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ENVIRONMENT DEPARTMENT



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 4, 2008

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

**RE: NOTICE OF DISAPPROVAL
INVESTIGATION WORK PLAN GROUP 3
WESTERN REFINING SOUTHWEST, INC., BLOOMFIELD REFINERY
EPA ID# NMD089416416
HWB-GRCB-08-004**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) has reviewed Western Refining Southwest, Inc., Bloomfield Refinery's (Western) *Investigation Work Plan Group 3 (SWMU No. 4 Transportation Terminal Sump, SWMU No. 5 Heat Exchanger Bundle Cleaning Area, AOC No. 22 Product Loading Rack and Crude Receiving Loading Racks, AOC No. 23 Southeast Holding Ponds, AOC No. 24 Tank Areas 41 and 43, AOC No. 25 Auxiliary Warehouse and 90-day Storage Area, and AOC NO. 26 Tank Area 44 and 45 (Work Plan)*, dated June 2008. NMED hereby issues this Notice of Disapproval (NOD) and provides the following comments.

Comment 1

In Section 5.1 (Drilling Activities), page 12, Western states "[a]ll soil borings will be drilled to the water table if possible without potentially causing vertical migration of contamination."

The potential for vertical migration of contamination is negligible because there is no perched water table. No revision is necessary.

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Comment 2

In Section 5.1 (Drilling Activities), page 12, Western states “[i]f contamination is detected at the water table, then the boring will be drilled five feet below the water table or to refusal. Soil borings to be completed as permanent monitoring wells will be drilled to the top of bedrock (Nacimiento Formation) and the anticipated completion depth ranges from 35 to 40 feet. Soil samples will be collected continuously and logged by a qualified geologist or engineer. Slotted (0.01 inch) PVC well screen will be placed at the bottom of the well and will extend for 15 feet to ensure that the entire saturated zone is open to the well. A 10/20 sand filter pack will be installed to two feet over the top of the well screen.”

The monitoring wells must be screened to cross the water table with approximately five feet of screen above the water table and five to ten feet of screen below the water table. This will allow for seasonal fluctuations, detection of separate phase hydrocarbons, and vadose zone monitoring. The wells should encompass a minimum water column of five feet if possible. The Work Plan must be revised to address the well screen lengths as described above.

Comment 3

In Section 5.2 (Soil Sampling), under SWMU No. 5, page 13, Western states “[t]o assess the potential for a release from the sump, which collects the washwater inside the eastern end of the warehouse building, a soil boring has been located just outside the warehouse building in a down-gradient direction from the sump. The soil boring will be completed as a permanent monitoring well (See Section 5.3.2).” In the same Section, page 14 under AOC No. 25, Western states “[a]s discussed above, a soil boring will be installed just outside the 90-day storage area in the down-gradient direction and it will be completed as a permanent monitoring well (Figure 8).”

It is not clear from the above statements if one or two soil borings will be completed as monitoring wells. The first paragraph places the soil boring outside the warehouse building while the second paragraph places the soil boring outside the 90-day storage area. Additionally, the descriptions do not make it clear that the warehouse and 90-day storage area are adjacent to one another. The descriptions read as if two soil borings will be installed, but Figure 8 only shows one boring at SWMU No. 5 and AOC No. 25. Western must revise the above paragraphs to clarify the proposed work.

Comment 4

In Section 5.2 (Soil Sampling), page 13, SWMU No. 5, Western describes the installation of a soil boring to be completed as a monitoring well outside the warehouse building.

Western must revise Figures 2 and 8 to move the proposed soil boring/monitoring well approximately 20 feet west, placing the well further downgradient from the sump in the general direction of groundwater flow.

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Comment 5

In Section 5.2 (Soil Sampling), page 13 and 14, AOC No. 22, Western makes references to the locations of soil borings and surface samples but does not always identify how many soil borings will be advanced or how many surface samples will be collected.

Western must revise this paragraph in the Work Plan to identify the number of surface samples to be collected and the number of soil borings to be drilled.

Comment 6

In Section 5.2 (Soil Sampling), page 14, under AOC No. 24, Western states "AOC No. 24 includes the area where Tanks 41 and 43 are located. These tanks are used to temporarily store crude oil with a high water fraction."

The above quote implies Tanks 41 and 43 are currently in use. Email correspondence dated September 9 and 10, 2008, between the Oil Conservation Division (OCD) and Western indicates that Tank 43 is no longer in service and is scheduled to be demolished. Western must revise the Work Plan to provide the current status of Tank 43 and indicate if the tank will be replaced. If Tank 43 is removed, Western must propose to collect a representative number of discrete samples from the soils beneath the tank to confirm that releases have not occurred. In addition, either in the background section or another appropriate section of the Work Plan, Western must clearly describe the current status of each SWMU and AOC.

