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*Hazardous Waste Bureau*

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RON CURRY  
Secretary

SARAH COTTRELL  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 28, 2010

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

**RE: DIRECTION FOR ADDITIONAL  
SOIL CONFIRMATION SAMPLE COLLECTION AND  
APPROVAL OF EXTENSION REQUEST  
RAILROAD RACK LAGOON OVERFLOW DITCH AND FAN-OUT AREA,  
SWMU No. 8 SUBSURFACE INVESTIGATION FINAL REPORT  
WESTERN REFINING COMPANY SOUTHWEST, INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-10-002**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) received Western Refining Company Southwest Inc., Gallup Refinery's (Permittee) letter entitled *NMED's "Notice of Disapproval Railroad Rack Lagoon Overflow Ditch and Fan-out Area, SWMU No. 8 Subsurface Investigation Final Report"* (Response Letter) dated June 23, 2010. NMED still requires that the Permittee collect additional confirmation samples within the excavation.

NMED's December 11, 2009 *Approval with Modifications* required the Permittee to define the vertical and horizontal extent of contamination at the overflow and fan-out area. The *Railroad Rack Lagoon Overflow Ditch and Fan-out Area, SWMU No. 8 Subsurface Investigation Final Report* (Report), dated January 2010, does not document that the extent has, in fact, been defined. In the Response Letter, the Permittee provided a new figure (Figure 7) and table (Table 2) that focuses on the confirmation samples collected; these should be included in the revised

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Report. However, the confirmation samples clearly do not cover the entire excavation. The Permittee's explanation regarding confirmation sample collection in the Response Letter does not address NMED's concerns regarding the spacing of confirmation samples. As a result there is insufficient information for NMED to determine that the site has been cleaned up to the 890 mg/kg diesel range organics (DRO) soil screening level listed in NMED's Total Petroleum Hydrocarbon (TPH) Screening Guidelines. In order to determine whether or not the removal of all soils containing concentrations of DRO above 890 mg/kg from the fan-out area was completed, the Permittee must collect samples from the base and sidewalls of the entire excavation. The Permittee must conduct additional confirmation sampling and, if necessary, conduct additional soil removal activities if the confirmation samples contain DRO concentrations greater than the acceptable cleanup level.

NMED has amended Figure 7 to illustrate confirmation sample locations where the Permittee must collect confirmation samples. The Permittee must collect soil samples at the locations shown on Figure 7 as well as at any locations where field screening (visual, olfactory) indicates evidence of contamination. The additional confirmation sampling is limited in scope and only covers areas where confirmation samples have not been collected. The samples must be submitted to a laboratory for DRO analysis by EPA method 8015.

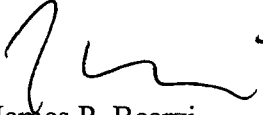
NMED received the Permittee's July 19, 2010 letter entitled *NMED's Notice of Disapproval Railroad Rack Lagoon Overflow Ditch and Fan-Out Area, SWMU No. 8 Subsurface Investigation Final Report* (Extension Request) by email. The letter requests an extension for the submittal of the Report. NMED approves the extension request with the following modifications. The Permittee must collect the additional confirmation samples and address all comments contained in NMED's May 12, 2010 *Notice of Disapproval* and submit a revised Report to NMED on or before September 30, 2010.

The revised Report must be accompanied by a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. In addition, the Permittees must submit a redline-strikeout version that includes all changes and edits to the Report (electronic copy) with the response to this NOD.

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If you have questions regarding this NOD please contact Kristen Van Horn of my staff at 505-476-6046.

