



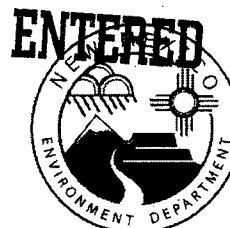
SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 30, 2011

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

**RE: APPROVAL WITH MODIFICATIONS
INVESTIGATION WORK PLAN FOR DETERMINATION OF
BACKGROUND CONCENTRATIONS
WESTERN REFINING SOUTHWEST, INC., BLOOMFIELD REFINERY
EPA ID # NMD089416416
WRB-10-006**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) has reviewed Western Refining Southwest, Inc., Bloomfield Refinery (Western) revised *Investigation Work Plan Background Concentrations* (Work Plan) dated February 2011. NMED hereby issues this Approval with the following modifications.

Comments 1-3 address the Comment/Response to NMED's November 19, 2010 Notice of Disapproval (NOD); the comment numbers correlate with the NOD.

1. Comment/Response 3:

In the response to Comment 3, Western explains that the two depth intervals that will be sampled (0-6 inches below ground surface [bgs] and 18-24 inches bgs) are representative of deeper soils due to similar lithology throughout the vadose zone.

If Western encounters differences in the subsurface lithology during the site investigation for which the established background data set is not appropriate, additional background samples representative of the new lithology must be collected and the background data set expanded to include these data.

2. Comment/Response 6:

This comment addressed the size of the background sample location area. This comment was discussed in a conference call on March 9, 2011 between NMED and Western. Western has expanded the background samples location area and submitted replacement Figures 2 and 9.

3. Comment/Response 14:

In the response to Comment 14, Western indicates that multiple groundwater samples will be collected from each background monitoring well over sufficient time to avoid auto correlated, non-independent data; however, the specific sampling events and frequencies were not specified.

After well development and initial groundwater sample collection from the two background wells, Western must collect groundwater samples on a quarterly basis for two years. The samples must be analyzed for the constituents proposed in the Work Plan. Upon the collection of two years of data, Western may then contact NMED to modify the sampling frequency. The background groundwater calculations and values must be submitted to NMED after collection of two years of data in a groundwater background report no later than December 1, 2013.

Additional Comments 4-6

4. Section 4.3.4 (Ground Water Sample Collection, page 4-5):

Western's Statement: "[g]round water samples intended for metals analysis will be submitted to the laboratory for both total and dissolved metals analyses as specified in Section 6.8."

NMED Comment: Reference to Section 6.8 appears to be in error and should likely reference Section 4.8. Western must correct this discrepancy and submit a replacement page(s).

5. Appendix A (Investigation Derived Waste (IDW) Management Plan), paragraph 3:

Western's Statement: "[d]rill cuttings generated during installation of soil borings and monitoring wells are not anticipated to be contaminated and will be spread on the land surface following customary water well drilling practices. If there is any indication of contamination (e.g., odors, elevated organic vapor monitoring readings, stained soil, presence of potential waste materials, etc.), then the cuttings will be placed directly into 55-gallon drums and staged in the satellite accumulation area pending results of the waste characterization sampling."

NMED Comment: Drill cuttings cannot be spread on the land surface solely on visual observation and organic vapor monitoring readings. The drill cuttings cannot be spread on the land surface until the cuttings have been properly characterized. This can be accomplished by analyzing the five foot depth and top of saturation samples for gasoline range organics (GRO) and diesel range organics (DRO). If GRO and DRO are not present in the drill cuttings, the soils may be spread on the land surface. The drill cuttings can be temporarily placed in 55-gallon drums or stockpiled onsite and covered with plastic sheeting until the soils have been properly characterized.

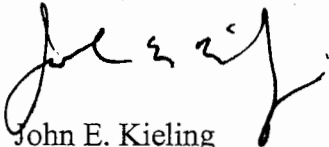
6. Statistics:

The Work Plan does not address how the data will be utilized once the soil and groundwater sampling results are obtained. For example, what statistics will be calculated and used as background metals concentrations and how will outliers and non-detects be handled. NMED recommends calculation of an upper tolerance limit (UTL) for background for comparison to the site maximum detected concentration, site attribution analyses, and/or geochemical plots and use of the Environmental Protection Agency's (EPA) ProUCL program. Western must adhere to the statistical requirements of Section VIII.H of the July, 27, 2007 Order and the suggested methods identified above.

Western must adhere to all modifications outlined in this Approval. Western must submit the required replacement pages to NMED on or before **May 3, 2011**. The Background Investigation Report must be submitted to NMED on or before **January 31, 2012**. The groundwater background report must be submitted to NMED no later than **December 1, 2013**.

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

Sincerely,



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

JEK:hp

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
H. Petrie, NMED HWB
C. Chavez, OCD
A. Hains, Western
File: WRB-10-006 and Reading 2011