

NOV 18 2013

November 14, 2013

NMED  
Hazardous Waste Bureau***Via Email and Certified Mail 7010 1670 0001 3141 1245, Return Receipt Requested***

Mr. John E. Kieling, Chief  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Bldg 1  
Santa Fe, New Mexico 87505-6303

**RE: RESPONSE TO REQUEST FOR SWMU ASSESSMENT REPORT - HYDROCARBON  
SEEP  
WESTERN REFINING COMPANY, SOUTHWEST, INC., GALLUP REFINERY  
EPA ID # NMD000333211  
AP-111**

Dear Mr. Kieling:

Western Refining Southwest, Gallup Refinery ("Western") submits this letter in response to the New Mexico Environment Department, Hazardous Waste Bureau's, (the "Bureau") letters dated July 31, 2013 and August 14, 2013 that requested a Solid Waste Management Unit (SWMU) Assessment Report under the August 2000 Hazardous Waste Facility Permit (the "Permit") Section IV.B.2.b for the hydrocarbon seep that was discovered to the west of crude tank T-102 and northwest of the marketing tanks (T1-T8). In addition, this letter addresses the Bureau's letter of November 8, 2013 addressed to Ms. Ann Allen. The identification of the hydrocarbon seep was reported on Form C-141 on July 11, 2013. Since the initial discovery, Western Refining Southwest., Gallup Refinery ("Western") has implemented emergency response measures as previously reported in Hydrocarbon Release Notification Reports dated August 20, 2013 and October 18, 2013.

Subsequent to the initial release report and the October 18, 2013 update report, Western has continued efforts to identify the source of the hydrocarbon seep, including installation of additional temporary monitoring wells (Figure 1), collection of groundwater samples, and excavation of portions of the wastewater collection pipeline near the bundle cleaning pad. The results of recent chemical analyses of the groundwater samples that have been received to-date are enclosed. Also, recovery operations continue at the temporary sump locations with the estimated recovery volumes provided in enclosed Table 1.

As reported earlier, the camera survey indicated a potential hole in the wastewater collection pipeline approximately 20 feet south of a surface drain located just west of the bundle cleaning pad (Figure 1). The wastewater pipeline was excavated and the source of the release was confirmed to be the wastewater pipeline (see enclosed photos of excavated section of steel pipeline). The wastewater collection pipeline upstream of the corroded portion of the pipeline was plugged off at the sewer box located west of the I/E shop on October 28, 2013. Additional excavation of the wastewater pipeline is scheduled to be conducted over the next several weeks to gather more information on the extent of the corroded pipe.

As the source of the release is the wastewater collection system, which is already included as SWMU No. 12 – Contact Wastewater Collection System, a SWMU assessment report is not required under Permit section IV.B.2.b., as this provision only applies to “new” SWMUs or AOCs. SWMU No. 12 is also listed in the new RCRA permit Table E-2 as requiring an Investigation Work Plan. (Note that Western is considering an appeal of the newly issued RCRA permit.)

In response to your letter of November 8, 2013, which raises several questions in regards to the sampling effort Western offers the following clarifications.

- As noted in your first sentence on this topic, the soil samples were collected only for waste characterization purposes. Clearly it is not possible to obtain a sample of soils for waste disposal purposes that have been excavated or generated during drilling operations that are “undisturbed samples.” The purpose of these samples is only to characterize the concentrations of potential contaminants in the soils being disposed, not to characterize concentrations of potential contaminants that may be present in in-situ soils. Also, waste analysis using TCLP procedures is a common practice for waste characterization.
- The sampling conducted to-date has been focused on supporting emergency response efforts to; (1) identify the source of the hydrocarbons observed at the seep location and (2) ensure that appropriate emergency measures are implemented to control the seep discharge and any significant migration of potential contaminants in the shallow groundwater. While the information being collected may facilitate preparation of a site investigation report, the sampling effort is not intended to supplant a RCRA facility investigation.

Please note that Western continues to disagree with the Bureau on the other parts of the November 8<sup>th</sup> letter. As always, Western reserves all applicable rights and defenses relevant to this matter.

If there are any questions, then please contact me at 505-722-0202.

Sincerely,



Mr. William Carl McClain, Jr.  
Refinery Manager  
Western Refining Southwest, Inc. – Gallup Refinery

cc D. Cobrain NMED HWB without enclosure  
N. Dhawan, NMED HWB without enclosure  
C. de Saillan, NMED HWB without enclosure  
Carl Chavez, OCD  
G. von Gonten, OCD  
L. King, EPA Region 6  
A. Allen, Western El Paso  
Ed Riege, Western Gallup  
Allen Hains, Western El Paso