



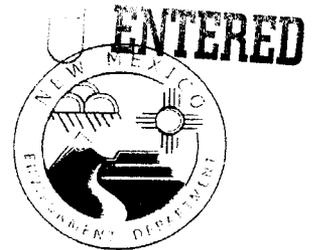
BILL RICHARDSON
Governor

DIANE DENISH
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



RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 24, 2010

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

**RE: EXCEEDANCE OF BENZENE IN EFFLUENT WASTEWATER
WESTERN REFINING COMPANY, SOUTHWEST, INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-GRCC-09-005**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has received Western Refining Southwest Inc., Gallup Refinery's (the Permittee) effluent wastewater data results for March 12, and March 15, 2010 via email on March 22, 2010. The Permittee is required to submit sampling results for the discharge effluent into the aeration lagoons per NMED's December 16, 2009 letter *Approval with Modifications Interim Measures Work Plan to Comply with RCRA Standards for Discharge of Wastewater to Surface Impoundments*. The laboratory results for the March 15, 2010 sampling event show that effluent from the combined benzene stripper (BZ-1/BZ-2 effluent) was 0.66 mg/L which exceeds the 0.5 mg/L toxicity characteristic discharge limit for benzene.

In NMED's December 16, 2009 letter, Table 2, Period 3, states, "[i]f any of the effluent wastewater samples collected from the inlet of AL-1 during "Period 2" of [implementation of] the Work Plan meet or exceed the discharge limit at or above 0.5 mg/l for benzene, beginning on day 121, the Permittee must implement the sampling requirements established in NMED's August 27, 2009 letter (*Interim Measures Work Plan Requirements*, Attached)." Since the Permittee exceeded the discharge limit, the additional action required by the August 27, 2009 must be implemented. Therefore, beginning in Period 3, day 121 (**April 16, 2010**), the Permittee must collect *daily* effluent samples of wastewater entering AL-1 and AL-2 for analyses of

Ed Riege
Gallup Refinery
March 24, 2010
Page 2

benzene, toluene, ethylbenzene, and xylenes (BTEX). The effluent wastewater samples must be submitted to a certified off-site laboratory and analyzed using EPA Method 8021B or EPA Method 8260. The analytical results for each sample must be submitted to NMED within four days of collection. The laboratory results may be forwarded to NMED by e-mail or sent in hard copy. The daily effluent wastewater samples must be collected until NMED is satisfied that the Permittee is consistently achieving the discharge limit of 0.5 mg/L. Based on the sampling results, NMED will adjust the frequency of sampling. Additionally, the Permittee must measure discharge flow rates entering AL-1 and entering Evaporation Pond 1 (EP-1) on a daily basis. The daily discharge flow rates must be submitted to NMED every Friday beginning on day 121 (**April 16, 2010**). E-mail reporting of this data is acceptable.

If the Permittee is unable to achieve the discharge limits, they are subject to the stipulated penalties as defined in Section V. (Civil Penalty and Terms of Settlement), of the Environmental Protection Agency's Compliant and Consent Agreement and Final Order.

The reporting of the first daily sampling event must be submitted to NMED no later than April 20, 2010. If you have questions regarding this letter please contact Kristen Van Horn of my staff at 505-476-6046.

Sincerely,



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

cc: D. Cobrain NMED HWB
H. Monzeglio NMED HWB
K. Van Horn NMED HWB
D. McElroy, NMED AQB
C. Chavez, OCD
A. Allen, Western Refining Southwest, Inc.
D. Edelstein, EPA Region 6
J. Dougherty, EPA Region 6
File: Reading File and WRG 2010 File
HWB-GRCC-09-005