

December 14, 2011

Via E-Mail
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and Federal Express Airbill No. 7930 1331 7364

Mr. John E. Kieling, Acting Chief
New Mexico Environment Department
Hazardous Waste Bureau
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**Re Draft Hazardous Waste Permit For Western Refining Southwest, Inc./
Gallup Refinery/Public Notice 11-05/Comments of the Permit Applicant**

Dear Mr. Kieling:

Western Refining Southwest, Inc. (“Western”), formerly known as Giant Industries Arizona, Inc., owns and operates the Gallup Refinery 17 miles east of Gallup in McKinley County, New Mexico. The Gallup Refinery is a crude oil refinery and formerly did business under the name, Giant Refining Company Ciniza Refinery. The facility holds EPA Identification Number 000333211.

In February 2010, Western applied for a renewal of its Land Treatment Unit (“LTU”) Post-Closure Permit that had originally been issued in August 2000. On September 16, 2011, the Hazardous Waste Bureau (the “Bureau”) issued a draft permit (“Draft Permit”) for public comment pursuant to Public Notice 11-05. The purpose of this letter is to submit public comments on the Draft Permit.

The comments are organized as follows: (1) concerns about the procedural fairness of this proceeding, (2) concerns about the Bureau’s jurisdiction to require site-wide corrective action for releases of “solid waste” under state law, (3) concerns regarding the Bureau’s basis for adding substantial additional corrective action for purported “solid waste management units” (“SWMU”)s without any apparent record supporting the addition of such SWMUs, (4) concerns about the schedules imposed for investigation of SWMUs, (5) concerns over the absence of any significant recognition of corrective action work that already has been performed at the facility, (6) a number of detailed concerns keyed to specific sections of the Draft Permit and other general concerns regarding permit provisions, and (7) Conclusions and Recommendations.

1. Fairness Concerns

A. No Fair Process

Western has substantial concerns regarding the process that the Bureau has undertaken leading up to issuance of the Draft Permit for public comment. Given the magnitude and duration of the permit terms, and the Bureau's course of dealing with other major permitting actions of this nature, it was reasonable to expect that the Bureau would afford Western a fair and meaningful opportunity to consult with the Bureau about the contents of the Draft permit before issuing it for public comment. That did not happen. Instead, the Bureau was virtually silent for nineteen (19) months prior to going to public notice. Western, therefore, believes it has been denied a meaningful opportunity to participate fully in the permit process, which is not in accord with due process in this matter.

B. No Fair Notice

Western has been unable to identify the "Administrative Record" referenced in the public notice announcing public comment on the draft permit. (See Public Notice No. 11-05.) An index of documents purporting to reflect the contents of the Administrative Record was provided to a Western representative by a Bureau representative, but this index appears to merely reference all the documents in the Bureau's files relating to the refinery permit going back over twenty (20) years. There is no discernible nexus between the draft permit requirements (especially those relating to SWMUs and work plan schedules) and documents referenced in the index. Although Western does not waive any objections to the Bureau's authority to support its permit determinations through simple incorporation of the entire Western file, we believe that, at the very least, the Bureau has failed to (1) provide an identifiable and comprehensible Administrative Record and (2) afford Western a reasonable opportunity to review an identifiable and comprehensible Administrative Record in this proceeding.

In addition, at the bottom of page 4 of the September 16, 2011 Fact Sheet, it is stated: "The regulatory justifications for imposing corrective action are contained in the NMED's technical support documents filed in the administrative record." However, we have been advised that no document reflecting those justifications exists in the record and therefore, Western has not had a fair opportunity to review and respond to the Bureau's justifications.

The draft permit represents a significant departure from the existing August 2000 LTU Post-Closure Permit for the refinery with extensive new boilerplate provisions, numerous new SWMU designations, a host of new work plan schedules, and major new facility-wide remedial obligations extending forward ten (10) years that have not been the subject of any significant previous discussion between Western and the Bureau during the application process or otherwise. In order for Western to have a fair and meaningful opportunity to comment on a Draft Permit with new requirements of such magnitude, and on which there has been no prior consultation with the Bureau, more time and process are

necessary and appropriate. In the absence of such opportunity, this permit proceeding is unreasonable, arbitrary, capricious and not in accordance with applicable law.

2. Legal Concerns

Section I.A. of the Draft Permit provides: “This Permit is issued pursuant to the authority of the New Mexico Environment Department under the New Mexico Hazardous Waste Act (“HWA”), NMSA 1978, §§ 74-4-1 through 74-4-14, in accordance with the New Mexico Hazardous Waste Management Regulations (“HWMR”), 20.4.1 NMAC.” The Bureau evidently believes that this authority empowers it to require corrective action at petroleum refinery SWMUs.

However, nowhere in the Draft Permit does the Bureau address the type of “solid waste” that is subject to its jurisdiction under the HWA versus “solid waste” under the jurisdiction of the Water Quality Control Commission (“WQCC”) pursuant to the New Mexico Water Quality Act (“WQA”), NMSA 1978, § 74-6-12.B (1999), or the Oil Conservation Commission pursuant to the Oil and Gas Act (“OGA”), NMSA 1978, § 70-2-12.B(22) (2004) (granting the OCC authority “to regulate the disposition of nondomestic wastes resulting from . . . the refinement of crude oil to protect public health and the environment, including administering the Water Quality Act as provided in [§ 74-6-9.E].”). *See* § 74-6-12.G (“The Water Quality Act does not apply to any activity or condition subject to the authority of the oil conservation commission pursuant to provisions of the Oil and Gas Act . . .”). Under the OGA, the OCC has jurisdiction over the disposition of nondomestic wastes at refineries, unless the activity is regulated under the WQA. Under the WQA, § 74-6-12.B, the WQCC has jurisdiction over certain activities not regulated under the Hazardous Waste Act. The SWMUs in question are, by definition, alleged to contain “solid waste,” from petroleum refining processes, not “hazardous waste.” Moreover, Section IV.H of the Draft Permit (at page 32) itself states: “The Permittee shall conduct corrective action at sites where *releases of hazardous waste or hazardous constituents* have occurred.”¹

In addition, based on long-standing legal authority, the Bureau does not have jurisdiction over petroleum refinery activities regulated by OCD. *See* Water Quality Control Commission, “*Delegation of Responsibilities to Environmental Improvement Division and Oil Conservation Division*” (1989), attached hereto as Appendix No. 1. In sum, Western submits that non-hazardous solid waste generated by a petroleum refinery is not within the Bureau’s corrective action authority under the Hazardous Waste Act and, therefore, permit provisions purporting to exercise such authority are invalid and unenforceable.² This is further evidenced by the fact that Western has already initiated

¹ The Draft Permit does not define the term “hazardous constituents”, but they must be constituents of hazardous waste to be consistent with NMED’s authority under WQA § 74-4-4.B.

² This issue extends to the SWMUs designated under the existing LTU Post-Closure Permit, as well as SWMUs newly designated in the Draft Permit, and we believe these existing SWMUs should be reexamined from a jurisdictional standpoint in light of these legal concerns.

the corrective action process with OCD for many of the newly identified SWMUs due to the filing of "Release Notification and Corrective Action" forms with OCD. (See attached Appendix No. 2 containing Release Notification and Corrective Action forms submitted to OCD in recent years for SWMUs 15, 16, 19, 22, and 24, and summary spill history spreadsheet).

Finally, the refinery has been working with OCD on a Discharge Permit Renewal (GW-032) that addresses groundwater and vadose zone issues as well as certain waste management areas that also are, or may be, subject to the Draft Permit. Therefore, the confusion over jurisdiction under the Draft Permit is not simply academic, but will have "real world" impacts on Western, including potentially conflicting or overlapping remediation requirements.

3. No Support in the Record for Numerous Additional SWMUs

Attachment G in The Draft Permit lists 35 purported SWMUs. However, as indicated in Appendix No. 3 of this comment letter, 15 of these SWMUs have never even been previously identified either in the August 2000 LTU permit or in the 1987 RCRA Facility Assessment Report. Western can find no justification in the record as to why these units were added, including no identification of the information upon which the Bureau determined (1) that "solid wastes have been placed at any time" and (2) that "there may be a risk of release of hazardous waste or constituents, irrespective of whether the unit was intended for the management of solid or hazardous waste." (See the definition of a SWMU in Section I.I of the Draft Permit; see also 20.4.2.7.NN NMAC, definition of "solid waste management unit" in the EIB's hazardous waste permit and corrective action fees regulations.)

Moreover, a number of these areas are clearly process-related, e.g., purported SWMUs 20-23 and 25-29, 31-33, do not therefore meet the definition of a SWMU, and do not qualify as Areas of Concern ("AOCs") in the absence of evidence of a release.³ The Bureau does not have roving authority to designate a unit or area as a SWMU or AOC without some rational basis.

In addition, imposing the full panoply of corrective action requirements in minor one-time spill areas that can easily be remediated is not warranted.⁴

4. Concerns about the Schedule for Work Plans

³ To the extent these same issues with newly designated SWMUs apply to SWMUs under the existing LTU permit, the same legal concerns would apply.

⁴ In fact, U.S. Environmental Protection Agency ("EPA") guidance on the definition of a SWMU interprets the definition of SWMU to apply to "systematic and deliberate releases of hazardous waste" and states that the term "deliberate" was used to indicate "the Agency's intention not to exercise its ... authority to proceed against one-time, accidental spills which cannot be linked to a discernible solid waste management unit" in connection with the RCRA permit program under RCRA § 3004(u), the federal counterpart of the New Mexico corrective action permit program. See, EPA Office of Solid Waste and Emergency Response Directive dated July 24, 1987, attached hereto as Appendix No. 4.

The schedule for submission of Investigation Work Plans included in Table E-2 requires that a Work Plan be submitted essentially each quarter for the next six years (32 individual submittals). Based on Western's experience working with the Bureau at our Bloomfield refinery where similar Work Plans are required to be submitted each six months, we do not believe this schedule is reasonable. The Bureau has had difficulty keeping up with similar submittals that are being made each six months at Western's Bloomfield refinery. It is also noted that there are four Work Plans in Table E-2 scheduled for submissions in 2012, which overlap with corrective action requirements in the EPA Consent Agreement and Final Order (EPA Docket No. RCRA-06-2009-0936, August 26, 2009) ("2009 CAFO"). Therefore, adding all this work in 2012 is excessively burdensome to both parties.

Western suggests that the permit require submittal of a proposed schedule within 60 days of issuance of the permit for Bureau approval. This would allow Western the opportunity to combine multiple SWMUs into a smaller number of Work Plans with more time between submittals. For example, four SWMUs could be combined into a single Investigation Work Plan with submittals on an annual basis. This approach has been used successfully by Western and the Bureau at Western's Bloomfield refinery.

5. No Recognition of Prior Work

Nowhere in the Draft Permit is there any significant recognition of corrective action work already performed by Western or in progress at the facility. Such recognition is essential to prevent unnecessary and unduly burdensome duplicative measures.

As indicated in the documents contained in Appendix No. 5 to this comment letter, Western has performed corrective action activities for the so-called "Railroad Loading Rack and Lagoon," (SWMU No.8 in the August 2000 LTU permit) and the "Old API Separator" (SWMU No. 14 in the August 2000 LTU Permit). In addition, as also indicated in the documents contained in Appendix No. 5, Western also has undertaken work associated with the required Land Treatment Unit Post-Closure Sampling Event. Furthermore, Western submitted a Corrective Measures Evaluation Report/SWMU 1 Aeration Basin in October 2010 that was revised in April 2011.

Furthermore, as indicated in Appendix No. 6, Western had performed SWMU/No Further Action assessments for 11 SWMUs and was in discussions with the Bureau regarding the need for further work in those areas. Evidently, further submissions in connection with the SWMU/No Further Action assessments were postponed by mutual agreement between the refinery and the Bureau to allow for coordination with related OCD activities. Additional documentation on these matters should be in Bureau files.

There also is no recognition in the Draft Permit regarding work being performed pursuant to the 2009 EPA Consent Agreement and Final Order (“CAFO”)⁵ or the anticipated renewed OCD Discharge Permit (GW-032). The Draft Permit needs to provide that work being performed under the renewed LTU Permit will not conflict or overlap with, or duplicate, work being performed pursuant to the 2009 CAFO or the renewed OCD Discharge Permit (GW-032).

Finally, in the September 16, 2011 Fact Sheet, the “WRG Permit History” is clearly deficient. There is substantial permit history and related correspondence leading up to and following the issuance of the August 2000 LTU Permit in the Bureau’s files that ought to be reflected in the Fact Sheet.

6. General and Detailed Concerns with Permit Terms and Conditions

A. General Concerns

Force Majeure:

The Draft Permit needs to include a *force majeure* section detailing compliance procedures for events arising beyond the control of Permittee. The following text should be inserted:

“The Permittee agrees to perform the requirements in this Permit within the time limits established, unless the performance is delayed or prevented by a force majeure. For purposes of this Permit, a force majeure is defined as any event arising from causes beyond the control of Respondents which delays or prevents performance of any obligation under this Permit despite the Permittee’s diligent efforts to fulfill the obligation.”

Dispute Resolution:

Although the Permittee ultimately retains the right to seek judicial review of final agency decisions, the Draft Permit should include a dispute resolution section detailing procedures for resolving permit disputes administratively between Western and NMED. The following text should be inserted:

*“The Permittee shall raise any disputes concerning the work required under this Permit in writing, within **15 days** after receiving written notice from the Bureau regarding any aspect of the work required under this Permit that the Permittee disputes. The Bureau and the Permittee shall expeditiously and informally attempt to resolve any disagreements by conferring in an effort to resolve the dispute and shall schedule a conference call or meeting to discuss the issue(s) in dispute. If the parties are unable to meet or informally resolve the dispute within **30 days** of the Permittee’s notice to the Bureau, or such longer time agreed to by the parties to the dispute, the Permittee shall*

⁵ EPA Region 6 Docket No.: RCRA-06-2009-0936 (August 26, 2009)

provide the Bureau with written objections. The parties shall then have an additional 14 days from the Bureau's receipt of the objections to reach agreement. If an agreement is not reached within the 14 days, the Parties may within 10 days request, in writing, a determination resolving the dispute by the Director of the Resource Protection Division. The request should provide all information that the Permittee believes is relevant to the dispute. If such request is submitted within 10 days, the Director shall thereafter issue a determination in writing. Any deadline that is the subject of a dispute resolution notice is stayed pending a final determination by the Director unless the parties agree otherwise in connection with an informal resolution of the dispute."

Corrective Measures Implementation:

As detailed above, the Draft Permit lists 35 different SWMUs, 15 of which have never been identified before. At this point, ultimate remedies and cleanup standards are uncertain and the scope and nature of corrective action that will ultimately be required is unknown. To require Western to blindly consent now to a greatly expanded corrective action implementation process (a process under which the Bureau unilaterally imposes final corrective measures and standards) without any meaningful consultation with Western is unreasonable, arbitrary and capricious.

Instead, and under the current circumstances, corrective action under the Draft Permit should be limited to the corrective action investigation and evaluation provisions in Section IV.H, except with respect to SWMUs where implementation is currently pending (subject to the jurisdictional reservations mentioned above). The corrective measures provisions relating to implementation (set forth in Sections IV.H. 7-9) should be deleted relative to all other SWMUs, except that "no further action" determinations can still be made pursuant to the terms of the renewed permit.

Corrective measures implementation provisions could then be discussed by Western and the Bureau for inclusion in a permit amendment following completion of corrective measures evaluation when the parties will have more information to more accurately tailor such provisions to the specific conditions at Western's facility.

B. Detailed Concerns

Section I.C. Permitted Activity:

A reference should be added to the previous post-closure permit issued in 2000 to Giant by the Bureau. The Draft Permit creates an impression that it is the first such permit issued for the site.

Section I.J.1 Duty to Comply:

Force majeure situations should be added to the list of exceptions to compliance.

Section I.J.3 Transfer of Permit:

A statement should be added that the parties may shorten these deadlines by mutual agreement

Section I.J.4 Need to Halt or Reduce Activity Not a Defense:

This section is confusing. Should there be a “the” before the first use of the word “Permit”?

