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NEW MEXICO ENVIRONMENT DEPARTMENT ENTERED

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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: APPROVAL WITH MODIFICATIONS  
REVISED RAILROAD RACK LAGOON OVERFLOW DITCH AND FAN-OUT  
AREA, SWMU No. 8 SUBSURFACE INVESTIGATION FINAL REPORT  
WESTERN REFINING COMPANY SOUTHWEST, INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-10-002**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has reviewed the *Revised Railroad Rack Lagoon Overflow Ditch and Fan-Out Area, SWMU No. 8, Subsurface Investigation Final Report* (Report), dated September 2010, submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (Permittee). NMED hereby issues this Approval with Modifications with the following comments.

**Comment 1**

In Section 4.4 (Investigation Derived Waste), the Permittee states "[o]ther wastes associated with sampling, including personal protective equipment (PPE), rinse water from decontamination, and other sampling-associated disposables were disposed of appropriately at the refinery." The term "disposed of appropriately" is vague. The Permittee must send a response letter that specifically states the disposition of the waste (e.g., PPE was disposed of as municipal waste; rinse water was disposed of in the waste water treatment system upstream of the API Separator).

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**Comment 2**

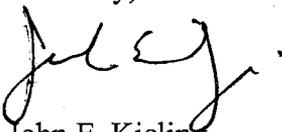
In Section 7.0 (Conclusions), page 7-1, paragraph 4, the Permittee states "[t]he excavations currently remain open as Gallup is awaiting NMED's approval of this report prior to backfilling the excavations with clean backfill material." The Permittee does not state from where the clean backfill material will be obtained. The Permittee must identify in a response letter the source of the clean backfill and provide analytical data that demonstrates that the fill is clean if the material is obtained from within the refinery.

The Permittee removed contaminated soil from the fan-out area of SWMU 8. Soil sampling results demonstrate that residual contamination was detected at concentrations less than the industrial standard of 890 mg/kg for #3 and #6 fuel oil from Table 2a of the NMED TPH Screening Guidelines. No further excavation is needed at the fan-out area of SWMU 8.

The Permittee must submit a response letter that addresses the comments above by **December 31, 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  
K. Van Horn, NMED HWB  
C. Chavez, OCD

File: Reading File and WRG 2010 File  
WRG-10-002