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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 17, 2016

Mr. Randy Schmaltz
Health, Safety, Environmental, and
Regulatory Director
Western Refining, Southwest, Inc.
Bloomfield Terminal
P.O. Box 159
Bloomfield, New Mexico 87413

**RE: RESPONSE TO CORRECTIVE ACTION REPORT
WESTERN REFINING SOUTHWEST INC., BLOOMFIELD REFINERY
EPA ID# NMD089416416
HWB-WRB-MISC**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) has received Western Refining Southwest, Inc., Bloomfield Refinery's (Western) *Corrective Action Report* (Report) received April 8, 2016. NMED has reviewed the Report and hereby issues the following comments.

Comment 1

In the section titled *Corrective Actions*, Western states "5-point composite samples were collected to characterize the North, South, East, West excavation walls. In addition, two 5-point composite samples were collected from the excavation base, one sample collected at the bottom of the deepest excavation base." Composite samples are not appropriate for confirmation sampling. Discrete samples must be collected for all future soil confirmation sampling. In addition, it is not clear where the samples were collected and at what depths because a figure was not provided and the sample locations were not described in the Report. Provide a figure with the sample locations and indicate the depths where the samples were collected in the response

letter. For all future Reports, soil sample locations and depths, where appropriate, must be clearly defined and a figure must be provided depicting the sample locations.

Comment 2

In the section titled *Waste Characterization*, Western provides the analytical methods used to characterize the excavated soils for disposal. However, Western did not provide copies of the waste manifest(s) with the Report. In addition, it is helpful to include the waste characterization analytical results in a table comparing them to the appropriate screening levels. Provide copies of the waste manifest(s) and generate a table (Analytical Summary of Waste Characterization Sample Results) that summarizes the waste characterization analytical results and compare them to the appropriate screening levels. Include the waste manifest(s) and additional table with the response letter.

Comment 3

In the section titled *Recommendations*, Western states that the New Mexico Oil Conservation Division's (OCD) *Guidelines for Remediation of Leaks, Spills, and Releases* (dated August 13, 1993) cleanup levels were utilized to evaluate the soil confirmation and waste characterization samples analytical results. NMED requires the use of the most recent construction worker soil screening levels (SSLs) from NMED's *Risk Assessment Guidance for Site Investigations and Remediation* because NMED's SSLs are more current than the screening levels in OCD's guidance document. In addition, utilizing NMED's SSLs will better characterize the contaminants detected in the soil confirmation and waste characterization samples because the cleanup levels provided in OCD's guidance document did not provide screening levels for a majority of the constituents analyzed by Western. It is expected that construction and excavation activities at the terminal will expose the workers to impacted soil; therefore, future soil confirmation samples that result from a leak, spill or release must be compared to NMED's construction worker SSLs because the terminal is still active and the tanks are still in use.

Comment 4

In the section titled *Recommendations*, Western requested "permission to backfill the excavation area to match [the] existing grade." Western states that "this is an active investigation area under the NMED-HWB Consent Order dated July 27, 2007, and therefore Western is requesting the remaining corrective actions for this area be covered under the direction of the 2007 Consent Order." NMED concurs with Western and sent an e-mail response on May 2, 2016 to Ms. Kelly Robinson to allow Western to backfill the excavation. In addition, NMED also concurs that corrective action activities at this site may be deferred until this area is no longer in use or otherwise accessible.

Comment 5

Diagram #2 is an aerial photo depicting the approximate location and excavation boundary at the site near Tanks 41, 42a, 42b, and 43. Diagrams 3 and 4 are field note diagrams depicting the

excavation boundary and photoionization detector (PID) readings at the corresponding excavation depths for the March 14 and 16, 2016 excavation events. Below are comments regarding Diagrams #2, 3, and 4:

- a. It appears that the excavation boundary in Diagram #2 may be a different shape than the boundary depicted in Diagrams 3 and 4. Provide an explanation or clearer Diagrams 3 and 4 to show that all three diagrams have the same excavation boundary.
- b. Diagrams 3 and 4 depict PID readings with the corresponding depths at several locations on the excavation boundary. However, Western circled 4 locations on each of the diagrams and did not explain why. In addition, there is a location with an "X" with a circle around it that is not explained. Explain why certain PID readings were circled in the response letter. For all future submittals, all figures with symbols must have a key to define the symbols.

Comment 6

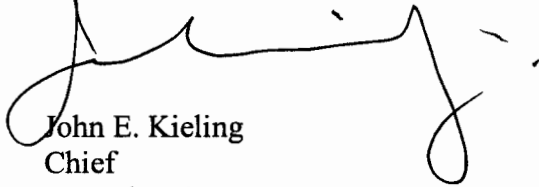
In Table 1 (Analytical Summary of Confirmation Sample Results), Western summarizes the analytical results for the soil confirmation samples and compares them to OCD Clean up Levels. As stated in Comment 3, NMED requires comparing the soil confirmation analytical results to the construction worker SSLs for all future leaks, spills or releases. Provide a revised Table 1 comparing the soil confirmation analytical results to the construction worker SSLs. In addition, there appears to be analytical results reported as detections in bold face print while others are not highlighted. Provide a footnote to explain the bold print analytical results in the revised table submitted with the response letter.

R. Schmaltz
May 17, 2016
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Western must address the comments from this response and provide the information required, along with a response letter to NMED by **August 5, 2016**.

If you have any questions regarding this letter, please contact Leona Tsinnajinnie of my staff at (505) 476-6057.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
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