Section I.J.8 Duty to Provide Information:

This Section is unjustifiably broad in its requirement that Permittee provide the Bureau with “any relevant information”. The word “non-privileged” should be added before the word “relevant” to clarify that Western is not obligated to provide the Bureau with legally privileged information.

Section I.J.9 Inspection and Entry:

A sentence should be added stating that all parties with access to the facility shall comply with facility health and safety plans. Section I.J.11 Approval of Work Plans and Other Documents:

i) This section should be modified to state that the Bureau will not modify a submission without first informing Western of the basis of the submission’s deficiency and providing Western with an opportunity to cure such deficiency.

ii) The third paragraph is duplicative of the last sentence in the second paragraph.

Section II.C.2.a Reporting Planned Changes:

This sub-section is exactly the same as Section II.C.2.b. It appears that this provision should reference “planned changes” instead of “activities”

Section II.C.2.c 24 Hour and Subsequent Reporting:

This sub-section does not have any text. It appears that it is intended to be a new sub-heading and the sub-sections following it should be it renumbered accordingly.

Section II.C.2.d Oral report:

The 24 hour reporting requirement for any non-compliance that may endanger human health or the environment should be extended to three days from the date of discovery.

Section II.C.6 Signatory and Certification Requirement:

This provision is overly broad in requiring “any other information submitted to or requested by the NMED” to be signed and certified. This would result in *all* information submitted by Western to the Bureau—including routine e-mails—to be subject to signatory and certification requirements. The provision should be modified to clarify that such requirements apply only to major reports or plan submissions required by the Permit.

Section II.C.7 Submissions to the Environment Department:

- i) A statement should be added to clarify that submissions under the Permit are deemed to be submitted on the day that they are mailed to the Bureau or placed in the custody of an express mail service.
- ii) In the first paragraph, Western is directed to submit one paper copy and one electronic copy of the required submittals, but the last sentence in this section requires two paper copies and one electronic copy of the various submittals. Two paper copies and one electronic or other format acceptable to the Bureau is specified in Section IV.L.1. It appears that the initial reference to the number of paper copies should be revised to “two” paper copies.

Section III.A Post-Closure Care Introduction:

The last sentence of the first paragraph should be revised to state that the “LTU meets the definition of a land treatment *facility*” rather than “land treatment *unit*” to be consistent with the definition listed in 40 CFR § 260.10.

Section III.B.1 Post-Closure Activities:

The requirements specified in Item 3 are inappropriate. 40 CFR §§ 264.309 and 264.310(b) are applicable to post-closure care of a closed landfill and do not apply to a closed LTU.

Section III.C General Inspection Requirements:

The regulatory citation under Item (2) on page 22, (*see 40 CFR § 264.273 (g)*) applies to operating LTUs and does not apply to LTUs under post-closure care. [Regulatory post-closure care requirements are provided under § 264.280 (c)]

Section III.C.1 Inspection Schedule:

The inspection requirements and regulatory citation (*40 CFR § 264.273 (g)*) in the second sentence are not applicable to post-closure care of LTUs. [Regulatory post-closure care requirements are provided under § 264.280 (c)].

Section IV.B.1 Corrective Action Beyond the Facility Boundary:

As noted above, Section II.C.2.c does not have any text, so the intent of the cross-reference to that provision here is unclear. If the intent is to require reporting of off-site migration within 24 hours, however, Western believes that such a deadline is unjustifiably short and unwarranted and propose that the deadline be 7 days from the date of discovery.

Section IV.B.3 Newly Discovered Releases:

The contents of the notification requirement for new releases (including “all available information pertaining to the site history and nature of the release”) is infeasible to prepare in the 15 day time period allowed. The deadline should be amended to 30 days.

Section IV.C.1 Identification of SWMUs and AOCs Requiring Corrective Action:

In the first paragraph, it is stated that the SWMUs and AOCs provided in Table G-1 require corrective action. While some of these SWMUs may require corrective action, Western is not aware of information that supports the assumption that all 35 of these SWMUs require corrective action. A RCRA Facility Assessment (RFA) was conducted in 1987 to identify potential SWMUs and AOCs, which resulted in a list of 17 SWMUs and 10 units of concern (i.e., AOCs). Ultimately, 14 SWMUs were identified as requiring a RCRA Facility Investigation (RFI). These same 14 SWMUs were identified by the Bureau in the previous RCRA Post-Closure Care Permit issued by the Bureau in August 2000. As stated above, it is not clear on what information or basis the Bureau has added 21 additional SWMUs as shown in Table G-1.
(See also Comment No. 3 above.)

Section IV.C.1 Identification of SWMUs and AOCs Requiring Corrective Action:

The Bureau specifies that Western provide a map that contains all SWMUs and AOCs listed in Attachment G, but there is no timeframe specified in which to make this submittal.

Section IV.D Cleanup Levels:

In the fourth sentence, there appears to a typographical error; "Permit Part ?"

Section IV.D.1 Groundwater Cleanup Levels:

In Section IV.D, it is stated that the Bureau has selected a human health target risk level of 10^{-5} for carcinogenic substances. In Section IV.D.2, Western is directed to adjust the soil Regional Screening Levels (RSLs) issued by the Environmental Protection Agency (EPA) by a factor of 10 account for the fact that EPA uses a target human health risk level of 10^{-6} when developing the RSLs. Similar direction should be included in Section IV.D.1, to direct the Permittee to adjust the groundwater RSLs issued by EPA by a factor of 10 to achieve a target risk level of 10^{-5} for carcinogenic substances.

Section IV.G Permit Modification for Corrective Action Complete:

In the first paragraph, the references to Attachment "k" and Tables "K-1, K-2, and K-3" should be to Attachment "G", and Tables "G-1, G-2, and G-3."

Section IV.H.2 Interim Measures:

A provision should be added to this section stating that any interim measures performed may qualify as final corrective measures under the Permit. Also, interim measures obligations should reflect and afford credit to Western for work already performed or under way.

Section IV.H.3 Emergency Interim Measures:

The one business day notification requirement for discovery of immediate threat to human health or the environment should be extended to three days from the date of discovery.

Section IV.H.6.b Corrective Measures Evaluation Report:

Paragraph 14 refers to design criteria for the selected remedy and paragraph 15 requires a proposed schedule for implementation of the preferred remedy. These two items should be required in the Corrective Measures Implementation Plan instead of the Corrective Measures Evaluation (CME) Report. And, in fact they are specified in paragraph (4) [detailed engineering design ...] and paragraph (11) [proposed schedule for implementation of the remedy] of Section IV.H.7.b Corrective Measures Implementation Plan. Design criteria should only be required after the Bureau has selected the final remedy and it is also not feasible to propose an implementation schedule in the CME Report because of unknown delays associated with the remedy selection process.

Section IV.J.2.d.vii Soil, Rock, and Sediment Sample Types:

The Bureau provides very specific requirements on the type and number of samples to be collected in support of quality assurance/quality control (QA/QC). Based on Western's experience implementing the same requirements at its Bloomfield Refinery, the specified requirements may lead to collection of an unnecessarily large number of QA/QC samples. Because the Permit also requires that samples be delivered to the lab within 48 hours of collection, this can lead to frequent sample shipments with few actual soil samples but all of the associated QA/QC samples resulting in a very high percentage of QA/QC samples. Western suggests that a sentence be included to provide the potential for flexibility in the number of QA/QC samples, such as, "NMED may approve an alternative number of QA/QC samples in the Investigation Work Plan, Corrective Measures Implementation Plan, and Monitoring Work Plan."

Section IV.J.2.h.iv Groundwater and Surface Water Sample Types:

The Bureau provides very specific requirements on the type and number of samples to be collected in support of quality assurance/quality control (QA/QC). Based on Western's experience implementing similar requirements at its Bloomfield Refinery, the specified requirements may lead to collection of an unnecessarily large number of QA/QC samples. Because the Permit also requires that samples be delivered to the lab within 48 hours of collection, this can lead to frequent sample shipments with few actual soil samples but all of the associated QA/QC samples resulting in a very high percentage of QA/QC samples. Western suggests that a sentence be included to provide the potential for flexibility in the number of QA/QC samples, such as, "NMED may approve an alternative number of QA/QC samples in the Investigation Work Plan, Corrective Measures Implementation Plan, and Monitoring Work Plan."

IV.J.2.i Sample Handling:

In paragraph (2), Western is directed to cap samples collected in Shelby tubes or thin wall samplers the same as is done with brass sleeves. Shelby tubes and thin wall samplers are not designed to be capped and submitted to the laboratory for analysis, as are brass sleeves. Shelby tubes and thin wall samplers are used to collect samples, from which samples may be collected using an EncoreTM or similar sampling device. The sentence which states, "Samples collected in Shelby tubes or thin wall samplers shall be capped in a similar fashion" should be deleted.

IV.J.2.m Collection and Management of Investigation Derived Waste:

It appears that some text is missing from the first sentence of the second paragraph. The following text, "the water is disposed in the refinery's waste water treatment system" should be added before "upstream of the API Separator."

IV.J.4.a.v Toxicity Assessment:

The text refers to the “currently acceptable hierarchy of sources” but does not provide any guidance on what the acceptable sources are.

IV.K.3.a Well Construction Materials:

At the end of the first paragraph the text states, “PVC should not be used for monitoring wells where organic constituents will be analyzed due to its potential for sorption and leaching of contaminants.” The first sentence of the second paragraph states that rigid PVC may be used for construction of RCRA monitoring wells. Numerous studies have evaluated performance of flexible PVC vs. rigid PVC and determined that rigid PVC is a suitable material for well construction in the presence of organic constituents. It appears that the Bureau is making a distinction between the two types of materials but to reduce the potential for confusion, “flexible” should be added before PVC where it is used in the first paragraph.

IV.L.5.i Risk Screening Levels:

Western is directed to use EPA Region 6 soil screening value adjusted to meet the NMED’s risk goal of 10^{-5} when a NMED SSL is not available. It is Western’s understanding that the EPA Region 6 screening values have been replaced with new Regional Screening Levels; therefore, the reference to “EPA Region 6” should be changed to EPA Regional Screening Levels. In addition, not only soils but groundwater Regional Screening Levels should be adjusted to meet the NMED’s risk goal of 10^{-5} when a NMED SSL is not available.

Attachment C: Inspection Plan

C.1 Weekly Inspections:

The first sentence requires inspections of the LTU on a weekly basis and after major precipitation events. The weekly inspection schedule conflicts with the monthly schedule identified in Section III.C.1.

Table C-1 Inspection Schedule:

The frequency of inspections should be changed from weekly to monthly to be consistent with the schedule identified in Section III.C.1.

Attachment D: Post-Closure Care Plan

D.1 Introduction:

The second sentence should be revised as follows: “The post-closure care plan consists of two monitoring sequences: detection monitoring *below* the treatment zone....”

D.3 Detection Monitoring:

The top of page D-2 should be corrected to identify “ZOI” as the “zone of *incorporation*” rather than the “zone of *infiltration*”.

D.5 Inspections:

The fifth sentence states that inspections of the LTU shall be conducted each week and after every major precipitation event. The weekly inspection schedule conflicts with the monthly schedule identified in Section III.C.1.

7. Conclusions and Recommendations

In view of the preceding comments, it is clear that the Draft Permit is deficient in many respects. Western believes that the Bureau needs to re-consider the Draft Permit with an eye toward addressing these deficiencies. At an appropriate time, and in advance of a final decision to issue the Draft Permit, Western is prepared to initiate a dialogue with the Bureau on alternative ways toward meeting the Bureau’s environmental quality objectives in accordance with applicable law and consistent with standards of fairness and reasonableness toward Western. We submit that the dialogue should focus on the following issues, among others:

- Identification of the basis for the Bureau’s proposed SWMUs and AOCs and elimination of SWMUs and AOC’s that are not adequately supported by the Administrative Record
- The scope of the Bureau’s jurisdiction over non-hazardous refinery solid wastes
- Tailoring the requirements of the Draft Permit with requirements under the 2009 CAFO and the anticipated OCD Discharge Permit 9GW-032)
- The schedule for submission of work plans and implementation of other corrective action tasks
- Affording Western credit for corrective action work already performed.

Mr. John E. Kieling, Acting Chief
December 14, 2011
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We appreciate the opportunity to submit the foregoing comments and look forward to working with the Bureau on resolving our concerns and finalizing the terms of a renewal permit.

Sincerely,



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Senior Vice-President
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C: Mark Turri
Western Refining – Gallup Refinery

Ed Riege
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APPENDIX NO. 1

WATER QUALITY CONTROL COMMISSION

DELEGATION OF RESPONSIBILITIES TO ENVIRONMENTAL IMPROVEMENT DIVISION AND OIL CONSERVATION DIVISION

In an effort to prevent duplication of effort and to clarify the division of responsibilities pursuant to the provisions of the Water Quality Act, NMSA Sections 74-6-1 et seq. (1978), as administered and enforced by the Water Quality Control Commission, the Commission hereby approves the following list of delegated duties and responsibilities for two of the agencies that are constituent agencies to which authority can be delegated, the Environmental Improvement Division ("EID") and the Oil Conservation Division ("OCD"). The Commission is specifically authorized to take this action by NMSA Section 74-6-4E (1978) and by other general provisions of the Water Quality Act. The Commission notes that pursuant to NMSA Section 74-6-9C (1978), constituent agencies may "report to the Commission and to other constituent agencies where the circumstances are such that the responsibility appears to be outside the responsibility assigned to the agency making the report." The Commission encourages OCD and EID to continue close communication and cooperation where responsibility is unclear, to ensure that water pollution is prevented or abated quickly, efficiently and consistently. In situations involving discharges or facilities under the jurisdiction of both agencies, the agencies shall mutually agree which shall be the lead agency and shall determine the method by which the discharge plan shall be evaluated and approved. In preparing this delegation statement, the Commission is cognizant of the limitations imposed on its authority by the Water Quality Act, especially NMSA Section 74-6-12G (1978) which prohibits it from taking any action which would "interfere with the exclusive authority of the Oil Conservation Commission over all persons and things necessary to prevent water pollution as a result of oil or gas operations...."

This delegation shall supersede all previous delegations to EID and OCD; reference to the dates and minutes of Commission meetings in which previous delegations were made are in parentheses and the minutes are attached. The specific grants of authority are not intended to be comprehensive. When a question of authority and jurisdiction arises, which is not specifically delegated, the general provisions below shall control.

1. General Provisions

As a general rule, OCD will administer and enforce applicable Commission regulations pertaining to surface and ground water discharges at oil and natural gas production sites, oil refineries, natural gas processing plants, geothermal installations, carbon dioxide facilities, natural gas transmission lines, and discharges

associated with activities of the oil field service industry. The Commission recognizes that OCD also administers regulations under both the Oil and Gas Act and the Geothermal Resources Act, and that OCD shall have discretion as to which regulations to enforce in any given situation. OCD shall have jurisdiction over all activities associated with exploration for or development, production, transportation before refinement, refinement, storage or treatment of unrefined oil and natural gas, or oil or gas products on refinery premises.

