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 **ENTERED**

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau

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BUTCH TONGATE
Cabinet Secretary
J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 1, 2017

Mr. William Bailey
Environmental Supervisor
Western Refining Southwest Inc., Gallup Refinery
92 Giant Crossing Road
Gallup, New Mexico 87301

**RE: APPROVAL
RESPONSE ACTION REPORT
TANK T-714 – FCC FEED RELEASE FEBRUARY 5, 2016
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
WRG-17-001**

Dear Mr. Bailey:

The New Mexico Environment Department (NMED) is in receipt of Western Refining Southwest, Inc. Gallup Refinery's (Western) submittal *Response Action Report Tank T-714 – FCC Feed Release February 5, 2016* (Report) dated January 2017. The Permittee reported the release on February 7, 2016. The spill occurred within the berm around the Hot Oil/Asphalt Tank Farm (listed as AOC 18, in the pending Consent Order).

Comment 1

Three soil removal actions were conducted between February 2016 and August 2016, which resulted in the removal of approximately 1,600 tons of soil to approximately 36 inches below the ground surface. In Section 2.1.1 (Initial Remediation) the Permittee states, “[c]ontract personnel were called out to vacuum the liquids until further assessment could be determined. After an assessment of the spilled area, a contract company determined that in-situ solidification of the spilled area would be necessary using non-contaminated dirt. A contract company arrived on Monday, February 8th, and began the solidification process. The in-situ solidification process was not successful because the spilled material would not solidify in-situ but would move to

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other areas.” If the material was not adhering to the soil, it is unlikely the FCC feedstock permeated three feet into a silty clay within the bermed tank area. This is an indication that historical releases have impacted the Hot Oil/Asphalt Tank Farm. The Permittee removed soils around Tank 714; however, other historical releases likely still affect the area. This issue may be addressed through the investigation of AOC 18 in the pending Consent Order.

Comment 2

It does not appear that the Permittee collected sidewall samples from the final excavation. The excavation was filled with gravel prior to final confirmation sampling. In the future, when soil cleanup activities involve excavations deeper than one foot below the ground surface, the Permittee must collect excavation sidewall samples. Soils affected by releases may remain since the horizontal extent of contamination was not confirmed.

Comment 4

In Section 4 (Conclusions and Recommendations) the Permittee discusses arsenic and cyanide above the DAF 20 levels. Otherwise, the Permittee achieved Residential and Construction Worker Soil Screening Limits and achieved total petroleum hydrocarbon (TPH) levels below 1000 mg/kg regarding the vertical extent of contamination. NMED agrees that the arsenic concentration is potentially naturally occurring.

Comment 5

Appendix D (Field Methods) is written like a work plan in future tense rather than as a report documenting field activities and describing field methods used. The information describing field methods must describe what actually occurred in the field. The information provided in Appendix D is not useful. Section 2.2.1 (Soil Sampling) states “[a] copy of the field methods used to collect the soil samples is included as Appendix D.” In the future, either describe the actual field activities conducted in soil sampling discussion or revise the information in Appendix D to reflect the soil sampling that was conducted.

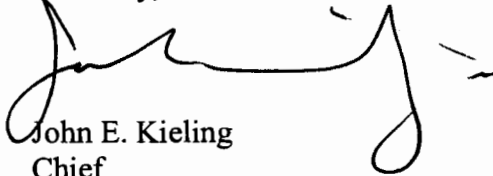
Comment 6

The photographs presented in Appendix E are not labeled. In the future, if photographs are provided, provide descriptions of what is depicted and the cardinal directions where the photographs were taken.

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

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

File: Reading File 2017 and WRG-17-001