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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

October 30, 2019

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

**RE: APPROVAL WITH MODIFICATIONS
SWMU-1 SOIL SAMPLING INVESTIGATION WORK PLAN
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID# NMD000333211
HWB-WRG-19-016**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *SWMU-1 Soil Sampling Investigation Work Plan* (Work Plan), dated September 23, 2019, submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (Permittee) and hereby issues this Approval with Modifications. The Permittee must address the following comments.

Comment 1

Under the "Scope of Activities" heading the Permittee states, "[o]nce characterization has been completed, MPC will prepare an investigation report with results from the sampling. A risk assessment will be included with the investigation report." Since a soil removal action is planned for the remedy at the site, there is no need to conduct a risk assessment.

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Comment 2

Under the heading "Scope of Activities" the Permittee states, "[s]oil recovered during sampling will be placed in roll-off boxes within the area of SWMU-1 and characterized prior to disposal." Alternately, the Permittee may return the soil cutting to the bore hole.

Comment 3

Under the heading "Investigation Methods" the Permittee states, "[s]oil samples will be collected by hand-augering within SWMU-1 and along the perimeter sidewalls (Figure 3). Discrete sediment samples will be collected at 2.5-ft intervals from the surface until visual and/or instrumental contamination is no longer evident, or until a maximum depth of approximately 8 feet is reached." The Permittee does not specify if the berm sidewall samples will be collected using a hand auger or with a different tool and does not specify to what depth/horizontal position the berm sidewall samples will be collected. Provide this information in a response letter.

Comment 4

Under the heading "Sample Collection Procedures" the Permittee states, "[f]ield techniques will be applied consistently across SWMU-1 by a team of dedicated sampling personnel who may be assisted by site supervisors." RCRA Permit Section IV.J.2.d requires the presence of a qualified engineer or geologist, ensure that the proper procedures are followed in the field during sampling.

Comment 5

Under the heading "Sample Collection Procedures", item 2, regarding collection of soil and sediment samples for laboratory analysis the Permittee proposes to collect toxicity characteristic leaching procedure (TCLP samples) for lead and mercury. The Permittee must also conduct TCLP analysis for benzene.

Comment 6

Under the heading "Sample Collection Procedures" and the heading "Data Evaluation" the Permittee states that, "[a]nalytical data will be screened by comparison with NMED Industrial SSLs, Toxicity Characteristic levels, and the proposed (chosen) disposal facility WACs." The Permittee must also compare the analytical results to Residential SSLs and Land Disposal Restrictions, as necessary. The waste disposal facility WACs cannot be used for the risk assessment.

Comment 7

Under the heading "Sample Collection Frequency" the Permittee states,

"Sediment sample collections will be taken in accordance with the RCRA Post-Closure Permit Section IV.J.2.d.ii (Soil and Rock Sampling) and will include the following applicable intervals and depths:

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- at the surface of the proposed boring locations;
- at 2.5-ft intervals;
- at the maximum depth of each boring; and
- at intervals suspected of being source or contaminated zones.”

The Permittee must also collect samples from intervals where groundwater is encountered.

Comment 8

The Permittee included a Standard Operating Procedure (SOP) (Appendix A) for soil sample collection. RCRA Permit Section IV.J.1 states that “[t]he Permittee shall provide a brief description of investigation, sampling or analytical methods and procedures...Facility standard operating procedures (SOPs) shall not be substituted for such descriptions.” In the future, the Permittee must include this information within the main text of the Work Plan. The SOP appears to be field instructions for personnel and is generalized for all soil sampling rather than specific to the sampling that will take place for this project.

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.

The Permittee must submit an investigation report that summarizes the collection of data under this Work Plan no later than **May 16, 2020**.

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If you have any questions regarding this letter, please contact Kristen Van Horn 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
K. Van Horn, NMED HWB
C. Chavez, EMNRD OCD
L. King, EPA Region 6 (6LCRRC)
B. Moore, Marathon

File: WRG 2019 and Reading
HWB-WRG-19-016