



BILL RICHARDSON  
Governor

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Lieutenant Governor

GRCC  
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](http://www.nmenv.state.nm.us)



ENTERED



RON CURRY  
Secretary

SARAH COTTRELL  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 7, 2010

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

**RE: THIRD NOTICE OF DISAPPROVAL  
FACILITY WIDE GROUNDWATER MONITORING WORK PLAN  
WESTERN REFINING COMPANY SOUTHWEST, INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-GRCC-09-001**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has completed its review of the revised *Facility Wide Groundwater Monitoring Work Plan* (Work Plan), dated May 2010, submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (Permittee) and hereby issues this third Notice of Disapproval (NOD). The Permittee must address the following comments.

**Comment 1**

The Permittee requests to submit additional information requested by NMED in the April 1, 2010 *Second Notice of Disapproval Facility Wide Groundwater Monitoring Work Plan* (Second NOD) by June 30, 2010. The additional information must be submitted as part of the revised Work Plan.

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### **Comment 2**

The Permittee to submit larger scale maps of Figure 3 and Figure 5 as required by NMED's April 1, 2010 Second NOD, Comment 5. The Permittee must submit larger scale maps (11x17) so that the text is legible and the figures are discernable as representative of the fold out maps provided.

### **Comment 3**

In Section 2.4 (Summary of Containment Releases that Could Contribute to Groundwater Contamination) on page 17, the Permittee discusses spills and leaks that are known to have occurred on the facility at various locations and the wells used to monitor some of these known releases are monitored. However, the Permittee does not name specific wells and only states (for example) that there are "up-gradient and down-gradient shallow monitoring wells" around the sites. The Permittee must revise the Work Plan to be well-specific and name all of the wells by their designations.

### **Comment 4**

The Permittee failed to make changes to Figure 5 (Map of Groundwater Flow) as required by NMED's April 1, 2010 Second NOD, Comment 6. In the Work Plan, the Permittee states "[f]igure 5 provides a corrected map of groundwater flow in the vicinity of the facility." This is not the case, because Figure 5 is the same as it was in the previous versions of the Work Plan. The Permittee must make the changes required by Comment 6 of the Second NOD.

### **Comment 5**

In Section 4.1 (Groundwater Sampling Methodology), the Permittee states that "Appendix C provides details of wells to be sampled – including their date of establishment, ground elevation, top of casing elevation, well casing stick-up length, well depth, well casing diameter, screened interval, screen length, and stratigraphic units." However, Appendix C does not contain this information as required by the April 1, 2010 Second NOD, Comment 7. The Permittee must provide this data in the revised Work Plan.

### **Comment 6**

The Permittee must add new wells OW-50 and OW-52 to Table 1 (Groundwater Monitoring Schedule). The new wells must be sampled quarterly for volatile organic compounds (VOCs) – EPA Method 8260, semi-volatile organic compounds (SVOCs) – EPA Method 8270, Water Quality Control Commission (WQCC) metals (totals and dissolved), gasoline range organics (GRO) and diesel range organics (DRO) extended, and general chemistry parameters. These

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wells must be sampled for four sampling events before the Permittee may propose to modify the sampling frequency and methods.

**Comment 7**

In Appendix B (Gallup Field Sampling Collection and Handling Standard Procedures) under the "Collection and Management of Investigation Derived Waste" heading on page 51, the Permittee states "[w]ater generated from known clean wells may be disposed of on the soils near the well site." The Permittee may not rely on historical data to determine that wells or purge water is clean; the Permittee must dispose of all purge water upstream of the API Separator in the wastewater treatment system. The Permittee must revise the Work Plan to reflect this.

The Permittee must address all comments contained in this NOD and submit a revised Work Plan to NMED and OCD on or before June 30, 2010. The revised Work Plan must be accompanied by a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. The revised Work Plan must be submitted either bound or in a binder. In addition, the Permittees must submit a redline-strikeout version that includes all changes and edits to the Report (as an electronic copy) with the response to this NOD. This is the third NOD issued by NMED for this Work Plan. If the Permittee does not comply with all of the requirements stated in this letter, NMED will consider issuing an order under 74-4-10.1.A(2) of the New Mexico Hazardous Waste Act which states that "[i]f the director determines, upon receipt of any information, that ... the release of any such waste from such facility or site may present a substantial hazard to human health or the environment, he may issue an order requiring the owner or operator of such facility to conduct such monitoring, testing, analysis and reporting with respect to such facility or site as the director deems reasonable to ascertain the nature and extent of such hazard." The Permittee may be subject to penalties under 74-4-10.1.E.

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If you have questions regarding this NOD please contact Kristen Van Horn of my staff 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, OCD  
R. Gaurav, Gallup  
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