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

NMED  
Hazardous Waste Bureau

**RE: RESPONSE TO DISAPPROVAL INVESTIGATION WORK PLAN - SOLID WASTE  
MANAGEMENT UNIT (SWMU) NO. 3 EMPTY CONTAINER STORAGE AREA/HEAT  
EXCHANGER BUNDLE CLEANING PAD;  
WESTERN REFINING COMPANY, SOUTHWEST, INC., GALLUP REFINERY  
EPA ID # NMD000333211**

Dear Mr. Kieling:

Please find enclosed responses to your comments dated Sept. 23, 2014 on the referenced Investigation Work Plan and the SWMU/AOC map, which was submitted by Western Refining Company Southwest, Inc. ("Western") pursuant to the RCRA Post-Closure Care Permit (effective date 12/2/2013).

**NMED 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to defer work until such time as the investigation and cleanup, as necessary, does not impact operations or the SWMU is no longer active.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 and sump must be directly sampled and the Permittee must re-sample under the concrete pad when it is removed.*

**Western's Response:** As the location of SWMU No. 3 is actively being used to clean heat exchangers and for storage of empty containers, an investigation at this time would interfere with facility operations. Accordingly, Western requests to postpone all work (i.e., Investigation Work Plan development ) until the SWMU is no longer active or at a later time agreed to by Western and NMED. Also, as site conditions may change between now and when SWMU No. 3 may be investigated in the future, there is no benefit to revising the existing Investigation Work Plan at this time. Responses to all comments are provided below, but the Investigation Work Plan is not being revised at this time.

**NMED 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 VOC's, 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."*

**Western's Response:** When the work plan is readdressed, the approximate location of the bundle pad hole will be added to Figure 6. The bundle pad hole was excavated to an approximate depth of 10 feet and water seeped into the bottom of the hole. The depth of water in this area is approximately 9.5 feet. The water collected from the bundle pad hole was most likely a combination of wastewater and groundwater.

Information related to releases from SWMU No. 12 is reported separately. Where this information is relevant to conditions in or near other SWMUs, Western includes the information in submittals for other SWMUs, as well.

### **NMED 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.*

**Western's Response:** As described on page 2 of the 1998 SWMU #3 Summary Report prepared by Practical Environmental Services, Inc., "The new empty container storage area is located adjacent to and west of the old site. Drums are emptied and triple rinsed prior to being placed in the new storage area." While the exact location of drum storage occurring in 1998 is not currently known, it appears the clean empty drums were located along the west wall of the "new" bundle cleaning pad. This general area can be viewed on Figure 7. There is a concrete pad in this area with a drain that connects to SWMU No. 12 – Contact Wastewater Collection System. The storage of clean (triple-rinsed) drums on this concrete pad is

not anticipated to represent a threat to the environment; however, three soil borings are proposed along the western wall of the Bundle Cleaning Pad. It is unknown where the empty drums were rinsed in 1998 and empty drums are not currently stored at this location. Some empty drums are temporarily stored on the Bundle Cleaning Pad (see photos in Appendix A). When the Work Plan is readdressed, the discussion in Section 2 will be revised to note the continued use of the Bundle Cleaning Pad for temporary storage of empty, clean drums.

**NMED 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.*

**Western Response:** The referenced figures do not appear in the Work Plan and thus there are no required revisions to the Work Plan. The referenced figures (i.e., maps of SWMUs and AOCs) were submitted pursuant to Permit Section IV.C.1.

A review of the historical RCRA permitting history for the Gallup Refinery Land Treatment Unit clearly indicates that SWMU No. 6 includes only the tanks that contained leaded tank bottoms, a listed hazardous waste. This is born out in the most recent RCRA Permit Application submitted by Western on February 23, 2010. We refer you to Section J.6 SWMU No. 6 Tank Farm – Leaded Gasoline Tanks, Figure J-6 SWMU No. 6 Tank Farm Leaded Gasoline Tanks/Detail Photo, and Appendix I-6 Tank Farm Leaded Gasoline Tanks – SWMU No. 6 Summary of the February 23, 2010 RCRA Permit Application. Clearly SWMU No. 6 pertains to only those tanks with leaded tank bottoms and NMED's incorrect map included in Attachment J of the October 2013 Permit cannot undo the historical permitting record on this matter. Further, the fact that NMED required Western to submit a map showing the SWMUs and AOCs after issuance of the Permit can only lead one to conclude the maps included by NMED in Attachment J of the Permit were not accurate and required the preparation of new maps by Western.

**NMED 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.*

**Western Response:** There is no other historical use of this area based on available site records.

**NMED 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.*

**Western Response:** There is no documentation to suggest that gravel or surface soils were removed from the SWMU 3 area prior to construction of the new concrete pad.

**NMED 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.*

**Western Response:** Western has further reviewed operations that may have occurred on the pad since it was built in the 1990s and a more extensive list of possible operations has been identified. The primary function of the Bundle Cleaning Pad is to provide an area where the heat exchanger bundles can be cleaned and the associated fluids and any waste materials are safely contained. Some smaller vessels and equipment may also be cleaned on the pad. In addition, empty 55-gallon drums (metal/plastic) and/or totes that are removed from the process units are taken to the pad where the drums are triple rinsed to remove any residue before the drums are crushed and placed into a metal recycle bin. These empty drums are usually stored for no more than three days before removal from the pad. Some of the drums temporarily stored on the Bundle Cleaning Pad are used to contain the waste materials that are generated during cleaning of the heat exchangers. The waste generated from the cleaning of the heat exchanger bundles is managed as a listed hazardous waste (K050).

The potential constituents of concern associated with operations at the pad area other than cleaning heat exchanger bundles is varied and cannot be fully documented. However, as noted below in comment 8, the environmental samples will be analyzed for volatile and semi-volatile organic constituents, TPH, and Skinner List metals. This extensive list of analytes is fully capable to detecting the presence of any releases to the environment from current or historical operations conducted at SWMU No. 3.

**NMED 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.*

**Western Response:** When Work Plan is readdressed, it will be revised to include the collection of water samples from temporary well completions if groundwater is encountered during the soil sampling activities.

If there are any questions regarding the responses to your comments, then please contact Mr. Ed Riege at (505) 722-0217. Finally, in closing, Western notes that the above-referenced permit is under judicial

Mr. John Kieling  
December 3, 2014  
Page 5

appeal and nothing in the preceding letter should be construed as a waiver of any applicable rights, claims, and defenses in that appeal, all of which are expressly reserved.

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

A handwritten signature in blue ink that reads "William Paul McClain".

Mr. Billy McClain  
Refinery Manager  
Western Refining Southwest, Inc. – Gallup Refinery

cc D. Cobrain NMED HWB  
N. Dhawan NMED HWB  
K. Van Horn, NMED HWB  
C. Chavez, OCD  
A. Allen, Western El Paso