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**ENTERED**

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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

March 15, 2021

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 INVESTIGATION WORK PLAN SOLID WASTE  
MANAGEMENT UNIT (SWMU) NO. 1 AERATION BASIN AND SWMU NO. 14 OLD API  
SEPARATOR  
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-14-005**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) has reviewed the *Response to Disapproval Investigation Work Plan Solid Waste Management Unit (SWMU) No. 1 Aeration Basin and SWMU 14 Old API Separator* (Response), dated November 28, 2018, 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.

**Comment 1**

The response to NMED's *Disapproval Comment 1*, item a states, "[t]he proposed boring/temporary well north of SMWU 1-6 and 1-28 will be completed to define the lateral

extent of impacts observed in the groundwater sample collected at SWMU 1-6.” According to Figure 6, *Proposed Sample Location*, the referenced soil boring is proposed to be installed at the northern perimeter of Pond EP-1. NMED’s *Approval with Modifications Solid Waste Management Unit 1 Revised Investigation Report*, dated January 26, 2021, approved a removal of the Aeration Lagoons and Evaporation Pond 1 altogether and required the Permittee to submit a work plan that describes all activities related to the removal no later than **April 30, 2021**. The proposed boring is no longer relevant because of the upcoming excavation of the Aeration Lagoons and Evaporation Pond 1.

Whether or not the proposed boring shown on Figure 6 will be located inside the excavation, the removal likely eliminates the source of the contamination from SWMU 1. Accordingly, the proposed soil boring is not necessary.

### **Comment 2**

The response to NMED’s *Disapproval Comment 1*, item b states, “[a] new proposed soil boring/temporary well is now located up-gradient, to the southeast of the Old API Separator (see Figure 7 and new Figure 8). This is a very active operations area around the flare, so access is limited, but we believe we can locate a well on the east side of the overhead pipe rack.” The current refinery shutdown may have improved accessibility in the vicinity of the Old API Separator. Explain whether the structures associated with the Old API Separator and flare stack can be removed under the current refinery shutdown. If so, propose to remove them before the investigation of SWMU 14 takes place.

Regardless, the investigations associated with the Old API Separator must be deferred until the removal of the Aeration Lagoons and Evaporation Pond 1 is completed. The Old API Separator is located close to the Aeration Lagoons and the removal potentially affects current scope of the investigation. In a response letter, propose to submit an investigation work plan that solely focuses on the investigation of SWMU 14 after the removal of the Aeration Lagoons and Evaporation Pond 1 is completed.

In addition, the Permittee’s *Flare KOD Pump Sodium Hydroxide Release Soil Sampling Investigation Work Plan*, dated November 30, 2020, proposes soil sampling in the vicinity of the Old API Separator. Since the area of the investigations overlaps one another, these investigations may concurrently be conducted and the results may be combined, as appropriate. However, the investigation reports must be submitted separately for tracking purposes. As a reminder, the NMED’s *Approval with Modifications Flare KOD Pump Sodium Hydroxide Release Investigation Work Plan*, dated December 21, 2020, requires a submittal of a response letter no later than **April 30, 2021**. The investigation activities proposed in the *Flare KOD Pump Sodium Hydroxide Release Soil Sampling Investigation Work Plan* may also be deferred until the removal of the Aeration Lagoons and Evaporation Pond 1 is completed, as appropriate.

**Comment 3**

The response to NMED's *Disapproval* Comment 1, item c states, "[d]ue to aboveground tanks and overhead pipe racks, it is not possible to get access with a drilling rig any closer than was achieved during the previous field effort. Based on the limited area of concern, the fact that no concentrations exceed the non-residential soil screening levels and the physical access limitations, we recommend no further assessment specifically for 1,2-dibromoethane." The current refinery shutdown may have improved accessibility in the vicinity of the Old API Separator. The extent of contamination associated with 1,2-dibromoethane must further be investigated and the provision must be included in the work plan required by Comment 2 above.

**Comment 4**

The response to NMED's *Disapproval* Comment 1, item c states, "[s]ome of this [north side of the Old API Separator] area is routinely stands surface water [sic], but an effort will be made to install borings in such a manner as to prevent cross-contamination." The issue associated with surface water may be resolved after the Aeration Lagoons are removed. The investigations associated with the Old API Separator must be deferred until the removal of the Aeration Lagoons and Evaporation Pond 1 is completed (see Comment 2 above).

**Comment 5**

The response to NMED's *Disapproval* Comment 3 states, "[w]e propose one boring on the south, two along the west, one to the north and two along the east side of the Aeration Basin to the north of the New API Separator, with final locations to be determined based on rig access." The confirmatory soil sampling from the excavation floor and sidewall may substitute for the proposed investigation associated with SWMU 1. Accordingly, the investigation associated with SWMU 1 may no longer be necessary (see Comment 1 above).

The Permittee must address the comments in this letter and submit a response letter no later than **June 11, 2021**. The investigation work plan required by Comment 2 must be submitted no later than **December 31, 2022**.

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

Sincerely,



Dave Cobrain  
Program Manager  
Hazardous Waste Bureau

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

File: Reading File and WRG 2021 File