

AP-111

**GENERAL
CORRESPONDENCE**

2012

GALLUP

7010 1670 0001 3141 0019

Certified Return Receipt: #7011 2970 0003 9281 8008

August 30, 2012

Carl Chavez, Environmental Engineer
Oil Conservation Division
1220 S. Saint Francis
Santa Fe, NM 87505

Mr. John Kieling, Acting Chief
NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, NM 87505-6303

RE: 2011 Annual Ground Water Monitoring Report
Western Refining Company, Southwest Inc. - Gallup Refinery
EPA ID # NMD000333211

Dear Mr. Chavez and Mr. Kieling:

Western Refining Southwest, Gallup Refinery is pleased to submit the 2011 Annual Ground Water Monitoring Report. This report is being submitted to comply with the Discharge Permit 32, Condition 20.A, Annual Ground Water reporting requirements. Discharge Permit 32 was rescinded on February 15, 2012, however we are required to continue to abate pollution of ground water pursuant to 19.15.30 NMAC (Remediation) under case number AP-111.

The new Waste Water Treatment Plant (WWTP) was put into service in the second quarter of 2012 and will affect the sampling requirements for the influents, effluents at the aeration lagoons, and pond 1 under the old Discharge Permit 32. The waste water is now going to our new waste water treatment plant and into a new pond STP-1. Western is currently sampling the new WWTP under the start up requirements stated in NMED's Approval with Modifications Process Design Report for the Waste Water Treatment Plant, Dated May 24, 2010, until further notice.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Ed Riege, Environmental Manager
(505) 722-0217
ed.riege@wnr.com

cc: K. Van Horn, NMED HWB
C. Chavez, OCD
C. Johnson, Gallup

Certified Return Receipt: #7011 2970 0003 9281 8022

October 29, 2012

Mr. John E. Kieling
NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, NM 87505-6303

Re: Disapproval – Facility Wide Ground Water Monitoring Work Plan, 2011
Updates
Western Refining Company Southwest Inc., Gallup Refinery
EPA ID #NMD000333211
HWB-WRG-12-002

Dear Mr. Kieling:

Western Refining Southwest, Gallup Refinery has prepared the following responses to the comments listed regarding the above referenced matter dated September 24, 2012. Appendix A, B, C and D are attached with the Revised Report as well as Figures 3, 5 and 6. A red-line strike-out version will also be sent electronically as requested.

Comment 1

There are several issues regarding the figures included in the Work Plan. Figure 3, Figure 5 and Figure 5b are difficult to read. Remove the hatching over the SWMUs in Figure 3. Increase the font size or do not bold the ground water monitoring well labels so that they are legible. On Figure 5 remove the closed (abandoned) wells. The NAPIS wells are mislabeled as KA-wells on all three figures; re-label them appropriately. Ensure that the figures include all of the ground water monitoring and recovery wells. Use the same base map showing all ground water and recovery wells for all of the figures. On Figures 5 and 5b, include the ground water elevations along with the ground water monitoring well designation labels so that the elevations and ground water contours can be verified. Report the dates that the ground water data were collected in the map legend. Revise the figures as needed.

Response: All the figures have been revised as requested. Figure 5b has been relabeled as Figure 6.

Comment 2

The page numbering in the Table of Contents is incorrect. Appendix E is listed as page 50 and Appendix F and the figures are listed as having page numbers in the 500s. Adjust the page numbers and revise the Table of Contents to reflect the correct numbering.

Response: Appendix E contained the Hall Laboratory Analysis for wells OW-50, OW-52 and OW-1 for 2011 which had 503 pages total. There was no error in page numbering. The Table of Contents has been revised and updated by removing the page numbers from the Appendix and Figures List.

Comment 3

Do not include the February 9, 2009 letter *Facility Wide Ground water Monitoring Work Plan (Appendix A: Letter from NMED/HWB February 9)*. Remove Appendix A from the revised Work Plan. Delete all associated references in the text and, if the Appendix designations are changed, correct the text reference to other appendices and the Table of Contents, as necessary.

Response: February 9, 2009 letter listed as Appendix A has been removed as requested and replaced with the following: "Approval with Modifications, Requirement to Resurvey Ground Water Monitoring Wells and Recovery Wells, September 26, 2012."