EID will administer and enforce Commission regulations regarding discharges from transmission, transportation and storage facilities for oil or oil by-products after refinement (including but not limited to gasoline stations), except those within refinery premises. EID will administer and enforce all Commission regulations pertaining to all other discharges to surface and ground water which are not specifically delegated to other departments and agencies. (Source: 1/13/69 and 5/8/84 Commission minutes)

2. Specific Grants of Authority

A. EID shall certify Section 404 dredge and fill material permits under the Clean Water Act ("CWA"). (Source: 1/13/76 and 6/14/83 Commission minutes)

B. EID shall administer the Wastewater Construction Grants program pursuant to Section 205 of the CWA. (Source: 6/14/83 Commission minutes)

C. EID shall certify NPDES permits pursuant to Title IV of the Federal Water Pollution Control Act Amendments of 1972 and S402 of the CWA. (Source: 10/1/74 and 8/14/84 Commission minutes)

D. EID shall certify hydropower licenses issued by the Federal Energy Regulatory Commission. (Source: 8/14/84 Commission minutes)

E. EID shall administer and enforce Commission regulations pertaining to the disposal of human excrement and bath water at oil and natural gas production sites, oil refineries, natural gas processing plants, geothermal installations, carbon dioxide facilities and natural gas transmission lines when the treatment facilities for the sewage are a separate and isolated discharge unmixed with any produced water, oil field waste or oil field service waste. (Such an isolated discharge would include: a small sewage treatment plant, package plant, or septic tank and drainfield.) If, on the other hand, sewage is in a discharge combined or mixed with produced water, oil field waste or oil field service waste, OCD shall have jurisdiction. (Source: 5/8/84 Commission minutes)

F. OCD shall administer and enforce Commission regulations at brine manufacturing operations and concerning discharges to ground or surface water at brine manufacturing operations, including all brine production wells, holding ponds and tanks. OCD shall have jurisdiction over all manufactured brine once it is transported, used or disposed of off brine plant premises for use in or directly related to oil and gas operations regulated by OCD. OCD shall regulate brine injection through its Class II Underground Injection control (UIC) Program if the brine is used in the drilling for or production of oil and gas. EID shall regulate brine injection through its UIC Program if the brine is used for other purposes. (Source: 6/23/89 Commission minutes)

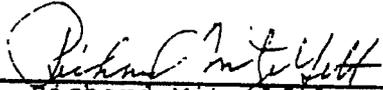
G. EID shall administer and enforce all programs implemented by the state under PL 92-500 (The Federal Water Pollution Control Act) and its Amendments, unless directed otherwise by the Commission. (Source: 7/8/75 Commission minutes)

H. OCD shall have general jurisdiction over the oil field service industry. Many activities that would ordinarily be regulated by EID are regulated by OCD when those activities occur in the oil field service industry. The following list, which is not intended to be inclusive, serves to help clarify this delegation:

OCD	EID
waste oil handled or processed by oil field service companies or treating plants	used motor oil handlers
all underground and above-ground tanks on refinery premises, unless the tanks contain unmixed sewage; all underground and above-ground tanks not on refinery premises which contain crude petroleum, produced water or oil field service chemicals	all underground and above-ground tanks not on refinery premises, unless the tanks contain crude petroleum, produced water or oil field service chemicals
tanker trucks hauling, spilling or disposing of well-service chemicals, kill water, produced water, crude oil, tank bottom sludge and other oil field wastes and oil field service materials	tanker trucks spilling or disposing of non-oil and gas production wastes, non-oil and gas service materials, or refined petroleum products
washings from trucks and other equipment used in the transport, production or refining of oil and gas crude products, production wastes or service materials	washings from trucks and other equipment not used for oil and gas production related purposes

Both EID and OCD are authorized to continue to take appropriate legal action in their respective areas of delegation (including initiating proceedings in court) on behalf of the Commission on a finding of good cause to believe any person is violating or is threatening to violate a Commission regulation or the Water Quality Act. The agencies shall send a copy of each Complaint, Settlement Agreement and Judgment to the Commission Secretary for distribution to Commission members. (Source: NMSA Section 74-1-8.2(B) (1978), 2/8/71 and 1/11/83 Commission minutes)

WATER QUALITY CONTROL COMMISSION


By: Richard Mitzelfelt, Chairman

Date July 21, 1989

APPENDIX NO. 2

INDEX OF RELEASE NOTIFICATION AND CORRECTIVE ACTION REPORTS

Release Date	Equipment	SWMU	Quantity	Material
03/03/07	API Separator	SWMU 15 - NAPIS	800 gal	Waste Water
06/23/07	API Separator	SWMU 15 - NAPIS	420 gal	Waste Water
07/19/07	API Separator	SWMU 15 - NAPIS	5-10 bbls	Waste Water
07/30/10	API Separator	SWMU 15 & 16 - NAPIS & Tanks	250 bbls	Waste Water
08/02/10	API Separator	SWMU 15 & 16 - NAPIS & Tanks	250 bbls	Waste Water
09/16/07	Tank 701	SWMU 19 - Asphalt Tank Farm	200 bbls	Fuel Oil
03/19/08	Tank 706	SWMU 19 - Asphalt Tank Farm	6 bbls	Fuel Oil
12/04/07	Truck Loading Rack	SWMU 22 - Main Loading Rack	300 gal	Gasoline
12/23/09	Truck Rack	SWMU 22 - Main Loading Rack	44 bbls	Diesel
12/31/07	Tank 5	SWMU 24 - Retail Fuel Tank Farm	1344 gal	Ethanol
03/07/08	Tank 1	SWMU 24 - Retail Fuel Tank Farm	20 bbls	Diesel
08/02/08	Tank 2	SWMU 24 - Retail Fuel Tank Farm	200 bbls	Gasoline
08/07/08	Tank 3	SWMU 24 - Retail Fuel Tank Farm	50 bbls	Gasoline

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Release Notification and Corrective Action

OPERATOR Initial Report Final Report

Name of Company Giant Refining Company - Ciniza	Contact Stephen C. Morris	
Address Route 3 Box 7 Gallup, NM 87301	Telephone No. 505-722-3833	
Facility Name Giant Refining Company - Ciniza Refinery	Facility Type Oil Refinery	
Surface Owner Giant Industries Inc.	Mineral Owner Giant Industries Inc.	Lease No.

LOCATION OF RELEASE

Unit Letter	Section 23 & 33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
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Latitude 35° 29' 30" Longitude 108° 24' 40"

NATURE OF RELEASE

Type of Release Slop Oil Release to lagoons and pond #1.	Volume of Release 800 gallons	Volume Recovered 700 gallons
Source of Release Oil/Water Separator	Date and Hour of Occurrence 3/3/07 0900hrs.	Date and Hour of Discovery 3/3/07 1000hrs.
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? Brandon Powell at OCD by phone.	
By Whom? Stephen C. Morris	Date and Hour 3/6/07 0930hrs.	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse. N/A	

If a Watercourse was Impacted, Describe Fully.*
N/A

Describe Cause of Problem and Remedial Action Taken.*
The level device on the oil sump at the new API Separator failed to start the oil pump, allowing oil to pass through to the water pumps and out to the aeration lagoons and pond #1. Upon investigation, the pump switch was found to have been left in the off position rather than auto.

Describe Area Affected and Cleanup Action Taken.*
Aeration lagoons one and two and evaporation pond one were impacted by the oil release. Riley Industrial was contacted and two vacuum trucks were sent to work on the cleanup.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

OIL CONSERVATION DIVISION

Signature: <i>Stephen C. Morris</i>	Approved by District Supervisor:	
Printed Name: Stephen C. Morris	Approval Date:	Expiration Date:
Title: Environmental Engineer	Conditions of Approval:	
E-mail Address: smorris@giant.com	Attached <input type="checkbox"/>	
Date: 03-12-2007	Phone: 505 722 0258	

* Attach Additional Sheets If Necessary

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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company	Western Refining - Ciniza Refinery	Contact	Jim Lieb
Address	1-40, Exit 39, Jamestown NM 87347	Telephone No.	505-722-0227
Facility Name	Ciniza Refinery	Facility Type	Oil refinery
Surface Owner	Giant Industries, Inc.	Mineral Owner	Giant Industries, Inc.
		Lease No.	

LOCATION OF RELEASE

Unit Letter	Section 23 & 33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
-------------	--------------------	-----------------	--------------	---------------	------------------	---------------	----------------	--------------------

Latitude 35°29'30" Longitude -108°24'40"

NATURE OF RELEASE

Type of Release	Process Waste Water	Volume of Release: 10 barrels estimate (420 gallons)	Volume Recovered: 400 gallons estimate (in soil)
Source of Release	Weir Box of the New API Separator	Date and Hour of Occurrence 6/23/07 2100 hours	Date and Hour of Discovery 6/23/07 2105 hours
Was Immediate Notice Given?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Required	If YES, To Whom?	
By Whom?		Date and Hour	at hours
Was a Watercourse Reached?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*

Cause: Weir box screen became partially clogged with debris/trash causing waste water to overflow.

Remedial action: Debris was removed from the weir box screen and normal flow through the weir box resumed.

Describe Area Affected and Cleanup Action Taken.*

The area surrounding the weir box, along the north side of the NAPIS, and down slope approximately 100 feet from the NAPIS. A berm is in place down slope of the NAPIS. Waste water that made it to the berm was contained within the berm. The waste water soaked into the soil around the weir box and within the bermed area. Approximately 95% of the contaminated soil has been recovered as of the time of this report. The cleanup will continue until the remainder of the impacted soil is removed. The soil will be placed on plastic liner and enclosed by a berm in our waste soil staging area for final disposition.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature:	<u>OIL CONSERVATION DIVISION</u>		
Printed Name: Jim Lieb	Approved by District Supervisor		
Title: Environmental Engineer	Approval Date:	Expiration Date:	
E-mail Address: jlieb@giant.com	Conditions of Approval:		Attached <input type="checkbox"/>
Date: 6-25-07	Phone: (505) 722-0227		

* Attach Additional Sheets If Necessary

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1625 N. French Dr., Hobbs, NM 88240
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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company	Western Refining - Ciniza Refinery	Contact	Jim Lieb
Address	I-40, Exit 39, Jamestown NM 87347	Telephone No.	505-722-0227
Facility Name	Ciniza Refinery	Facility Type	Oil refinery
Surface Owner	Giant Industries, Inc.	Mineral Owner	Giant Industries, Inc.
		Lease No.	

LOCATION OF RELEASE

Unit Letter	Section 23 & 33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
-------------	--------------------	-----------------	--------------	---------------	------------------	---------------	----------------	--------------------

Latitude 35°29'30" Longitude -108°24'40"

NATURE OF RELEASE

Type of Release	Rain water and Process Waste Water	Volume of Release:	5-10 barrels estimate (210 - 420 gallons)	Volume Recovered:	100 gallons estimate split between what will have soaked in soil to be cleaned up and will be vacuumed up
Source of Release	Weir Box of the New API Separator (NAPIS)	Date and Hour of Occurrence	7/19/07 1717 hours	Date and Hour of Discovery	7/19/07 1723 hours
Was Immediate Notice Given?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? Carl Chavez and Hope Monzeglio			
By Whom?	Jim Lieb	Date and Hour	July 20, 2007 at 0850 hours		
Was a Watercourse Reached?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.			

If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*

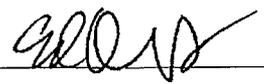
Cause: Heavy rainfall resulted in large slug of water that overflowed the weir box. The weir box had some debris in it that partially contributed to the overflow.
Remedial action: The weir box was put on bypass to allow water to flow directly into the New API separator (NAPIS) until the heavy flow ceased. Debris was removed from the weir box screen and normal flow through the weir box was resumed.

Describe Area Affected and Cleanup Action Taken.*

The area surrounding the weir box, along the north side of the NAPIS, and down slope approximately 100 feet from the NAPIS. Most of the water looks to have flowed into evaporation pond 1. A berm is in place down slope of the NAPIS. Waste water that made it to the berm was contained within the berm. The waste water soaked into the soil around the weir box and within the bermed area. A high priority work order was put in this morning to have the pooled water vacuumed up. The impacted soil will be removed when the area has dried out. The soil will be placed on plastic liner and enclosed by a berm in our waste soil staging area for final disposition.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

OIL CONSERVATION DIVISION

Signature:			
Printed Name: Ed Rios	Approved by District Supervisor		
Title: General Manager	Approval Date:	Expiration Date:	
E-mail Address: erios@giant.com	Conditions of Approval:		Attached <input type="checkbox"/>
Date: 7-20-07	Phone: (505) 722-0202		

* Attach Additional Sheets If Necessary

Riege, Ed

From: Jim Lieb
Sent: Thursday, July 26, 2007 3:50 PM
To: 'Chavez, Carl J, EMNRD'; 'Monzeglio, Hope, NMENV'; 'brandon.powell@state.nm.us'
Cc: Ed Rios; Ed Riege; Steve Morris; Joel Quinones; John Platero; Butch Turpen; Don Riley; Ann Allen; Cheryl Johnson
Subject: Weir Box Overflow on July 19th at Giant/Western - Ciniza Refinery
Attachments: C-141reportform.pdf

Hope/Carl/Brandon:

I have prepared a C-141 for the overflow at the weir box at the new API (NAPIS) that occurred on 7-19-07. We got hit with a really big thunderstorm on the 19th at around 5:15 pm. The resulting slug of rain water overflowed the weir box. The lab staff went right down to the API as soon as they got the signal of high weir box level. They opened the weir box bypass line that when opened allows water to bypass the weir box and flow directly into the NAPIS. The lab foreman estimates it overflowed for 5 minutes and 5 to 10 barrels escaped. I checked the area of the spill the next morning and it looked as though some water flowed into the second aeration lagoon and most into evaporation pond #1. A berm down slope from the NAPIS near the EP1 prevented any from escaping further downslope. I asked the lab foreman who was on duty at the time how he estimated the volume released; he said it was based on the volume of the weir box assuming the whole box overflowed.

To avoid repeats, we have begun daily cleanouts of the weir box during the rainy season. We are also doing an evaluation of the front end loading capacity of the NAPIS as there may be some clogging occurring in the influent pipe there.

If you have any questions, please contact me at (505) 722-0227.

Regards,

Jim Lieb
Environmental Engineer
Giant Industries, Inc.
Ciniza Refinery
I-40, Exit 39
Jamestown, NM 87347
(505) 722-0227
fax (505) 722-0210
jlieb@giant.com

Riege, Ed

From: Jim Lieb
Sent: Wednesday, August 01, 2007 8:48 AM
To: 'Monzeglio, Hope, NMENV'
Cc: Cheryl Johnson; Ed Riege; Steve Morris; 'Chavez, Carl J, EMNRD'
Subject: RE: Over flow at Weir box at NAPI

Hope:

I looked at the excavated soil. We have approximately 5 cubic yards from the first overflow event and around 2 to 3 cu yds from the second event.

Jim

From: Monzeglio, Hope, NMENV [mailto:hope.monzeglio@state.nm.us]
Sent: Friday, July 20, 2007 9:32 AM
To: Jim Lieb; Ed Riege; Steve Morris
Cc: Cobrain, Dave, NMENV; Frischkorn, Cheryl, NMENV; CarlJ.Chavez@state.nm.us
Subject: Over flow at Weir box at NAPI

Jim

The contaminated soils removed as a result of the overflows at the weir box at the NAPI on 6/23/07 and 7/19/07 are considered to have F listed wastes. Giant will need to sample the soils and request a contained in determination from NMED. Giant will need to collect composite samples and analyze for SVOCs full suite, TCLP metals - RCRA 8, reactivity, ignitability, corrosivity, and flash point. Discrete samples must be collected from the most contaminated soils and analyzed for VOCs (8260 full suite). For disposal purposes, Giant will probably need to analyze for TPH as well. Upon receipt of the letter and analytical results, NMED will make a determination. The number of composite and discrete samples will be determined by the volume of soil. I do not think Giant has determined the volume of soil excavated? If you have any questions let me know.

Hope

Hope Monzeglio
Environmental Specialist
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, BLDG 1
Santa Fe NM 87505
Phone: (505) 476-6045
Main No.: (505)-476-6000
Fax: (505)-476-6030
hope.monzeglio@state.nm.us

Websites:
[New Mexico Environment Department](#)
[Hazardous Waste Bureau](#)

Please note the new phone numbers

12/8/2011

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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company Western Refining	Contact Beck Larsen	
Address I-40 / Exit 39	Telephone No.(505) 722-0258	
Facility Name Western Refining (Gallup)	Facility Type Refinery	
Surface Owner	Mineral Owner	Lease No.

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
	28	15 N	15 W					McKinley

Latitude 35° 29' 030" Longitude 108° 24' 040"

NATURE OF RELEASE

Type of Release Oily Water Mixture	Volume of Release 230 bbls	Volume Recovered 205 bbls
Source of Release API	Date and Hour of Occurrence 7/30/2010; 1745	Date and Hour of Discovery 7/30/2010; 1800
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? NMED (HWB) Christiansen/Van Horn/Monzeglio; OCD (Powell)	
By Whom? Beck Larsen	Date and Hour 7/31 (1315,1320,1324,1327 hrs); 8/2 (0745 hrs)	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully. * N/A

Describe Cause of Problem and Remedial Action Taken.* Refer to Initial C141 for description of event. This overflow event occurred prior to the overflow event of August 2, 2010. Oily-water liquids were removed around the API and containment areas using a vacuum truck. (Refer to Initial C-141 for further details.)

