

October 26, 1998

Address to ENR

Mr. Steve Pullen
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044 Galisteo
Santa Fe, New Mexico 87502

Accelerated Sampling Schedule for the Ciniza Refinery Land Treatment Unit

Dear Mr. Pullen:

The purpose of this letter is to request written confirmation from New Mexico Environment Department (NMED)/Hazardous and Radioactive Materials Bureau (HRMB) to proceed with clean closure activities and accelerated sample collection frequency at Giant Refining Company - Ciniza Refinery's (Ciniza's) Land Treatment Unit (LTU). The purpose of the accelerated sampling schedule is to demonstrate to NMED/HRMB that the LTU meets the Closure Performance Standards identified in your October 26, 1997, letter to Ciniza. Once the closure performance standards and requirements established by the NMED/HRMB are met, Ciniza intends to prepare and submit a closure certification report to NMED/HRMB. The request for clean closure will be consistent with 20 NMAC 4.1, 40 CFR §264.280(d).

The performance standards will be met by: 1) demonstrating completion of in situ treatment of hazardous wastes and waste residues; 2) placement of a vegetative cover on the LTU; and 3) decontamination of equipment as necessary. In situ treatment ensures the degradation of waste residues to NMED-approved levels.

The accelerated sampling schedule will occur in three phases. We propose to begin the Phase 1 sampling event in November 1998, weather and contractor availability permitting. Phase 2 will occur within four weeks of Phase 1 completion. If we experience any weather delays, Ciniza will notify NMED/HRMB. We will prepare a closure certification report of Phase 1 and 2 activities to verify and properly document clean closure of the LTU according to the established standards.

Sampling and analysis activities include the following elements:

- Background
 - During Phase 1, Ciniza will establish appropriate background concentrations for inorganic hazardous constituents consistent with your above referenced letter. Ciniza will establish background concentrations of the inorganic constituents as identified in the Modified Skinner List (see Tables 4C and 4D of the *Amended Closure Plan, July 1996*). The analytical results from an adequate sample population will provide the range necessary to establish background concentrations for waste metals. Cell 3 of the LTU, which has not received hazardous waste at any time, will again be used as the background cell.

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- Soil Sampling
 - Ciniza will obtain soil samples following the protocol established in the Ciniza Hazardous Waste Facility Permit (the Permit), which identifies procedures for obtaining soil samples, determining sampling locations, decontaminating equipment, and chain of custody.
 - During Phase 1, Ciniza will randomly select three coring points in each of Cells 1 and 2, and four points in Cell 3. During Phase 2, three coring points each in Cells 1 and 2 will be taken. Soil samples will be taken at predetermined depths within the Zone of Incorporation (ZOI), treatment zone, and Below the Treatment Zone (BTZ) to verify the absence of hazardous waste to meet the closure performance standard.
- Analytical Parameters
 - Ciniza will analyze samples collected in Phase 1 for Modified Skinner List constituents. Analytical parameters selected during Phase 1 are for both inorganic and organic hazardous constituents. The one-time selection of the Modified Skinner List for Phase 1 activities is based on the hazardous constituents expected to have been present in the refinery waste that was applied to Cells 1 and 2.
 - Ciniza will analyze samples collected in the Phase 2 sampling event for primary hazardous constituents (PHCs) (see Table E-1 of the Ciniza Refinery *LTU Post-Closure Permit Application*, 1998). Analytical parameters selected during Phase 2 are the PHCs for inorganic and organic hazardous constituents as established in the Permit. These hazardous constituents were selected by NMED/HRMB in the Permit as the most mobile, persistent, and most difficult to degrade.
- Performance Standards for Cells 1 and 2 THESE ARE FOR DISCONTINUED TREATMENT, NOT "CLEAN CLOSURE"
 - Inorganic Hazardous Constituents: Background concentrations established during Phase 1 activities.
 - Organic Hazardous Constituents: Appropriate risk-based concentrations from the *Human Health, Media-Specific Screening Levels*, developed by EPA Region 6 and contained in your October 26, 1997 letter. NO!
- Sample Results
 - Analytical results will be requested from the analytical laboratory on a 10-working-day basis for both Phase 1 and 2 activities.
- Quality Assurance/Quality Control
 - QA/QC requirements from the *Amended Closure Plan* (July 1996) will be followed in addition to those established in the Ciniza operating permit for both Phases 1 and 2.
 - Due to the nature of proper core sampling techniques, it is not possible to obtain true duplicate samples. Therefore no duplicate sampling is proposed. Two equipment rinse samples will be taken from each drilling auger flight to verify the adequacy of decontamination procedures to prevent any cross contamination between sampling point locations.

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*Will wait until after
PMOS 12/23?*

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During Phase 3 activities, Ciniza will modify and then submit to NMED/HRMB an *Amended Closure Plan* that reflects those activities and closure performance standards necessary for clean closure of the LTU. After approval of the *Amended Closure Plan*, Ciniza will submit a closure certification report to the NMED/HRMB consistent with 20 NMAC 4.1, Subpart V, 40 CFR §264.280(d), and those closure performance standards and requirements established by the NMED/HRMB. The closure certification report will include data analysis from Phases 1 and 2, as well as reasons for any deviations necessary in field activities and supporting documentation required by the NMED/HRMB-approved closure plan. The certification report will be attested to by a registered independent professional engineer or qualified independent soil scientist and will be signed by the appropriate Ciniza official in accordance with 20 MAC, 40 CFR §264.115.

