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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 22, 2009

Mr. Ed Riege  
Environmental Superintendent  
Western Refining, Southwest Inc., Gallup Refinery  
Route 3, Box 7  
Gallup, New Mexico 87301

**RE: NOTICE OF DISAPPROVAL  
INTERIM MEASURES WORK PLAN TO COMPLY WITH RCRA STANDARDS  
FOR DISCHARGE OF WASTEWATER TO SURFACE IMPOUNDMENTS  
WESTERN REFINING COMPANY, SOUTHWEST, INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-GRCC-09-005**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has received Western Refining Southwest Inc., Gallup Refinery (the Permittee) *Interim Measures Work Plan to Comply with RCRA Standards for Discharge of Wastewater to Surface Impoundments* (Work Plan), dated September 2009. NMED has identified deficiencies with the Work Plan, and hereby issues this Notice of Disapproval (NOD).

**Comment 1**

In the Executive Summary, page iii, bullet 1, the Permittee states "Western will install a fourth benzene stripper as an interim measure. However, Western Refining proposes that it retain the discretion not to implement measures that would, therefore, be unnecessary to achieve compliance. For example, if improved performance of our existing two strippers meets compliance, the fourth rental stripper may be discontinued" [this was also stated in the last paragraph of Section 3.1 on page 4]. In Section 3.1 (Physical/Design Changes), pages 3 and 4, the Permittee states "[o]nce the new rental stripper system is installed we will have an enhanced stripper system made up of three strippers – a single stripper in series with two others in parallel. Flow from the API separator will first flow to one of two filter pots followed by the rental

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stripper. Flow will then be split between the two existing strippers, treated further, and then discharged to AL-1. If Gallup can achieve continuous compliance using the rental stripper, then Western Refining proposes that it retains the discretion not to run one or both of the existing strippers.”

**NMED Response**

Due to the Permittee’s inability to consistently achieve compliance with the discharge limit of 0.5 mg/L for benzene in the past, the Permittee may not eliminate the use of any of the benzene strippers, and so must operate all three benzene strippers in series. Strippers one, two, or four may be removed from service only for maintenance purposes. If the Permittee wishes to remove any benzene strippers from service for any other reason, it must seek prior approval from NMED in writing, and including justification for the removal. The Permittee must revise the Work Plan to address these changes.

**Comment 2**

In Section 3.1 (Physical/Design Changes), pages 3 and 4, the Permittee states “[o]nce the new rental stripper system is installed we will have an enhanced stripper system made up of three strippers – a single stripper in series with two others in parallel. Flow from the API separator will first flow to one of two filter pots followed by the rental stripper.”

**NMED Response**

It is unclear what the “filter pots” are and what their purpose is. The Permittee must revise the Work Plan to provide a detailed description of the “filter pots” and their intended purpose.

**Comment 3**

In Section 3.2 (Monitoring and Reporting), page 4, the Permittee states “[w]e believe compliance is best demonstrated by calculating a rolling annual average of weekly grab samples which is the standard applied to other refineries (see Appendix A for a detailed discussion).”

**NMED Response**

Use of a rolling average is not appropriate for demonstrating compliance with the discharge limit below 0.5 mg/L for benzene (discharge limit) for effluent entering Aeration Lagoon 1 (AL-1) as all wastewater entering AL-1 must be below the discharge limit. The Permittee must revise the Work Plan to remove all text referring to a rolling average.

**Comment 4**

NMED does not approve Sections 3.2.3 (Period 3: 120 days from the Effective Date of the Interim Measures Work Plan to start up of new upgraded wastewater treatment system) and 3.2.4

(Contingency Sampling and Reporting) of the Work Plan. The Permittee must revise the Work Plan to reflect the following requirements:

- a. If **any** of the effluent wastewater samples collected from AL-1 during "Period 2" of [implementation of] the Work Plan meet or exceed the discharge limit at or above 0.5 mg/L for benzene, beginning on day 121, the Permittee must implement the sampling requirements established in NMED's August 27, 2009 letter (Interim Measures Work Plan Requirements).
- b. If **all** wastewater effluent samples collected from AL-1 during "Period 2" are below the discharge limit of 0.5 mg/L for benzene, the Permittee must continue to follow the sampling requirements for "Period 2" for an additional 30 days. If benzene concentrations in all effluent samples collected from AL-1 during the additional 30 days are below the discharge limit, then the Permittee must resume sampling effluent entering into AL-1 once a week until notified otherwise by NMED. The effluent samples must be analyzed for benzene, toluene, ethylbenzene, and total xylenes plus MTBE. If at any time benzene concentrations detected in any effluent sample meet or exceeds the discharge limit, the Permittee must implement the sampling requirements established in NMED's August 27, 2009 letter (Interim Measures Work Plan Requirements).
- c. Beginning with Period 2, unless otherwise notified by NMED, all analytical laboratory reports must be submitted to NMED within five business days of sample collection.
- d. The Work Plan must be revised to include a detailed description of how all effluent samples will be collected. The effluent samples must be collected using valid techniques to minimize the loss of the volatile organic compounds (VOCs) within each sample (i.e., the sample location must have a sample port that allows for samples to be collected at a low flow rate to minimize volatilization).

#### **Comment 5**

In Section 3.2.2 (Period 2: 75 days to 120 days from the Effective Date of the Interim Measure Work Plan), the Permittee states "[t]he analytical results for each sample will be submitted to NMED within five (5) business days of receipt of report from the external laboratory during Period 2."

#### **NMED Response**

The laboratory reports for all samples collected during "Period 2" and thereafter must be submitted to NMED within five business days of sample collection. See Comment 4 item c above. The Permittee must revise the Work Plan accordingly.

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**Comment 6**

In Section 5.0, the Permittee summarizes the major requests for approval. Bullet two requests approval to "sample at different frequencies and report on corresponding different schedules during three (3) discrete periods identified in this plan" and bullet three requests approval for compliance to be demonstrated by calculating a rolling average on an annual basis for weekly grab samples of strippers' effluent tested for benzene."

**NMED Response**

The above requests have been addressed in comments 3 and 4.

**Comment 7**

The following are general reminders for the Work Plan and compliance with the CAFO:

- a. Daily wastewater effluent sample is defined as an effluent sample collected from any effluent entering into AL-1 at any time wastewater is discharged to AL-1.
- b. All laboratory reports submitted to NMED must contain copies of the chain of custody forms.
- c. NMED reserves the right to collect effluent samples in accordance with Section I.E.8 of the Post-Closure Care Permit and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(i)).
- d. Beginning on day 121 following NMED's approval; any effluent samples collected from the wastewater entering into AL-1 that contain benzene concentrations that are equal to or exceed the discharge limit of 0.5 mg/L for benzene are subject to the stipulated penalties found in Section V. (Civil Penalty and Terms of Settlement), item B (General Provisions) 110 of the CAFO.

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The Permittee must address all comments contained in this NOD and submit a revised Work Plan to NMED on or before November 30, 2009. The revised Work Plan must be submitted with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. In addition, the Permittee must include an electronic version of the revised Work Plan that include all edits and modifications in redline strikeout format.

If you have questions regarding this letter please contact Hope Monzeglio of my staff at 505-476-6045.

Sincerely,



James P. Bearzi  
Chief

Hazardous Waste Bureau

cc: J. Kieling, NMED HWB  
D. Cobrain NMED HWB  
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