Describe Area Affected and Cleanup Action Taken.* The affected area or Area of Contamination (AOC) included around the API and within the containments of all five baker tanks. Cleanup activities began from August 3 through August 18, 2010 using excavation methodology. Samples were collected and analyzed. Approximately 48 cubic yards of contaminated soil around the API and baker tanks were excavated and put in roll-off bins for disposal as a hazardous waste. Additional excavation may be required. (Refer to Initial C-141 for further details.)

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: 	OIL CONSERVATION DIVISION	
Printed Name: Beck Larsen	Approved by District Supervisor:	
Title: Environmental Engineer	Approval Date:	Expiration Date:
E-mail Address: Thurman.larsen@wnr.com	Conditions of Approval:	Attached <input type="checkbox"/>
Date: 10/29/2010 Phone: (505) 722-0258		

* Attach Additional Sheets If Necessary

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1625 N. French Dr., Hobbs, NM 88240
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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company Western Refining	Contact Beck Larsen
Address I-40 / Exit 39	Telephone No.(505) 722-0258
Facility Name Western Refining (Gallup)	Facility Type Refinery

Surface Owner	Mineral Owner	Lease No.
---------------	---------------	-----------

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
	28	15 N	15 W					McKinley

Latitude 35° 29' 030" Longitude 108° 24' 040"

NATURE OF RELEASE

Type of Release Oily Water Mixture	Volume of Release 159 bbls	Volume Recovered 149 bbls
Source of Release API	Date and Hour of Occurrence 8/02/2010; 1725	Date and Hour of Discovery 8/02/2010; 1800
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? NMED (HWB) Christiansen/Van Horn/Monzeglio; OCD (Powell)	
By Whom? Beck Larsen	Date and Hour 8/3 (1010 (Msg), 1012 (Msg), 1020 hrs); 8/3 (1028 hrs)	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.* N/A

Describe Cause of Problem and Remedial Action Taken.* Refer to Initial C-141 for description of event. This overflow occurred immediately after the overflow that occurred on July 30, 2010. Oily-water liquids were removed around the API and containment areas of all five baker tanks. This oily water mixture will be sent back to the API via a process sewer for oil/water separation. All aqueous liquids were removed by August 4, 2010. Refer to Initial C-141 for further details.

Describe Area Affected and Cleanup Action Taken.* The Area of Contamination (AOC) included the area surrounding the API and the containment around the frac tanks. Cleanup activities began from august 3 through august 18, 2010 using excavation methodology. Samples were collected and analyzed. Approximately 48 cubic yards of contaminated soil around the API and baker tanks were excavated and put in roll-off bins for disposal as a hazardous waste. Additional excavation and sampling may be required. Refer to Initial C-141 for further details.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: 	<u>OIL CONSERVATION DIVISION</u>	
Printed Name: Beck Larsen	Approved by District Supervisor:	
Title: Environmental Engineer	Approval Date:	Expiration Date:
E-mail Address: Thurman.larsen@wmr.com	Conditions of Approval:	
Date: 10/29/2010 Phone: (505) 722-0258	Attached <input type="checkbox"/>	

* Attach Additional Sheets If Necessary

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Energy Minerals and Natural Resources

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-141
Revised October 10, 2003
Submit 2 Copies to appropriate
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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company	Giant Refining - Gallup Refinery	Contact	Jim Lieb
Address	1-40, Exit 39, Jamestown NM 87347	Telephone No.	505-722-0227
Facility Name	Gallup Refinery	Facility Type	Petroleum Refinery
Surface Owner	Giant Industries, Inc.	Mineral Owner	Giant Industries, Inc.
		Lease No.	

LOCATION OF RELEASE

Unit Letter	Section 23 & 33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
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Latitude 35°29'22" Longitude -108°25'24"

NATURE OF RELEASE

Type of Release	FCC Feed Oil	Volume of Release	200 barrels	Volume Recovered	190 barrels
Source of Release	Tank 701 in the Hot Oil Tank Farm	Date and Hour of Occurrence	9/16/07 at 8:00 hours	Date and Hour of Discovery	9/16/07 At 10:00 hours
Was Immediate Notice Given?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? Carl Chavez and Hope Monzeglio			
By Whom?	Steve Morris	Date and Hour Carl Chaves at 11:10 AM and Hope Monzeglio at 11:20 AM both on 9/16/07 (messages left on phones)			
Was a Watercourse Reached?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.			

If a Watercourse was Impacted, Describe Fully.* not applicable

Describe Cause of Problem and Remedial Action Taken.*

FCC feed was mistakenly pumped to Tank 701 despite that it was gauged as full the previous night. Hence the cause can be attributed to operator error. As soon as it was noted that the tank was overflowing, the pump feed to the tank was shut off and the Giant vac truck was dispatched to vacuum up the spilled feed. The drain valve in the containment dike surrounding Tank 701 was open but it was shut off as soon as it became apparent that oil was escaping the dike. Some feed oil escaped outside the dike before the valve was closed. The amount estimated to have escaped the dike is 10 barrels (42 gals/bbl) but contained in a depression near the dike so it did not get very far. The oil outside the dike was given immediate attention for cleanup.

Describe Area Affected and Cleanup Action Taken.*

The area inside the dike surrounding Tank 701 and immediately outside the dike on the southwest side of the dike. Giant's vac truck was dispatched to begin vacuuming the spilled feed oil as soon as it became apparent the spill occurred to operating personnel. A Riley Industrial Services vac truck also began vacuuming the spilled feed oil. Oil cleanup using water rinsing of impacted areas began the next day. The recovered oil/water mixture was put in a frac tank for metering into the NAPIS for recovery of oil. Removal of the oil impacted soil from outside and inside the dike began the morning of 9-17-07. The oil impacted soil has been placed in plastic lined bermed pads in the soil staging area. Approximately 500 barrels of oily water mixture resulted from the cleanup.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

OIL CONSERVATION DIVISION

Signature:			
Printed Name: Ed Rios	Approved by District Supervisor:		
Title: General Manager	Approval Date:	Expiration Date:	
E-mail Address: erios@giant.com	Conditions of Approval:		Attached <input type="checkbox"/>
Date: September 19, 2007	Phone: 505-722-0202		

* Attach Additional Sheets If Necessary

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1625 N. French Dr., Hobbs, NM 88240
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1301 W. Grand Avenue, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company: Western Refining; Gallup Refinery	Contact: Bryon Holbrook
Address: I-40, Exit 39, Jamestown NM 87347	Telephone No.: 505-722-0258
Facility Name: Gallup Refinery	Facility Type: Oil refinery

Surface Owner: Giant Industries, Inc.	Mineral Owner: Giant Industries, Inc.	Lease No.
---------------------------------------	---------------------------------------	-----------

LOCATION OF RELEASE

Unit Letter	Section 23 & 33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
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Latitude 35°29'30" Longitude -108°24'40"

NATURE OF RELEASE

Type of Release: Fuel Oil	Volume of Release: 5 to 6 barrels (estimate)	Volume Recovered: 4 barrels
Source of Release: Tank 706	Date and Hour of Occurrence: 3/19/08 @ 1250hours (estimate)	Date and Hour of Discovery: 3/19/08 @ 1300 hours
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? OCD - Carl Chavez NMED - Hope Monzeglio	
By Whom? Jim Lieb	Date and Hour 3/20/08 at 0805 hours	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

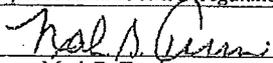
If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*

A pump seal failed while fuel oil was being pumped from Tank 706 to the loading rack. A pumper technician saw the leakage and immediately turned off the pump. The spill is contained within the dike surrounding the hot oil tanks. A vacuum truck was dispatched soon after the spill occurred to vacuum up the spilled fuel oil. The vacuum truck was able to recover approximately 4 barrels of the spilled fuel oil.

Describe Area Affected and Cleanup Action Taken.* The release is in the area around the Tank 706 pump. None of the release made its way off of Western property. A Veolia vacuum truck was able to recover approximately 4 barrels of fuel oil. We estimate that approximately 1-2 barrels of fuel oil was released into the soil. We will take core samples to determine the penetration of the fuel oil into the soil. The impacted soil has been removed and placed directly into roll-off boxes or on plastic liner until additional boxes can be obtained. We will sample the excavated area to ensure that all the oil impacted soil has been removed. Upon OCD and NMED approval, the excavation will be back-filled with fresh clay after confirmatory sampling is conducted. Impacted soils will be taken off-site for land farming at an OCD approved facility (likely Envirotech in Farmington).

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: 	OIL CONSERVATION DIVISION	
Printed Name: Mark B. Turri	Approved by District Supervisor:	
Title: General Manager	Approval Date:	Expiration Date:
E-mail Address: mark.turri@wnr.com	Conditions of Approval:	Attached <input type="checkbox"/>
Date: March 26, 2008 Phone: (505) 722-0202		

* Attach Additional Sheets If Necessary

Riege, Ed

From: Jim Lieb
Sent: Monday, June 25, 2007 12:14 PM
To: 'Monzeglio, Hope, NMENV'; 'Chavez, Carl J, EMNRD'
Cc: Ed Riege; Ed Rios; Steve Morris; Cheryl Johnson; Joel Quinones; Don Riley; William Chojnacky; John Platero
Subject: Weir Box Overflow - Western Refining - Ciniza Refinery
Importance: High
Attachments: _0625121005_001.pdf

Hope, Carl:

On Saturday (6-23-07) evening at 9:00 PM our control room got high level indicator alarm regarding the weir box of the New API Separator (NAPIS). Our lab was notified about the high level alarm. The lab foremen went out to check the weir box and noticed it was overflowing. He put the weir box on bypass (this allows water to bypass the weir box and flow straight into the NAPIS) and cleared out the debris. We estimate that as many as 10 barrels of waste water was spilled onto the ground. Some of the water pooled around the weir box and the rest flowed alongside the north side of the NAPIS. It continued approximately 100 feet down slope into a bermed area. The water was contained within the berm. The water soaked into the soil around the weir box and in the bermed area. I looked at the soil that we recovered; it looks pretty clean, so the oil content in the water that spilled was relatively low. We will place the soil in our waste soil staging area. It will be placed in a bermed spot on plastic liner. We estimate that 95% of the impacted soil has been removed thus far. We will continue the recovery of impacted soil. I calculated the benzene release amount; it is less than half the CERCLA RQ (RQ = 10 pounds).

I prepared the OCD's C-141 release notification form and have attached it to my email.

If you have any questions on the spill, please contact me at 505-722-0227 or jl Lieb@giant.com

Regards,

Jim Lieb
Environmental Engineer
Giant Industries, Inc.
Ciniza Refinery
I-40, Exit 39
Jamestown, NM 87347
(505) 722-0227
fax (505) 722-0210
jl Lieb@giant.com

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Santa Fe, NM 87505

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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company Western (Giant) Refining: Gallup Refinery	Contact Jim Lieb
Address I-40, Exit 39, Jamestown NM 87347	Telephone No. 505-722-0227
Facility Name: Gallup Refinery	Facility Type Oil refinery
Surface Owner: Giant Industries, Inc.	Mineral Owner: Giant Industries, Inc. Lease No.

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
	23 & 33	15N	15W					McKinley

Latitude 35°29'30" Longitude -108°24'40"

NATURE OF RELEASE

Type of Release: Gasoline Product	Volume of Release: 6,800 gallons	Volume Recovered: 5,000 gallons
Source of Release: Tanker Loading Rack	Date and Hour of Occurrence: 12/4/07 @ 1230 hours	Date and Hour of Discovery: 12/4/07 @ 1230 hours
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? OCD - Carl Chavez NMED - Hope Monzeglio	
By Whom? Jim Lieb	Date and Hour 12/4/07 at 1426 hours	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

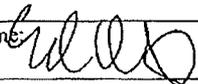
If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*

A truck driver inadvertently opened a valve on a tanker and gasoline poured out onto the loading dock pad. Most of the gasoline was contained on the pad and some entered the process sewer that goes to the new API separator (NAPIS). Some of the gasoline spilled over the pad onto adjacent soil. We immediately shut down the loading dock and foamed the pad to prevent fire. A vac truck was immediately dispatched to recover spilled gasoline product. The area was also flushed with water spray to reduce likelihood of fire and to assist recovery of gasoline by the vac truck. A crew of 8 workers was put to work to dig up the impacted soil. The crew also built a low dike of soil around the impacted area.

Describe Area Affected and Cleanup Action Taken.* The release is restricted to the loading dock area. None of the release got off Giant property. The pad was washed down to help prevent fire and assist with vac truck recovery. A vac truck was able to recover approximately 5,000 gallons of gasoline product which was directed into the New API. We estimate that approximately 300 gallons of gasoline was released to the soil. The balance evaporated. The impacted soil was removed and placed either directly into roll-off boxes or on plastic liner until additional boxes can be obtained. We will sample the excavated area to ensure all the gasoline contamination has been removed. Upon OCD and NMED approval, the excavation will be back-filled with fresh soil after confirmatory sampling is conducted.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOC rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOC marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOC acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature:	<u>OIL CONSERVATION DIVISION</u>	
Printed Name:  ED RIOS	Approved by District Supervisor:	
Title: General Manager	Approval Date:	Expiration Date:
E-mail Address: <u>erios@giant.com</u>	Conditions of Approval:	Attached <input type="checkbox"/>
Date: December 7, 2007 Phone: (505) 722-0202		

* Attach Additional Sheets If Necessary

Riege, Ed

From: Jim Lieb
Sent: Monday, December 17, 2007 1:51 PM
To: 'Monzeglio, Hope, NMENV'; 'Chavez, Carl J, EMNRD'; 'brandon.powell@state.nm.us'
Cc: 'wprice@state.nm.us'; 'dave.cobrain@state.nm.us'; Ed Rios; Stan Fisher; Ed Riege; Joel Quinones; Don Riley; Bryon Holbrook; Ann Allen; Cheryl Johnson
Subject: C-141 Form for the Gasoline Spill at the Giant Gallup Refinery Loading Rack on December 4, 2007
Attachments: LoadRack12-4-07.pdf

Hope, Carl, Brandon:

As you know from the messages I left on your phones, we experienced a large spill of gasoline product here at the refinery on December 4, 2007. A tanker driver was opening a valve on a tanker allowing 6,800 gallons of gasoline to leak onto the loading rack pad. We immediately shut down the loading rack and foamed the area to prevent fire. We immediately dispatched a vac truck to vacuum up as much gasoline as possible - approximately 5,000 gallons was vacuumed up. Some of the gasoline made its way to drains in the loading rack area leading to the new API separator. About 300 gallons made its way onto adjoining soil. We washed down the pad with water which was vacuumed up. After the pad cleanup was finished and it was determined it was safe to do so, the rack was put back into service late in the afternoon.

A crew was immediately put to work diking the area where the gasoline leaked onto the soil. We have excavated impacted soil and placed it into either roll off boxes or on plastic liner material. We are currently making arrangements on a facility to accept the soil.

We will take confirmatory soil samples once we have excavated all the impacted soil. We will provide the sampling results to NMED and OCD. Once we receive approval we will back fill the area with clean soil.

We are conducting an incident evaluation on the spill to determine exactly why the spill occurred and how we can prevent a reoccurrence from ever happening again.

If you have any questions, please contact me at (505) 722-0227.