If there are any questions or comments regarding this accelerated sampling schedule, please call me at (505) 722-0227. Provided there are no questions or comments that identify additions, deletions and/or modifications established in your confirmation letter, Ciniza intends to begin Phase I activities within 14 calendar days of receipt of your letter, weather and contractor availability permitting. We expect to complete all sampling and analytical activities and certify clean closure of the LTU by the second quarter of calendar year 1999. Thank you for your consideration of this matter.

Sincerely,

Dorinda Mancini
Environmental Manager

DM/SC/PBS

DRAFT



GARY E. JOHNSON
GOVERNOR

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2044 Galisteo
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MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

September 11, 1998

David C. Pavlich, Manager
Health, Safety & Environment
Giant Refining Company - Ciniza
Route 3, Box 7
Gallup, New Mexico 87301

RE: **Land Treatment Unit (LTU) Clean Closure Certification**

Dear Mr. Pavlich

Giant Refining Company's Ciniza Facility (GRC) has suggested that new analytical data demonstrates that the LTU has attained the "clean closure" criteria specified in a Hazardous and Radioactive Materials Bureau (HRMB) letter to GRC dated October 26, 1997. An August 27, 1998 meeting between the HRMB and GRC representatives tentatively identified HRMB's requirements for regulatory concurrence for attainment of clean closure. This letter reiterates and clarifies those requirements.

Principally, to obtain regulatory concurrence on a clean closure proposal for the LTU, GRC must revisit the July 1996 Amended Closure Plan and its associated Characterization and Sampling Plans while considering the new clean closure criteria. GRC must also determine the appropriate background concentrations and resolve any outstanding suspected releases.

The following Sections of the July 1996 Amended Closure Plan are considered relevant to GRC's clean closure proposal. All sections should be evaluated and altered as necessary, particularly the section defining a closure performance standard.

- Section 2.3 Closure Certification ✓
- Section 3.1 Closure Performance Standard ✓
- Section 5 Monitoring Procedures for Closure Verification
- Section 6 Sampling and Analysis ✓
- Section 7 Quality Assurance \ Quality Control ✓
- Section 8 Closure Report ✓

The following Sections of the July 1996 proposed LTA Characterization Plan must be evaluated and altered as necessary.

- Section 2 Coring ✓
- Section 3 Sampling and Analysis ✓
- Section 5 General (statistical evaluation)

David C. Pavlich
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The new clean closure performance standard requires treatment to background concentrations of the inorganic constituents within the Modified Skinner List provided by GRC's amended Closure Plan (Tables 3C and 3D). Background is defined as those constituent concentrations not affected either by facility or waste treatment operations. GRC should work together with HRMB to determine the appropriate background levels.

~~It has been~~ ^{GRC HAS} suggested that Cell 3 could be used to determine background. GRC's March 3, 1994 letter to HRMB (attached) implies that wastes were being applied to Cell 3. Please clarify whether this is in fact true and also clarify the degree to which non-hazardous wastes were applied to Cell 3, as it will have an impact on the degree of closure necessary and whether Cell 3 can be used for background determination.

GRC must explain whether the 25 barrels of platformate plus contaminated soils placed onto the LTU have been completely treated. The placement of these wastes is detailed in a letter from GRC to NMED dated April 12, 1990. In particular GRC must detail the chemical composition of platformate and any decomposition products and determine whether the historical analytical data is sufficient to detect these constituents.

A July 19, 1996 letter (attached) from HRMB to GRC specified that two (2) consecutive years, i.e. four consecutive semiannual events, of clean analytical results would be necessary to demonstrate clean closure. The HRMB reiterates this requirement.

HRMB will postpone processing the Post-Closure Care Permit Application for 90 days while GRC prepares a "Clean" Closure Plan. GRC must abide by all operating permit conditions while the clean closure issue is pursued including all sampling and analysis requirements. Should additional sampling detect concentrations above the clean closure standard, GRC shall notify HRMB within 5 days.

Should you have any question or comments, please contact myself or Mr. Steve Pullen of my staff at 827-1558.

Sincerely,

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

copy furnished:
Benito Garcia, HRMB
David Neleigh, EPA
Roger Anderson, OCD
Dorinda, Mancici, GRC

attachments:
GRC letter dated March 3, 1994
GRC letter dated April 12, 1990
HRMB letter dated July 19, 1996

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FAX

ENVIRONMENTAL CORPORATION

RED GREE 1998

Date: 10-23-98

Pages to Follow: 3

RECIPIENT	
Name:	Steve Tuller
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Voice:	
Fax:	827-1544

SENDER	
Name:	Brinda/Swan - 6107-C
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Comments:

Please review & comment.
 Feel free to call Swan - all
 suggestions welcome.
 Brinda

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