



NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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Acting Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

October 7, 2011

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

**RE: APPROVAL WITH MODIFICATIONS  
EXCAVATED SOIL FOR USE AT EVAPORATION POND BERMS  
WESTERN REFINING COMPANY SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-MISC**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has reviewed the letter requesting re-use of soil excavated from the future location of STP-1 for evaporation pond berm repair, dated September 20, 2011, submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (Permittee). NMED hereby issues this Approval with the following modifications.

**Comment 1**

The Permittee must not take composite samples for volatiles analysis. Composite sampling must not be used for the assessment of safety risks, for semi-volatile or volatile compounds such as polycyclic aromatic hydrocarbons and petroleum hydrocarbons, or for soils with high clay content. NMED will accept the results of the samples in this instance; however, in the future the Permittee must follow established soil sampling protocol.

**Comment 2**

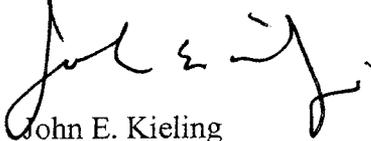
If in the future, the Permittee provides a similar report to NMED, the Permittee must create a summary table listing any results above non-detect and any analytes with an estimated value to aid in NMED's review.

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The Permittee has NMED and OCD's permission to use the soils removed from the excavation of STP-1 as material for evaporation pond berm repair.

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  
C. Johnson WRG

File: Reading File and WRG 2011 File  
WRG-MISC