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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 9, 2010

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

**RE: NOTICE OF DISAPPROVAL
INVESTIGATION WORK PLAN GROUP 5
WESTERN REFINING SOUTHWEST INC., BLOOMFIELD REFINERY
EPA ID# NMD089416416
HWB-GRCB-09-005**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) has received Western Refining Southwest, Inc., Bloomfield Refinery (Western) *Investigation Work Plan Group 5 (SWMU No. 15 Tank Farm Area)* (Work Plan) dated June 2009, and NMED hereby issues this Notice of Disapproval (NOD). Western must address the following comments.

Comment 1

Western submitted a letter dated May 26, 2010 proposing changes to the Group 5 Work Plan. The changes address sampling depths, collection of QA/QC samples, and the location for an additional monitoring well. NMED hereby approves the changes as proposed. All changes addressed in the May 26, 2010 letter must be included in the revised Work Plan.

Comment 2

In Section 2 (Background), page 2-1 and 2-2, Western lists each tank and its contents. Since this Work Plan was submitted, the refinery is no longer operating and the contents of tanks that are still in use may have changed. Western must revise the tank list and the contents as applicable in

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the revised Work Plan.

Comment 3

In Section 3.1 (Surface Conditions), page 3-1, Western states “[n]orth of the refinery, surface water flows in a southeasterly direction toward the San Juan River.”

Western clarified this statement in their response to NMED’s September 3, 2010 Notice of Disapproval for the Group 4 Investigation Work Plan. In the revised Work Plan, Western must revise this statement to match the response to the Group 4 Investigation Work Plan.

Comment 4

Western discusses surface and subsurface conditions in Sections 3.1 and 3.2, but does not include the specific surface and subsurface conditions of Solid Waste Management Unit (SWMU) 15 (Tank Farm Area). Western must revise the above Sections to incorporate SWMU 15. Reference NMED’s September 3, 2009 NOD Group 4 Investigation Work Plan, Comment 10.

Comment 5

In Section 5.2 (Soil Sampling), page 5-2, Western states “[s]ince there is the potential for constituents to have been released to soils at known locations at SWMU No. 15, a judgmental sampling design is appropriate. Examples of these areas are documented spills that accumulated in low areas within tank dikes and areas with previous subsurface soil vapor samples (see discussion in Section 2) indicating the presence of petroleum hydrocarbons. Six soil borings are proposed for locations that have documented spills from individual tanks (Tanks 18, 19, 26, the former location of Tank 22, and the roof drain collection area between Tanks 11 and 12) and the location with the highest subsurface soil vapor concentrations at Tank 27 (Figure 9).”

The roof drain collection system between Tanks 11 and 12 is not discussed in Section 2 or in any other section in the Work Plan. Western must revise the Work Plan to provide a description of the roof drain collection system between Tanks 11 and 12.

Comment 6

In Section 5.2 (Soil Sampling), page 5-2, the Permittee states “[t]hirty four surface samples (0-6” and 18-24”) will be collected at 17 other potential areas of concern (e.g., low areas within the tank dikes where historical undocumented spilled materials would have collected) as shown on Figure 9.” Western states in the following paragraph that “[t]he 17 surface soil sample locations will terminate at a depth of 24 [inches], unless Western elects to extend the sampling deeper based on field screening results.”

NMED approves the changes proposed in the May 26, 2010 letter regarding this section. Soil samples collected from the 17 sample locations will terminate at a depth of 24 to 36 inches if completed by hand auger or at a depth of six feet at locations installed with a drill rig, unless

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extended based on field screening. Western must revise the Work Plan accordingly.

Comment 7

In Section 5.3.2 (Groundwater and Vadose Zone Vapor Sampling), page 5-4. Western states “[i]n addition, if any of the other six soil borings encounter groundwater, then a groundwater sample will be collected for analysis prior to plugging the boring.” If groundwater is encountered in any of the borings, a groundwater sample must be collected for analysis prior to plugging the boring. Western must revise the Work Plan to include this revision.

Comment 8

Western proposed to install an additional monitoring well in the May 26, 2010 letter referenced in Comment 1. Western must revise the Work Plan to incorporate the installation of the additional monitoring well.

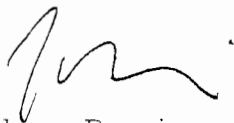
Comment 9

Western included historical groundwater analyses in Table 2. The text in the Table is small and difficult to read. In the revised Work Plan, Western must revise this table to be legible. This applies to all future submittals.

Western must address all comments contained in this NOD and submit a revised Work Plan to NMED on or before July 19, 2010. 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 have been made in redline strikeout format.

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

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
C. Chavez, OCD
A. Hains, Western
File: HWB-GRCB-09-005 and Reading 2010