



BILL RICHARDSON
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Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT **ENTERED**

Hazardous Waste Bureau

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 11, 2009

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

Beck Larsen
Environmental Engineer
Western Refining, Southwest Inc.,
Gallup Refinery
Route 3 Box 7
Gallup, New Mexico 87301

**SUBJECT: REQUEST FOR CONTAINED-IN DETERMINATION
REGARDING CONTAMINATED SOIL REMOVED
FROM THE JUNE 10, 2009 API OVERFLOW
WESTERN REFINING, SOUTHWEST INC., GALLUP REFINERY
EPA ID NO. NMD000333211
HWB-GRCC-MISC**

Dear Messrs Riege and Larsen:

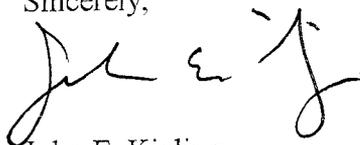
The New Mexico Environment Department (NMED) has received Western Refining Southwest Inc., Gallup Refinery's (the Permittee) letter titled *Request For "Contained-In" Determination For Petroleum Contaminated Soils Resulting From API Separator Overflow On June 10, 2009*, dated June 22, 2009. The Permittee is requesting a "contained-in" determination for petroleum contaminated soils excavated in the vicinity of the API separator. The contaminated soil was generated in an overflow at the API separator; therefore, the excavated soil is potentially characteristic for Benzene (D018) and carries the hazardous waste listings for K051 API separator sludge, and F037/F038 primary and secondary oil/water/separation sludge.

Mr. Ed Riege
Gallup Refinery
August 11, 2009
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Refinery representatives collected one composite sample from the excavated soil for characterization purposes. NMED cannot make a determination based on one composite sample. The Permittee must collect two undisturbed discrete soil samples from at least 0.5 foot beneath the surface of the stockpiled soil from the most apparently contaminated soils. The discrete soil samples must be collected using a Shelby tube/Encore Sampler or other comparable device to minimize the loss of volatiles. The discrete soil samples must be analyzed for TCLP volatiles, flashpoint, and gasoline range organics (GRO) using EPA Method 8015 modified. Upon receipt of the analytical data, NMED will then make a determination as to the status of the excavated soils. In addition, the Permittee must explain to NMED how the composite sample was collected. Depending on how the composite sample was collected, additional sampling may be required. An explanation of the composite sampling and the proposed sampling must be submitted to NMED on or before August 21, 2009. Emailed correspondence is acceptable in this case.

If you have questions please contact Hope Monzeglio of my staff at 505-428-2545.

Sincerely,



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

cc: D. Cobrain, NMED HWB
H. Monzeglio, NMED HWB
C. Chavez, NMEMNRD OCD
File: Reading GRCC 2009
GRCC-MISC