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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

September 23, 2014

Mr. Ed Riege  
Environmental Manager  
Western Refining, Southwest Inc., Gallup Refinery  
92 Giant Crossing Road  
Gallup, New Mexico 87301

**RE: DISAPPROVAL  
INVESTIGATION WORK PLAN SWMU NO. 3 EMPTY CONTAINER  
STORAGE AREA/HEAT EXCHANGER BUNDLE CLEANING PAD  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-14-001**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has received Western Refining Southwest Inc., Gallup Refinery's (Permittee) submittal, *Investigation Work Plan SWMU No. 3 Empty Container Storage Area/Heat Exchanger Bundle Cleaning Pad* (Work Plan), dated February 2014. After reviewing the Work Plan, NMED hereby issues this disapproval with the following comments.

**Comment 1**

NMED recognizes that Solid Waste Management Unit (SWMU) 3 is an active site and does not expect the Permittee to interrupt operations in order to conduct the proposed investigation. NMED also does not expect the Permittee to achieve and maintain applicable cleanup levels at the site until active operations cease. If the investigation does not interfere with facility operations, the schedule provided in Section 6 of the Work Plan must be followed; otherwise, the Permittee may request to defer work until such time as the investigation and cleanup, as necessary, does not impact operations or the SWMU is no longer active. Ultimately, the drains

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and sump must be directly sampled and the Permittee must re-sample under the concrete pad when it is removed.

**Comment 2**

The Permittee included information regarding the hydrocarbon seep related to the process sewer system/contact wastewater collection system (SWMU 12) release discovered in June 2013 in order to discuss groundwater conditions and groundwater samples collected near SWMU 3. In Section 3.2 (Subsurface Conditions), page 8, the Permittee states, “[a]nother groundwater sample was collected on December 31, 2013 in this area during excavation of the leaking wastewater pipeline. This sample (Bundle Pad Hole), which was collected directly from the excavation, was analyzed for VOCs, TPH, metals, and water quality parameters (e.g., calcium, magnesium, and fluoride).” In the revised Work Plan provide a figure that shows the location of the “Bundle Pad Hole.” Soil and groundwater surrounding SWMU 3 have likely been affected by the leak from SWMU 12; cleanup may need to be conducted as part of SWMU 12 corrective action. In the revised Work Plan discuss the depth to groundwater and whether or not the water collected from the Bundle Pad Hole is likely wastewater, groundwater or a mix of both, discuss the depth of the Bundle Pad Hole and the depth of water observed in the excavation.

Regarding corrective action related to the hydrocarbon seep, as has been discussed in the past, the Permittee must provide a separate report regarding the hydrocarbon seep that discusses, in detail, the soil and groundwater sampling, sampling results, and any remediation that has taken place. The Permittee is required to report on corrective action, Section IV of the Permit states, “[t]his Part sets forth the requirements for the Permittee to conduct corrective action for all releases of hazardous waste or hazardous constituents at the Facility. The Permittee shall implement corrective action as necessary to protect human health and the environment from all releases of hazardous waste or hazardous constituents from hazardous waste management units, closed hazardous waste management units, and from any Solid Waste Management Unit (SWMU) or Area of Concern (AOC) at the Facility pursuant to §3004(u) and (v) of RCRA, 42 U.S.C. §6924(u) and (v); NMSA 1978, § 74-4-4.2(B) and 40 CFR Part 264, Subparts F and G.”

**Comment 3**

The SWMU No. 3 Summary Report dated 1998 discusses that when the empty container storage area was closed, a new empty storage area was put into service in an area adjoining the original area; drums were rinsed in a different location and then stored at the site. The new area is not mentioned in the Work Plan. It is not clear if the new area is still used as empty container storage if the empty container storage area is still located adjacent to SWMU 3. In the revised Work Plan discuss the location of the new empty container storage area (include the location on a figure), discuss where the drums are rinsed before storage in the new area, and whether or not there is secondary containment at the rinsing location. If additional boring locations are needed, revise the Work Plan to include investigation of the new empty container storage or container rinsing areas.

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**Comment 4**

The Permittee included figures showing the SWMUs and AOCs at the facility. There are several issues with the included figures. In the Permit, SWMU 6 is listed as the "Tank Farm," the figure (Sheet 1 of 2) points to only the leaded tanks in the Tank Farm, the Tank Farm is the area outlined and labeled in the third figure in Permit Attachment J. The Permittee cannot change SWMU and AOC boundaries without a permit modification. Replace the figures in the revised Work Plan with figures that equate to those in the Permit.

**Comment 5**

In Section 2.1 (Empty Container Storage Area) the Permittee states, "[t]he Empty Container Storage Area was originally included as a SWMU in the 1988 Hazardous and Solid Waste Act (HSWA) permit and subsequently included for investigation in the 1990 RFI Work Plan. The Empty Container Storage Area was put into service in 1979. It covered an area of approximately 50 feet by 80 feet and the surface was covered by gravel (Figure 2). Empty drums, which would have originally contained chemicals used in support of refining operations (e.g., solvents, antifreeze, and lubricating oils), were placed in this area pending off-site disposal/recycling. The historical records do not include any specific notations of known releases from the empty containers, but rather the area was identified due to the potential for impacts to soils." In the revised Work Plan discuss whether or not the area was used for refinery activities prior to 1979 and describe the identified activities and potential constituents of concern, if known.

**Comment 6**

In Section 2.1 (Empty Container Storage Area), page 5, the Permittee states, "[d]uring the week of March 23, 1998, an on-site inspection was conducted by Practical Environmental Services, Inc. in support of preparation of a RCRA Post-Closure Care Permit for the Gallup Refinery Land Treatment Unit. It was during this inspection that a change in land use is documented. A new concrete pad, which covers the location of the former empty container storage area, was observed." Discuss whether or not gravel or surface soils were removed from SWMU 3 prior to pouring the concrete pad.

**Comment 7**

In Section 2.2 (Heat Exchanger Bundle Cleaning Pad) the Permittee states, "[s]ince the mid 1990s, the area designated at SWMU No. 3 has been used to clean heat exchanger bundles. Heat exchanger bundles are periodically cleaned at this location to remove scale deposits using a high pressure steam cleaner. The cleaning takes place on a concrete slab, which was installed after the Phase III RFI sampling discussed above." Cleaning of heat exchanger bundle cleaning pads is not the sole activity that takes place at SWMU 3. Discuss all other activities that take place at the site and potential constituents of concern that may be associated with those activities.

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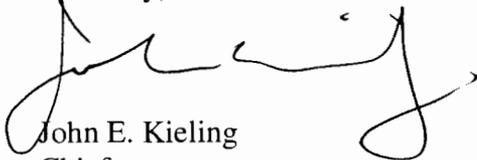
**Comment 8**

In Section 4.1 (Anticipated Activities) the Permittee states in the last bullet point, “[t]he soil samples will be analyzed for volatile and semi-volatile organic constituents, TPH, and Skinner List metals.” In the revised Work Plan include provisions for sampling of water, if encountered, during drilling.

The Permittee must address all comments in this Disapproval and submit a revised Work Plan on or before **December 5, 2014**. The revised Work Plan must be accompanied by a response letter that details where all revisions have been made, cross-referencing NMED’s numbered comments. In addition, the Permittee must submit a redline-strikeout version that identifies all changes and edits to the Work Plan (the red-line strikeout may be an electronic copy) with the response.

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

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
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