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NEW MEXICO
ENVIRONMENT DEPARTMENT

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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

ENTERED

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 13, 2010

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

**RE: NOTICE OF DISAPPROVAL
INVESTIGATION WORK PLAN SWMU No. 14 OLD API SEPARATOR
WESTERN REFINING COMPANY SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-10-004**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has reviewed the *Investigation Work Plan SWMU No. 14 Old API Separator (Work Plan)*, dated January 2010, submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (Permittee) and hereby issues this Notice of Disapproval (NOD) with the following comments.

Comment 1

Sold Waste Management Unit (SWMU) 14, the Old API Separator (OAPIS), must undergo corrective action in accordance with 20.4.1.500 NMAC incorporating 40CFR 264.101 and the Post Closure Care Permit, Section IV.B (Corrective Action for SWMUs). The Complaint and Consent Agreement and Final Order (CAFO) modification requires that the Permittee "[c]omplete measures to prevent the Old API Separator from receiving any flows, including removal of segments from, and insertion of cement plugs in, all inlet piping to the Old API Separator" by March 1, 2011. NMED considers these measures to be an interim measure for the corrective action at SWMU 14. Additional corrective action requirements that the Permittee

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must propose include removal of the Old API Separator (OAPIS) from service, dismantling of the entire structure, and disposal of it. The Permittee must describe the proposed removal of the OAPIS in detail and provide a schedule to complete investigation and cleanup of SWMU 14 in the revised Work Plan.

Comment 2

The Permittee must revise the Work Plan to propose additional investigation and remediation of SWMU 14 after the disposal of the OAPIS. The Permittee must propose additional soil sample locations to determine the extent of contamination at the site, removal of any contaminated soils, and collection of confirmation samples. The Permittee must propose remediation that will achieve residential soil screening levels. The investigation/remediation of SWMU 14 must be completed within 180 days of the removal of the OAPIS. No later than 90 days after the cleanup is complete, the Permittee must submit a report to NMED summarizing all investigation and cleanup activities conducted at the site.

Comment 3

The Permittee states on page 3 of the Work Plan that "[t]here have not been any documented historical releases from the OAPIS. As described above, some surface soils with hydrocarbon stains around the sides of the unit were removed but this was a limited volume of material that did not indicate a significant release." Additionally, on page 2, the Permittee states "[s]tained soil (approx. 4,500 lbs) identified around the perimeter of the separator was removed and sent off-site for disposal as hazardous waste (K051)." Releases from the OAPIS have clearly occurred. The Permittee must revise the Work Plan to clarify that spills/leaks have in fact occurred at the OAPIS.

Comment 4

The Permittee does not discuss the construction details of the OAPIS. The Permittee must revise the Work Plan and provide the dimensions of the OAPIS, whether or not the base of the OAPIS is below ground (and if so, the number of feet below the ground surface), on a base (e.g., gravel or constructed on bare soil), and any other relevant construction details, including a description of any observed cracks in the concrete or other damage to the unit.

Comment 5

In Section 4.2 (Analysis of Background Information Research), the Permittee states "[d]ocuments containing the results of previous investigations that explored the subsurface geology and ground water monitoring data from monitoring wells in the general area of the OAPIS were reviewed to facilitate development of this work plan." The Permittee must revise

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the Work Plan to list the documents that were used.

Comment 6

In Section 5.2 (Soil Sampling), the Permittee proposes to collect samples from specific intervals: 0 – 0.5 feet , 1.5 – 2.0 feet, from the 6 inch interval at top of saturation (if encountered), a sample from each boring with the greatest contamination based of field observations, and any additional interval based on field screening results. The Permittee must revise the Work Plan to propose to collect a sample from the total depth of the boreholes to ensure that the vertical extent of potential contamination is defined.

Comment 7

In Section 5.1 (Drilling Activities), the Permittee proposes to install a monitoring well. NMED has modified Figure 7 (Proposed Sample Locations) to indicating where the monitoring well must be installed. The modified figure is attached.

The Permittee must revise the figure to label all of the structures on the map, the pipelines (i.e., label what the pipeline carries, where it comes from), and utilities. The Permittee must add additional hand auger locations along the pipeline leading into the OAPIS. The Permittee must propose additional borings to examine potential contamination directly beneath the OAPIS. See also Comment 2.

Comment 9

In Section 6 (Monitoring and Sampling Program), the Permittee states "[a]ny subsequent sampling events will be based on the results of the first two analyses and will be approved by the NMED prior to implementation." The new proposed monitoring well sampling must be added to the Facility Wide Groundwater Monitoring Work Plan, Table 1.

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The Permittee must address all comments contained in this NOD and submit a revised Work Plan to NMED and OCD on or before **October 18, 2010**. A revised schedule based on Comments 1 and 2 must be included. 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. In addition, the Permittees must submit a redline-strikeout version that includes all changes and edits to the Work Plan (electronic copy) with the response to this NOD.

