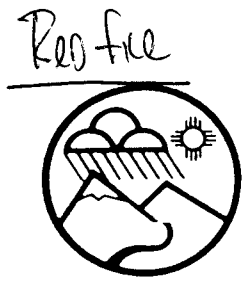




GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



MARK E. WEIDLER
SECRETARY
EDGAR T. THORNTON, III
DEPUTY SECRETARY

April 7, 1998

David Neleigh, Chief (6PD-N)
U.S. EPA
Region VI
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: EPA Prior Notice of NMED's Intent to Deny a Giant Refinery Company - Ciniza Operating Permit Closure Plan Modification

Dear Mr. Neleigh:

This letter is intended to satisfy the EPA/NMED Workshare Agreement requirement to provide your office ten (10) day notice of RCRA Permit modification. NMED intends to deny Giant Refining Company - Ciniza's proposed "Amended Closure Plan" and to provide the required public notice. GRC-C is currently preparing a Post-Closure Care Permit Application and we will keep your office apprised of our response.

Please advise me of any concerns within ten (10) days. If you do not respond we will proceed with the public notice of our intent to deny.

Sincerely,

Robert S. (Stu) Dinwiddie, Ph.D., Manager
RCRA Permit Management Program

enclosure: Legal Notice
 Fact Sheet



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LEGAL NOTICE #98-01

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS AND RADIOACTIVE MATERIALS BUREAU
RCRA PERMITS MANAGEMENT PROGRAM
Santa Fe, New Mexico

April 22, 1998

**NOTICE OF INTENT TO DENY A CLOSURE PLAN FOR THE GIANT REFINING COMPANY -
CINIZA LAND TREATMENT UNIT (LTU)**

The State of New Mexico is authorized to operate a hazardous waste management program in lieu of the federal program for the Resource Conservation and Recovery Act (RCRA). Under authority of the New Mexico Hazardous Waste Act NMAC 1978 § 74-4-1 et. seq. (Repl. Pamp. 1993) as amended 1989, and by the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1, effective november 30, 1995), the New Mexico Environment Department (NMED) can approve or deny Closure Plans. The NMED has received a Closure Plan modification request from Giant Refining Company - Ciniza (EPA I.D. # NMD000333211-2) for a previously active land treatment unit, and intends to deny the amended Plan.

Any person who wishes to comment upon NMED's intent to deny the Closure Plan, or to request a public hearing regarding this issue, should submit written comments or requests, along with the commentor's name, address and telephone number, to the following Santa Fe address. Request for a public hearing shall clearly state the nature of the issues proposed to be raised in the hearing. Only comments and/or requests received before 5:00 pm, Friday, May 22, 1998 will be considered. The NMED will provide thirty (30) day notice of public hearing if one is scheduled.

The Administrative Record for this proposed amended Closure Plan consists of the Amended Closure Plan (dated July 1996), a fact sheet and related correspondence. These documents and correspondence may be viewed at the following locations:

NMED Hazardous and Radioactive Materials Bureau
2044 Galisteo Street
Santa Fe, New Mexico 87505

(Mondays through Fridays from 8:00 am to 5:00 pm)

Giant Refining Company - Ciniza Administrative Offices
Exit 39 off Interstate 40, approximately 17 miles east of Gallup

*(contact Ms. Dorinda Mancici at 505 722-3833 during normal
business hours)*

Legal Notice #98-01
GRC-C
Page 2

To obtain a copy of the amended Closure Plan, or any part thereof, at 35 cents per page, contact Mr. Stephen Pullen at the above Santa Fe address or call (505) 827-1558.

The NMED must ensure that a Closure Plan is consistent with the appropriate portions of the New Mexico Hazardous Waste Management Regulation. After consideration of all written public comments received, NMED will either deny or modify and approve the amended Closure Plan. The NMED will notify GRC-C and any person submitting a written comment during the prescribed comment period of NMED's final decision.



GARY E. JOHNSON
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MARK E. WEIDLER
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EDGAR T. THORNTON, III
DEPUTY SECRETARY

FACT SHEET

April 22, 1998

Subject: NMED's intent to deny Giant Refining Company - Ciniza's requested permit modifications for the RCRA Land Treatment Unit Operating Permit Closure Plan

Facility Name: Giant Refining Company-Ciniza

EPA ID Number: NMD 000333211

Location: Giant Refining Company-Ciniza (GRC-C) is located in McKinley County, New Mexico, approximately 17 miles east of Gallup, New Mexico.

Modification Request: Modification of the Hazardous Waste Facility Operating Permit to attempt clean closure of the Land Treatment Unit (LTU)

Type of Facility and Activity:

The LTU consists of three 480 x 240 foot plots of land located 1,500 feet northwest of the refinery process area and immediately east of Evaporation Pond 12B. The primary purpose of the LTU is degradation, immobilization or stabilization of hazardous wastes using microbial activity. The LTU received refinery process hazardous wastes from October 1980 to November 1990.

