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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 8, 2015

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

**RE: REQUIREMENT
EVAPORATION POND BERM REPAIR AND MAINTENANCE
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-15-MISC**

Dear Mr. Riege:

The Permittee is in receipt of an email from the Oil Conservation Division (OCD) dated March 6, 2015 regarding the evaporation pond berms. The New Mexico Environment Department (NMED) has additional requirements beyond the OCD's requirements to: "1) Fix any pond that has exhibited breaching in the past 5 years such that they do not breach anymore or allow contaminants to percolate through the base; and 2) Provide an "As Built" report with engineering diagrams documenting how the ponds were repaired, materials used, and any geotechnical information associated with the repair."

RCRA Permit Section I.J.7 (Proper Operation and Maintenance) requires that "[t]he Permittee shall at all times properly operate and maintain all facilities and systems of treatment, control, and related appurtenances which are installed or used by the Permittee to achieve compliance with the sections of this Permit. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance and quality control procedures.(40 CFR §270.30(e))."

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NMED recognizes the Permittee's previous efforts to repair the berms. However, since the Pond 7 breach in August 2013, there is evidence that the berms are still in need of repair. During an U.S. Environmental Protection Agency (EPA) inspection in August 2014, the EPA noted discoloration at the bottom of some berms at the Evaporation Ponds, indicating that seepage is likely occurring. The Permittee must ensure that steps are taken to prevent further pond breaches from occurring and prevent seepage from the berms.

Prior to berm repair or maintenance, the Permittee must collect soil samples at the base of the berms where soils were likely affected by seepage. The seepage is a release from a solid waste management unit (SWMU) (SWMU 2, Evaporation Ponds): Resource Conservation and Recovery Act (RCRA) Permit Section IV (Corrective Action) requires the Permittee to address releases from SWMUs. The Permittee must collect samples for off-site laboratory analyses for semi-volatile organic compounds, diesel- and oil- range organics, RCRA 8 metals, sulfate, nitrate, and chloride in accordance with Permit Section IV.J.3 (Chemical Analyses). All sampling must be conducted using the applicable procedures as described in Permit Section IV.J.2 (Investigation, Sampling, and Analysis Methods). The analytical data results must be provided in a letter report. Additionally, the soil must be analyzed for total constituent concentrations; TCLP results are not sufficient to achieve the requirements of the Permit.

In addition to sample collection, the Permittee must repair the berms in such a way that seepage is prevented. The Permittee must provide a letter report that describes the repairs in detail, identifies the soils used for the repair and provides geotechnical data on the soils, provides data that demonstrates that the soils are compacted to meet 10^{-6} cm/s or less permeability requirements, provides evidence of repairs (photo documentation), and provides an inspection and maintenance plan for the berms.

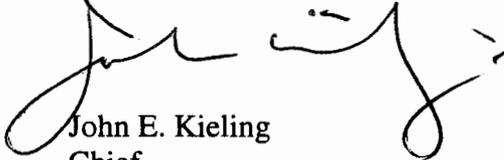
The Permittee may submit one letter report in response to OCD's and NMED's requirements. Please ensure that NMED and OCD are both copied on all correspondence and submittals regarding this issue.

The Permittee must submit a letter report on or before **December 28, 2015**.

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If you have questions regarding this Requirement, 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, sweeping underline.

John E. Kieling
Chief
Hazardous Waste Bureau

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

File: Reading File and WRG 2015 File
WRG-MISC