If you have questions regarding this NOD please contact Kristen Van Horn of my staff at 505-476-6046.

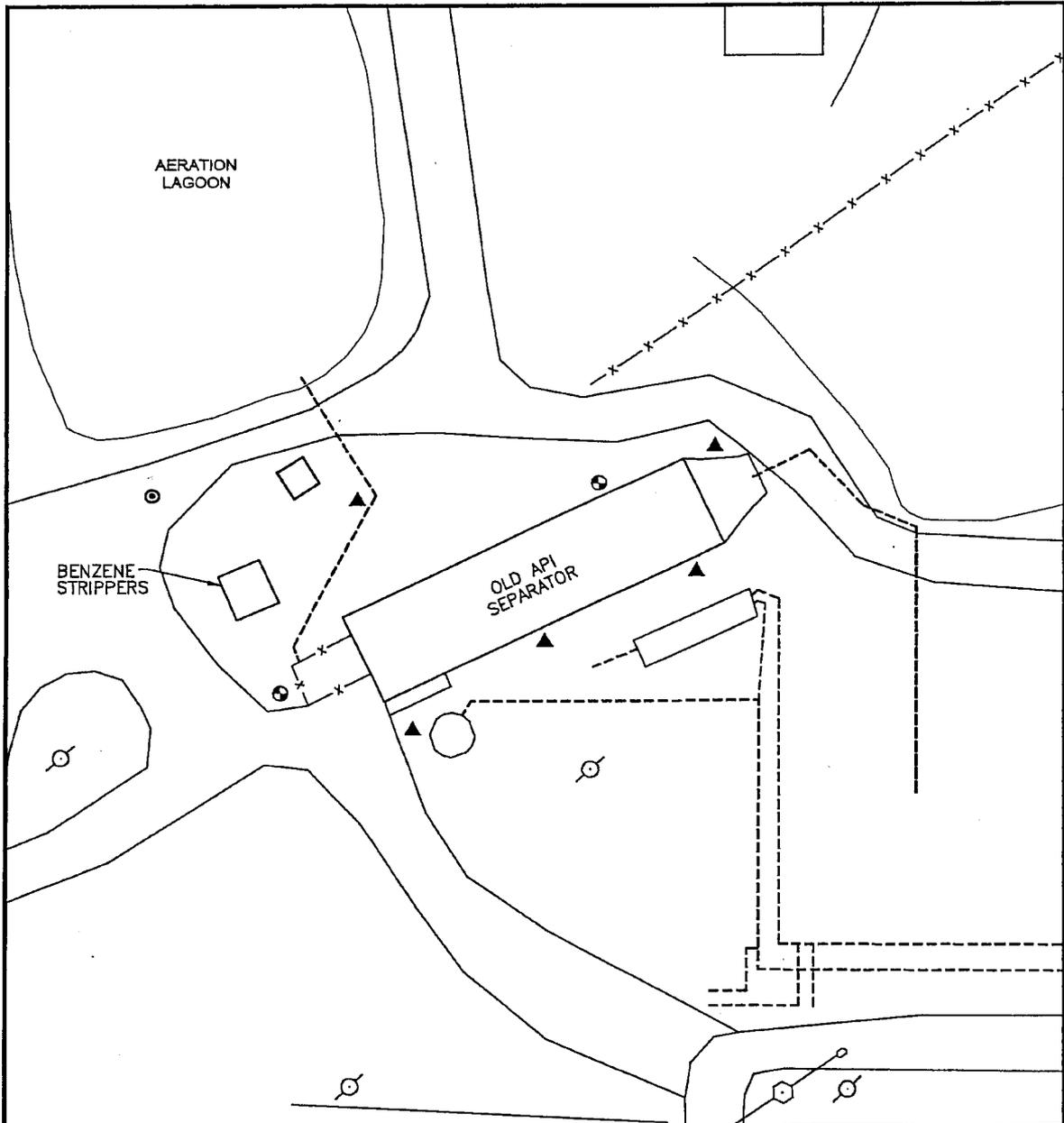
Sincerely,



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

File: Reading File and WRG 2010 File
WRG-10-004



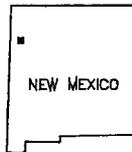
Map Source: Compiled by Photogrammetric Methods from
Photography Acquired on March 1, 1998.

LEGEND

- ⊙ NMED PROPOSED WELL LOCATION
- ⊕ PROPOSED SOIL BORING LOCATION
- ▲ HAND AUGER LOCATION
- - - PIPELINE



0 40
SCALE IN FEET



NEW MEXICO
QUADRANGLE LOCATION

Western Refining
GALLUP REFINERY

PROJ. NO.: Western Refining | DATE: 11/10/09 | FILE: WestRef-A37

FIGURE 7
PROPOSED SAMPLE LOCATIONS
GALLUP REFINERY

RPS

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