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RYAN FLYNN
Cabinet Secretary
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Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 2, 2015

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

**RE: APPROVAL WITH MODIFICATIONS
INVESTIGATION WORK PLAN SWMU NO. 10 SLUDGE PITS
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-14-007**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has reviewed the *Investigation Work Plan Solid Waste Management Unit (SWMU) No. 10 Sludge Pits (Work Plan)*, dated September 16, 2014, submitted on behalf of Western Refining Southwest Inc., Gallup Refinery (Permittee) and hereby issues this Approval with the following modifications.

Comment 1

Figure 7 (Proposed Sample Locations) depicts the proposed locations for borings, but none of the locations are labeled. In the Investigation Report provide a figure where the borings are identified. Additionally, re-locating several of the proposed locations may provide better coverage to compare to prior sampling analytical results exceeded the soil screening levels; however, it is difficult to determine historic sampling locations in comparison to the proposed locations using the figures provided in the Work Plan. Submittal of revised figures are not required, because the Permittee's sampling plan, discussed in Section 4.1 (Investigation), allows

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for additional investigation to be conducted, if field results reveal that the lateral and vertical extent of contamination has not been determined.

Comment 2

In the Background Section of the Investigation Report required by this Approval with Modifications, discuss the amount of sludge removed from the pits and where the sludge was disposed, if known. Discuss whether or not the overflow pipe from the pit was removed or not. Provide a figure depicting the pipe and outfall locations.

Comment 3

Section 3.2 (Subsurface Conditions) provides a general discussion of the soil types and associated hydraulic conductivity at the SWMU. In the Investigation Report provide a more specific discussion regarding groundwater conditions beneath the SWMU. An existing monitoring well is depicted on Figure 7 (Proposed Sample Locations) and there are other groundwater monitoring wells in the vicinity; therefore, localized groundwater data are available for interpretation. Also, utilizing the boring logs from previous investigations and the current investigation, provide a more site specific discussion of the soils at the SWMU.

Comment 4

NMED's NFA Comments called attention to the fact that the sludge pits were used to dispose of RCRA listed wastes, K049 and K051, that generally contain hexavalent chromium and lead as constituents. The Permittee proposes to analyze for chromium (SW-846 method 6010/6020) and chromium VI (SW-846 method 3060A). In addition to a discussion of the analytical results for chromium VI, include a discussion in the Investigation Report regarding the historical use of chromium VI at the refinery.

Comment 5

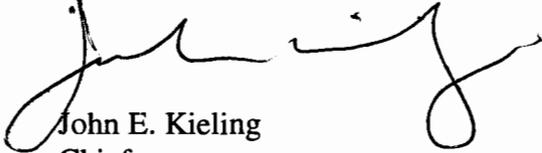
In the Executive Summary and Section 2.1 (Sludge Pits (SWMU No. 10) page 2-2, the Permittee states, "Giant Refining Company proposed in-place bioremediation of soils in 1993, which was approved by the United States Environmental Protection Agency (EPA) in January 1994, with modifications." There is no record of in-place bioremediation occurring at the SWMU. According to historic documents sludge was removed from the pits using a vacuum truck with some sludge remaining at the bottom of the pits. Then "dry" soil was placed in the pit as backfill. In the Investigation Report include a statement that bioremediation was recommended, but there was no follow through. Include a discussion of the source of the backfill soil and whether or not the soil was characterized prior to use as backfill.

The Permittee must address all relevant comments in this Approval with Modifications in the Investigation Report. The Investigation Report must be submitted on or before **March 8, 2016**.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
K. Van Horn, NMED HWB
C. Chavez, EMNRD OCD
A. Hains, WRG
L. King, EPA

File: Reading File and WRG 2015 File
WRG-14-007