



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION VI  
 INTERFIRST TWO BUILDING, 1201 ELM STREET  
 DALLAS, TEXAS 75270

*Enforcement 1-21-85*

*ENTERED*

June 19, 1985

Honorable Frank W. Vanderheyden  
 Administrative Law Judge  
 Office of Administrative Law Judges  
 U.S. Environmental Protection Agency (A-110)  
 401 M Street, S.W.  
 Washington, D.C. 20460

RECEIVED  
 JUN 21 1985  
 (CRUISE CONTROLLED HAZARDOUS WASTE  
 PERMIT)

*[Handwritten signature]*

Re: In the Matter of Plateau, Inc., et al., RCRA Docket No. VI-501-H

Dear Judge Vanderheyden:

Status Report

Complainant in the above referenced cause hereby provides the Administrative Law Judge with a current status report on the compliance order.

Complainant and Respondents are currently engaged in settlement negotiations concerning the order. Complainant's attorney and enforcement staff met informally with Attorneys for Respondents Plateau, Inc. and Suburban Propane Gas Corporation (SPG) in Dallas on May 24, 1985, for the purpose of settlement discussions. Representatives of the State of New Mexico Environmental Improvement Division (NMEID) were involved in the settlement conference via speaker telephone hookup. Following that meeting, counsel for EPA engaged in further discussions with counsel for Plateau/SPG by telephone on June 10, 1985. During that telephone discussion, both sides tentatively agreed to a second settlement meeting in Dallas on July 29, 1985.

EPA Counsel and Enforcement Staff met with Counsel and representatives for Bloomfield Refining Company, Inc. (BRC), and Gary Energy Corporation (Gary) in Dallas on June 17, 1985. NMEID representatives again participated in the meeting by speaker telephone. It was agreed at this meeting that BRC/Gary would attempt to provide EPA with detailed written settlement proposals no later than August 1, 1985, and a follow-up settlement conference has been set with BRC/Gary for August 15, 1985, in Dallas.

It is hoped that this status report will assist you in the administration of this case.

Sincerely,

*[Handwritten signature of James L. Turner]*

James L. Turner  
 Attorney  
 Office of Regional Counsel

Bloomfield  
(PST)

PLATEAU FILE  
INDEX TO ITS CONTENTS

The attached pages summarize the contents of the Plateau file, as of 27 May 1985.

Each title (e.g. "Manifests") refers to a specific manila folder or two-ring binder which is so labeled.

Items are filed chronologically within each category. The index goes from oldest to most recent. In the folder, the oldest items are at the back, the most recent on top.

Note that anything generated after 10/31/84 may be filed under Bloomfield Refinery. This is especially true of ground-water information (e.g. the 3013).

Following are the categories of the Plateau file:

**General Correspondence**

**Meetings**

**Notification/Part A/Bienniel Report**

**Inspections**

**"Plateau Refinery '84" -- March 84 Inspection (separately bound)**

**Manifests**

**Ground Water**

**EPA Region Vi Enforcement**

**EID Enforcement**

**Bureau of Reclamation; Hammond Conservancy District**

**Oil Conservation Division**

**NPDES Permit**

They is a slew of sample analyses from various inspections in the bottom drawer of the middle file cabinet.

→ 5/85

**PLATEAU FILE**  
**GENERAL CORRESPONDENCE**

05/21/82 Plateau's delisting petition

09/30/83 Ltr from Dwight Stockham to Gerald Fontenot  
Notifying that Plateau intends to clean out API  
separator sludge and will transport it to a Class I  
facility

03/12/84 Ltr from Raymond Sisneros to Anthony Leonard  
Denying ground-water waiver

04/03/84 Notes by Greg Mello  
Summarizing contents of the Plateau file, with comments

04/19/84 Ltr from Tony Drypolcher to Virginia Molino  
Stating that EID analyses not available yet

05/20/84 Albq. Jornal article  
Refinery might be shut down

06/06/84 Ltr from Tony Drypolcher to Will Focht  
Requesting that a copy of data supplied to Plateau  
be provided to the Water Quality Control Commision

