

Certified Mail 7010 0290 0002 7735 3073

January 10, 2011

Mr. James Bearzi  
Chief Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303

RE: Response to NMED's Notice of Disapproval, Remedy Completion Report, Railroad Rack Lagoon (SWMU No.8) Revised Report  
Western Refining Company Southwest Inc., Gallup Refinery  
EPA ID # NMD000333211 HWB-GRCC-06-001"

Dear Mr. Bearzi:

The purpose of this letter is to respond to the New Mexico Environment Department's (NMED), Notice of Disapproval, Remedy Completion Report, Railroad Rack Lagoon (SWMU No.8) Revised Report, dated October 2006 submitted on behalf of *Western Refining Company Southwest Inc., Gallup Refinery..*

NMED provided four comments in the Notice of Disapproval and they are listed below with Westerns response.

**NMED Comment 1**

The final dimensions (including all of the additional excavations and the excavation of the piping) are not clearly presented in the Report. The Permittee must present the excavation dimensions and provide a figure showing the dimensions and the locations of the final confirmation samples. The Permittee must demonstrate that the excavation of contaminated soil is complete.

**Response to Comment 1**

Please see the enclosed Figure 1 (dated 12/28/10) showing the dimensions and locations of the final confirmation samples.

**NMED Comment 2**

In Section 6 (Sampling Methods), page 19, paragraph two, the Permittee states "[a]fter the sample was removed, the excavator operator dumped the bucket back into the same spot the sample came from. Then the operator would excavate the next sample location. Doing so wiped

contamination from the bucket that might have resulted from the previous excavation sample point.” By returning the excavated soil to the excavation, the Permittee could have returned contaminated soil to the excavation. Also, it does not seem possible that the soil was returned to precisely the same location it was excavated, especially with regard to sidewall samples. While the excavator bucket does not necessarily need to be decontaminated between each sample location, excavating subsequent sample locations does not “wipe” the contamination from the last sample location from the bucket. In the future, the Permittee must not return soil to the excavation and must not consider use of the excavator bucket to remove soils to be a form of decontamination. No change is necessary for the Report.

#### **Response to Comment 2**

Comment 2 was noted and no change or response is necessary for this response.

#### **NMED Comment 3**

The Permittee was required to excavate soil to residential/industrial levels of DRO (200mg/kg); DRO was detected in one of the confirmation samples, RR-1A-91505, located along the north wall of south-east sidewall excavation of the pipeline at a concentration of 210 mg/kg. The Permittee must complete a boring from undisturbed native soils within 2 feet of the original sample location. Samples must be collected from the ground surface and at two-foot intervals to a depth of ten feet below the ground surface for a total of five samples. Samples sent to the laboratory for analysis must be the most contaminated samples based on field observations (e.g., odor, color), and from the total depth of the boring. The results of the sampling must be included in the supplemental report (see also Comment 1). If the samples contain concentrations of DRO that exceed the clean-up standards, additional excavation will be required. The Permittee must note that in order to meet the requirements of corrective action complete without controls, all confirmatory soil samples must be at or below the NMED cleanup levels (see *Technical Background Document for Development of Soil Screening Levels, Revision 5.0*, which is available online at [http://www.nmenv.state.nm.us/hwb/documents/NMED\\_SSG\\_August\\_2009\\_Dec09TableA-1\\_clean.pdf](http://www.nmenv.state.nm.us/hwb/documents/NMED_SSG_August_2009_Dec09TableA-1_clean.pdf)).

#### **Response to Comment 3**

Upon further clarification in a letter from the NMED HWB dated December 17, 2010, Western Refining would like to seek corrective action complete without controls for the lagoon area. Western would like to request until March 1, 2011 to conduct the boring and sampling near RR-1A-91505 needed to comply with Comment 3. Western will also conduct a similar boring and sampling at sample location W-1-WALL-S which indicated a DRO of 310 mg/kg as shown on Figure 1.