Comment 4

Appendix F contains a document titled Stratigraphic Interpretation Report from Peregrine GeoConnect dated March 2012. It is not clear why the report was included in the Work Plan. Remove Appendix F from the Work Plan and submit the stratigraphic report separately, if appropriate.

Response: Appendix F has been removed.

Comment 5

The Permittee proposes to change the sampling frequency and analytes for OW-1; checking only for artesian conditions quarterly. The purpose of OW-1 is to act as an observation well to evaluate whether or not any constituents from the refinery are migrating from the refinery property. The Permittee must continue to check OW-1 for artesian flow conditions and sample for major cations, major anions, VOCs, DRO extended, WQCC metals, pH, EC, DO, ORP, temperature and TDS on quarterly basis. OW-1 is listed twice in Table 1 (Appendix D). Revise the table to delete the duplicate listing.

Response: Table 1 in Appendix D has been revised.

Comment 6

The Permittee proposes to change the sampling frequency of OW-50 and OW-52 from quarterly monitoring to annual monitoring. NMED Concurs. Continue to sample for water quality parameters and the analytical suites listed in Table 1 (Appendix D). Modify Table 1 as necessary.

Response: Table 1 in Appendix D has been revised to reflect sampling frequency changes for OW-50 and OW-52 and annual monitoring will commence in 2013.

Comment 7

In Section 2.0 (Background Information), page 9, paragraph 3, the Permittee states, "Western is working with OCD and PTSB to place this line back in service." As noted in Comment 4 of NMED's September 2011 *Notice of Disapproval Facility Wide Ground water Monitoring Work Plan*, Comment 4, OCD has determined that the pipe is not within its jurisdiction. Remove the reference to OCD from the revised Work Plan.

Response: Section 2.0, page 9 has been revised.

Comment 8

NMED's Comments 4 and 5 from the February 16, 2012 Second Notice of Disapproval Requirement to Resurvey Ground water Monitoring Wells and Recovery Wells as well as Comment 2 from the May 18, 2012 Third Disapproval Requirement to Resurvey Groundwater Monitoring Wells and Recovery Wells required further edits to the Permittee's Well Elevation Summary Table. The Permittee included an unapproved Well Elevation Table as Appendix C in the Work Plan. Once the Well Elevation Summary Table has been approved, include it in the revised Work Plan. In addition, include the updated and corrected version of the Artesian Water Well Table. NMED will not approve the Work Plan until the corrected tables have been approved and are included in the revised Work Plan. Additionally, base the ground water elevation maps off of the correct ground water elevation data in the revised Work Plan. Update Section 4.1 (Ground Water Sampling Methodology), which references the tables, in the revised Work Plan.

Response: The approved elevation summary tables are included as Appendix C-2, 2011 Corrected Well Elevation Summary Table – Revision 4 and Appendix C-3, 2011 Corrected Well Elevation Summary Table – Artesian Wells, Rev 2.

Comment 9

Section 2.4 (Summary of contaminant releases that could contribute to possible ground water contamination), page 14, paragraph 3 contains a typographical error citing the year 2021, instead of 2012. Revise the Work Plan to reflect the correct date.

Response: Date has been corrected.

Comment 10

In Section 2.4 (Summary of contaminant releases that could contribute to possible ground water contamination), page 15, paragraph 1, the Permittee states, “[t]he continued presence of water in GWM-2 and GWM-3 may be attributed to the fluctuation of ground water levels due to the increase in moisture this year.” GWM-2 and GWM-3 were installed in fall 2005; the wells were deliberately installed as dry wells to observe whether or not the aeration basin leaks. Water was detected during the first quarter of ground water sampling in 2008; water has been detected continuously since 2010. The past two years have experienced below normal precipitation. Either the ground water levels have not been measured and recorded properly, or there is an increase in the elevation of the water table, or the aeration basin is leaking. The Permittee must base statements made in work plans and reports on data that can be substantiated, not based on conjecture. The Permittee is required to investigate the source of water for GWM-2 and GWM-3 as part of the Aeration Basin corrective action work plan.

Response: Revisions have been made to include that GWM-2 and GWM-3 will be included as part of the Aeration Basin corrective action work plan to investigate the continued presence of water in both of these wells.