Regards,

Jim Lieb

Environmental Engineer
Giant Industries, Inc.
Gallup Refinery
I-40, Exit 39
Jamestown, NM 87347
(505) 722-0227
fax (505) 722-0210
jl Lieb@giant.com

Riege, Ed

From: Jim Lieb
Sent: Wednesday, January 02, 2008 3:46 PM
To: 'Chavez, Carl J, EMNRD'; 'Monzeglio, Hope, NMENV'; 'brandon.powell@state.nm.us'
Cc: 'wprice@state.nm.us'; 'dave.cobrain@state.nm.us'; Ed Rios; Ed Riege; Bryon Holbrook; Cheryl Johnson; Loretta Morgan; Joel Quinones; Butch Turpen; Ann Allen
Subject: Ethanol Spill at Western (Giant) Refining Gallup
Importance: High
Attachments: EthanolRelease 12-31-07.pdf

Carl, Hope, and Brandon:

The Western (Giant) Refining Refinery near Gallup experienced a release of ethanol in the early morning of December 31, 2007. I have prepared the OCD's C-141 Form for the release and attached it to this email. The release occurred as a result of a gauge that came loose on the Marketing Tank Number 5 ethanol pump (not the #6 marketing tank as in my oral report). The quantity released was 32 barrels (1,344 gallons). Most of the ethanol spilled into the diked area surrounding the #5 Marketing Tank but some sprayed into the vapor recovery unit area adjacent to the tanker truck loading. We washed down the impacted area with water to dilute the ethanol to prevent fire. A vac truck was dispatched to recover the ethanol. We estimate that approximately half of the ethanol has been recovered so far. We put the recovered ethanol into a frac tank. We will recover more after a second frac tank arrives that we can transfer the ethanol into. Some ethanol has evaporated due to its relatively high vapor pressure. We anticipate that the ethanol will evaporate from the soil in the diked area of Tank #5 after the recovery efforts have ended.

If you have any questions, please contact me.

Regards,

Jim Lieb
Environmental Engineer
Western Refining, Inc.
Gallup Refinery
I-40, Exit 39
Jamestown, NM 87347
(505) 722-0227
fax (505) 722-0210
jim.lieb@wnr.com

12/7/2011

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1625 N. French Dr., Hobbs, NM 88240
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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company Western Refining Southwest Inc.	Contact Gaurav Rajen
Address I-40 Exit 39, Jamestown, NM 87347	Telephone No. 505-722-3833
Facility Name Gallup Refinery	Facility Type Oil refinery
Surface Owner Western Refining	Mineral Owner Western Refining
Lease No.	

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
	23&33	15N	15W					McKinley

Latitude 35°29'22" Longitude 108°25'24"

NATURE OF RELEASE

Type of Release Ultra-low Sulfur Diesel	Volume of Release 44 barrels of Ultra-low Sulfur Diesel (1848 gallons) estimate	Volume Recovered 68 barrels of an oil and water mixture (with 40 barrels or 1680 gallons of oil in the mixture) estimate
Source of Release Leaking underground pipeline at truck loading rack	Date and Hour of Occurrence 12/23/2009; 4 pm	Date and Hour of Discovery 12/23/2009; 4:00 pm
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? Carl J. Chavez, NMEMNRD, Oil Conservation Division; Hope Monzeglio, NMED Hazardous Waste Bureau (via telephone)	
By Whom? Ed Riege	Date and Hour 12/23/2009 6:30 pm (approximately)	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse. Not applicable	

If a Watercourse was Impacted, Describe Fully.* Not applicable

Describe Cause of Problem and Remedial Action Taken.*

At approximately 4 pm on 12/23/2009, maintenance personnel noticed Ultra-low Sulfur Diesel (ULSD) emanating from a buried pipe at the west end of the truck loading rack. Immediate action was taken to isolate the line. Soil was excavated to uncover the leaking line, and a vacuum truck was used to collect approximately 750 gallons of product from the hole around the leaking line. Later, the asphalt in the area was washed down, and approximately 700 gallons of the wash water was captured by the vacuum truck. This mixture was approximately 5% product, or 35 gallons. Some of the ULSD and water mixture had run off the truck loading rack area and into an adjacent field where it had pooled in a depression. Approximately 1400 gallons of these liquids were picked up by the vacuum truck. We estimate conservatively that 66% of this mixture was ULSD, though probably a lesser fraction. We have collected soil samples in this area, which will allow for a better estimate.

Describe Area Affected and Cleanup Action Taken.*

Near the leaking line, the subsurface area affected is approximately 5 feet square and 5 feet deep. This area was excavated to get to the leak. Contaminated soil that was excavated to find the leak is currently being stored on plastic sheeting in a staging area, awaiting final disposition. The pit has been back-filled as this is an extremely active area of the refinery. There is another area of approximately 10 feet by 20 feet where an oily-water mixture had pooled in the adjacent field. There is also the channel along the flow path which is approximately 250 feet in length and about 1 foot wide. Because the ground was frozen, material could not penetrate very deep into the ground. Immediately on noting the leak, the ULSD sales line was shut down and trucks moved out of the area. A vacuum truck was used to collect product emanating from the leaking underground line, while it was being isolated. The asphalt was washed down and the oily-water mixture was also collected by the vacuum truck. Material that had run off the asphalt and into an adjacent field was also collected from the depression where it had pooled. The soils in this area are stained with ULSD. In further cleanup actions, contaminated soils will be excavated, confirmatory environmental samples will be collected and analyzed, and all contaminated materials will be disposed off in accordance with applicable regulations.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOC rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOC marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health the environment. In addition, NMOC acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other deral, state, or local laws and/or regulations.

Signature: <i>Mark B. Turri</i>		<u>OIL CONSERVATION DIVISION</u>	
Printed Name: Mark B. Turri		Approved by District Supervisor:	
Title: Refinery Manager – Gallup		Approval Date:	Expiration Date:
E-mail Address: Mark.Turri@wnr.com		Conditions of Approval:	
Date: 12-29-2009	Phone: 505-722-3833	Attached <input type="checkbox"/>	

- Attach Additional Sheets If Necessary

District I
1625 N. French Dr., Hobbs, NM 88240
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1301 W. Grand Avenue, Artesia, NM 88210
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State of New Mexico
Energy Minerals and Natural Resources

Oil Conservation Division
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Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company Western (Giant) Refining: Gallup Refinery	Contact Jim Lieb
Address I-40, Exit 39, Jamestown NM 87347	Telephone No. 505-722-0227
Facility Name: Gallup Refinery	Facility Type Oil refinery

Surface Owner: Giant Industries, Inc.	Mineral Owner: Giant Industries, Inc.	Lease No.
---------------------------------------	---------------------------------------	-----------

LOCATION OF RELEASE

Unit Letter	Section 23 & 33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
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Latitude 35°29'30" Longitude -108°24'40"

NATURE OF RELEASE

Type of Release: Ethanol (ethyl alcohol)	Volume of Release: 32 barrels 1,344 gallons	Volume Recovered: 16 barrels
Source of Release: Marketing Tank #56	Date and Hour of Occurrence: 12/31/07 @ 12:30 AM (estimate)	Date and Hour of Discovery: 12/31/07 @ 12:50 AM
Was Immediate Notice Given? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom?	
By Whom?	Date and Hour	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*

Describe Cause of Problem and Remedial Action Taken.*
A pressure gauge on the ethanol pump at Marketing Tank #5 (ethanol storage tank) came loose. Ethanol leaked from the gauge onto the surrounding ground and flowed into the diked area surrounding Marketing Tank #5. Some ethanol sprayed into the nearby VRU area. We sprayed down the area with water to dilute the ethanol. A vac truck was dispatched to vacuum up the ethanol/water mixture. We estimate that approximately 16 barrels of ethanol has been vacuumed up so far. The recovered ethanol was transferred into a frac tank. Some of the spilled ethanol has evaporated. We are bringing in a second frac tank for recovery of the remaining ethanol.

Describe Area Affected and Cleanup Action Taken.* The released ethanol is within the dike surrounding the Marketing Tank #5. None of the release got off Giant property. We anticipate that any ethanol remaining after recovery will evaporate from the soil.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: 	OIL CONSERVATION DIVISION	
Printed Name: F. D. Reay	Approved by District Supervisor:	
Title: General Manager	Approval Date:	Expiration Date:
E-mail Address: erios@giant.com	Conditions of Approval:	Attached <input type="checkbox"/>
Date: January 2, 2008 Phone: (505) 722-0202		

* Attach Additional Sheets If Necessary

District I
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Release Notification and Corrective Action

OPERATOR		<input checked="" type="checkbox"/> Initial Report	<input type="checkbox"/> Final Report
Name of Company: Western Refining: Gallup Refinery	Contact: Bryon Holbrook		
Address: I-40, Exit 39, Jamestown NM 87347	Telephone No.: 505-722-0258		
Facility Name: Gallup Refinery	Facility Type: Oil refinery		
Surface Owner: Giant Industries, Inc.	Mineral Owner: Giant Industries, Inc.	Lease No.	

LOCATION OF RELEASE

Unit Letter	Section 23 & 33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
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Latitude 35°29'30" Longitude -108°24'40"

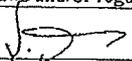
NATURE OF RELEASE

Type of Release: Ultra Low Sulfur Diesel Fuel	Volume of Release: 20 barrels (estimate)	Volume Recovered: 15 barrels (estimate)
Source of Release: Marketing Tank No. 1	Date and Hour of Occurrence: 3/7/08 @ 1405 hours	Date and Hour of Discovery: 3/7/08 @ 1415 hours
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? OCD - Carl Chavez NMED - Hope Monzeglio	
By Whom? Bryon Holbrook	Date and Hour 3/7/08 at 1615 hours	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse.	

If a Watercourse was Impacted, Describe Fully.*
Describe Cause of Problem and Remedial Action Taken.*
Tank overflow. Marketing Tank No. 1 was on auto fill. The transfer pump did not switch off at the pre-selected level. An employee who was near the tank saw the spill and immediately notified the lab and the pump was shut off. Western will conduct a full investigation to determine the root cause of the overflow.
A vacuum truck was dispatched soon after the spill occurred to vacuum up the spilled diesel. The vacuum truck was able to recover 75% (estimate) of the spilled diesel.

Describe Area Affected and Cleanup Action Taken.* The release is restricted to the diked area surrounding the marketing tanks. None of the release made its way off of Western property. A vac truck was able to recover approximately 15 barrels of diesel. We estimate that approximately 5 barrels of diesel was released into the soil. We are taking core samples to determine the penetration of the diesel into the soil. The impacted soil will be removed and placed either directly into roll-off boxes or on plastic liner until additional boxes can be obtained. We will sample the excavated area to ensure all the diesel impacted soil has been removed. Upon OCD and NMED approval, the excavation will be back-filled with fresh clay after confirmatory sampling is conducted. Impacted soils anticipated either be landfarmed on site or taken off-site depending availability of space in landfarm.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCED rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCED marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCED acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

Signature: 	OIL CONSERVATION DIVISION	
Printed Name: Joel Quinones	Approved by District Supervisor:	
Title: Prod. Quality/Dist. Manager	Approval Date:	Expiration Date:
E-mail Address: joel.quinones@wnr.com	Conditions of Approval:	
Date: March 10, 2008 Phone: (505) 722-0260	Attached <input type="checkbox"/>	

* Attach Additional Sheets If Necessary

District I
1625 N. French Dr., Hobbs, NM 88240
District II
1301 W. Grand Avenue, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
J S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-141
Revised October 10, 2003

Submit 2 Copies to appropriate
District Office in accordance
with Rule 116 on back
side of form

Release Notification and Corrective Action

OPERATOR

Initial Report Final Report

Name of Company Western Refining Southwest Inc.	Contact Gaurav Rajen
Address I-40 Exit 39, Jamestown, NM 87347	Telephone No. 505-722-0227
Facility Name Gallup Refinery	Facility Type Oil refinery
Surface Owner Western Refining	Mineral Owner Western Refining
Lease No.	

LOCATION OF RELEASE

Unit Letter	Section	Township	Range	Feet from the	North/South Line	Feet from the	East/West Line	County
	23&33	15N	15W					McKinley

Latitude 35°29'22" Longitude 108°25'24"

NATURE OF RELEASE

Type of Release Gasoline (Premium)	Volume of Release 200 barrels of gasoline (8400 gallons) estimate	Volume Recovered 2100 barrels of an oil and water mixture (with 190 barrels or 8000 gallons of oil in the mixture) estimate
Source of Release Overflow from Tank #2	Date and Hour of Occurrence 8/2/2008; before 6:45 am (approximately)	Date and Hour of Discovery 8/2/2008; 6:45 am
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? Carl J. Chavez, NMEMNRD, Oil Conservation Division; Hope Monzeglio, NMED Hazardous Waste Bureau (via telephone)	
Whom? Gaurav Rajen	Date and Hour 8/2/2008 (approximately) 10:00 am	
Was a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse. Not applicable	

If a Watercourse was Impacted, Describe Fully.* Not applicable

Describe Cause of Problem and Remedial Action Taken.* At approximately 6:45 am on 8/2/2008, the Operations Supervisor discovered that Marketing Tank #2 was running over. This Marketing Tank #2 was running over at the roof vents and drains and spilling premium gasoline onto the soil within the area surrounded by a berm. No product left the containment area within the berm. Water and foam were sprayed on the spilled product for suppression of any possibility of fire. The response team used earth moving equipment to build up the containment barrier at that end of the containment berm at which product was collecting. This was done as a precautionary measure as the volume of liquid present was increasing from the water and the foam being sprayed onto the tank and being used to cover the spilled product. Product from the bottom of the tank was also drained out on to the ground to prevent further outflow from the roof drains - this action was taken as the outflow from the roof had a greater possibility of creating an explosive situation and draining directly on to the ground was preferable from a safety perspective. Either from the roof or the ground drain, the product was reaching the ground. This drain was disconnected from the sewer system which prevented any possibility of explosion within the sewers. This disconnect was previously in place from ongoing maintenance work. Water used to spray the tank was also entering into the tank, so water was emerging from the bottom drain along with product. There is a detailed investigation underway - the tank was overfilled, and the primary cause is yet to be determined.

Describe Area Affected and Cleanup Action Taken.*

The affected area within the berm had a surface area of approximately 10000 square feet with some vertical penetration of the gasoline (of as yet unknown depth, but, based on prior experience, presumed to be of the order of 2 feet or less).

The area was isolated through the use of barricades to prevent unauthorized intrusion. Two trucks with vacuum pumps were used on Saturday 8-2-2008 (21 loads) and Sunday 8-3-2008 (7 loads) to collect free liquids (product mixed with foam and water) from within the berm. Approximately 28 truck-loads of approximately 75 barrels per load were collected for a total of approximately 2100 barrels (88200 gallons). Visual observation of the area determined that there was 1 inch of gasoline floating on about a foot and greater of water - i.e. a 10:1 ratio of the water to oil mixture. This leads to an estimate of approximately 200 barrels of gasoline spilled onto the ground.

In further cleanup actions, contaminated soils will be excavated, confirmatory environmental samples will be collected and analyzed, and all contaminated materials will be disposed off in accordance with applicable regulations. There is a drainage ditch running alongside the bermed area that did not exhibit any signs of contamination apart from some limited spray of water from the fire suppression techniques employed. The water reaching the drainage ditch the spray had not contacted any gasoline. This drainage ditch area will also be tested in the sampling and assessment to be undertaken.

District I
1625 N. French Dr., Hobbs, NM 88240
District II
1301 W. Grand Avenue, Artesia, NM 88210
District III
1000 Rio Brazos Road, Aztec, NM 87410
District IV
120 S. St. Francis Dr., Santa Fe, NM 87505

State of New Mexico
Energy Minerals and Natural Resources

Oil Conservation Division
1220 South St. Francis Dr.
Santa Fe, NM 87505

Form C-141
Revised October 10, 2003

Submit 2 Copies to appropriate
District Office in accordance
with Rule 116 on back
side of form

Release Notification and Corrective Action

OPERATOR Initial Report Final Report

Name of Company Western Refining Southwest Inc.	Contact Gaurav Rajen
Address I-40 Exit 39, Jamestown, NM 87347	Telephone No. 505-722-0227
Facility Name Gallup Refinery	Facility Type Oil refinery

Surface Owner Western Refining	Mineral Owner Western Refining	Lease No.
--------------------------------	--------------------------------	-----------

LOCATION OF RELEASE

Unit Letter	Section 23&33	Township 15N	Range 15W	Feet from the	North/South Line	Feet from the	East/West Line	County McKinley
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Latitude 35°29'22" Longitude 108°25'24"

NATURE OF RELEASE

Type of Release Gasoline (87 Octane)	Volume of Release 50 barrels of gasoline (2100 gallons) estimate	Volume Recovered In process
Source of Release Overflow from Marketing Tank # 3	Date and Hour of Occurrence 8/7/2008; 4:15 pm (approximately)	Date and Hour of Discovery 8/7/2008; 4:30 pm
Was Immediate Notice Given? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	If YES, To Whom? Carl J. Chavez, NMEMNRD, Oil Conservation Division; Hope Monzeglio, NMED Hazardous Waste Bureau (via telephone)	
By Whom? Gaurav Rajen	Date and Hour 8/7/2008 (approximately) 5:00 pm	
as a Watercourse Reached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If YES, Volume Impacting the Watercourse. Not applicable	

If a Watercourse was Impacted, Describe Fully.* Not applicable

Describe Cause of Problem and Remedial Action Taken.* At approximately 4:15 pm on 8/7/2008, the Operations Supervisor discovered that Marketing Tank #3 was running over. This Marketing Tank #3 was running over at the roof drains and spilling 87 Octane Gasoline onto the soil within the area surrounded by a berm. No product left the containment area within the berm. Water and foam were sprayed on the spilled product for suppression of any possibility of fire. There is a detailed investigation underway -- the tank was overfilled, and the primary cause is yet to be determined.

