



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
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](http://www.nmenv.state.nm.us)



ENTERED



DAVE MARTIN  
Secretary

RAJ SOLOMON, P.E.  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

June 15, 2011

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

**RE: APPROVAL WITH MODIFICATIONS  
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 October 2010, submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (Permittee) and hereby issues this Approval with the following modifications.

**Comment 1**

In the future, for tracking purposes, the Permittee must title documents which have been revised as "revised." For example, the title of the Work Plan would be "Revised Investigation Work Plan SWMU No. 14 Old API Separator."

**Comment 2**

In Section 7.2 (Soil Removal Action) on page 21, the Permittee states, "[t]he results of the investigation should determine the area, if any, of impacted soils that require remediation to

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allow the Old API Separator and the area near the benzene strippers to be closed as Corrective Action Complete without Controls. This will require removal of all soils with concentrations of constituents above NMED's residential screening values." It is not clear whether the Permittee has a plan, other than achieving a Corrective Action Complete with Controls designation for SWMU 14, if residential soil screening levels cannot be met during the cleanup of the site. In order to achieve Corrective Action Complete without Controls, residual contamination must not exceed a cumulative risk of  $1 \times 10^{-5}$  for carcinogens and a hazard index of 1.0 for non-carcinogens. Use the most recent version of the NMED's *Technical Background Document for Development of Soil Screening Levels*. In addition, groundwater beneath the site must not exceed the applicable standards.

### **Comment 3**

In Section 7.2 (Soil Removal Action), page 21, the Permittee states, "[a]fter removal of impacted soils, confirmation samples [will] be collected along all faces (i.e., sidewalls and floor) of the excavations with an approximate spacing of 20 feet between sample locations." Confirmation samples must be collected at the excavation bottom and from the sidewalls using a systematic sampling pattern and samples must also be collected from areas of visible staining, elevated moisture levels, and contaminated zones identified by field-screening. If the confirmation samples contain contaminant concentrations greater than the residential soil screening levels, conduct additional soil removal activities and additional confirmation sampling. Record the locations and depths of the confirmation samples and include the locations in a figure in a report summarizing all activities related to the implementation of corrective measurements.

### **Comment 4**

The Permittee does not discuss backfilling in the excavation. Record the volume of soil removed. After confirmation samples are collected and it is confirmed that soil meets residential soil screening levels, the excavation must be backfilled with clean fill. In the report, provide the source of the clean fill. Also, collect representative samples of the excavated material for disposal profiling at a frequency of one sample for every 100 cubic yards.

### **Comment 5**

In Section 7.2 (Soil Removal Action), page 21, the Permittee states, "[i]f there are distinct areas of lightly impacted soils, which could potentially meet NMED's requirements for a "contained-in determination", Western may submit appropriate documentation to NMED to request that these soils be approved for re-use on site. Otherwise, the soils will not be stockpiled on-site but will be loaded directly for transport. Impacted soils not exhibiting hazardous characteristics will be containerized in open ended trucks or roll-off boxes for transport to a landfill for disposal. If soils exhibit hazardous characteristics, then characteristically hazardous soils will be placed into

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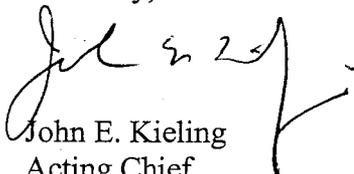
appropriate RCRA tanks/containers for disposal offsite as hazardous waste.” Manage the debris, sludge, and highly contaminated soils as hazardous waste since the OAPIS contained K051 and D018 waste. The Permittee may request a no-longer contained in determination based on the waste characterization results.

**Comment 6**

On Figure 7 (Schedule), the Permittee notes “Closure Certification Report” as one of the planned tasks. Since the OAPIS is a SWMU it cannot be closed. The Permittee must submit a Corrective Measures Implementation Report. After NMED reviews the report, the Permittee may petition for corrective action complete (with or without controls) if the site has achieved the applicable cleanup levels.

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

Sincerely,



John E. Kieling  
Acting Chief  
Hazardous Waste Bureau

cc: D. Cobrain NMED HWB  
K. Van Horn NMED HWB  
C. Chavez OCD  
A. Allen WRG  
C. Johnson WRG

File: Reading File and WRG 2011 File  
WRG-10-004