06/29/84 Ltr from Peter pache to Virginia Molino  
Requesting that anything submitted to EPA be submitted  
also to EID

undated Plateau sampling plan map

10/31/84 Record of communication btw Ann Claassen & Graham Harris  
Radian doing a risk assessment on Plateau for liability  
insurance

03/04/85 Ltr from Randall Brown to Peter Pache  
Status of Plateau's delisting petition

05/15/85 Memo from Rich Holland to Steve Reynolds  
Summarizing water-related issues at Bloomfield Refinery

## **PLATEAU FILE**

### **MEETINGS**

- 05/04/84** Ltr from Bill Taylor to Virginia Molino  
Tentatively scheduling a meeting May 21
- 06/04/84** Ltr from Jim Turner to Virginia Molino  
Confirming meeting date of June 13. Requests that Plateau designate  
a spokesperson
- 06/13/84** List of attendees at meeting
- 06/13/84** Jack Ellvinger's notes on the meeting
- 09/26/84** List of attendees
- 09/26/84** Jack Ellvinger's notes on meeting

PLATEAU FILE

NOTIFICATION/PART A/BIENNIAL REPORT

11/09/80 Original Part A

04/16/82 Revised Part A

04/16/82 Ltr from Dwight Stockham to Scott Nicholson  
Transmitting Revised Part A and stating Plateau's feeling  
that they are generator only.

12/21/82 Ltr from Dwight Stockham to Scott Nicholson  
Justifying that Plateau is a small-quantity generator

02/20/84 Memo to File from Jack Ellvinger  
re: call from Dwight Stockham that Plateau ti to be  
sold to Thriftway

03/12/84 Ltr from Raymond Sisneros to Anthony Leonard  
Clarifying that their revised Part A is not valid,  
that they still have interim status as a TSD, and  
that financial assurance will have to be provided before  
the refinery can be sold

04/18/84 Ltr from Dwight Stockham to Peter Pache  
Enclosing 1983 Hazardous Waste Generator Report

11/02/84 Ltr to Denise Fort from Dwight Stockham  
Notification that Bloomfield Refinery was sold to  
Gary-Willimas Energy on 10/31/84

**PLATEAU FILE**

**INSPECTIONS**

06/15/83 Inspection Report by Mike Michaud for 6/7-8/83 inspection  
Includes Part A info and sampling results.

08/08/83 Ltrr from Dwight Stockham to Gerald Fontenot  
Requesting copy of inspection report and sample analyses  
from June 6/7 inspection

08/10/83 Ltrr from Pat Hull to Dwight Stockham  
Enclosing inspection report and sample analyses from  
E&E inspection on May 11/12 1983.

08/10/83 Ltrr from Gerald Fontenot to Raymond Sisneros  
Enclosing sample results from FIT contractor (E&E)  
and NEIC contractor

08/19/83 Ltrr to Dwight Stockham from Pat Hull  
Enclosing inspection report from June 6-7 1983  
inspection. Analyses to be sent when received. Request  
that Mike Michaud's film be returned.

11/23/83 Ltrr from Pat Hull to Dwight Stockham  
Enclsoing sample analyses from June 6-7 1983 inspection

03/19/84 Information regarding the inspection on this date is  
contained in a separately bound volume titled "Plateau  
'84"

**PLATEAU FILE**

**"PLATEAU REFINERY '84" -- MARCH 84 INSPECTION**

Inspection Report by Jack Ellvinger

- Attachment 1. Part A
- Attachment 2. Sampling Plan by Steve Schwartz & Bill Taylor
- Attachment 3. E&E Report with sample results
- Attachment 4. Compliance checklist (Jack's)  
thru 10.
- Attachment s 11 & 12 missing
- Attachment 13. Field notes by Ann Claassen and Greg Mello

Waste Analysis Plan

Aerial Photo

Lttr from Steve Schwartz to Raymond Sisneros  
Enclosing Sampling Plan

Jack Ellvinger's field notes

Summary of analytical results from various inspections

Preliminary results phoned by Will Focht to Ann Claassen

**PLATEAU FILE**

**MANIFESTS**

04/11/84 Letter from Dwight Stockham to Jack Ellvinger  
Enclosing manifests from shipment of API separator  
sludge to Chemical Waste Management .