Describe Area Affected and Cleanup Action Taken.*

The affected area within the berm had a surface area of approximately 10000 square feet with some vertical penetration of the gasoline (of as yet unknown depth, but, based on prior experience, presumed to be of the order of 2 feet or less).

The area was isolated through the use of barricades to prevent unauthorized intrusion. Trucks with vacuum pumps will be used to collect free liquids (product mixed with foam and water) from within the berm. Given the duration of the discharge from the drain pipes, and the tank and pipe geometry, the estimate of the spill is approximately 50 barrels of gasoline spilled onto the ground.

In further cleanup actions, contaminated soils will be excavated, confirmatory environmental samples will be collected and analyzed, and all contaminated materials will be disposed off in accordance with applicable regulations. There is a drainage ditch running alongside the bermed area that did not exhibit any signs of contamination apart from spray of water and foam from the fire suppression techniques employed. The water reaching the drainage ditch via the spray had not contacted any gasoline. This drainage ditch area will also be tested in the sampling and assessment to be undertaken.

I hereby certify that the information given above is true and complete to the best of my knowledge and understand that pursuant to NMOCD rules and regulations all operators are required to report and/or file certain release notifications and perform corrective actions for releases which may endanger public health or the environment. The acceptance of a C-141 report by the NMOCD marked as "Final Report" does not relieve the operator of liability should their operations have failed to adequately investigate and remediate contamination that pose a threat to ground water, surface water, human health or the environment. In addition, NMOCD acceptance of a C-141 report does not relieve the operator of responsibility for compliance with any other federal, state, or local laws and/or regulations.

OIL CONSERVATION DIVISION

Signature:		
Printed Name: Mark B. Turri	Approved by District Supervisor:	
Title: Refinery Manager - Gallup	Approval Date:	Expiration Date:
E-mail Address: mturri@wnr.com	Conditions of Approval:	Attached <input type="checkbox"/>
Date: 8-4-2008	Phone: 505-722-3833	

APPENDIX NO. 3

**COMPARISON BETWEEN LISTS OF SWMUs
WESTERN REFINING - GALLUP REFINERY**

Unit ID (2011 Permit Renewal)	Unit Description	Unit ID (2000 Permit)	Unit ID (1987 RFA Report)
SWMU 15	New API Separator	N/1	N/1
SWMU 16	New API Separator Overflow Tanks	N/1	N/1
SWMU 20	East Fuel Oil Loading Rack	N/1	N/1
SWMU 21	Crude Slop and Ethanol Unloading Facility	N/1	N/1
SWMU 22	Main Loading Racks	N/1	N/1
SWMU 23	Loading Rack Additive Tank Farm	N/1	N/1
SWMU 25	Crude Oil Tank Farm (tanks 101 and 102)	N/1	N/1
SWMU 26	Tank 573 (Kerosene tank)	N/1	N/1
SWMU 27	Process Units	N/1	N/1
SWMU 28	Boiler and Cooling Unit Area	N/1	N/1
SWMU 29	Warehouse and Maintenance Shop Area	N/1	N/1
SWMU 31	Laboratory	N/1	N/1
SWMU 32	Tanks 27 and 28	N/1	N/1
SWMU 33	Flare and Ancillary Tanks (tanks Z85V2, V85V3, Z84-T105)	N/1	N/1
SWMU 34	Storm Water Collection System	N/1	N/1

SWMU - Solid Waste Management Unit

N/1 - Not identified

APPENDIX NO. 4

United States
Environmental Protection
Agency

Office of
Solid Waste and
Emergency Response



DIRECTIVE NUMBER: 9502.00-6

TITLE: Definition of Solid Waste Management Unit for the Purpose of Corrective Action
(under Section 3004(u))

APPROVAL DATE: July 24, 1987

EFFECTIVE DATE: July 24, 1987

ORIGINATING OFFICE: OSW/PSPD

FINAL

DRAFT

STATUS:

REFERENCE (other documents)

OSWER OSWER OSWER
/E DIRECTIVE DIRECTIVE DA



United States Environmental Protection Agency
Washington, DC 20460

OSWER Directive Initiation Request

1. Directive Number
9502.00-6

2. Originator Information

Name of Contact Person Larry Stirling	Mail Code WH-563	Office OSW/PSPD	Telephone Code 382-4754
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3 Title
Definition of Solid Waste Management Unit for the Purpose of Corrective Action under Section 3004(u)

4. Summary of Directive (include brief statement of purpose)

Memorandum Clarifies the concept of "deliberate" in defining a solid waste management unit.

5 Keywords

Corrective Action, Definition, Waste Management

5a. Does This Directive Supersede Previous Directive(s)?

No Yes What directive (number, title)

b. Does It Supplement Previous Directive(s)?

No Yes What directive (number, title) **9502.00-5 RCRA Facility Assessment Guidance**

7. Draft Level

A - Signed by AA/DAA B - Signed by Office Director C - For Review & Comment D - In Development

8. Document to be distributed to States by Headquarters? Yes No

This Request Meets OSWER Directives System Format Standards.

9 Signature of Lead Office Directives Coordinator

Jennifer A. Basher

Date
24 July 1987

10. Name and Title of Approving Official

Marcia E. Williams, Director, Office of Solid Waste

Date
July 24, 1987

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

OSWER OSWER OSWER O
VE DIRECTIVE DIRECTIVE DIRECTIVE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 21 1985

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Definition of Solid Waste Management Unit for the
Purpose of Corrective Action Under Section 3004(u)

FROM: Marcia E. Williams, Director *Marcia Williams*
Office of Solid Waste

TO: Hazardous Waste Division Directors, Regions I-X

The purpose of this memorandum is to provide clarification regarding one aspect of the definition of solid waste management unit as related to RCRA corrective action under Section 3004(u). The concept of a solid waste management unit has been explained in various guidances since the passage of the 1984 Hazardous and Solid Waste Amendments (HSWA).

As explained in the July 15, 1985 HSWA Codification Rule, a solid waste management unit is "... any unit at a facility from which hazardous constituents might migrate, irrespective of whether the units were intended for the management of solid and/or hazardous wastes." This definition was intended to include those types of units which have traditionally been subject to regulatory control under RCRA: container storage areas, tanks, surface impoundments, waste piles, land treatment units, landfills, incinerators, underground injection wells and other physical, chemical and biological treatment units.

A memorandum from John Skinner to the Hazardous Waste Division Directors (June 14, 1985) further interpreted the term solid waste management unit to include areas at facilities which have become contaminated by routine, systematic and deliberate releases of hazardous waste or hazardous constituents. An example of this type of "solid waste management unit" is a wood preservative "kickback" area, where drippage of preservative fluids onto soils from pressure-treated wood is allowed to occur over time. This interpretation was reiterated in the final RCRA Facility Assessment Guidance and the National RCRA Corrective Action Strategy of October 14, 1986.

Recently, however, several Regions have inquired whether the term "deliberate" meant that the owner/operator had actually intended to create the release of hazardous wastes or hazardous constituents. We wish to clarify that the term "deliberate" in this context was not meant to require a showing that the owner/operator knowingly caused a release of hazardous wastes or hazardous constituents. Rather, the term "deliberate" was included to indicate the Agency's intention not to exercise its Section 3004(u) authority to proceed against one-time, accidental spills which cannot be linked to a discernible solid waste management unit.

An example of this type of release would be an accidental spill from a truck at a RCRA facility. Routine and systematic releases constitute, in effect, management of wastes; the area at which this activity has taken place can thus reasonably be considered a solid waste management unit. Therefore, in implementing corrective action under Section 3004(u), Regions and States should consider areas which have become contaminated through routine and systematic releases of hazardous wastes or hazardous constituents to be solid waste management units. It is not necessary to establish that such releases were deliberate in nature.

This concept, and other issues relating to the definition of solid waste management unit, will be addressed in the proposed rulemaking being developed for corrective action under Section 3004(u).

If you have any questions regarding this interpretation of solid waste management unit, please contact David Fagan at FTS 382-4497.

cc: Regional RCRA Branch Chiefs
Regional RCRA Permit Section Chiefs
Gene Lucero
Bruce Weddle
Joe Carra
Mark Greenwood

APPENDIX NO. 5

TABLE E-2
Corrective Action Work Plan Submittal Schedule

Unit ID Number	Unit Description	Work Plan Submittal Date
SWMU 1	Aeration Basins	Submitted
SWMU 2	Evaporation Ponds	January 31, 2019
SWMU 3	Empty Container Storage Area	March 1, 2012
SWMU 4	Old Burn Pit	June 30, 2012
SWMU 5	Landfill Areas	September 30, 2012
SWMU 6	Tank Farm	December 31, 2012
SWMU 7	Fire Training Area	March 31, 2013
SWMU 8	Railroad Rack Lagoon and Fan-Out Area	Submitted
SWMU 9	Drainage Ditch and Inactive Landfarm	June 30, 2013
SWMU 11	Secondary Oil Skimmer	December 31, 2013
SWMU 12	Contact Wastewater Collection System	March 31, 2014
SWMU 13	Drainage Ditch Between API Evaporation Ponds and Neutralization Tank Evaporation Ponds	June 30, 2014
SWMU 14	Old API Separator	Submitted
SWMU 15	New API Separator	September 30, 2014
SWMU 16	New API Separator Overflow Tanks	September 30, 2014
SWMU 17	Railroad Loading/Unloading Facility	December 31, 2014
SWMU 18	Heat Exchanger Bundle Cleaning Pad	March 31, 2015
SWMU 19	Asphalt Tank Farm (tanks 701-709, 713, 714)	June 30, 2015
SWMU 20	East Fuel Oil Loading Rack	June 30, 2015
SWMU 21	Crude Slop and Ethanol Unloading Facility	September 30, 2015
SWMU 22	Main Loading Racks	December 31, 2015
SWMU 23	Loading Rack Additive Tank Farm	March 31, 2016
SWMU 24	Retail Fuel Tank Farm (tanks 1-7, 912, 913, 1001, 1002)	March 31, 2016

Riege, Ed

From: VanHorn, Kristen, NMENV [Kristen.VanHorn@state.nm.us]
Sent: Thursday, January 27, 2011 4:45 PM
To: Riege, Ed
Cc: Cobrain, Dave, NMENV; Kieling, John, NMENV
Subject: Corrective Action Complete for Railroad Rack Lagoon

Ed,

In the current permit, SWMU 8 is listed as "The Railroad Loading Rack and Lagoon." The loading rack is still in use. Since it's listed that way, even with the lagoon and fan-out area cleaned up to industrial standards, Gallup won't be able to get a corrective action complete status for the SWMU 8.

However, in the new permit that I'm writing right now, we are separating the railroad rack and the lagoon/fan-out area into two separate SWMUs – which means that if Gallup wants to get corrective action complete status for the lagoon/fan-out area you'll be able to. But, petition for the corrective action complete after the new permit is issued so that the lagoon and fan-out area are a separate SWMU from the railroad rack.

If you have any questions about this, let me know and we can talk.

Kristen Van Horn

*NMED Hazardous Waste Bureau
2905 Rodeo Park Drive East Building 1
Santa Fe, NM 87505
Phone: 505-476-6046*



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



DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 26, 2011

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

**RE: APPROVAL WITH MODIFICATIONS
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 Western Refining Company Southwest Inc., Gallup Refinery's (Permittee) *Response to NMED's Notice of Disapproval Remedy Completion Report Railroad Rack Lagoon (SWMU No. 8) Revised Report*, dated January 10, 2010 (received January 12, 2010) submitted in response to NMED's *Notice of Disapproval (NOD)* dated November 2010. NMED hereby issues this approval with the following modifications.

The Permittee's responses to NMED's NOD comments 1, 2, and 4 are adequate. However, the Permittee's response to Comment 3 requires clarification. The Permittee states "[u]pon further clarification in a letter from the NMED HWB dated December 17, 2010, Western Refining would like to seek corrective action complete without controls for the lagoon area. Western would like to request until March 1, 2011 to conduct the boring and sampling near RR-1A-91505 needed to comply with Comment 3. Western will also conduct a similar boring and sampling at sample location W-1-WALL-S which indicated a DRO of 310 mg/kg as shown in Figure 1."

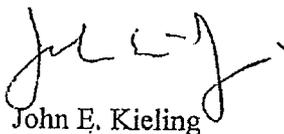
Ed Riege
Gallup Refinery
January 26, 2011
Page 2

NMED did not direct the Permittee in the December 17, 2010 letter to conduct additional work and in fact stated that the Permittee had the option whether to comply with Comment 3, "[b]ecause the Permittee was unable to excavate the contaminated soil to residential levels in the fan-out area, the SWMU will only qualify for a correction action complete with controls status (the Permittee must petition NMED for correction action complete determination for SWMU 8). The Permittee is not required to collect additional samples at the lagoon as required by Comment 3 in the November 9, 2010 *NOD for the Remedy Completion Report*."

In order to achieve corrective action complete without controls all contaminated soil must meet residential standards (200 mg/kg DRO) throughout the entire SWMU. If the Permittee chooses to clean up all of the contaminated soils to residential levels to achieve corrective action complete without controls, the Permittee must submit to NMED a work plan to complete the work. Otherwise, since the site currently qualifies for corrective action complete with controls status, the Permittee may petition NMED for a corrective action complete determination for SWMU 8.

If you have questions regarding this NOD 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 2011 File
GRCC-06-001



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

December 17, 2010

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

RE: RESPONSE
RESPONSE TO NMED'S APPROVAL WITH MODIFICATIONS
REVISED RAILROAD RACK LAGOON OVERFLOW DITCH AND FAN-OUT
AREA, SWMU No. 8 SUBSURFACE INVESTIGATION FINAL REPORT
AND REMEDY COMPLETION REPORT RAILROAD RACK LAGOON
(SWMU No. 8) REVISED REPORT
WESTERN REFINING COMPANY SOUTHWEST, INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-10-002
HWB-GRCC-06-001

Dear Mr. Riege:

The New Mexico Environment Department (NMED) received Western Refining Company Southwest Inc., Gallup Refinery's (the Permittee) *Response to NMED's Approval with Modifications Revised Railroad Rack Lagoon Overflow Ditch and Fan-Out Area, SWMU No. 8 Subsurface Investigation Final Report* (Letter), dated November 24, 2010. This memo responds to the Letter as well as to a December 3, 2010 email regarding NMED's November 9, 2010 *Notice of Disapproval Remedy Completion Report for Railroad Rack Lagoon (SWMU No. 8) Revised Report*.

The Permittee's responses to NMED's comments included in the *Approval with Modifications Railroad Rack Lagoon Overflow Ditch and Fan-Out Area* are adequate regarding the disposition

Ed Riege
Gallup Refinery
December 17, 2010
Page 2

of investigation derived waste and the source of backfill material for the excavation. At this time, the Permittee may backfill the B-8 excavation with the clean fill described in the Letter.

