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Certified Mail - Return Receipt Requested



August 3, 2021

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

**RE: DISAPPROVAL
RESPONSE TO DISAPPROVAL, RESPONSE TO DISAPPROVAL INVESTIGATION REPORT
SOLID WASTE MANAGEMENT UNITS (SWMU) NO. 4 OLD BURN PIT AND NO. 5
LANDFILL AREAS [DATED JULY 7, 2021]
RESPONSE TO DISAPPROVAL INVESTIGATION REPORT SOLID WASTE MANAGEMENT
UNITS (SWMU) NO. 4 OLD BURN PIT AND NO. 5 LANDFILL AREAS [DATED JUNE 30,
2021]
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-17-006**

Dear Mr. Moore:

The New Mexico Environment Department (NMED) is in receipt of the Marathon Petroleum Company dba Western Refining Southwest Inc., Gallup Refinery (Permittee) *Response to Disapproval, Response to Disapproval Investigation Report Solid Waste Management Units (SWMU) No. 4 Old Burn Pit and No. 5 Landfill Areas (July 7, 2021 Response)*, dated July 7, 2021, and *Response to Disapproval Investigation Report Solid Waste Management Units (SWMU) No. 4 Old Burn Pit and No. 5 Landfill Areas (June 30, 2021 Response)*, dated June 30, 2021. NMED reviewed the Responses, and hereby issues this Disapproval with the following comments.

GENERAL COMMENT

Comment 1

The Permittee submitted the response letters with replacement pages but neglected to submit the required documents. Comment 1 of the NMED's March 15, 2021 Disapproval requires the Permittee to submit two hard copies, an electronic and a red-line strikeout (RLSO) version of the revised Report. Similarly, the NMED's June 7, 2018 Disapproval states, "[p]rovide NMED

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with two hard copies and an electronic version of the revised Report. Include a red-line strikeout version, in electronic format, showing where all the revisions to the Report have been made." Submit all documents required by NMED in future submittals.

COMMENT FOR THE JULY 7, 2021 RESPONSE

Comment 2

The response to NMED's March 15, 2021 Disapproval Comment 2 states, "MPC does not propose recollecting soil samples in the Solid Waste Management Unit (SWMU) 4 and 5 area. In May 2021, MPC conducted a sitewide Laser Induced Fluorescence (LIF) Investigation. Based on the EB-LIF-138 log in the SWMU 4 area, minimal response was encountered indicating clean soil. In the surrounding area (including the French Drain), EB-LIF-101, EB-LIF-102, WB-LIF-110, WB-LIF-116, and WB-LIF-118 also show clean soil. The LIF locations and logs will be provided as an attachment in the Sitewide Laser Induced Fluorescence/Hydraulic Profiling (LIF/HP) Report, which will be submitted no later than October 31, 2021."

According to Figure 1, the locations of the LIF borings are shown; however, the boundaries of SWMUs 4 and 5 are not identified. Therefore, it is not clear how the LIF borings are relevant to the investigation of SWMUs 4 and 5. The figure must be revised to identify the boundaries of SWMUs 4 and 5. Note that the LIF investigation results may be incorporated to assess the presence/absence of non-aqueous phase liquid (NAPL) in the SWMUs 4 and 5 areas; however, LIF data cannot be used to identify exceedance of the screening level for each individual constituent and cannot be used to demonstrate compliance. Accordingly, the LIF investigation results do not preclude the requirement for a recollection of the samples from the SWMUs 4 and 5 areas. Propose to collect additional soil/groundwater samples from SWMUs 4 and 5 to confirm that recent activities (e.g., releases) have not adversely affected the areas in the revised Report, as appropriate.

In addition, the log for LIF boring EB-LIF-103 was also included in Appendix B but the elevated LIF responses recorded in the log were not discussed in the response. The EB-LIF-103 boring log indicates the presence of NAPL at depths between 16 feet and 23 feet below ground surface (bgs) which may be consistent with the depth of the water table. Include the discussion regarding the elevated LIF responses relative to the investigation of SWMUs 4 and 5 in the revised Report.

Furthermore, NMED already issued a disapproval for the *Marketing Tank Farm Laser-induced Fluorescence/Hydraulic Profiling Investigation Report* on June 2, 2021. The Permittee intends to provide additional/new data as part of the referenced report. The additional/new data must be evaluated separately. Submit the additional/new data as a standalone letter report or as a supplemental report.

COMMENT FOR THE JUNE 30, 2021 RESPONSE

Comment 3

The response to NMED's June 7, 2018 Disapproval Comment 2 states, "Section 4.2.2 (Hydrogeology), pages 4-2 and 4-3, have been revised to state [w]ell OW-56 is screened in a sandy, gravelly clay. Moisture observed in the gravelly clay/clayey gravel in soil borings SWMU 4-1 and SWMU 5-2 may represent shallow groundwater. Shallow groundwater may be present in the general area of the two SWMUs, but its occurrence is sporadic."

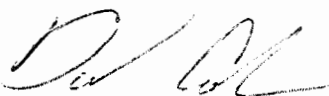
Although Section 4.2.2 was revised for clarity, Section 7.1 (Conclusions) was not revised to resolve the discrepancy. Section 7.1 contradicts Section 4.2.2 by stating that, "[g]roundwater was not encountered and there was no evidence of historical impacts to groundwater beneath the Old Burn Pit," and "there is no evidence of any threats to groundwater [in the Landfill Areas] and the soil cap is preventing any potential direct contact exposures to buried waste materials." Section 7.1 must be revised to resolve the discrepancy in the revised Report.

In addition, the historical groundwater measurement data indicates that shallow groundwater is consistently detected in wells OW-56 and OW-62; therefore, shallow groundwater may be present regularly rather than sporadically in the SWMUs 4 and 5 areas. Correct the statement in the revised Report, as appropriate.

The Permittee must submit a revised Report that addresses all comments contained in the letter. Two hard copies and an electronic version of the revised Report must be submitted to the NMED. The Permittee must also include a redline-strikeout version in electronic format showing where all revisions to the Report have been made. The revised Report must be accompanied with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. The revised Report must be submitted to NMED no later than **December 31, 2021**.

If you have questions regarding this letter, please contact Michiya Suzuki of my staff at 505-690-6930.

Sincerely,



Dave Cobrain
Program Manager
Hazardous Waste Bureau

cc: L. Tsinnajinnie, NMED HWB
M. Suzuki, NMED HWB

Mr. Moore
August 3, 2021
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T. McDill, OCD
L. King, EPA Region 6 (6LCRRC)

File: Reading File and WRG 2021 file