Otherwise, an investigation report will be prepared directly after completion of the data gap analysis pursuant to X.C of the Order.”

NMED does not agree with the revised Section 7.0 (Schedule). NMED approves the schedule as proposed with the exception of the last bullet and last paragraph of Section 7.0 (Schedule) that pertains to the data gap analysis. Western must adhere to the following.

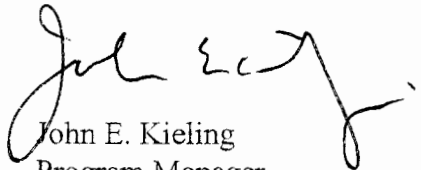
- a. Western states “[i]f so directed by NMED, then Western will prepare and submit a revised investigation work plan to collect the data identified in the data gap analysis.” Western cannot revise an already approved Work Plan. If additional work is necessary that is identified by Western’s data gap analysis, this would indicate the need for a phase II investigation and a Phase II work plan will be required by NMED. The results of the first phase of the investigation must be reviewed by NMED before submitting a work Plan
- b. It is appropriate for the information acquired through the data gap analysis to be summarized in the conclusion and recommendations section of the investigation report.
- c. Western may complete the data gap analysis as described and complete additional work prior to the submittal of the investigation report. The additional work completed would be conducted at risk and NMED may require additional investigation activities upon review of the investigation report. If Western chooses to complete additional work at risk, the work must be completed in accordance with the standards established in the July 27, 2007 Order, and be included in investigation report.

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Western must adhere to all modifications and requirements established in this Approval with Modifications. An investigation report must be submitted to NMED on or before April 30, 2009

If you have any questions regarding this letter, please contact Hope Monzeglio of my staff at (505) 476-6045.

Sincerely,



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

cc: D. Cobrain, NMED HWB  
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