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ENVIRONMENT DEPARTMENT **ENTERED**

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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 TANK 35 – OILY WATER RELEASE
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-19-018**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Response Action Report Tank 35 – Oily Water Release (Report)*, dated October 4, 2019, 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 attached comments.

The Permittee must address all comments in the attachment and submit a response letter, and replacement pages no later than **July 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 does not constitute agreement with all information or every statement presented in the document.

Mr. Moore
Response Action Report Tank 35
Page 2

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-19-018

Attachment

Comment 1

In the Remediation Activities, *Assessment – Soil Confirmation Sampling Event*, page 5 of 14, the Permittee states, “[b]oth field screening and analytical sampling were completed to confirm contamination was removed. Soil samples were collected from six locations shown on Figure 5.” According to Figure 5, *Tank 35 Soil Sample Locations*, soil sample T-35-2 was collected outside of the excavation area. All soil confirmation samples should have been collected within excavation floor or sides. Explain the basis for collecting confirmation sample T-35-2 outside of the excavation area and provide a justification in a response letter.

Comment 2

In the Conclusions and Recommendations, page 7 of 14, the Permittee states, “[t]he Refinery received heavy rainfall on July 29, 2017 and July 30, 2017. On July 30, 2017, Tank 35 began to overflow with oily water. The oily water flowed through the vents at the top of the tank and pooled inside the tank berm.” Explain whether any contingency measures were implemented to prevent overflow from Tank 35 in case similar rain events occur in the future. If so, explain nature of the contingency measures in the response letter. Otherwise, explain why such measures are not necessary at this time (e.g., upgrading the wastewater treatment system).

Comment 3

Although the Conclusions and Recommendations, *Soil Confirmation Sampling Results*, page 7 of 14, adequately discussed the TPH exceedance of residential screening levels in the confirmation samples, the discussion regarding the exceedance of the soil screening level for a dilution and attenuation factor (DAF) of 20 for lead was not included. Include the discussion and provide a replacement page.

Comment 4

In the Conclusion and Recommendations, *Recommended Additional Excavation and Assessment*, page 7 of 14, the Permittee recommends no further action based on the TPH concentrations being below the industrial/occupational or construction worker screening levels. The Permittee must provide a justification for no further action relative to the lead concentrations that exceeded the soil screening level for a DAF of 20. Provide a replacement page that includes the discussion or propose to further investigate/remediate the lead exceedance detected in the excavation area, if appropriate.