



BILL RICHARDSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Telephone (505) 428-2500  
Fax (505) 428-2567  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



**ENTERED**



RON CURRY  
SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUIRED**

October 25, 2006

Edward Rios  
General Manager  
Giant Refining Co., Ciniza Refinery  
Route 3, Box 7  
Gallup, NM 87301



**SUBJECT: NOTICE OF VIOLATION AND RESOLUTION  
GIANT REFINING CO., CINIZA REFINERY, EPA ID# NMD000333211**

Dear Mr. Rios:

On October 26, 2005, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Giant Refining Co, Ciniza Refinery (Ciniza Refinery), located at located 17 miles east of Gallup at I-40 Exit 39, Jamestown. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Large Quantity Generator of hazardous waste as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12) and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED observed the following violations:

1. Ciniza Refinery failed to properly manage two glass bottles holding corrosive waste that were not in good condition. Two containers of cuprous chloride located in the refinery laboratory were leaking and the contents were not transferred to containers that were in good condition. This is a violation of 20.4.1.300 NMAC, 262.34(c)(1)(i) referring to 40 CFR 265.171.

Edward Rios  
October 25, 2006  
Page 2

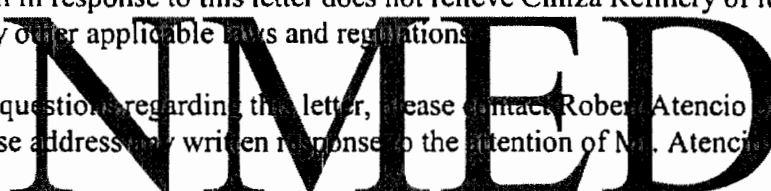
2. Ciniza Refinery could not demonstrate that the weekly inspection of the 90 day container storage area was performed during the week of May 2, 2005. This is a violation of 20.4.1.600 NMAC, incorporating 40 CFR 262.34(a)(1)(i) referring to 40 CFR 265.174.

In accordance with 74-4-10 NMSA 1978, the NMED may: (1) issue a Compliance Order requiring compliance immediately or within a specified time period, or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance with each violation, or both; or (2) commence a civil action in District Court for appropriate relief, including a temporary or permanent injunction. Any such order may include a suspension or revocation of any permit issued by the NMED.

The NMED has reviewed your responses dated October 19, 2006 and October 20, 2006 to the inspection. Based on that review, the NMED has determined that the violations cited in this Notice of Violation have already been adequately addressed and no further action is required.

Any action taken in response to this letter does not relieve Ciniza Refinery of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Robert Atencio, my staff at (505) 428-2523. Please address any written response to the attention of Mr. Atencio at the address on the letterhead.



Sincerely,

A handwritten signature in black ink, appearing to read "James P. Bearzi", is written over the typed name.

James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:ra

cc: Art Vollmer, Manager, Compliance & Technical Assistance Program  
Anna Maestas, Environmental Supervisor  
Robert Atencio, Environmental Specialist  
Charles Lundstrom, General Manager, District V

file: Library #2401  
hwbsoc05/enforcement/atencio