#### **NMED Comment 4**

The Permittee does not provide the source of the clean backfill material. The Permittee must state the source of the clean backfill and provide analytical data that demonstrates that the fill is clean if the material was obtained from within the refinery.

#### **Response to Comment 4**

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September 9, 2010  
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Backfill material was obtained from stockpiled soil generated during the creation of ingress and egress ramps as well as sampling platforms near the lagoon excavation. The locations that the backfill material came from are not known to be impacted as they were outside of the contaminated section of the lagoon. The soil was visually inspected by field personnel prior to use as backfill and was determined to be uncontaminated. No specific samples of the backfill material were taken other than the outlying samples indicating where the lagoon contamination ended.

If you have any questions, or if we can be of further service to you, please do not hesitate to call me at (505) 722-0217.

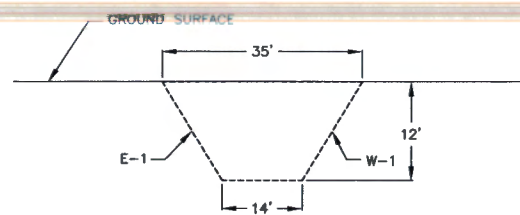
Sincerely,  
Western Refining Company



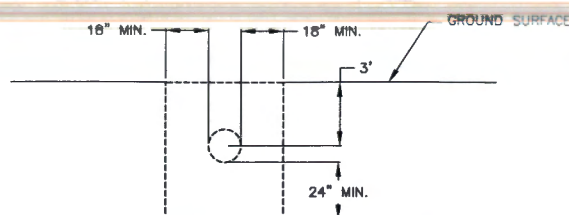
Ed Riege  
Environmental Manager

Attachments

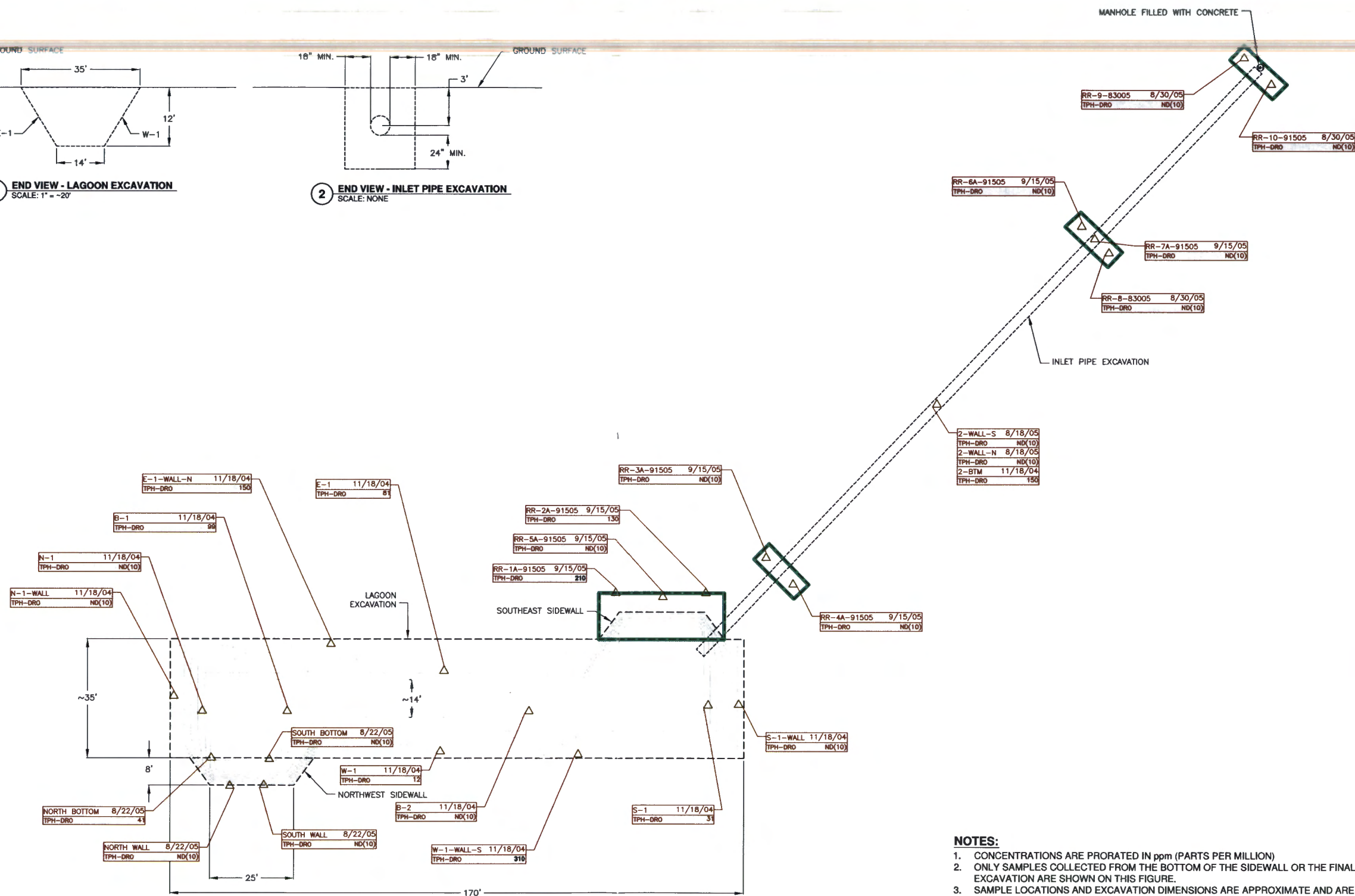
cc: K. Van Horn NMED HWB  
C. Chavez, OCD  
R. Mitchell, Trihydro