**PLATEAU FILE**  
**GROUND WATER**

See also the Oil Conservation Division file

- 10/08/81 Ltr from Dwight Stockham to Zoe Schultz (EPA)  
Encloses copy of Plateau's 1977 Discharge Plan as documentaion for a  
ground-water monitoring waiver
- 03/08/84 Memo from Ann Claassen to Plateau File  
Rationale for denying Plateau's gwm waiver
- 03/12/84 Ltr from Raymond Sisneros to Anthony Leonard  
Re: Part A status. Generators do not need a waiver, but Plateau  
appears to be a TSD
- 03/12/84 Ltr from aymond Sisneros to Anthony Leonard  
Denying gwm waiver and requiring that Plateau implement gwm
- 04/10/84 Ltr from Virginia Molino to Raymond Sisneros  
Response to the two 3/12 letters. Claims Plateau is not a TSD and not  
subject to gwm. But if they are determined to be a TSD, request  
decision on waiver await sample results from 3/19 inspection
- 04/13/84 Memo from Ann Claassen to Peter Pache  
Response to Molino's response. TSD isse should be resolved asap. No  
amount of new info could justify a waiver
- 05/08/84 Data transmitted by phone from Steve Schwartz to Ann Claassen  
Analyses for Charactersitics on 3/19 inspection samples
- 05/08/84 Data transmitted by phone from Will Focht to Ann Claassen  
Organics results from 3/19 inspection samples
- 06/15/84 Ltr from Dwight Stockham to Will Focht  
Transmitting samplereults from Plateau's wells and air H2S results
- 07/05/84 Ltr from Ann Claassen to Will Focht and Steve Schwartz  
Review of Plateau's 1984 Discharge Plan with suggestions for further  
hydrologic study
- 07/23/84 Ltr from Virginia Molino to Charlie Nylander  
Response re: need for an NPDES permit. Discusses hydrology at  
Plateau. (See NPDES Permit File)
- 05/15/85 Memo from Richard Holland to Steve Reynolds  
Outlining water-related issues at Bloomfield Refinery

## PLATEAU FILE

### EPA REGION VI ENFORCEMENT

- 11/03/82 Ltrr from Scott Nicholson to Plateau (Kenneth Sinks)  
Enclosing copy of inspection report and stating that it appears Plateau is eligible for small-quantity generator status
- 03/16/84 Ltrr from Wm Rhea to Tony Drypolcher  
Plans for enforcement at Plateau -- inspection to be done March 19. Encloses letters to the Bureau of Reclamation regarding possible enforcement at Plateau and that no modification of Hammond Ditch will be required
- 05/04/84 Ltrr from Bill Taylor to Virginia Molino  
Analytical results not available yet. Would like to schedule a meeting in Santa Fe for week of May 21
- 06/15/84 Ltrr from Allyn Davis to B.G. Dixon, Plateau  
Invitation to confer with EPA prior to enforcement of violations of the New Source Performance Standards (Clean Air Act)
- 07/02/84 Ltrr from Peter Pache to Wm Taylor  
Enclosing memo regarding violations at Plateau. EID and EPA pursuing joint enforcement, EPA lead, EID as co-complainant
- 09/14/84 Ltrr from Jim Turner to Bill Anderson  
Enclosing results of EP Toxicity tests and regulatory interpretation ltrr re: sulfide & cyanide reactivity. Addresses a couple other questions about analyses and definition of K051 (whether it can be in pond following separator)
- 09/17/84 Ltrr from Bill Anderson to Jim Turner  
Arguing that wastes at Plateau are hazardous, except for spent caustic.
- 11/07/84 Ltrr from Allyn Davis to Bobby Dixon  
3007, asking about addition of listed wastes (solvents) to API separator and about generation of K049 and K050
- 12/04/84 Ltrr from Virginia Molino to Bill Taylor  
Response to 3007. Argues that no listed wastes have been added to API separator. TCA has been used, but Molino outlines a loophole which would exclude this TCA from haz. waste status. No K049 generated. K050 may have been generated and left at site of cleaning.
- 12/07/84 Draft 3013 with a note from Ann to Jack that comments were given to Steve Schwartz
- 03/04/85 Ltrr from Wm Rhea to Tony Drypolcher  
Enclosing draft 3008 and requesting comments within ten days

