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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 18, 2016

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

**RE: APPROVAL WITH MODIFICATIONS
REVISED INVESTIGATION WORK PLAN SWMU NO. 4 OLD BURN PIT
AND SWMU NO. 5 LANDFILL AREAS
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-14-004**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has reviewed the revised *Investigation Work Plan Solid Waste Management Units (SWMU) No. 4 Old Burn Pit and SWMU No. 5 Landfill Areas* (Work Plan), dated November 2015, submitted on behalf of Western Refining Southwest Inc., Gallup Refinery (Permittee) and hereby issues this Approval with Modifications. The Permittee must address the following comments.

Comment 1

The Permittee submitted the Work Plan as an unbound document. Although there are no formal requirements to bind submittals, submittal of bound documents facilitates reviews and placement in the Hazardous Waste Bureau Administrative Record. Submit all future documents that contain more than 20 pages in binders or as bound documents. Additionally, ensure that all document pages (including figures, tables, and appendices) are sequentially paginated for appropriate review.

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Comment 2

The NMED tracking number included within the response letter title is incorrect the correct tracking number is HWB-WRG-14-004. No response is required.

Comment 3

In the Executive Summary, page 2, paragraph two, the Permittee states, “[w]hile EPA had authority over the project during the earlier investigation phase, NMED received authorization on January 2, 1996 to implement the Hazardous and Solid Waste Act Corrective Action Program in New Mexico and was afforded an opportunity to intercede prior to and during the remedial actions. There is no record of NMED expressing concerns about or opposition to the remedial actions that were completed at the Old Burn Pit or the Landfill Areas.” There is also no record of the EPA approving the additional sampling conducted at the SWMUs (Report on Additional Sampling, dated October 1, 1994) prior to capping the areas. Regardless, there are issues regarding the SWMUs that must be addressed in order to demonstrate that there are no unacceptable risks to human health and the environment prior to NMED drafting a statement of basis for corrective action complete for these SWMUs. The proposed additional soil and groundwater sampling at these SWMUs may provide the data necessary to demonstrate that the SWMUs are qualified for corrective action complete. No response is required.

Comment 4

Appendix D contains a “Closure Certification Report” regarding the landfills and the cover installed in 1998. It is dated April 23, 1998 and was apparently submitted as part of the Part B permit application in May 2000. This document was never formally reviewed as a closure report by NMED. Closure is not required for SWMUs. No response is required.

Comment 5

In the Investigation Report discuss whether or not SWMU 4 and/or SWMU 5 have been used for any refinery activities since the landfill covers were installed.

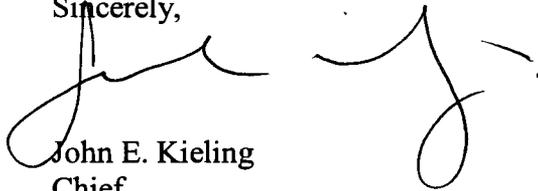
Comment 6

NMED must be notified a minimum of 15 days prior to the commencement of field activities.

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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 2016 File
WRG-14-004