



ENTERED

TONY ANAYA
GOVERNOR

ROBERT McNEILL
SECRETARY

ROBERT L. LOVATO, M.A.P.A.
DEPUTY SECRETARY

JOSEPH F. JOHNSON
DEPUTY SECRETARY

STATE OF NEW MEXICO

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

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

MAR 13 1984

R.G. PERRY

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

Dear Mr. Leonard:

On October 8, 1983, Plateau, Inc. submitted to EPA a request for waiver of ground-water monitoring requirements at your refinery near Bloomfield, New Mexico. As of October 1, 1983, authority to approve or deny such waivers was transferred to the State of New Mexico. Ground-water monitoring requirements and waivers thereof are regulated under Section 206.C.1 of the New Mexico Hazardous Waste Management Regulations. These regulations are equivalent to 40 CFR 265.90 through 265.94 under which you submitted your waiver request. A copy of that request was received by EID personnel on February 27, 1984.

Having reviewed the documentation you submitted with your request ("Discharge and Monitoring Plan for a Refinery Operated by Plateau, Inc. near Bloomfield, New Mexico"), we find that Plateau has not demonstrated a low potential for migration of hazardous waste or hazardous waste constituents from the Bloomfield facility via the uppermost aquifer to surface water. Rather, the data indicate that there is a high potential for migration of wastes from your facility via ground water into Hammond Ditch and/or the San Juan River. Investigations by EPA and OCD personnel indicate that such migration has already occurred. Therefore, waiver of ground-water monitoring requirements at your Bloomfield refinery is denied.

Inasmuch as you have no waiver of ground water monitoring requirements, you are in violation of Section 201.C.1 of the New Mexico Hazardous Waste Management Regulations. Within thirty (30) days after receipt of this letter, you must submit to EID a plan for a ground-water monitoring program that will meet the requirements of 206.C.1. (Note that you may go directly into a ground water assessment program as provided under 206.C.1.a.(4).)

Be advised that, given the number of waste management components at your facility and the complexity of the hydrology at the site, you will probably need to install more than the minimum number of wells named 201.C.1.b in order to meet the requirements of 206.C.1.a.(1).

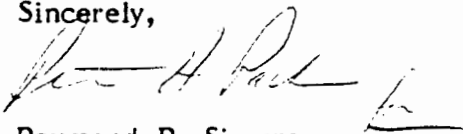
Mr. Anthony C. Leonard
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If within 30 days you fail to submit a plan for ground water monitoring which will meet the requirements of 206.C.1, you will be subject to one or more of the following:

1. an order requiring compliance within a specified period, pursuant to 74-4-10 NMSA 1978;
2. a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to 74-4-10 NMSA 1978;
3. the assessment of civil penalties up to \$10,000 per violation for each day of continued non-compliance, pursuant to 74-4-12 NMSA 1978; and
4. the assessment of criminal penalties of up to \$10,000 and/or imprisonment for a definite term less than one year, pursuant to 74-4-11 NMSA 1978.

If you have any questions regarding ground-water monitoring requirements, please contact Ms Ann Claassen, Water Resource Specialist, New Mexico Environmental Improvement Division, P.O. Box 968, Crown Building, Santa Fe, NM 87504, or call (505) 984-0020 ext. 340.

Sincerely,



Raymond R. Sisneros
Health Program Manager
Hazardous Waste Section

RRS:AC:clm

cc: Will Focht, EPA Region VI
Susan Stark, EPA Region VI
Steve Schwartz, EPA Region VI

**cc: Mr. Steven Asher
NMEID - Director**

**Ms. Jane Cohen
NMEID - Legal**

**Ms. Harriet H. Tregoning
EPA Region VI**

**Mr. Will Focht
EPA Region VI**

**Ms. Susan Stark
EPA Region VI**

**Mr. Steve Schwarz
EPA Region VI**