Comment 11

There seems to be an issue between previously reported ground water elevation data and the data presented in the Work Plan. For example, the Permittee previously reported the ground water level for GWM-2 on 2/16/2011 (reported in an email on 2/17/2011) as having a total well depth of 18.97 feet and 17.94 feet as the depth of water. In Appendix C-1, page 41, table entitled “Well Data 2011 Annual/Quarterly Sampling 2011 DTB/DTW Measurements”, for 2/16/2011, GWM-2 is recorded as total depth of 18.81 feet with depth to ground water 15.08 feet. The listed measurements do not correspond; if the measurements were corrected to account for the new survey data, the water column height should be the same. Ensure that the ground water level measurements are accurate; revise the table as necessary. Include a footnote to the table stating that the depth to ground water was adjusted using the new survey data.

Response: The referenced measurement of 17.94 feet is the depth to water measurement for GWM-3 not GWM-2 as indicated on e-mail referenced. DTW measurement of 15.08

feet as listed in Appendix C-1 for GWM-2 was recorded in error from the weekly checks taken on 2/24/11. Correct depth to water measurement should read 17.48 feet. Appendix C-1 has been revised to reflect approved survey measurements.

Comment 12

In Section 4.4.6.2 (Field Duplicates), the Permittee states, “[f]ield duplicates will not be collected on a routine basis, as there is sufficient data to establish outliers or suspect results through a trend analysis.” Field duplicate ground water samples must be obtained at a frequency of ten percent. At a minimum, one duplicate sample per sampling day must always be obtained. Revise the Work Plan accordingly.

Response: *Section 4.4.6.2 language has been revised to reflect changes in field duplicate collection.*

Comment 13

In Appendix B (Gallup Field Sampling Collection and Handling Standard Procedures), describe the location along the well where the measurements will be taken. Revise the Work Plan to include this detail.

Response: *A paragraph has been added that describes where the measurements are taken.*

If you have any questions regarding Western’s responses, please do not hesitate to contact Cheryl Johnson of my staff at (505) 722-0231.

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of that person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Ed Riege
Environmental Manager

cc: K. Van Horn, NMED HWB
C. Chavez, OCD
C. Johnson, WNR-Gallup

Chavez, Carl J, EMNRD

From: Riege, Ed <Ed.Riege@wnr.com>
Sent: Thursday, October 25, 2012 3:50 PM
To: Kieling, John, NMENV; Cobrain, Dave, NMENV; VanHorn, Kristen, NMENV; Chavez, Carl J, EMNRD
Cc: Larsen, Thurman
Subject: New Refinery Manager

FYI - Effective November 1, 2012, Vic McDaniel will be the new Gallup refinery manager replacing Mark Turri. If you need a more formal notice let me know and I can put it in a letter.

Thanks
Ed

Ed Riege MPH
Environmental Manager

Western Refining
Gallup Refinery
Route 3 Box 7
Gallup, NM 87301
(505) 722-0217
ed.riege@wnr.com

Chavez, Carl J, EMNRD

From: Chavez, Carl J, EMNRD
Sent: Tuesday, March 06, 2012 9:26 AM
To: Tsinnajinnie, Leona, NMENV
Subject: RE: Western Refining, Gallup: Annual Groundwater Monitoring Report-2010

Leona:

Good morning. The OCD has no comments and/or recommendations at this time on the Gallup Refinery Annual GW Monitoring Report 2010.

FYI, the OCD Discharge Permit (GW-032) was recently terminated and the facility has been transferred to an Abatement Plan (AP-111) under the OCD.

Please contact me if you have questions. Thank you.

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Dr., Santa Fe, New Mexico 87505
Office: (505) 476-3490
Fax: (505) 476-3462

E-mail: CarlJ.Chavez@state.nm.us

Website: <http://www.emnrd.state.nm.us/ocd/>

"Why not Prevent Pollution; Minimize Waste; Reduce the Cost of Operations; & Move Forward with the Rest of the Nation?" To see how, go to "Pollution Prevention & Waste Minimization" at:

<http://www.emnrd.state.nm.us/ocd/environmental.htm#environmental>)

From: Tsinnajinnie, Leona, NMENV
Sent: Thursday, February 16, 2012 8:56 AM
To: Chavez, Carl J, EMNRD
Cc: Cobrain, Dave, NMENV
Subject: RE: Western Refining, Gallup: Annual Groundwater Monitoring Report-2010

Carl-

I started my review of the Annual Groundwater Monitoring Report-2010. I would like to have comments sent to Gallup by March 9, 2012. Please have your comments to me by March 5, 2012.

