



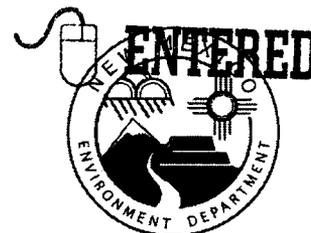
BILL RICHARDSON
Governor

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

November 9, 2010

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

**RE: NOTICE OF DISAPPROVAL
REMEDY COMPLETION REPORT
RAILROAD RACK LAGOON (SWMU No. 8) REVISED REPORT
WESTERN REFINING COMPANY SOUTHWEST, INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-GRCC-06-001**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has reviewed the *Remedy Completion Report for Railroad Rack Lagoon (SWMU No. 8) Revised Report* (Report), dated October 2006 submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (Permittee). NMED hereby issues this Notice of Disapproval with the following comments.

Comment 1

The final dimensions (including all of the additional excavations and the excavation of the piping) are not clearly presented in the Report. The Permittee must present the excavation dimensions and provide a figure showing the dimensions and the locations of the final confirmation samples. The Permittee must demonstrate that the excavation of contaminated soil is complete.

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Comment 2

In Section 6 (Sampling Methods), page 19, paragraph two, the Permittee states "[a]fter the sample was removed, the excavator operator dumped the bucket back into the same spot the sample came from. Then the operator would excavate the next sample location. Doing so wiped contamination from the bucket that might have resulted from the previous excavation sample point." By returning the excavated soil back into the excavation, the Permittee could have returned contaminated soil to the excavation. Also, it does not seem possible that the soil was returned to precisely the same location it was excavated, especially with regard to sidewall samples. While the excavator bucket does not necessarily need to be decontaminated between each sample location, excavating subsequent sample locations does not "wipe" the contamination from the last sample location from the bucket. In the future, the Permittee must not return soil to the excavation and must not consider use of the excavator bucket to remove soils to be a form of decontamination. No change is necessary for the Report.

Comment 3

The Permittee was required to excavate soil to residential/industrial levels of DRO (200 mg/kg); DRO was detected in one of the confirmation samples, RR-1A-91505, located along the north wall of the south-east sidewall excavation of the pipeline at a concentration of 210 mg/kg. The Permittee must complete a boring from undisturbed native soils within 2 feet of the original sample location. Samples must be collected from the ground surface and at two-foot intervals to a depth of ten feet below the ground surface for a total of five samples. Samples sent to the laboratory for analysis must be the most contaminated samples based on field observations (e.g., odor, color), and from the total depth of the boring. The results of the sampling must be included in the supplemental report (see also Comment 1). If the samples contain concentrations of DRO that exceed the clean-up standards, additional excavation will be required. The Permittee must note that in order to meet the requirements of corrective action complete without controls, all confirmatory soil samples must be at or below the NMED cleanup levels (see *Technical Background Document for Development of Soil Screening Levels, Revision 5.0*, which is available online at http://www.nmenv.state.nm.us/hwb/documents/NMED_SSG_August_2009_Dec09TableA-1_clean.pdf).

Comment 4

The Permittee does not provide the source of the clean backfill material. The Permittee must state the source of the clean backfill and provide analytical data that demonstrates that the fill is clean if the material was obtained from within the refinery.

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The Permittee must submit for NMED's review and approval a supplement to the Lagoon Report that addresses Comments 1, 3, and 4 no later than **January 10, 2011**.

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
K. Van Horn, NMED HWB
C. Chavez, OCD

File: Reading File and WRG 2010 File
GRCC-06-001