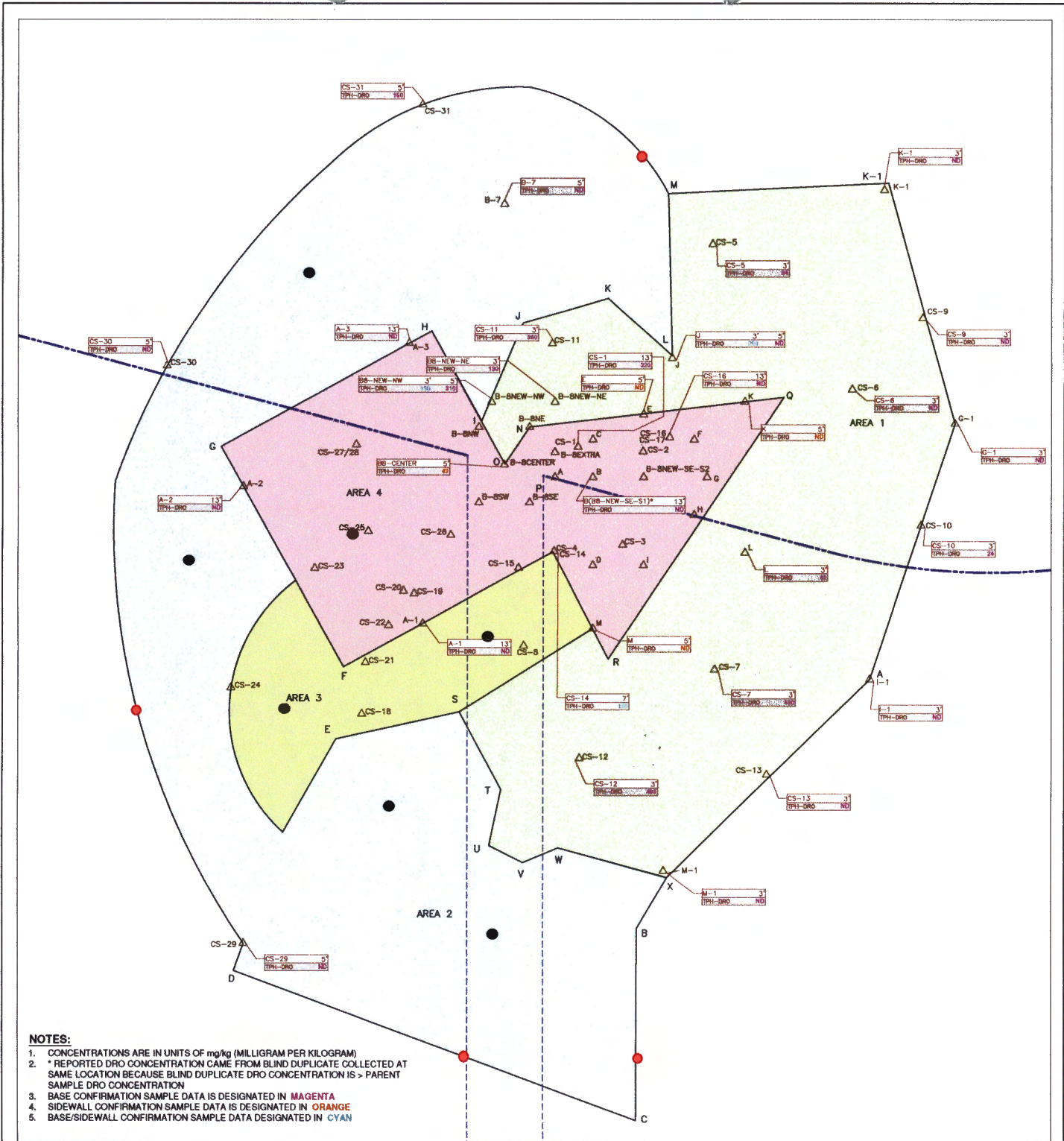
Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: J. Kieling NMED HWB  
D. Cobrain NMED HWB  
H. Monzeglio NMED HWB  
K. Van Horn NMED HWB  
C. Chavez, OCD  
R. Gaurav, Gallup

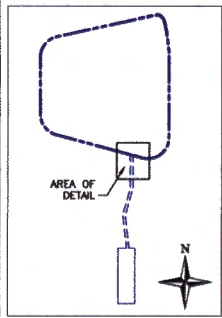
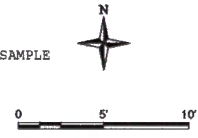
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HWB-WRG-10-002



- NOTES:**
1. CONCENTRATIONS ARE IN UNITS OF mg/kg (MILLIGRAM PER KILOGRAM)
  2. \* REPORTED DRO CONCENTRATION CAME FROM BLIND DUPLICATE COLLECTED AT SAME LOCATION BECAUSE BLIND DUPLICATE DRO CONCENTRATION IS > PARENT SAMPLE DRO CONCENTRATION
  3. BASE CONFIRMATION SAMPLE DATA IS DESIGNATED IN **MAGENTA**
  4. SIDEWALL CONFIRMATION SAMPLE DATA IS DESIGNATED IN **ORANGE**
  5. BASE/SIDEWALL CONFIRMATION SAMPLE DATA DESIGNATED IN **CYAN**

**EXPLANATION**

- |        |                            |       |   |   |                        |
|--------|----------------------------|-------|---|---|------------------------|
| AREA 1 | EXCAVATED TO 3 FEET        | —     | FAN-OUT AREA                              | ● | CONFIRMATION SAMPLE    |
| AREA 2 | EXCAVATED TO 5 FEET        | —     | RAILROAD RACK LAGOON                      | ● | SIDEWALL SAMPLE        |
| AREA 3 | EXCAVATED TO 7 FEET        | ND    | NON DETECT                                | ● | BASE EXCAVATION SAMPLE |
| AREA 4 | EXCAVATED TO 13 FEET       | *     | A(BB-NEW-SE) = MAY EVENT(AUGUST EVENT)    |   |                        |
| —      | ACTUAL EXCAVATION BOUNDARY | △ M-1 | B(BB-NEW-SE-S1) = MAY EVENT(AUGUST EVENT) |   |                        |
| - - -  | OUTFLOW DITCH              |       | SAMPLE LOCATION AND DESIGNATION           |   |                        |



**CONSTITUENT TABLE EXPLANATION**



**FIGURE 7**  
**RAILROAD RACK LAGOON OVERFLOW DITCH**  
**B-8 FINAL BASE AND SIDEWALL CONFIRMATION**  
**SAMPLE DRO RESULTS**  
**WESTERN REFINING**  
**GALLUP REFINERY**  
**GALLUP, NEW MEXICO**