**1 END VIEW - LAGOON EXCAVATION**  
SCALE: 1" = ~20'



**2 END VIEW - INLET PIPE EXCAVATION**  
SCALE: NONE



- NOTES:**
1. CONCENTRATIONS ARE PRORATED IN ppm (PARTS PER MILLION)
  2. ONLY SAMPLES COLLECTED FROM THE BOTTOM OF THE SIDEWALL OR THE FINAL EXCAVATION ARE SHOWN ON THIS FIGURE.
  3. SAMPLE LOCATIONS AND EXCAVATION DIMENSIONS ARE APPROXIMATE AND ARE BASED ON HAND DRAWN FIGURES INCLUDED IN THE REMEDY COMPLETION REPORT FOR RAILROAD RACK LAGOON (SWMU NO.8) REVISED REPORT DATED OCTOBER 10, 2006.
  4. DATA IN **BOLD/BLACK** COLOR EXCEEDS THE 200 ppm SCREENING LEVEL.

**EXPLANATION**

	SAMPLE LOCATION AND DESIGNATION
	EXCAVATION (APPROXIMATE)
	EXCAVATION DIMENSIONS UNKNOWN, EXCAVATION EXPANDED MINIMUM OF 6" UNTIL CLEAN SAMPLES WERE COLLECTED
	EXCAVATION SIDEWALL CONTOURS (FT BGS)
	FT BGS FEET BELOW GROUND SURFACE
	ND(10) NOT DETECTED (REPORTING LIMIT)

**CONSTITUENT TABLE EXPLANATION**

SAMPLE ID	SOUTH WALL	8/22/05	DATE COLLECTED
TOTAL PETROLEUM HYDROCARBONS	TPH-DRO	ND	CONCENTRATION
AS DIESEL RANGE ORGANICS			

**Trihydro CORPORATION**  
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**FIGURE 1**  
**RAILROAD RACK LAGOON EXCAVATION/CONFIRMATION SAMPLE LOCATIONS**  
**WESTERN REFINING COMPANY GALLUP REFINERY GALLUP, NEW MEXICO**

Drawn By: REP    Checked By: GP    Scale: 1" = ~20'    Date: 12/28/10    File: 697-RRR-EXCAV-201012