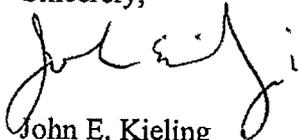
In the December 3, 2010 email correspondence the Permittee states, "[i]n the second paragraph of Comment 2 of the attached Approval With Modification of the Revised Railroad Rack Lagoon Overflow Ditch and Fan Out Area Report, the HWB lets Western demonstrate compliance that residual contamination with the industrial standard of 890 mg/kg for #3 and #6 fuel oil. In the attached NOD report for the Railroad Rack Pipeline; Comment 3 requires Permittee to excavate soil to residential/industrial levels of DRO (200 mg/kg). Since the fuel oil that passed through the pipeline addressed in the NOD was the same as what was cleaned up from the lagoon and fanout area, Western would like to request the use of the industrial fuel oil standard (890 mg/kg) also for the pipeline cleanup." During the original investigation, the Permittee used the residential screening level of 200 mg/kg from NMED's *TPH Screening Guidelines*, Table 2a (TPH Screening Guidelines for Potable Groundwater (GW-1)). This was the basis for Comment 3 in NMED's *Notice of Disapproval for the Remedy Completion Report* dated November 2010. The industrial standard of 890 mg/kg (Table 2a, #3 and #6 Fuel Oil) came about when the Permittee extended the excavation to the fan-out area (as required by Comment 26 in NMED's June 2006 NOD for the Remedy Completion Report).

The Permittee's reasoning that the fuel oil that passed through the pipeline was the same as what was cleaned up in the fan-out area and should be subject to the 890 mg/kg cleanup level is not justified. Because the Permittee was unable to excavate the contaminated soil to residential levels in the fan-out area, the SWMU will only qualify for a corrective action complete with controls status (the Permittee must petition NMED for corrective action complete determination for SWMU 8). The Permittee is not required to collect additional samples at the lagoon as required by Comment 3 in the November 9, 2010 *NOD for the Remedy Completion Report* if the objective is only to achieve corrective action complete with controls for the site. The Permittee must still address Comments 1 and 4 by January 10, 2011 as required by the NOD.

Ed Riege
Gallup Refinery
December 17, 2010
Page 3

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
GRCC-06-001
WRG-10-002



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
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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

Ed Riege
Gallup Refinery
June 15, 2011
Page 2

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 1×10^{-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

Ed Riege
Gallup Refinery
June 15, 2011
Page 3

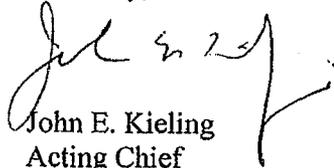
appropriate RCRA tanks/containers for disposal offsite as hazardous waste.” Manage the debris, sludge, and highly contaminated soils as hazardous waste since the OAPIS contained K051 and D018 waste. The Permittee may request a no-longer contained in determination based on the waste characterization results.

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



GALLUP

WNR
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February 5, 2010

CERTIFIED MAIL No. 7008 2810 0000 4726 2069

Hope Monzeglio
Hazardous Waste Bureau
New Mexico Environmental Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

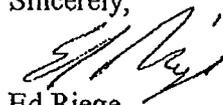
**RE: INVESTIGATION WORK PLAN SWMU No. 14 Old API SEPARATOR,
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY; EPA ID
#NMD000333211**

Dear Ms. Monzeglio,

Enclosed please find the Investigation Work Plan prepared by RPS for the SWMU No. 14 Old API Separator (OAPIS). The purpose of the site investigation is to determine and evaluate the presence, nature, and extent of releases of contaminants in accordance with 20.4.1.500 NMAC incorporating 40 CFR Section 264.101. The investigation activities will be conducted in accordance with Section IV.B.5 of the Post-Closure Care Permit.

Please feel free to contact me at 505-722-0217 with any questions.

Sincerely,


Ed Riege
Environmental Manager

cc: Carl Chavez OCD



GALLUP

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Certified Mail 7008 2810 0000 4726 2441

September 14, 2010

Mr. James P. Bearzi
Chief – Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

RE: NMED's "Notice of Disapproval, Land Treatment Unit Post Closure Sampling Event
Western Refining Company Southwest Inc., Gallup Refinery
EPA ID # NMD000333211 HWB-WRG-10-005"

Dear Mr. Bearzi:

The purpose of this letter is to respond to the New Mexico Environment Department's (NMED) *Notice of Disapproval, Land Treatment Unit Post Closure Sampling Event, Western Refining Company Southwest Inc., Gallup Refinery EPA ID # NMD000333211 HWB-WRG-10-005* (LTU NOD), dated August 18, 2010. The *Land Treatment Unit Post Closure Sampling Event, Western Refining Company Southwest Inc., Gallup Refinery EPA ID # NMD000333211 HWB-WRG-10-005* (Report) was submitted by Western Refining Company's Gallup Refinery (Gallup) to NMED in March of 2010. The Report consisted of a cover letter, the *Land Treatment Unit Soil Sampling Report* (prepared by Trihydro, dated January 5, 2010), and LTU groundwater data.

NMED provided four comments in the LTU NOD. NMED's first three comments request that the Report be updated to include additional information. Gallup agrees to update the Report per NMED's first three comments and re-submit the revised report by December 10, 2010, as requested by NMED.

In the fourth LTU NOD comment, NMED disapproved of the soil sampling procedures utilized to collect samples for volatile organic compounds (VOCs) at some of the LTU sample locations and requested re-sampling. On December 8, 2009, NMED was contacted via telephone to discuss alternate sampling procedures. During this telephone conversation, NMED verbally approved an alternate sampling procedure (the use of a hand auger as opposed to a hollow stem auger). At that time, NMED was not aware that using the hand auger would require an intermediate step of extracting soil onto clean plastic sheeting prior to placing it into the sample container. NMED generally does not approve of this step as it can potentially increase volatilization of VOCs. However, during conversations between Gallup, NMED, and Trihydro on September 1, 2010, NMED agreed that re-sampling will not be necessary for the December 2009 event.

Mr. James P. Bearzi
September 9, 2010
Page 2

In the future, Gallup will utilize a hollow stem auger drill rig or consult with NMED to determine another appropriate sampling method. If you have any questions, or if we can be of further service to you, please do not hesitate to call me at (505) 722-0217.

Sincerely,
Western Refining Company



Ed Riege
Environmental Manager

697-039-001

Attachments

cc: J. Kieling, NMED HWB
D. Cobrain NMED HWB
H. Monzeglio NMED HWB
K. Van Horn NMED HWB
C. Chavez, OCD
L. Morgan, Western Refining
R. Mitchell, Trihydro

File: Reading File and WRG 2010 File HWB-WRG-10-005



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
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www.nmenv.state.nm.us



RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 18, 2010

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

**RE: NOTICE OF DISAPPROVAL
LAND TREATMENT UNIT POST CLOSURE SAMPLING EVENT
WESTERN REFINING COMPANY SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-10-005**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has completed its review of the *Land Treatment Unit Post Closure Sampling Event* (Report), dated March 2010, submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (the Permittee). NMED hereby issues this Notice of Disapproval (NOD) and provides the following comments.

Comment 1

The Permittee's submittal includes a report from Trihydro (*Land Treatment Unit Soil Sampling Report*, dated January 5, 2010) and a binder that includes soil and groundwater sampling laboratory reports. The Permittee must provide a narrative of the soil sampling and monitoring well sampling (e.g., procedures, investigation derived waste (IDW) management, etc.), any deviations from the requirements listed in the Permit, and the sampling results. The Permittee must revise the Report to include this information.

Ed Riege
Gallup Refinery
August 18, 2010
Page 2

Comment 2

The Permittee does not discuss the soil sampling laboratory analytical results that are included in the binder. The Permittee must revise the Report to discuss the Zone of Influence and the Treatment Zone soil sampling and compare the sampling results to New Mexico Soil Screening Levels, background levels and previous results (see Appendix E, Section 2.2 (Background Values) of the Permit). The Permittee must revise the Report to discuss these data.

Comment 3

The binder includes laboratory reports; however, the Permittee does not discuss groundwater monitoring or the groundwater sampling results. The Permittee must revise the Report to discuss the groundwater sampling (e.g., methods, procedures, deviations), and groundwater sampling results, and perform a statistical analysis as required by Section E.2.6 (Statistical Procedures) and Section 5.8 (Statistical Evaluation of Laboratory Data) of the Permit.

Comment 4

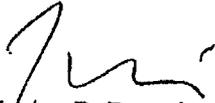
Page 2, paragraph 2, of the Trihydro Report, under the heading "LTU Soil Sampling," states that "[t]he hand auger was advanced to the desired sample interval and samples were extracted onto clean plastic sheeting to allow for sample collection as illustrated in photos 9 through 11 in Attachment 3." Samples collected for analysis of volatile organic compounds (VOC) must be collected with minimal disturbance; therefore, transferring a soil sample from a sampler to a plastic sheet and then to a sample container is unacceptable because it would invalidate the VOC analyses. The Permittee must collect soil samples in accordance the procedures which are described in Appendix E, Section 7 of the Permit and collect samples for VOC analysis in accordance with EPA Method 8260. The Permittee must resample the LTU soils for VOC analysis and revise the Report to include this information.

Ed Riege
Gallup Refinery
August 18, 2010
Page 3

The Permittee must address all comments contained in this NOD and submit a revised Report to NMED on or before December 10, 2010. The revised Report must be submitted with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. In addition, an electronic version of the revised Plan must be submitted that identifies where all changes have been made in red-line strikeout format.

If you have questions regarding this letter 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
H. Monzeglio, NMED HWB
K. Van Horn, NMED HWB
C. Chavez, OCD

File: Reading File and WRG 2010 File
HWB-WRG-10-005



GALLUP

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CERTIFIED MAIL #7008 2810 0000 4726 1307

March 11, 2010

Hope Monzeglio
Environmental Specialist
NMED – Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, NM 87505

RE: Post Closure Monitoring – Soil and Water Sample Results

Dear Ms. Monzeglio:

We are submitting to you the information, due March 15, 2010, that you requested regarding Post Closure Activities of the Land Treatment Unit. The information includes the Sample Report completed by Trihydro Corporation on the LTU Post Closure soil sampling event conducted in December 2009; Hall Environmental Analysis Laboratory results for the LTU soil sampling event; monitoring wells MW-1, 2, 4, 5 and SMW-4 for the July 2009 sampling and the re-sampling of the monitoring wells conducted in March 2010.

The above information was also sent via e-mail on 3/11/2010. If you should have any questions please feel free to contact Mr. Gaurav Rajen, Environmental Engineer at (505) 722-0227 or e-mail at gaurav.rajen@wnr.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Johnson', written over a horizontal line.

Cheryl Johnson
Environmental Specialist
(505) 722-0231
cheryl.johnson@wnr.com

Attachments

cc: Mark Turri, General Manager
Ed Riege, Environmental Manager
Gaurav Rajen, Environmental Engineer

APPENDIX NO. 6



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
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Telephone (505) 428-2500

Fax (505) 428-2567

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PETER MAGGIORE
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 30, 2002

Mr. David Pavlich
Environmental Superintendent
Giant Refining Company
Route 3, Box 7
Gallup, New Mexico 87301

Ms. Dorinda Mancini
Environmental Manager
Giant Refining Company
Route 3 Box 7
Gallup, New Mexico 87301

**SUBJECT: REQUEST FOR SUBMITTAL DATE EXTENSION FOR
REQUEST FOR SUPPLEMENTAL INFORMATION
SWMU ASSESSMENT REPORT (NO FURTHER ACTION REPORT)
GIANT REFINING COMPANY, CINIZA REFINERY
EPA ID# NMD000333211
HWB-GRCC-01-001**

Dear Mr. Pavlich and Ms. Mancini:

The Hazardous Waste Bureau of the New Mexico Environment Department (NMED) has received your May 8, 2002 emailed request for an extension to the due date for submittal of required information in response to NMED's Request for Supplemental Information (RSI). The RSI was issued by NMED regarding the SWMU Assessment Report (No Further Action Report SWMUs 1 Through 5, 7 and 9 Through 13) dated August 2001.

NMED has revised the due date for the submittal of the requested supplemental information to October 30, 2002, as requested. Failure to respond by the requested submittal date will result in issuance of a Notice of Deficiency.

Giant Refining Company

May 30, 2002

Page 2

Please call this office at 505-428-2553 if you have questions or need additional information regarding this RSI.

Sincerely,



Dave Cobrain
Project Leader

attachment

cc: John Kieling, NMED HWB
P. Allen, NMED HWB
James Harris, EPA Region VI
Wayne Price, NMOCD
Bill Olson, NMOCD

file: Red/RSI extension/05-30-02/SWMU Assessment/GRCC-01-001

May 9, 2002

David Cobrain
RCRA Permits Management Program
2905 Rodeo Park Dr. East
Bldg. 1
Santa Fe, New Mexico 87505

**Request for Schedule Extension
Supplemental Information –SWMU Assessments
*No Further Action Report***

Dear Mr. Cobrain:

This letter confirms in writing the verbal agreement reached on April 25, 2002, between Giant Refining Company (Ciniza). The agreement was to delay the formal submittal of additional information necessary for the New Mexico Environment Department – Hazardous Waste Bureau to complete review of Ciniza's *No Further Action Report- Volume I and II (August 10, 2001)*. As discussed, we are also developing the Groundwater Discharge Plan Application for submittal to the New Mexico Oil and Conservation Division (OCD). While much of the information is OCD specific, there is some overlap between the requested information for the *No Further Action Report* petition and the Groundwater Discharge Plan. Because of this information overlap and the resources necessary to prepare both documents, we request that the submittal date for the *Request for Supplemental Information – SWMU Assessments* response be scheduled 60 days after submittal of the Groundwater Discharge Plan. The estimated date will be October 30, 2002.

If you have any questions or if the requested extension is not acceptable with your internal schedules, please contact me at (505) 722-0227.



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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PETER MAGGIORE
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 2, 2001

Mr. David Pavlich
Environmental Superintendent
Giant Refining Company
Route 3, Box 7
Gallup, New Mexico 87301

Ms. Dorinda Mancini
Environmental Manager
Giant Refining Company
Route 3 Box 7
Gallup, New Mexico 87301

SUBJECT: REQUEST FOR SUPPLEMENTAL INFORMATION
SWMU ASSESSMENTS
NO FURTHER ACTION REPORT
SWMUs 1 THROUGH 5, 7 AND 9 THROUGH 13
GIANT REFINING COMPANY, CINIZA REFINERY
EPA ID# NMD000333211
HWB-GRCC-01-001

Dear Mr. Pavlich and Ms. Mancini:

The Hazardous Waste Bureau (HWB) of the New Mexico Environment Department (NMED) has completed a review of the above-referenced No Further Action Report (SWMU assessment report) for technical adequacy as required under 20.4.2.201.7 NMAC.

After reviewing the SWMU assessment report, HWB requests additional information. The information that must be addressed is described in Attachment A.

The requested information must be submitted to HWB within ninety days of receipt of this RSI. Failure to respond within this time period will result in issuance of a Notice of Deficiency.

Giant Refining Company
November 2, 2001
Page 2

Please call this office at 505-428-2553 if you have questions or need additional information regarding this RSI.

Sincerely,



Dave Cobrain
Project Leader

attachment

cc: James Bearzi, NMED HWB
John Kieling, NMED HWB
P. Allen, NMED HWB
James Harris, EPA Region VI
Wayne Price, NMOCD
Bill Olson, NMOCD

file: Red/RSI/11-02-01/SWMU Assessment/GRCC-01-001

**ATTACHMENT A
REQUEST FOR SUPPLEMENTAL INFORMATION
TECHNICAL ADEQUACY REVIEW**

**SWMU ASSESSMENT REPORT
(NO FURTHER ACTION REPORT SWMUs 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 13)
NOVEMBER 2001**

**GIANT REFINING COMPANY CINIZA REFINERY
EPA ID NO. NMD00033321115**

November 2, 2001

The NMED HWB requests the following general information in order to complete the assessment of Solid Waste Management Units (SWMUs) 1, 2, 3, 4, 5, 7, 9, 10, 11, 12 and 13:

1. An estimate of hydraulic conductivity is presented in the report but supporting data from soil and/or aquifer testing was not included in the report. Please provide supporting data to substantiate the hydraulic conductivity value provided in the No Further Action Report or provide data acquired during more recent investigation activities conducted at the facility.
2. The general site geology and groundwater conditions beneath the refinery are not described in the report. Provide a general site-wide description of geologic and hydrologic conditions at the Refinery with regard to the subject SWMUs and refinery process areas.
3. The citation for the wastewater exemption is not included in the report. Please provide the citation for the wastewater exemption as it pertains to the Aeration Ponds (SWMU #1), Evaporation Ponds (SWMU #2) and the Contact Wastewater Collection System (SWMU #12).
4. Provide copies of SWMU survey plats that were submitted to EPA prior to 1997, to NMED HWB
5. Submit the results of April 2001 groundwater monitoring and sampling event. The report should include the results of all wells monitored and sampled throughout the facility during the sampling event.