Comment 7

Section 5.2 (Soil Sampling), page 14, AOC No. 24 Western states "[t]he boring to the northwest of the heater treater will be completed as a permanent monitoring well if there is any indication of saturation in any of the three soil borings completed in this area."

As written, it is not clear if the boring will only be completed as a monitoring well if there is saturation in any of the three soil borings. It is also not clear if saturation is observed in either of the other two soil borings, then those borings will be converted into monitoring wells. Western must revise the Work Plan to clarify the above statement.

Comment 8

Section 5.2 (Soil Sampling), page 15, AOC No. 25 Western states "[t]he warehouse is currently used to store dry materials and mechanical equipment and as an employee health center, and as such does not present a threat of release to the environment."

Western must revise the above sentence to identify the dry materials stored in the warehouse.

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Comment 9

Western references the collection of surface samples throughout Section 5 (Investigation Methods).

Western does not define the depths at which the surface samples will be collected. Because volatile organic compounds (VOCs) are a concern at this site, the surface samples must be collected from 0-6 inches and one to two feet below ground surface. Western must revise the Work Plan accordingly.

Comment 10

Western must add the analyses of total dissolved solids to the general chemistry parameters found in Section 5.8 (Chemical Analyses), page 24. Western must also state, in Section 5.8, that diesel range organics (DRO) will be analyzed for the extended carbon range.

Comment 11

In Section 7 (Schedule), page 27, Western states “[c]ompletion of the data gap analysis will complete all activities conducted under this investigation workplan. If the data gap analysis indicates that additional investigation activities are necessary to satisfy the site investigation objectives, then Western may notify the NMED of the need to conduct additional assessment at the conclusion of the data gap analysis. If such notification is provided to NMED, any and all relevant information collected by Western will be provided to NMED, which pertains to the determination that additional assessment is required. If so directed by NMED, then Western will prepare and submit a revised investigation workplan to collect the data identified in the data gap analysis. This revised investigation workplan will be submitted to the NMED for review and approval within 60 days of notice to proceed. Otherwise, Western will prepare an investigation report pursuant to Section X.C of the Order. The investigation report will be submitted to the NMED within 120 days of completion of the data gap analysis.” NMED has the following comments:

- 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 by NMED. If additional work is necessary that is identified by Western’s data gap analysis, then a Phase II work plan will be required by NMED, upon review of the results of the first phase of the investigation. Western must remove this sentence from Section 7 of the Work Plan.
- b. Western may provide the information acquired through the data gap analysis in 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

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completed would be conducted at risk; 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.

- d. NMED will not approve the information pertaining to the "data gap analysis" in Section 7.0 as currently stated in the Report.

Comment 12

In Figure 2 of the Work Plan, Western provides proposed surface sampling and soil boring locations, monitoring well locations, and previous sampling locations referenced within the Work Plan. It is difficult to identify many of these locations (e.g., Soil borings B-1 through B-4 are difficult to locate within the figure).

Western must revise Figure 2 to clearly identify the proposed surface sampling, soil boring and monitoring well locations, as well as historical locations referenced within the Work Plan. In addition, Western must identify the purpose of the blue arrows included in Figure 2.

Comment 13

In Figures 8 and 9, Western provides the sample and monitoring well locations on aerial photographs, but none of the SWMU's and AOCs are identified or labeled.

Western must revise Figures 8 and 9 to identify and label the locations of the SWMUs and AOCs.

Comment 14

Western must revise the Work Plan to add additional figures (site plans-11x17) for each individual SWMU and AOC. Each figure must provide sufficient detail to clearly identify features such as catch basins, piping, sumps, surface and subsurface features. For example, the description provided for AOC No. 22 states "[a]t each loading rack, the trucks are parked on a concrete pad that drains to a single sump." The figure provided for AOC No. 22 must clearly identify the concrete pad and drainages to the sump, as well as the sump.

Comment 15

Western must revise the sampling section of the Work Plan to propose and include headspace vapor monitoring details for percent carbon dioxide and oxygen above the water table in all newly installed monitoring wells.

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Comment 16

Western provided photographs in Appendix A of the Work Plan, but they do not provide any directional reference. In the future, if photographs are provided, the description should include the direction the photograph was taken (e.g., SWMU #2 facing east). No revision is necessary.

Western must address all comments contained in this NOD and submit a revised Work Plan to NMED on or before February 2, 2009. The revised Work Plan must be submitted with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. In addition, an electronic version of the revised work plan must be submitted that identifies where all changes made in red-line strikeout format.

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
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W. Price, OCD
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File: GRCB 2008 and Reading
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