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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 10, 2016

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

**RE: APPROVAL
RESPONSE ACTION REPORT
WASTEWATER TREATMENT PLANT CARBON CANISTER
RUPTURE DISK DECEMBER 27, 2016 RELEASE JANUARY 7, 2016 RELEASE
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
WRG-16-005**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) is in receipt of Western Refining Southwest, Inc. Gallup Refinery's (Western) submittal *Response Action Report Wastewater Treatment Plant Carbon Canister – Rupture Disk December 27, 2015 Release January 7, 2016 Release* (Response) dated August 2016. It appears that the Permittee adequately addressed the releases. The following comments are from both NMED and the Oil Conservation Division (OCD).

Comment 1

NMED may consider the area of the release a solid waste management unit (SWMU) based on the definition of a SWMU in the Permittee's RCRA Permit as sites where routine and systematic releases have occurred. The releases in this case are of untreated wastewater which, at a minimum, includes listed waste (D018) and other hazardous constituents. The Permittee notes in Section 4.3 (Recommended Additional Excavation and Assessment) that the lower level area of the release will be investigated when SWMU 15 (New API Separator) is addressed in the future.

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However, the upper level of the release, closer to the wastewater treatment plant, is not part of SWMU 15 and is not currently listed as a SWMU or area of concern (AOC) in the RCRA Permit and may be subject to addition to the Permit by NMED.

Comment 2

In Section 1.4 (Discussion of the Process Area) the Permittee states, “Western operates a Wastewater Treatment Plant (WWTP), which went on line on May 2012.” This statement is not accurate. Since October 2014 the granulated activated carbon canister (GAC) system, which replaced the macro porous polymer extraction (MPPE) system that began operation in May 2012, treats refinery wastewater. In future reports, ensure that the information provided is accurate.

Comment 3

In Section 2.1.1 (December 27, 2015 Release) the Permittee states that, “[t]he volume recovered is unknown.” Permit Section II.C.2.c.ii (Content of description) requires that the Permittee report on “[e]stimated quantity and disposition of recovered material that resulted from the incident.” In the future, spill responses must include information regarding the amount of recovered release material.

Comment 4

In Sections 2.2.2 and 2.3.2 (Soil Screening Results) the Permittee states that “[f]ield screening was not conducted during the collection of soil samples.” As a common practice, samples should be collected based on field screening (e.g., olfactory, staining) in order to collect samples that are most representative of the soil conditions. Additionally, OCD requires that photoionization detector (PID) screening be used when conducting soil cleanups.

Comment 5

The Permittee does not discuss depth to water/groundwater elevations at the location of the release and states in Section 2.6 (Groundwater Conditions) that, “[a] groundwater investigation was not conducted.” The groundwater elevation can be estimated based on groundwater monitoring points near the release and must be reported when reporting spills. Groundwater elevation must be known when comparing soil analytical results to DAF 20 screening levels.

Comment 6

Arsenic, chromium and naphthalene analytical results exceeded their respective DAF 20 screening levels, but are within an order of magnitude of the regulatory criteria. OCD does not rely on risk-based screening levels (RBSLs) for commercial/industrial for protection of groundwater; however, at the Gallup Refinery the DAF 20 appears to be adequate. The Permittee must ensure that environmental laboratory detection limits are less than the regulatory levels in order to satisfy data quality objectives (DQOs) for laboratory data to be acceptable for the OCD.

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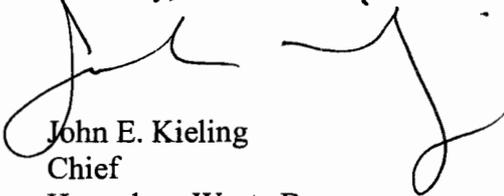
Comment 7

In Section 1.3 (Characterization of the Release Material) the Permittee states “[a] sample of the spilled liquid was collected and submitted to Western's onsite laboratory” for both the December and January releases. The analytical results demonstrate that the December release resulted in, “a benzene concentration of 0.45 mg/L.” The analytical result for the January release demonstrated that, “the wastewater had a benzene concentration exceeding the 0.5 mg/L RCRA Regulatory Limit.” The Permittee lists the benzene analytical result as 3.75365 mg/L later in the section. The release in January constitutes a release of listed hazardous waste.

No response is required in regards to this letter; however, the Permittee must address the comments in future spill reports and response action reports.

If you have questions regarding this letter, please contact Kristen Van Horn at 505-476-4046.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Van Horn, NMED HWB
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