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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 22, 2011

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

**RE: APPROVAL WITH MODIFICATIONS
ANNUAL GROUNDWATER MONITORING REPORT:
GALLUP REFINERY 2009
WESTERN REFINING COMPANY, SOUTHWEST, INC., GALLUP REFINERY
HWB-WRG-10-007
EPA ID # NMD000333211**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has completed its review of the *Annual Groundwater Monitoring Report: Gallup Refinery 2009* (Report), dated August 31, 2010, and the Response to NMED's May 16, 2011 Notice of Disapproval (Response), dated June 30, 2011, submitted on behalf of Western Refining Company, Southwest Inc., Gallup Refinery (Western). Although the Response is incomplete, NMED hereby approves the Report with the following modifications.

1. Western's Response to Comment 8

Comment 8 from the May 16, 2011 Notice of Disapproval (NOD) discussed the mis-identification of well NAPIS-3 as KA-3. NMED directed Western to "[p]rovide corrected data sheets (e.g., laboratory data and chain of custodies) to replace the current data sheets in the Report and to verify that this discrepancy did not carry over to monitoring activities (e.g., water

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level measurements and water chemistry measurements) in the response letter and to include corrected tables as necessary.”

Western’s Statement: “[a]ll field notes and lab data from 2008 to present have been re-checked for accuracy. The only samples that were labeled incorrectly were on August 31, 2009 [Order No. 0909044] in which the technician caught the error and notified Hall Laboratories that the NAPIS-3 and KA-3 sample labels had been switched and authorized Hall Laboratories to change the identification of the sample on the Chain of Custody before any analysis was run. Therefore Hall Laboratory Order #0909044, dated 9/11/09 has the correct information pertaining to the NAPIS-3 and KA-3 analysis. Hall Laboratory Order No. 0905544 dated 6/17/09, Hall Laboratory Order No. 0906335 dated July 2, 2009 and Hall Laboratory Order No. 0911470 dated December 10, 2009 hand corrected copies submitted with the 2009 Annual Ground Water Report should be removed and replaced with the original uncorrected reports (Attachment 1). Data Tables in Section 8 for NAPIS-3 and KA-3 have been corrected (copies attached as Attachment 2) and no changes are required on the Field Logs in Appendix C. Language has been changed to reflect correct data in Section 6.1, page 27 and Section 7.0, last paragraph, page 32. (Copies attached as Attachment 2 and are flagged as to where corrections have been made).”

NMED’s Comment: Western must improve its Quality Assurance (QA) procedures prior to submitting reports to NMED. It is unclear why Western did not investigate and correct the error with the sample labels prior to submitting the Report. Instead, all samples collected after August 31, 2009 were assumed to be incorrect and all laboratory analytical data for NAPIS-3 and KA-3 were hand corrected. Upon further review (as required by NMED), Western discovered that the only mistake made was on August 31, 2009 and that they did not have to correct the rest of the analytical laboratory reports.

As part of Western’s response to Comment 8, corrected data tables were submitted as Attachment 2. The table on page 43 titled, Summary of General Chemistry detected in NAPIS Wells (2008-2009), contains another error associated with the table. KA-3 and NAPIS-3 list the same results in most of the columns of the table. The old data table reported different results for each well. Western must submit another replacement page for this table to correct this discrepancy and ensure that the correct data are associated with the correct well.

In the future, Western must resolve these QA issues prior to submitting any and all work plans and reports to prevent the need for repeated NODs to correct these types of errors.

2. Western’s Response to Comment 25a

Comment 25a of the May 16, 2011 NOD states, “NMED reviewed this appendix and did not find drilling logs for the new wells. Provide the drilling logs and well construction diagrams for OW-50 and OW-52 with the response letter.”

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Western's Statement: "[a] copy of the New Well Installation Report submitted in December 2009 is attached as Attachment 3."

NMED's Comment: NMED reviewed the New Well Installation Report (December 2009) and found that the report was missing information. Several of the appendices mentioned in the report were omitted and Western did not include the drilling logs or well construction diagrams for OW-50 and OW-52. Instead, Western submitted excerpts from the report that stated that MW-2A was renamed OW-50 and MW-1A was redesignated as OW-52, and drilling logs for MW-1 and MW-2 from a report by AMEC. This is another example of ongoing QA issues. Western must submit properly labeled replacement pages for the drilling logs and the well construction diagrams for OW-50 (MW-2A) and OW-52 (MW-1A). Figure No. 1 (Soil Boring Location Plan) from the AMEC Report must be revised to depict monitoring wells OW-50 and OW-52 with the original designations (MW-2A and MW-1A, respectively) in parenthesis on the figures. In addition, Figure 3 (General locations of wells OW-50 and OW-52, including other nearby existing monitoring wells at the Gallup Refinery) from the New Well Installation Report must be revised to scale and also must include the original designations for OW-50 and OW-52 in parenthesis.

NMED also reviewed the complete version of the New Well Installation Report and determined that the boring log for MW-2A is incomplete. The well construction diagram and the report state that the well was drilled to 63 feet but the boring log stops at 50 feet. Revise the boring log for MW-2A and submit a replacement page for the revised boring log.

3. Western's Response to Comment 25b

Comment 25 b from the May 16, 2011 NOD states that "[n]ew wells [were] drilled and installed on 10/5 and 10/7/2009 down gradient of OW-13 and OW-29. [The f]irst samples [were] collected by AMEC Earth and Environmental, Inc." These sample results were not included in this appendix. Include this data with the response letter (*see* Comment 5)."

Western's Statement: "[l]ab data was included in Appendix I of Report and is included in the New Well Installation Report as Attachment 3. [Response] to Comment 5a [states that w]ater samples for OW-50 and OW-52 were collected by AMEC Earth and Environmental, Inc. on November 16, 2009."

NMED's Comment: The phrasing of the Report states that AMEC collected the samples in October 2009. Western's Response to Comment 5a states that samples were not collected until November 16, 2009. It is common practice to collect groundwater samples after the development of a new groundwater monitoring wells. NMED's *Requirement to Install Monitoring Wells* (dated May 28, 2009) directed Western to develop and sample the monitoring wells within 10 days of installation. In the future, Western must collect groundwater samples

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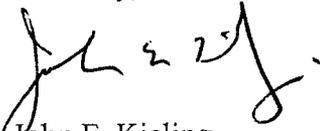
within two weeks after installation and development of new groundwater monitoring wells or state reasons for not completing the activity in future submittals.

Western also stated that the laboratory data was included in the New Well Installation Report, but only the field data sheet and Chain of Custody were provided. Western must perform QA checks for all submittals prior to submission to NMED to ensure that all data referenced are included in the Report.

The Permittee must address all comments included in this Approval with Modifications as directed and submit the required replacement pages by **September 6, 2011**.

If you have questions regarding this Approval with Modifications please contact Leona Tsinnajinnie of my staff at 505-476-6057.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Van Horn, NMED HWB
L. Tsinnajinnie, NMED HWB
C. Chavez, OCD
T. Larson, Western Refining Company, Gallup Refinery
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File: Reading File and WRG 2011 File
HWB-WRG-10-007