**PLATEAU FILE -- EPA REGION VI ENFORCEMENT (cont.)**

- 03/21/85 Ltr from Tony Drypolcher to Wm Rhea  
Comments on the 3008
- 03/29/85 Final 3008 issued to Plateau, Suburbane Propane, Bloomfield Refinery  
and Gary Energy
- 05/01/85 Plateau's response to 3008, requesting hearing
- 05/01/85 Suburbane Propane's response to 3008, requesting hearing. They deny  
being an owner/operator of Plateau eve though they own all the stock
- 05/20/85 Transmittal from Elizabeth Rose to Ann Claassen Region VIII policy  
regarding API separator sludge

**PLATEAU FILE**  
**EID ENFORCEMENT**

- 12/22/82 Ltr from Jack Ellvinger to Scott Nicholson  
Re: dumping of sludge at Plateau and OCD samples showing high lead levels. Invites EPA along on a sampling trip in January.
- 04/01/83 Memo from Jack Ellvinger to Raymond Sisneros  
Re: violations of the haz. waste regs at Plateau -- unmanifested waste to Utah, API separator sludge in the oily ponds.
- 04/04/83 Memo from Jack Ellvinger to file  
Re: conversation with Oscar Simpson that API separator not properly operated; some waste from ponds, highly contaminated with lead, buried on site
- 05/06/83 Ltr from Jack Ellvinger to Scott Nicholson  
Re: unmanifested waste shipment to Utah and waste buried on site. Requests EPA investigation
- 03/12/84 Letter from Raymond Sisneros to Anthony Leonard  
Clarifying that Plateau is a TSD under interim status, that the revised Part A was not valid, and that financial assurances must be provided before the refinery can be sold
- 03/12/84 Letter from Raymond Sisneros to Anthony Leonard  
Denying ground-water monitoring waiver and requiring installation of monitoring
- 03/12/84 C&E log re: ground water waiver
- 03/19/83 C&E log re: inspection; states that EPA will take enforcement
- 03/20/84 Ltr from Joe Gmuca to Paul Seals  
Requesting that communication regarding enforcement at Plateau be done via the lawyers
- 04/10/84 Ltr from Virginia Molino to Raymond Sisneros (original and a notated copy)  
Response to both 3/12 letters. Argues that Plateau is not a TSD and not subject to ground-water monitoring requirements
- 04/13/84 Memo to Peter Pache from Ann Claassen  
Re: Plateau's response to our denial of their waiver. True that the basic issue is TSD status. If they are a TSD, no amount of information could justify a waiver

**PLATEAU FILE -- EID ENFORCEMENT (cont.)**

- 04/18/84 Ltr from Virginia Molino to Tony Drypolcher Encloses the 3/12 letters and Plateau's response. Requests copies of the analytical data and requests a meeting
- 04/27/84 Ltr from Joe Gmuca to Virginia Molino  
Reply to 4/18 letter. Suggests contacting EPA for sample results. Requests that future communication go through him rather than technical staff
- 06/11/84 Memo to Tony Drypolcher from Jack Ellvinger, Greg Mello and Ann Claassen  
Points of violation at Plateau and how we can enforce
- 07/02/84 Ltr from Peter Pache to Wm Taylor  
Transmitting above memo and stating our understanding of enforcement (EPA lead, EID as co-complainant)
- 11/09/84 Ltr from Tony Drypolcher to Wm Taylor  
Asking what EPA is doing about enforcement at Plateau and stating that if nothing is heard by 11/16, EID will take its own enforcement action
- 05/15/85 Memo from Rich Holland to Steve Reynolds  
Water related issues at Bloomfield Refinery

