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RON CURRY  
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Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

August 18, 2010

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

**RE: NOTICE OF DISAPPROVAL  
LAND TREATMENT UNIT POST CLOSURE SAMPLING EVENT  
WESTERN REFINING COMPANY SOUTHWEST INC., GALLUP REFINERY  
EPA ID # NMD000333211  
HWB-WRG-10-005**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has completed its review of the *Land Treatment Unit Post Closure Sampling Event* (Report), dated March 2010, submitted on behalf of Western Refining Company Southwest Inc., Gallup Refinery (the Permittee). NMED hereby issues this Notice of Disapproval (NOD) and provides the following comments.

**Comment 1**

The Permittee's submittal includes a report from Trihydro (*Land Treatment Unit Soil Sampling Report*, dated January 5, 2010) and a binder that includes soil and groundwater sampling laboratory reports. The Permittee must provide a narrative of the soil sampling and monitoring well sampling (e.g., procedures, investigation derived waste (IDW) management, etc.), any deviations from the requirements listed in the Permit, and the sampling results. The Permittee must revise the Report to include this information.

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**Comment 2**

The Permittee does not discuss the soil sampling laboratory analytical results that are included in the binder. The Permittee must revise the Report to discuss the Zone of Influence and the Treatment Zone soil sampling and compare the sampling results to New Mexico Soil Screening Levels, background levels and previous results (see Appendix E, Section 2.2 (Background Values) of the Permit). The Permittee must revise the Report to discuss these data.

**Comment 3**

The binder includes laboratory reports; however, the Permittee does not discuss groundwater monitoring or the groundwater sampling results. The Permittee must revise the Report to discuss the groundwater sampling (e.g., methods, procedures, deviations), and groundwater sampling results, and perform a statistical analysis as required by Section E.2.6 (Statistical Procedures) and Section 5.8 (Statistical Evaluation of Laboratory Data) of the Permit.

**Comment 4**

Page 2, paragraph 2, of the Trihydro Report, under the heading "LTU Soil Sampling," states that "[t]he hand auger was advanced to the desired sample interval and samples were extracted onto clean plastic sheeting to allow for sample collection as illustrated in photos 9 through 11 in Attachment 3." Samples collected for analysis of volatile organic compounds (VOC) must be collected with minimal disturbance; therefore, transferring a soil sample from a sampler to a plastic sheet and then to a sample container is unacceptable because it would invalidate the VOC analyses. The Permittee must collect soil samples in accordance the procedures which are described in Appendix E, Section 7 of the Permit and collect samples for VOC analysis in accordance with EPA Method 8260. The Permittee must resample the LTU soils for VOC analysis and revise the Report to include this information.

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The Permittee must address all comments contained in this NOD and submit a revised Report to NMED on or before December 10, 2010. The revised Report must be submitted with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. In addition, an electronic version of the revised Plan must be submitted that identifies where all changes have been made in red-line strikeout format.

If you have questions regarding this letter 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

File: Reading File and WRG 2010 File  
HWB-WRG-10-005