



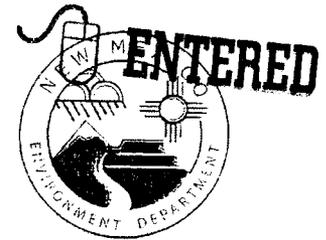
BILL RICHARDSON
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NEW MEXICO
ENVIRONMENT DEPARTMENT

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RON CURRY
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 4, 2010

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

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

**RE: NOTICE OF DISAPPROVAL
CLEAN UP STATUS FOR API SEPARATOR OVERFLOWS
(SEPTEMBER 5, 2009 & DECEMBER 8, 2010)
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 reviewed Western Refining Southwest Inc., Gallup Refinery's (the Permittee) *Cleanup Status for Western Refining (Gallup Refinery) for API Overflow on September 5, 2009 and API Overflow on December 8, 2009* (Report) dated January 25, 2010, and NMED hereby issues this Notice of Disapproval (NOD).

Comment 1

On page 4, item d, the Permittee states "[t]he sampler excavated potentially contaminated soil at the locations as designated on the sampling plan to a maximum depth of 6 inches. The sample[r] followed proper decontamination procedures between all fourteen sample points in order to minimize any cross contamination. The samples were collected in an 8 oz jar for shipment to Hall Environmental laboratory."

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The Permittee must describe in detail the sampling collection methods and procedures that were used to collect the confirmation samples (e.g., how were the samples collected, were they discrete or composite samples, how were any composite samples collected, what equipment was used (shovel, encore sampler) to collect the samples). The Permittee must also describe the decontamination process of the sampling equipment (e.g., equipment was cleaned in a non phosphate solution followed by a rinse using deionized water).

Comment 2

On page 5, the Permittee states "Gallup is proceeding to excavate contaminated soil based on the analysis received from Hall Environmental Laboratories." The Permittee must provide a schedule for when the additional sampling and clean up activities will be conducted and be completed.

Comment 3

The Permittee must address the following regarding the "Confirmation Samples" figure that identifies the areas requiring additional excavation and confirmation sampling.

- a. The figure shows two hatched areas: the blue hatch identifies the "Area of Possible Contamination" and the red hatch identifies that the "Area is Contaminated." The Report indicates that the red hatched area is where additional excavation and confirmation sampling will occur. The Permittee must explain the difference between the red and blue hatched areas, and specifically why the "Area of Possible Contamination" does not require additional sampling.
- b. The area west of the Baker Tank is hatched, red indicating that additional excavation and confirmation sampling will occur; however, there are two small areas within the red hatch that are blue (the west edge of the excavation and the southwest corner edge of the excavation), an area which indicates no further sampling will be conducted. It is not clear how the Permittee determined that these "blue" areas do not need additional excavation and sampling. Additionally, it is unclear how the Permittee determined the areas north and south of sample location API-W-6 do not need additional excavation. The Permittee must explain how the borders between the "Area of Possible Contamination" and the "Area is Contaminated" were determined.
- c. Additional sampling is necessary to define the horizontal and the vertical extent of contamination in areas where contaminants are still present. The Permittee must revise the Confirmation Sampling figure to address items a and b and propose additional sampling. The Permittee must be able to demonstrate that cleanup of contamination surrounding the API separator and Baker Tank has been completed.

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Comment 4

In NMED's September 15, 2009 letter regarding the *Formal Report Submittal to the September 5, 2009 API Separator Overflow*, NMED directed the Permittee to provide steps that would be implemented to ensure overflows to the API separator do not continue to occur. On page 5 of the Report, the Permittee states "[b]oth the API overflows were the direct result of inclement weather conditions that were beyond the control of the Refinery. Gallup is in the design phase of a new "Stormwater Diversion Project" in order to eliminate overflows from the new API due to unexpected or inundated stormwater discharges. This project will be composed of two (2) Stormwater Diversion Tanks (T-27 and T-28) and an additional diversionary tank. This new system will connect directly into the current stormwater system. A new twenty-four inch (24") pipe will connect the old system to the Stormwater Diversion Tanks (T-27 and T-28). The stormwater will be pumped from the diversion tanks (T-27 and T-28) to the new API."

The overflows were a direct result of weather, which cannot be controlled by the Permittee; however, the Permittee can control how the overflows are handled so that the wastewater will not flow to the ground surface. The Stormwater Diversion Project is not yet installed. Until it is, the API separator must prevent releases from the API separator to the ground surface. The Permittee must propose an interim measure in accordance with Section IV.B.6 (Interim Measures (IM)) of the Post-Closure Care Permit that will control and prevent all overflows from the API separator to the ground surface until the Stormwater Diversion Project is installed and operational. The Interim Measures Work Plan is due to NMED on or before April 19, 2010.

Comment 5

The following comments address the "Hall Environmental Laboratory Data Summary" Table (Table).

- a. NMED updated their Soil Screening Levels (NMED SSLs), (December 2009). The updated NMED SSLs must be applied to all future comparisons. The changes in the December 2009 version of the NMED SSLs do not affect the information provided in this table with the exception of xylenes, for which the reported detection is below the NM SSL industrial value of 3,610 mg/kg. No revision to the Table is necessary.
- b. In the Table, the Permittee presents the chromium III value of 100,000 mg/kg. In the future, the Permittee must apply the chromium VI value unless chromium has been speciated or the Permittee can otherwise demonstrate the chromium present in the sample is chromium III. No revision is necessary as the chromium detections are below the industrial chromium VI value.
- c. The benzene standard in the table states "258 mg/kg." The standard in the NMED SSLs June 2006 is 25.8 mg/kg. No revision to the Table is necessary since the

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benzene detections are below the NMED SSLs December 2009 industrial standard of 85.4 mg/kg.

- d. The "DRO" row under the brown shaded column titled "CLEANUP STATUS" states "ok," indicating no additional cleanup is necessary. However, listed detections exceed the cleanup standard and additional cleanup activities are required. No revision is necessary as the locations that have detections above the cleanup standard are designated as requiring additional cleanup in the Report. The Permittee must ensure the text, tables, and figures are consistent with one another. No revisions are necessary.
- e. According to the laboratory reports, gasoline range organics (GRO) were not detected at the following sample locations: API-N-1, API-E-2, API-S-4, API-W-5, API-W-6, CHN-C-10, CHN-C-11, NBT-W-12, NBT-E-14; however, the Table includes detections for these locations. The detections provided in the Table are the PQL values found in the laboratory reports. Since there were no detections, no revision is necessary. In the future, the Permittee must ensure the tables are consistent with the laboratory reports.

The Permittee must address all comments requiring a response, and submit a response to NMED on or before April 19, 2010. The Interim Measures Work Plan (Comment 4) is also due April 19, 2010.

If you have questions please contact Kristen Van Horn at 505-476-6046.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
H. Monzeglio, NMED HWB
K. Van Horn, NMED HWB
C. Chavez, NMEMNRD OCD
File: Reading File and WRG 2010