Thanks,
Leona

From: Chavez, Carl J, EMNRD
Sent: Wednesday, September 07, 2011 11:18 AM
To: Tsinnajinnie, Leona, NMENV
Subject: RE: Western Refining, Gallup: Annual Groundwater Monitoring Report-2010

Leona:

Good morning! ☺

I just received them this a.m. Please give me a tentative time frame for NMED's review for OCD to work concurrently on any comments to the NMED...

Thanks.

Carl J. Chavez, CHMM
New Mexico Energy, Minerals & Natural Resources Dept.
Oil Conservation Division, Environmental Bureau
1220 South St. Francis Dr., Santa Fe, New Mexico 87505
Office: (505) 476-3490
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<http://www.emnrd.state.nm.us/ocd/environmental.htm#environmental>)

From: Tsinnajinnie, Leona, NMENV
Sent: Wednesday, September 07, 2011 10:50 AM
To: Chavez, Carl J, EMNRD
Subject: Western Refining, Gallup: Annual Groundwater Monitoring Report-2010

Hi Carl-

NMED received Gallup's Annual Groundwater Monitoring Report for 2010 and I wanted to verify that you received all 3 binders as part of their submittal.

Thanks,
Leona

~~~~~  
**Leona Tsinnajinnie**  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Bldg 1  
Santa Fe, NM 87505-6303

Main HWB Phone: (505) 476-6000  
Direct Office Phone: (505) 476-6057  
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New Mexico Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

John H. Bemis
Cabinet Secretary

Brett F. Woods, Ph.D.
Deputy Cabinet Secretary

Jami Bailey
Division Director
Oil Conservation Division



FEBRUARY 9, 2012

Mr. Johnny Lackey
Senior Environmental Manager
The Holly Frontier Companies
P.O. Box 159
501 E. Main St.
Artesia, NM 88211-0159

Dear Mr. Lackey:

Based on your responses given in the "Oil & Gas Facilities Questionnaire for Determination of a WQCC Discharge Permit" and a file review, the Oil Conservation Division (OCD) has determined that two of your facilities with an expired or soon to be expired permit are not required to operate under a Water Quality Control Commission (WQCC) Discharge Permit. This means that the WQCC Discharge Permit for GW-014 (Lovington Refinery) and GW-032 (Gallup Refinery) are hereby rescinded and you are not required to proceed with the renewal of these expired WQCC Discharge Permit. OCD will close these discharge permits in its database.

Previously, Navajo Refining has conducted abatement of ground water contamination at these facilities under the authority of its WQCC Discharge Permits, pursuant to 20.6.2.4000 NMAC (PREVENTION AND ABATEMENT OF WATER POLLUTION). OCD has determined that Navajo does not intentionally discharge at these two facilities; therefore, no WQCC Discharge Permit is required. However, because of existing ground water contamination at these facilities, OCD is requiring Navajo to continue to abate pollution of ground water pursuant to 19.15.30 NMAC (REMEDIATION). The new Abatement Plan case number for the former GW-014 site is **AP-110**. The new Abatement Plan case number for the former GW-032 site is **AP-111**. Please use these Abatement Plan case numbers in all future correspondence.

Because these WQCC Discharge Permits will now longer be in effect, you may be required to obtain separate OCD permit(s) for other processes at your facility, such as: pits, ponds, impoundments, below-grade tanks; waste treatment, storage and disposal operations; and landfarms and landfills. OCD will determine if any of these existing processes may require a separate permit under OCD's Oil, Gas, and Geothermal regulations. If OCD determines that a separate permit(s) is required, then a letter will be sent to you indicating what type of permit is required.

Mr. Johnny Lackey

Page 2

Please keep in mind, if your facility has any discharges that would require a WQCC Discharge Permit now or in the future, then you will be required to renew or obtain a WQCC Discharge Permit.

If you have any questions regarding this matter, please contact Glenn von Gonten at 505-476-3488.

Thank you for your cooperation.

A handwritten signature in black ink, appearing to read "Jami Bailey". The signature is written in a cursive style with a large initial "J" and "B".

Jami Bailey
Director

JB/gvg