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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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Cabinet Secretary  
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Acting Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

December 12, 2018

John Moore  
Environmental Superintendent  
Western Refining, Southwest Inc., Gallup Refinery  
92 Giant Crossing Road  
Gallup, New Mexico 87301

**RE: APPROVAL WITH MODIFICATIONS  
RESPONSE TO DISAPPROVAL HYDROCARBON SEEP INTERIM  
MEASURES 2018 2<sup>ND</sup> QUARTER STATUS REPORT  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-18-006**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Response to Disapproval Hydrocarbon Seep Interim Measures 2018 2<sup>nd</sup> Quarter Status Report* (Response), dated November 7, 2018, submitted on behalf of Western Refining Southwest Inc., Gallup Refinery (the Permittee). NMED hereby issues this Approval with Modifications. The Permittee must address the following comments.

**Comment 1**

Five photographs of the retention ditch are included in the Response. Provide a figure showing each location where the photographs were taken in a response letter. The figure must also include the locations of 1) the retention ditch, 2) the area where hydrocarbon seeps were initially observed in June 2013 and 3) the areas where related contaminated soils were previously excavated.

**Comment 2**

The third photograph shows the surface soils contaminated with hydrocarbons. Discuss whether there are plans to address separate phase hydrocarbon (SPH)-saturated soils. If the Permittee already has an approved work plan to remove the soils, provide information regarding the soil removal in either a status report or new interim measures report. Otherwise, submit a soil removal work plan for NMED review and approval.

**Comment 3**

The fourth photograph shows oil sheen on the water that may be recoverable. The Permittee must resume efforts to recover free product from the retention ditch.

**Comment 4**

The Permittee's response to NMED *Disapproval* Comment 2 states, "[o]verall, the measured thickness of SPH has decreased in most wells with the exception of MKTF-06..." A table showing fluid level measurements (2016 through 3<sup>rd</sup> Quarter 2018) for MKTF wells in the area of the sumps and retention ditch that contained SPH is included in the Response. The data suggest that the Permittee's observation is correct and the SPH within the soil matrix may be gradually decreasing since 2016. However, significant and sudden reduction in the recovered SPH volume from the retention ditch during the second quarter of 2018 is not supported by the data. The photographs included in the Response also suggest that the hydrocarbons are still seeping into the retention ditch. The Permittee's response to NMED *Disapproval* Comment 1 states that the current plan is to leave the retention ditch open to monitor whether any recoverable hydrocarbons returns to the ditch. NMED concurs with the Permittee's plan.

**Comment 5**

The Permittee's response to NMED *Disapproval* Comment 3 states, "[w]e believe that implementation of that Investigation Work Plan [for the Sanitary Lagoon Investigation] will address this comment [requesting the investigation to determine whether the hydrocarbon seep area coincides with the location of the underground sewer pipe]." In the Sanitary Lagoon Investigation Report, provide a discussion that addresses NMED *Disapproval* Comment 3.

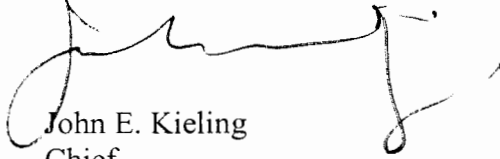
The Permittee must address all comments in this Approval with Modifications in a response letter. The response letter must be submitted to NMED no later than **January 31, 2019**.

This approval is based on the information presented in the document as it relates to the objectives of the work identified by NMED at the time of review. Approval of this document does not constitute agreement with all information or every statement presented in the document.

Mr. Moore  
December 12, 2018  
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If you have questions regarding this Approval with Modifications, please contact Michiya Suzuki of my staff at 505-476-6059.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a long horizontal stroke across the middle.

John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: K. Van Horn, NMED HWB  
D. Cobrain, NMED HWB  
M. Suzuki, NMED HWB  
C. Chavez, OCD  
L. King, EPA Region 6  
B. Moore, WRG

File: Reading File and WRG 2018 File  
HWB-WRG-18-006