In addition to the general information regarding facility-wide issues, the following SWMU-specific data is requested to provide for a complete evaluation of current conditions at each listed unit:

SWMU #1 – Aeration Basin

Provide the following post-1991 data:

- A site plan showing the locations of all borings.
- The depths of sample collection.
- The dates of sample collection and depths of samples selected for laboratory analyses.

- The laboratory analyses performed, laboratory methods, results and dates of analyses and any data quality exceptions for soil samples.
- The boring logs for each soil boring completed at the unit
- The moisture content of soils adjacent to, and underlying the aeration ponds if available.
- Aeration Basin influent and effluent sampling results

SWMU #2 – Evaporation Ponds

Provide the following post-1991 data:

- The locations of all borings.
- The depths of sample collection.
- The dates of sample collection and depths of samples selected for laboratory analyses.
- The laboratory analyses performed, laboratory methods, results and dates of analyses and any data quality exceptions for soil samples.
- The moisture content of soils adjacent to, and underlying the evaporation ponds, if available
- Evaporation Pond influent sampling results.

SWMU #3 – Empty Container Storage Area

The site was formerly covered with gravel and served as a storage area for empty drums. The site was converted for use as a heat exchanger bundle cleaning pad. A concrete containment pad has been installed and is currently used as a heat exchanger bundle cleaning pad. Heat exchanger bundle cleaning operations generate sludge that is listed as K050 hazardous waste [formerly associated with hexavalent chromium]. Provide the following information:

- Process information on heat exchanger additives (corrosion inhibitors) to cooling water from the date of initial use of the pad to the present, if available.
- Analytical data for heat exchanger bundle cleaning sludge disposal characterization, if available.
- The year that the concrete pad was installed.

SWMU #4 – Old Burn Pit

The site was used to burn acid soluble oils. Soil samples were collected for laboratory analysis at depths up to ten feet below the ground surface. The site has been covered with an approximately three-foot thick soil cap. Provide the following information:

- The estimated depth of the Old Burn Pit is ten to twelve feet. Indicate whether soil samples were collected from the native soil located directly beneath the pit. Provide analytical data obtained from the soil samples if samples of the native soils were collected.
- The cap construction details.
- The locations and logs for all soil borings.
- The drilling and sampling dates and the depths of soil sample collection.

SWMU #5 – Landfill Areas

The SWMU consists of four landfills. Three of the landfills are contiguous and the fourth landfill is located approximately 50 feet north of the other landfills. The landfills are covered with four to eight foot-thick engineered earthen caps consisting of native soil that are sloped to control surface water run on and runoff. Provide the following information:

- The locations and logs for the 9.5-foot borings.
- The dates of drilling and soil sampling.

The EPA approval letter for Phase III RCRA Facility Investigation (RFI) with modifications (dated January 5, 1994) required additional borings to 20 feet with sample collection at depths of 11, 16 and 20 feet. Provide the following information:

- The locations and logs for the 20-foot borings.
- The dates of drilling and sampling.
- Soil field screening and chemical analytical data for the 20-foot borings.

SWMU #7 – Fire Training Area

The fire training area is an active training unit. The area is currently equipped with a fire training tank and ancillary equipment located on a concrete containment pad. Diesel contaminated soil was removed from the area in 1999 and replaced with clean fill prior to the placement of the concrete containment pad. Total petroleum hydrocarbons (TPH) and oil and grease were not detected in soil samples obtained at depths of 7 and 11 feet below the ground surface in 1994. Provide the following information:

- The sample locations and a summary of soil removal and sample collection activities for the June 1999 soil remediation event.
- A site plan showing Fire Training Area features and soil confirmation sample locations.
- Indicate whether the 1999 samples were confirmation samples collected at the time of contaminated soil removal.

SWMU #9 – Drainage Ditch Near the Inactive Land Treatment Area

The SWMU includes an inactive land treatment area and an associated drainage ditch. The land treatment area was used to degrade oily wastes prior to the early 1980s. Provide the following information:

- Site plan showing boring /sample locations from the 1990 investigation.
- The boring logs for the 1990 investigation and the dates of soil sampling and laboratory analyses.

SWMU #10 – Sludge Pits

SWMU 10 consists of two former API separator sludge pits. The sludge was reportedly removed from the pits in 1980 and the excavations were backfilled with clean soil and covered with a layer of clean soil of unspecified thickness. Based on the depths of the detected contaminants, it appears that the sludge was not completely removed from the pits during the 1980 removal activities. Provide the following information:

- The original depths of the sludge pits and the estimated maximum depths of excavations (or depressions created by vacuuming) during the 1980 removal operations.
- Dates of drilling and the boring logs for the 1990 and 1995 investigations.
- A site plan(s) showing the locations of the 1990 and 1995 borings.
- The SWMU No Further Action Report states that residual soil contamination is present in a "20-foot soil layer beneath the cover". Provide the depth interval of the soil layer.
- The laboratory analytical data results including sample locations, dates of sampling and depths for the 1990 and 1995 investigations.
- The method of collection of soil samples for volatile organic compound (VOC) analysis as described in the (1995?) investigation report indicates that there may have been a loss of volatiles during sample collection, therefore the analytical results may not be representative of the actual VOC concentrations. Provide additional information on the sample collection methods used during the investigation.

SWMU #11 – Secondary Oil Skimmer

The secondary oil skimmer consisted of a steel box centered over a storm water drainage ditch that collected floating oil suspended on storm water flowing to the evaporation ponds. The secondary oil skimmer and surrounding contaminated soil were removed in 1998 or 1999. Provide the following information:

- A site plan showing the limits of the remedial excavation and the dates of soil excavation.

- The depth of the remedial excavation and the estimated volume of contaminated soil removed.
- A dated site plan presenting the boring/sample locations.
- The boring logs for the 1992 and 1994 drilling investigations.
- The laboratory analytical results for the 1994 investigation (ten-foot borings required by the EPA).
- The current use of the unit is as a storm water drainage ditch. Determine if contaminants are present in the surface soils of the ditch, if remedial excavation details are not available

SWMU #12 – Contact Wastewater Collection

The contact wastewater collection system (CWWCS) is a plant-wide network receiving process and storm water. The CWWCS is currently being upgraded. Subsurface investigations have not been conducted at the unit. Giant Refining Company requests that the unit be regulated under the New Mexico Department of Energy, Minerals and Natural Resources Oil Conservation Division (OCD). Provide the following information:

- Copies of CWWCS investigation work plans submitted to the OCD.
- Copies of all reports of CWWCS investigations submitted to the OCD, if submitted.
- A copy of the OCD discharge plan currently in effect for the CWWCS.

SWMU #13 – Drainage Ditch between API and Evaporation Ponds

SWMU #13 consists of an overflow lagoon and an associated drainage ditch located northeast of evaporation pond #2. The ditch conveys overflow water from evaporation pond #10 to evaporation pond #13 in the northern portion of SWMU #2 (Evaporation Ponds). Provide the following information:

- The description of the ditch (120 feet long) does not appear to match the site plan provided in the SWMU report. The ditch does not appear to be connected to either pond #10 or pond #13 on the site plan. Provide a description of the ditch conveyance system including the total length, influent and effluent locations and any additional connecting piping or ditches. A labeled site plan showing the ditch details may be substituted for a written description.
- Information regarding the different influent sources (Neutralization Tank vs. API Ponds and storm water discharge) to the ponds. If there was not more than one source of wastewater to the evaporation ponds, include a statement that the exclusive influent source of wastewater discharged to the Evaporation Ponds is the aeration ponds.
- Indicate whether samples of the water in the ditch were ever collected for laboratory analysis and, if so, provide the analytical data for the water sample(s).

Giant Refining Company
SWMU Assessment Report RSI
November 2, 2001
Page 6

- Indicate whether samples of the sludge or sediments that have accumulated at the base of the ditch were ever collected for laboratory analysis and, if so, provide the analytical results for the sludge or sediment sample(s).
- The boring logs for 1991 and 1996 sampling events.
- The depths of soil sample collection for the 1996 sampling event.



Route 3, Box 7
Gallup, New Mexico
87301

February 9, 1999

Dr. Stuart Dinwiddie, Manager, RCRA Permit Management
New Mexico Environment Department
Hazardous and Radioactive Materials Bureau
2044 Galisteo
P. O. Box 26110
Santa Fe, New Mexico 87502

RE: HRMB Annual Unit Audit

Dear Dr. Dinwiddie:

Per the request by the Hazardous and Radioactive Materials Bureau, Giant's Ciniza Refinery is submitting this letter identifying the facility's number and types of RCRA units. Currently, Ciniza is operating under the 1988 Hazardous Waste Facility Permit No. NMD 000333211-2. On April 24, 1998, Ciniza submitted a RCRA Part A and Part B Post-Closure Permit Application.

Ciniza's RCRA units consist of one (1) Land Treatment Unit (LTU) and fourteen (14) Solid Waste Management Units (SWMUs) as identified in the 1988 permit and in the 1998 Post Closure Permit Application. Attachment A to this letter lists the SWMU Identification designations used in the current HSWA permit, the Post-Closure Permit application and other official documents. The enclosed Attachment B summarizes the status of each SWMU as of the April 24, 1998 Post Closure Permit submittal. EPA has given NFA approval to SWMU 3 and NFA approval with continued sampling to SWMUs 1, 2, and 13. A Closure Plan and Certification was submitted to NMED HRMB for SWMU 5 in 1998. Detailed reports of the SWMUs status are contained in Volume III, Appendix I of the new permit application. Ciniza has no other units or areas of concern to report.

Per Table 2.1 in 20 NMAC 4.2, Section 203, the Annual Hazardous Waste Management Business Fee is \$1500 for a Treatment Unit and \$250 for each Corrective Action Unit. Ciniza's Business Fee for 1999 would be \$5000.

Please contact me at (505) 722-0227 if you have any questions or concerns regarding this information. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dorinda Mancini".

Dorinda Mancini
Ciniza Refinery Environmental Manager

Enclosures

cc: Dave Pavlich, Environmental Superintendent, Giant Refining Co.

Table J-2. Ciniza Refinery—Solid Waste Management Unit Identification

Description	HSWA ¹ Permit 1988	RFT ² Work Plan 1990	EPA ³ Letters 1994	LTU ⁴ Post- Closure Part B 1998
Aeration Basin	i	1	1	1
Evaporation Ponds	ii	2	2	2
Empty Container Storage Area	v	3	5	3
Old Burn Pit	viii	4	8	4
Landfill Areas	vii	5	7	5
Tank Farm	iii	6	6	6
Fire Training Area	iv	7	4	7
Railroad Rack Lagoon, Overflow Ditch and Fan Out Area	vi	8	8	8
Inactive Land Treatment Area	x and xiii	9	—	9 and 14
Sludge Pits	ix	10	9	10
Secondary Oil Skimmer and Associated Drainage Ditch	xi	11	11	11
Contact Waste Water Collection System	xii	12	13	12
Drainage Ditch Between APIs Evaporation Ponds and Neutralization Tank Evaporation Ponds	xiv	13	13	13
Drainage Ditch near the Inactive Land Treatment Area		14		

¹Solid Waste Management Unit Numbers as designated in the HSWA Permit (Section C, Corrective Actions for Continuing Releases, 5(a)(1), December 1988).

²Solid Waste Management Unit Numbers as designated in the RCRA Facility Investigation Work Plan (submitted May 1990).

³Solid Waste Management Unit Numbers as designated in the EPA letters (provided as Attachment J-1).

⁴Solid Waste Management Unit Numbers as designated in the RCRA Part B Post-Closure Application (Volume III, Appendix J-1 through J-13).

Table J-1. Solid Waste Management Units

SWMU No. ¹	SWMU Title	Status	Report
1	The Aeration Basin (i) ²	EPA approval of NFA given in January 1994. Survey plat ³ submitted to EPA. Investigative process complete. Five-year sampling of soil around basin required again in 2001.	Appendix I-1: Aeration Basin - SWMU No. 1 Summary
2	The Evaporation Ponds (ii)	EPA approval of NFA given in January 1994. Investigative process complete. Follow-up monitoring required. Survey plat ³ submitted. Five-year sampling required again in 2001.	Appendix I-2: Evaporation Ponds - SWMU No. 2 Summary
3	Empty Container Storage Area (v)	EPA approval of NFA given January 1994. Investigative process complete. Survey plat ³ submitted to EPA.	Appendix I-3: Empty Container Storage Area - SWMU No. 3 Summary
4	Old Burn Pit (viii)	RFI 1990; sampling report identified corrective action. Site capped in 1998. Investigative process complete. Survey plat ³ submitted.	Appendix I-4: Old Burn Pit - SWMU No. 4 Summary
5	Landfill Areas (vii)	VCAP submitted February 1993 and approved in January 1994. Closure plan prepared and certified by PE, 1998.	Appendix I-5: Landfill Areas - SWMU No. 5 Closure Certification
6	The Tank Farm—Leaded Gasoline Tanks (iii)	VCAP submitted in April 1996. Investigative process complete. Corrective action currently under way. Survey plat ³ submitted.	Appendix I-6: Tank Farm—Leaded Gasoline Tanks - SWMU No. 6 Summary
7	Fire Training Area (iv)	VCAP submitted in March 1993, and approved via fax in March 1996. RFI sampling complete. Investigative process complete. Survey plat ³ submitted. Corrective action ongoing.	Appendix I-7: Fire Training Area - SWMU No. 7 Summary
8	The Railroad Rack Lagoon (vi)	VCAP submitted in December 1992, and approved in November 1994. RFI sampling complete. Investigative process complete. Corrective action ongoing. Survey plat ³ submitted.	Appendix I-8: Railroad Rack Lagoon - SWMU No. 8 Summary
9	The Drainage Ditch Near the Inactive Land Farm (x and xiii)	RFI sampling complete. Report on additional RFI sampling suggested NFA. Investigative process complete. Survey plat ³ submitted to EPA.	Appendix I-9: Drainage Ditch and the Inactive Land Farm - SWMU No. 9 Summary
10	The Sludge Pits (ix)	VCAP submitted in December 1992, and approved in January 1994. RFI sampling complete. Investigative process complete. Proceed with closure activities. Survey plat ³ submitted.	Appendix I-10: Sludge Pits - SWMU No. 10 Summary

Table J-1. Solid Waste Management Units (Continued)

SWMU No. ¹	SWMU Title	Status	Report
11	Secondary Oil Skimmer (xi)	RFI sampling complete. Report on additional RFI sampling suggested NFA. Investigative process complete. Corrective action ongoing. Survey plat ³ submitted.	Appendix I-11: Secondary Oil Skimmer - SWMU No. 11 Summary
12	Contact Wastewater Collection System (CWWCS) (xii)	Investigative process complete. EPA requires inspection every 5 years. Ciniza currently repairing and inspecting system. Will notify NMOCD upon completion.	Appendix I-12: Contact Wastewater Collection System - SWMU No. 12 Summary
13	The Drainage Ditch Between API Evaporation Ponds and Neutralization Tank Evaporation Ponds (xiv)	EPA approval of NFA given in January 1994. Follow-up monitoring required. Survey plat ³ submitted to EPA. Soil sampling collected around drainage ditch required again in 2001.	Appendix I-13: Drainage Ditch Between API Evaporation Ponds and Neutralization Tank Evaporation Ponds - SWMU No. 13 Summary

¹Solid Waste Management Unit Numbers as designated in the RCRA Facility Investigation Work Plan (submitted May 1990).

²Solid Waste Management Unit Numbers as designated in the HSWA Permit (Section C, Corrective Actions for Continuing Releases, 5.(a)(1). December 1988.

³See Figure J-14.