NEW MEXICO ENVIRONMENT DEPARTMENT

ENTERED

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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

November 15, 2016

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

**RE: DISAPPROVAL**
**RESPONSE ACTION REPORT**
**TANK T-583 ULTRA-LOW SULFUR DIESEL**
**JANUARY 2, 2016 RELEASE**
**WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY**
**EPA ID # NMD000333211**
**WRG-16-004**

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 Tank T-583 Ultra-Low Sulfur Diesel January 2, 2016* (Report) dated August 2016. The Report was submitted in accordance with RCRA Permit Section II.C.3 (Non-Compliance Written Report).

NMED has reviewed the Report and determined that the release is not considered a new solid waste management unit (SWMU) or area of concern (AOC) because the release occurred within SWMU 6 (Tank Farm) and it appears that the Permittee addressed the release sufficiently. However, the Permittee must submit a letter to address the following comments and provide additional information regarding the cleanup effort.

The following comments are provided by both NMED and the New Mexico Energy Mineral and Natural Resources Department Oil Conservation Division (OCD).

**Comment 1**
The Permittee does not discuss the depth to water /groundwater elevations at the location of the release and states in Section 2.4 (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. In Section 4 (Conclusions and Recommendations) the Permittee states, "[b]ased on the fact that groundwater is already documented to be impacted in the general area, the maximum detected results in the confirmation samples are well below both the residential and non-residential screening levels, and maximum concentrations are generally within one order of magnitude of the DAF 20 screening levels, no further remediation is recommended at this time." Even if groundwater is already contaminated beneath the area of a release, the Permittee must ensure that a release will not result in further impacts to groundwater. In the response letter, provide the depth to groundwater and the groundwater elevation in the vicinity of the release.

**Comment 2**
The Report does not discuss the cleanup and soil confirmation sampling activities. These include: how much soil was removed, the dimensions of the excavation, whether or not the excavated soil was replaced with fill and where the fill came from, how confirmation samples were collected and the locations and depths of the confirmation samples. In the response letter, provide these additional details regarding the soil excavation and confirmation sampling. This type of information must be included is future response action reports.

**Comment 3**
The spill description is [a] "sandpiper pump for the distillate rundown line going to T-583 was leaking product to the ground surface from a cracked casing." Based on the figures provided, it appears there are two separate release areas within the tank berm and on opposite sides of the tank. In the response letter provide a more detailed description of the release that explains the two areas.

**Comment 4**
Section 2.2.2 (Soil Screening Results) 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**
As a general note, in Section 3 (Regulatory Criteria Comparisons) the Permittee discusses the screening levels used in the Report. For spills occurring in SWMUs or AOCs, NMED has agreed that meeting the industrial/commercial soil screening levels is adequate as long as they are protective of groundwater as well. Additionally, OCD requires soil cleanup levels to be protective of groundwater and does not rely on the industrial/commercial screening levels for

protection of groundwater. OCD also requires that the Permittee ensure that the laboratory data results meet the regulatory levels for detection to satisfy the data quality objectives (DQOs). The Permittee compares the soil analytical results to the DAF20 screening level which is the most conservative (as long as groundwater is not shallow in the Tank Farm area; see Comment 1).

**Comment 6**
The Permittee did not analyze samples for total petroleum hydrocarbon (TPH) analysis. In the future, to meet OCD requirements, the Permittee must collect samples for TPH analysis (gasoline, diesel-extended, and motor-oil range organics).

**Comment 7**
The Sample Log-In Check List provided in the analytical laboratory report includes a note that states, "low level VOAs had too much volume." In the future, ensure that samples are collected properly so that the sampling results are as accurate as possible and ensure that field personnel are aware of the different requirements for each sample type.

The Permittee must submit a response letter to address the appropriate comments in this letter. The response letter must be submitted no later than **December 23, 2016**.

If you have questions regarding this letter, please contact Kristen Van Horn at 505-476-6046.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

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

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