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**STATE OF NEW MEXICO**

**ENVIRONMENTAL IMPROVEMENT DIVISION**  
P.O. Box 968, Santa Fe, New Mexico 87504-0968  
(505) 984-0020  
STEVEN ASHER, Director

**ENTERED**

March 12, 1984

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MAR 13 1984

Office of General Counsel  
Health and Environment Department

Mr. Anthony C. Leonard, President  
Plateau, Inc.  
P.O. Box 26251  
Albuquerque, NM 87125-6251

Dear Mr. Leonard:

Recently, the Hazardous Waste Section of the Environmental Improvement Division (EID) was contacted by Dwight Stockham of your company. He wished to make a formal notice that Plateau Refinery located near Bloomfield was being sold. The EID had been under the impression that this facility was a generator only (according to EPA's computer printouts). Mr. Stockham was informed that a notification of sale was not required for generators.

Since that time, EPA has forwarded a copy of Plateau's ground-water waiver for EID's review. Generator's need not have a waiver. A review of the Plateau file indicates that on November 19, 1980, you, as the responsible corporate official, submitted a Part A application showing that Plateau was a Treatment, Storage, Disposal facility (TSD), the means of disposal was identified as surface impoundments.

Subsequently, a revised Part A, was submitted via a letter dated April 16, 1982 from Dwight Stockham of Plateau. The revised Part A was claiming generator status. It was requesting that the TSD status be dropped. There are several problems with this:

1. The revised Part A application was not signed and dated by yourself or a corporate officer.
2. The revised Part A did not contain a certification signed by yourself or an equal corporate officer (See attached certification).
3. The file does not reflect an acceptance of your revised Part A by EPA (a letter or other piece of documentation from the EPA's Region VI Regional Administrator or his designee).

Lack of these items leads to the conclusion that Plateau still has interim status under the new Mexico Hazardous Waste Management Regulations (HWMR). Therefore, under Section 302.C.3.d., if the facility is sold, ninety days prior to that sale a modified Part A must be submitted to EID from the buyer, if the facility is to keep

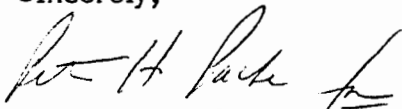
Mr. Anthony C. Leonard  
March 12, 1984  
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operating uninterrupted. Plateau will have to provide the financial assurances required in Section 206.C.3. HWMR. A review of the EID's Plateau file indicates that Plateau has never submitted the proper financial assurances. Without these the refinery will have to be closed until they can be provided by the new owner (that regulation from HWMR is attached and highlighted).

The purpose of this letter has been to clarify the current status of the Plateau Refinery near Bloomfield on Sullivan Road. To reiterate, the above facility currently has interim status and in the future will be inspected as such. The surface impoundments identified in your November 19, 1980 notification are the components for which Plateau has interim status.

If you have any information that has a bearing on this issue or should you want to discuss this issue, please feel free to contact me at 505-984-0020 ext. 340.

Sincerely,



Raymond R. Sisneros  
Health Program Manager  
Hazardous Waste Section

RRS:JE:cjm

cc: Jane Cohen, EID, Legal ✓  
Harriett H. Tregoning, EPA, Region VI

I, \_\_\_\_\_, certify under penalty of law that I have personally examined and am familiar with the facility(s) listed below and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the following statement is true and accurate. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

The following list of facilities did not engage in treatment, storage, or disposal activities involving hazardous waste after November 19, 1980, which would be subject to a Hazardous Waste Management Permit required by Section 206 of the New Mexico Hazardous Waste Management Act, NMSA, 1978.

Facility ID #: \_\_\_\_\_

\_\_\_\_\_ \*

(signature)

\_\_\_\_\_

(title)

\_\_\_\_\_

(date)

\* This certification must be signed in accordance with the requirements of Section 302 of the New Mexico Hazardous Waste Management Regulations.

3. Changes during interim status.

a. New hazardous wastes not previously identified in Part A of the permit application may be treated, stored, or disposed of at a facility if the owner or operator submits a revised Part A permit application prior to such a change;

b. Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Director approves the change because of a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities;

c. Changes in the processes for the treatment, storage, or disposal of hazardous waste may be made at a facility or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Director approves the change because:

(1) It is necessary to prevent a threat to human health or the environment because of an emergency situation; or

(2) It is necessary to comply with State regulations (including the standards at 206.B. and 206.C.) or local laws;

d. Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 206.C.3. (financial requirements), until the new owner or operator has demonstrated to the Director that it is complying with 206.C.3. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the Director by the new owner or operator of compliance with 206.C.3., the Director shall notify the old owner or operator in writing that it no longer needs to comply with 206.C.3. as of the date of demonstration; and

e. In no event shall changes be made to an HWM facility during interim status which amounts to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility.

4. Grounds for termination of interim status.

Interim status terminates when: