



NEW MEXICO
ENVIRONMENT DEPARTMENT



ENTERED



Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 10, 2020

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

**RE: RESPONSE TO APPROVAL WITH MODIFICATIONS
INVESTIGATION REPORT SANITARY LAGOON
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-20-008**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Response to Approval with Mods Investigation Report Sanitary Lagoon* (Response), dated November 15, 2020, submitted on behalf of Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (the Permittee). The Permittee must address the attached comments below.

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

Sincerely,

Dave Cobrain
Program Manager
Hazardous Waste Bureau

Mr. Moore
December 10, 2020
Page 2

cc: M. Suzuki, NMED HWB
C. Chavez, OCD
L. King, EPA Region 6 (6LCRRC)

File: Reading File and WRG 2020 File
HWB-WRG-20-008

Attachment

Comment 1

The response to NMED's *Approval with Modifications* Comment 11 states, "[t]he discussion on page 6-6 has been revised to note the fact that the analyses could not detect the presence of TPH at the screening levels and that this is a data gap." The Permittee revised the Report to address the concentrations where the detection limits are higher as a data quality exception. However, note that NMED cannot defend an assertion that a site is clean without data that support the conclusion. Therefore, any future corrective action complete (CAC) requests may be disapproved based on NMED's inability to defend that a site is clean based on the Permittee's inability to demonstrate that contaminants are not present above applicable cleanup levels. The Permittee is required to utilize appropriate analytical labs and methods that are capable of achieving limits of quantitation (LOQs) below the respective screening levels. Unless a sufficient and reasonable explanation is provided, the Permittee must utilize methods capable of achieving LOQs less than the cleanup levels for future sampling events.

Comment 2

The response to NMED's *Approval with Modifications* Comment 13 states, "[a] separate discussion of exceedances of the DAF screening levels was not included pursuant to previous comments received from NMED on this same issue in earlier site investigation reports. This same issue was first commented on in regards to Solid Waste Management Unit (SWMU) No. 10 Sludge Pits Investigation Report dated December 2016 (see NMED Comment 2 below)..."

The referenced portion of NMED's comment states, "since groundwater contamination beneath the Sludge Pits originates from various upgradient sources, and contamination is already present in the aquifer, the use of a site-specific DAF is not applicable. DAF is used to determine if contaminants in soil can migrate to groundwater, and in this case, groundwater is contaminated in the area. All discussions pertaining to a site-specific DAF must be removed from the revised Report."

To clarify, the comment is specific to SWMU 10 and only pertaining to the contamination associated with petroleum hydrocarbons. There are multiple sources of petroleum hydrocarbons outside of SWMU 10. The Permittee's use of a site-specific DAF resulted in "chasing the contamination" beyond the SWMU 10 boundary, which was unnecessary for the scope of the investigation. Therefore, the comment was provided to address the issue in the June 14, 2018 Disapproval.

Since the sources of petroleum contamination in the Sanitary Lagoon are similar to those of SMWU 10 and not limited to the specific site, the comment applies to the Sanitary Lagoon investigation. However, the DAF exceedance of metals and cyanide detected in soil samples collected from the Sanitary Lagoon is specific to this site and must be addressed. The revised Report appropriately included the discussion of the DAF exceedance. No revision required.