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RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 22, 2008

Mr. Ed Riege  
Environmental Superintendent  
Western Refining, Gallup Refinery  
Route 3, Box 7  
Gallup, New Mexico 87301

**RE: NOTICE OF DISAPPROVAL  
RAILROAD RACK LAGOON FAN-OUT AREA  
EXCAVATION WORK PLAN  
WESTERN REFINING SOUTHWEST, INC. GALLUP REFINERY  
EPA ID #: NMD000333211  
HWB-GRCC-07-002**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has reviewed Western Refining Southwest, Inc. Gallup Refinery's (the Permittee) *Railroad Rack Lagoon Fan-out Area Excavation Work Plan* (Excavation Plan), dated May 2, 2008 and hereby issues this Notice of Disapproval (NOD). NMED has the following comments.

**Comment 1**

In the third paragraph of the Permittee's cover letter dated May 12, 2008, the Permittee states "[f]or example, in areas in which the sampled materials had no detectable levels of contaminants at 3 feet, we plan to excavate to depths of 5 feet. Similarly in the few areas at which there is contamination at greater depths, we plan to excavate to far greater depths than which we found no detectable levels of contaminants. Similarly, you will notice that at point L1 we found no detectable levels of contamination; yet, on a conservative basis, we plan to excavate an areal extent far more extensive than the clean point L1 would indicate."

Mr. Riege  
Western Refining Gallup Refinery  
July 22, 2008  
Page 2

Location L-1 was not found in Figure 1. The Permittee must revise the Excavation Plan to cite the correct reference or submit a revised Figure 1 to identify the location of point L1.

**Comment 2**

In the "Completed Field Work" Section of the Excavation Plan, the Permittee references test pit location B-9; however, this location is not found in Figure 1. The Permittee must provide an additional figure to the Excavation Plan that identifies all the original soil boring locations as identified in Attachment 1 of NMED's September 19, 2006 *Approval with Modifications Work Plan for Investigation of the Overflow Ditch and Fan-Out of Area Railroad Rack Lagoon, SWMU #8*.

**Comment 3**

The Permittee states in the Excavation Plan on page one, paragraph 3, that soil sampled at location B-9 was below the diesel range organics (DRO) clean-up standard of 890 mg/kg. This conflicts with information provided in the October 2, 2007 letter from Trihydro to Jim Lieb which states that the center sample of the excavation at B-9 at three feet (ft) below ground surface (bgs) exceeded the DRO clean-up standard of 890 mg/kg. A hand auger was then used to collect an additional center sample at B-9 at five ft and detected DRO concentrations were below 890 mg/kg.

It is not clear if the contaminated soil detected at B-9 from the three foot to five foot interval has been removed. The Permittee must revise the Excavation Plan to clarify this discrepancy and explain if the contaminated soil at B-9 at the three ft to five ft depth interval has been removed. If the contamination at B-9 has not been removed, the Excavation Plan must address removal of the contaminated soil.

**Comment 4**

From review of the Excavation Plan and Figure 1, the Permittee has not delineated the contamination in the vicinity of location B-8 to the southwest, approximately six feet directly west of borehole M, in the outflow ditch between sample locations B-8 and B-9. Because soil at locations B-8 and possibly B-9 contain DRO concentrations above 890 mg/kg, it is likely that similar contamination is present in soils in the overflow ditch between B-8 and B-9.

The Permittee must revise the Excavation Plan to propose additional sampling and analyses of soils located between B-8 and B-9. A figure must be provided depicting the proposed sampling locations. This location will also satisfy the need for step-out sampling directly west of borehole M. Depending on the sample analytical results, additional excavation may be needed in the vicinity of between B-8 and B-9.

Mr. Riege  
Western Refining Gallup Refinery  
July 22, 2008  
Page 3

**Comment 5**

The Excavation Plan does not address confirmation of the complete removal of soils containing DRO concentrations greater than the applicable screening level. The Permittee must revise the Excavation Plan to discuss confirmation sampling and include a figure depicting the proposed frequency of collection of confirmation samples. The Permittee must also list what chemical analyses will be performed on the confirmation samples.

**Comment 6**

On page three and four of the Excavation Plan, the Permittee states that the excavated soil will be disposed of in Gallup's Northeast Oil Conservation Division (OCD) Land Farm. The Permittee must obtain permission from OCD prior to disposing the soil in the Landfarm. Both NMED and OCD must be informed of the final soil disposal location. The Permittee must revise the Excavation Plan to state that the Permittee will obtain approval from OCD prior to disposing of the excavated soil in the OCD Landfarm.

**Comment 7**

As a general comment, NMED recommends the Permittee wait until the results of confirmation sample analyses indicate the DRO contamination is below 890 mg/kg before backfilling the remedial excavation.

Mr. Riege  
Western Refining Gallup Refinery  
July 22, 2008  
Page 4

The Permittee must address all comments contained in this NOD and submit a revised Excavation Plan. The revised Excavation Plan must be accompanied with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. The Permittee must also submit an electronic copy of the Revised Excavation Plan with all edits and modifications shown in redline-strikeout format. The revised Excavation Plan is due to NMED on or before September 22, 2008.

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: D. Cobrain, NMED HWB  
H. Monzeglio, NMED HWB  
W. Price, OCD  
G. Ragen, GRCC  
File: GRCC 2008 and Reading  
HWB-GRCC-07-002