Type and Quantity of Wastes:

GRC-C's RCRA Permit allows the operation a LTU for land disposal of the following wastes types: D001 ignitable waste at a maximum of 50 tons annually; D007 ignitable wastes at a maximum of 5 tons annually; K049 - slop oil emulsion solids at a maximum of 200 ton annually; K050 - heat exchanger bundle cleaning sludge at a maximum of 15 ton annually; K051 - API separator sludge at a maximum of 1,000 ton annually and K052 - leaded tank bottoms.

Background Information:

The New Mexico Environment Department (NMED) issued a Hazardous Waste Facility Operating Permit to Shell Refining Company on November 4, 1988. GRC-C subsequently purchased the refinery. A possible release of contaminants to the environment from the LTU and changes

in the Land Disposal Restrictions (LDRs) caused GRC-C to discontinue hazardous waste operations in 1990 and implementation of permit closure requirements. During the closure process the initial permit closure performance standards were found inadequate in defining when closure would be complete. GRC-C submitted a permit modification petition to clarify those closure performance standards. NMED initially found GRC-C's petition acceptable and public noticed its intent to approve the modification. Subsequently, NMED found the petition to be inconsistent with State environmental regulations as explained below, and therefore intends to deny the modification request contingent on public comment.

New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1 264.280) regarding Land Treatment Unit (LTU) closure require complete removal or decontamination of all waste constituents to those levels not affected by either facility or waste treatment unit operations. GRC-C's permit modification proposal to remove wastes to "health-based concentration limits" is considered by NMED to fall short of the state's environmental regulations.

GRC has subsequently begun preparation of a post-closure care permit application to NMED for the long term maintenance and monitoring of the LTU.

Document and
Associated
Correspondence
Availability:

Copies of the proposed permit modification and associated correspondence are available for public review weekdays between 8 am and 5 pm at the NMED Hazardous and Radioactive Materials Bureau, 2044-A Galisteo, Santa Fe, NM, and during normal business hours at the Giant Refining Company Administrative Offices, Exit 39 off Interstate 40 about 17 miles east of Gallup, NM, phone (505) 722-3833.

Comment Period
and Request for
Public Hearing:

Any person, including GRC-C, who wants to comment on the proposed decision to deny the permit modification, or who wants to request a public hearing, may do so by submitting written comments or a request to: NMED Hazardous and Radioactive Materials Bureau, 2004-A Galisteo, Santa Fe, NM 87505, attention: Mr. Steve Pullen. Any request for hearing shall state the nature of the issues proposed to be raised in the hearing, and must include the requestor's name and address. **Only comments and/or requests received by 5:00 pm, Friday, May 22, 1998 will be considered.** For further

information, call Mr. Steve Pullen at (505) 827-1558.

Final Decision: NMED will consider all comments submitted on this issue before formulating a final decision. NMED will notify GRC-C and each person who submits a written comment during the prescribed period of the final decision or any scheduled public hearing. The final decision will require that activities at the LTU be conducted in accordance the applicable State and Federal laws and GRC-C's operating permit.



GARY E. JOHNSON
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Fax (505) 827-1544



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

Fax Cover Sheet

Date: April 7, 1998

To: Cydia
Company: Group Underway
Phone: 863-6811
Fax: 9-1-505 722-5750

From: Steve Pollen
Company: Hazardous & Radioactive Materials
Phone: (505) 827-1558

Pages including this 4
cover page:



Comments: THIS IS THE LEGAL NOTICE
WE DISCUSSED YESTERDAY. COULD YOU
PLEASE CALL ME AT THE ABOVE # WITH
A POST. A HARD COPY OF THIS
LETTER & LEGAL NOTICE WILL FOLLOW IN
THE MAIL.

TX!
Steve



GARY E. JOHNSON
GOVERNOR

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SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

April 7, 1998

News Department
Gallup Independent
P.O. Box 1210
Gallup, NM 87305

Dear Lydia:

Please publish the enclosed Legal Notice in your Wednesday, April 22, 1998 edition. Please return a copy of the notice as published with a certificate of the date published. You may address the bill to:

RCRA Permits Management Program
Attn: Mr. Stephen Vigil
New Mexico Environment Department
hazardous and Radioactive Materials Bureau
P.O. Box 26110

Thank you for your assistance. If you have any questions, please contact Mr. Stephen Pullen at (505) 827-1558.

Sincerely,

Robert S (Stu) Dinwiddie, Ph.D., Manager
RCRA Permits Management Program

Enclosure:
Public Notice

xc: red file



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
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LEGAL NOTICE #98-01

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS AND RADIOACTIVE MATERIALS BUREAU
RCRA PERMITS MANAGEMENT PROGRAM
Santa Fe, New Mexico

April 22, 1998

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MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

Fax Cover Sheet

Date: April 7, 98

To: DAVID NEUBERTH
Company: _____
Phone: _____
Fax: 9-1-214-665-7263

From: Steve Pallen
Company: **Hazardous & Radioactive Materials**
Phone: **(505) 827-1558**

Pages including this 7
cover page:



Dave,

Comments: THIS IS FYI. I
Believe you MAY ALREADY KNOW ABOUT IT.
HARD COPY WILL FOLLOW.

Steve