



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**ENTERED**

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
Phone (505) 476-6000 Fax (505) 476-6030

[www.env.nm.gov](http://www.env.nm.gov)

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**



**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**APR 03 2020**

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

**RE: APPROVAL WITH MODIFICATIONS  
RESPONSE ACTION REPORT DGS 105 ADDITIVE TANK – RAIL CAR LOADING AREA –  
GASOLINE RELEASE  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-20-004**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Response Action Report DGS 105 Additive Tank – Rail Car Loading Area – Gasoline Release* (Report), dated January 6, 2020, submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (the Permittee). NMED hereby issues this Approval with Modifications with the following comments. NMED's comments are attached.

The Permittee must address all comments in the attachment and submit a response letter, and replacement pages no later than **June 29, 2020**. The investigation work plan required by Comments 2, 4 and 5 must be submitted no later than **August 31, 2020**.

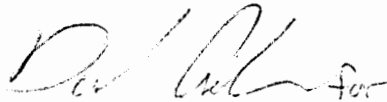
This approval is based on the information presented in the document as it relates to the objectives of the work identified by NMED at the time of review. Approval of this document

Mr. Moore  
Response Action Report  
Page 2

does not constitute agreement with all information or every statement presented in the document.

If you have questions regarding this Approval with Modifications, please contact Michiya Suzuki of my staff at 505-476-6046.

Sincerely,



Kevin Pierard  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
M. Suzuki, NMED HWB  
C. Chavez, OCD  
L. King, EPA Region 6 (6LCRRC)  
B. Moore, WRG

File: Reading File and WRG 2020 File  
HWB-WRG-20-004

# Attachment 1

## **NMED Comments**

### **Comment 1**

In the Executive Summary, page 5 of 8, the Permittee states, “[t]his Response Action Report provides the details for the approximately 8,900-gallon rail car loading area gasoline release... A vacuum truck was used to recover the estimated 8,900 gallons of gasoline.” The statement indicates that entire volume of the released gasoline was recovered by a vacuum truck. Verify the accuracy of the statement and provide an accurate estimate of the released and recovered volumes of gasoline in a response letter.

### **Comment 2**

In the Executive Summary, page 5 of 8, the Permittee states, “[a]pproximately 153 tons of spill area soil was excavated and delivered to Valencia Regional Landfill in Los Lunas, New Mexico for disposal. Soil confirmation samples were not collected in the spill area.” It is necessary to collect soil confirmation samples from the limits of the excavation. Submit a work plan to advance soil borings to the final depth of the excavation. If the excavation pit was already backfilled, and collect samples from the native soils directly beneath the backfill materials for the analytical suite listed on page 8 of 8 in the Report. If the pit is open at this time, collect soil samples from the excavation limits.

### **Comment 3**

In the General Information Section, *Description of the Release*, page 5 of 8, the Permittee states, “[t]he Refinery’s on-site laboratory analyzed a hydrocarbon sample from the release verifying that the product was gasoline.” If the gasoline contained additives, provide the information regarding the constituents in the response letter.

### **Comment 4**

In the General Information Section, *Description of the Release*, page 6 of 8, the Permittee states, “[c]lean-up activities outside the containment areas were not conducted because the spill generally was contained inside the bermed area.” Soil samples outside of the bermed area must be collected to confirm that the spill was contained within the berm and the soils were not adversely affected. Submit a work plan to collect soil samples outside of the bermed area.

### **Comment 5**

In the Remediation Activities Section, *Remediation*, page 6 of 8, the Permittee states, “[f]ollowing removal of the surface gasoline, approximately 153 tons of petroleum impacted soils below the pipe rack were excavated to an 18-inch depth in an area approximately 41 feet by 97 feet (Figure 3) in November of 2018.” The gasoline release occurred in May 2017. The contaminated soils were excavated approximately 16 months after the release. During the 16-month period, residual hydrocarbons may have infiltrated into soils to depths below 18 inches bgs. Submit a work plan to advance soil borings to depths below the excavation floor and collect soil samples to determine the vertical extent of contamination.

**Comment 6**

In the Remediation Activities Section, *Assessment – Soil Confirmation Sampling Event, Soil Sampling*, page 7 of 8, the Permittee states, “[i]n addition, 15 soil samples were collected from excavated soils and sampled for benzene. All 15 samples were non-detect for benzene (Appendix E).” According to Appendix E, benzene was detected in soil samples identified as “Rail Pipe Excavated Soils” and “Rail Pipe Excavated Soils 2”. In addition, the total petroleum hydrocarbons (TPH) – diesel range organics (DRO), and gasoline range organics (GRO) concentrations were recorded as 25,000 mg/kg and 1,800 mg/kg, respectively, in the soil sample designated as “Rail Pipe Excavated Soils”. These concentrations exceeded TPH soil screening levels for industrial/construction workers; 3,800 mg/kg for TPH-DRO, and 500 mg/kg for TPH-GRO. Therefore, the statement does not justify not collecting confirmation samples. Also, the additional 15 soil samples should have been analyzed for TPH as wells.

In addition, although gasoline was released, TPH-DRO concentrations were detected from the waste characterization samples. It is not clear whether diesel was released in the vicinity of the spill prior to the gasoline release of May 7, 2017. Provide an explanation for the detected TPH-DRO concentrations in the response letter.

**Comment 7**

In the Conclusions and Recommendations Section, page 7 of 8, the Permittee states, “[o]n March 13, 2019, there was a diesel release in the same area beneath the pipe rack. Therefore, MPC recommends that soil confirmation samples be collected to determine if additional soil excavation is necessary prior to installation of the proposed concrete containment pad beneath the pipe rack.” Provide a reference to the March 13, 2019 release in the response letter.

NMED concurs with the proposal of combining the investigations of March 13, 2019 and May 7, 2017 releases. However, the proposed sampling locations depicted in Figure 4, *Proposed Soil Confirmation Sample Locations*, must be adjusted to the areas where gasoline and diesel likely accumulated on the ground surface (e.g., topographically low areas).

**Comment 8**

In the Conclusions and Recommendations Section, page 8 of 8, the Permittee states, “[t]his comparison and the analytical results will be sent to NMED as a letter style report describing the sampling event, results, and further action if necessary.” A work plan that addresses Comments 2, 4, and 5 must be submitted and approved prior to conducting the investigation. Revise the statement accordingly and provide a replacement page with the response letter.