## PLATEAU FILE

### BUREAU OF RECLAMATION; HAMMOND CONSERVANCY DISTRICT

- 08/19/77 Ltr from Jim Babrook to Plateau  
Advising Plateau to avoid further encroachment upon the Federal right-of-way for Hammond distch and to rectify the current situation
- 02/03/78 Ltr from Harl Noble to Robert Anderson  
Requiring correction of problems in Hammond Ditch due to construction activities at Plateau. Mentions oily discharge to the canal
- 03/15/78 Report from San Juan Tesing Lab to Chrales Keller (HCD)  
Qualitative exam of residue from Hammond Ditch -- gasoline type hydrocarbons mixed with soil and water
- 01/14/81 Ltter from John Brown (USBR) to Kenneth Sinks (Plateau)  
Impacts of Plateau (encroachment, oil seeps) are detrimental to Hammond Ditch. Requests a meeting faciltiate resolving the problems
- 10/06/83 Ltr from Pat Hull to Harold Sersland (USBR)  
Discussing possible enforcement action at Plateau
- 12/15/83 Ltr from Clifford Barrett to Dwight Stockham  
Encloses water service contract for 200 AF from Navajo Reservoir. Conditions that Plateau comply with Fed & State water qaulity and haz. waste regulations
- 12/22/83 Ltr from Steve Reynoldss to Joe Ramey  
Transmitting the USBR Water Service contract
- 02/23/84 Ltr from Clifford Barrett to Dick Whittington  
Enclosing correspondence re: Hammond Ditch at Plateau  
-1/17/84 memo from Rex Edwards to Files summarizing the history of problems with the ditch at Plateau; discussing potential piping of the ditch through Plateau property  
- 3/28/83 memo from Rex Edwards to Files discussing sloughing of the canal sides and seepage from Plateau units  
-2/1/81 article from the Farmington Daily Times discussing problems at Plateau, esp. spills of product
- 03/05/84 Ltr from Allyn Davis to Clifford Barrett  
Re: EPA actions at Plateau and that no modification to Hammond Ditch will be required

## PLATEAU FILE

### OIL CONSERVATION DIVISION

- 12/10/82 Memo from Jack Ellvinger to Raymond Sisneros  
Re: phone conversation with Oscar Simpson. GW in Plateau area exceeds WQCC standards for lead, especially near an area that recently was used to dispose of waste from the oily water ponds
- 04/04/83 Mmemo from Jack Ellvinger to Plateau File  
Re: phone conversation with Oscar Simpson; API separator not functioning properly. Not all waste from the ponds went to Utah, some buried on site
- 04/27/83 Ltr from Raymond Sisneros to Joe Ramey  
Requesting presence of Jeff Edminister at upcoming meeting with EPA investigator re: cleaning and shipment of wastes from Plateau's pits
- 06/30/83 Technical Review of Plateau's updated discharge plan by Oscar Simpson
- 03/30/84 Ltr from Steve Schwartz to Greg Mello  
Transmitting Oscar's Technical Review
- 05/08/84 Minutes of the WQCC Meeting  
Includes discussion of Plateau's discharge plan and the decision to have an Assurance of Discontinuance
- 05/08/84 Assurance of Discontinuance btw Plateau and WQCC  
Allows Plateau to spray irrigate although Discharge Plan not yet reviewed

**PLATEAU FILE**

**NPDES PERMIT**

- 05/15/84 Ltr from Charlie Nylander to wight Stockham  
Enclosing application from for NPDES permit for discharges to  
Hammond Ditch and San Juan River
- 07/26/84 Ltr from Virginia Molino to Charlie Nylander  
Response that Plateau does not need an NPDES permit
- 10/31/84 Ltr from Jayne Watson (EPA) to Dwight Stockham  
Enclosing application for NPDES permit
- 05/16/85 Ltr from Jayne Watson to Paul Liscom  
Second request for an NPDES application, or an explanation of why  
one is not needed



## PLATEAU FILE

### STATE OF UTAH; EPA REGION VIII

- 03/25/83 Ltr from Dale Parker, Utah, to Peter Pache  
Re: shipment of pit sludge, which Utah claims is K051, from Plateau to Overthrust Tools in Vernal, Utah. Utah has requested enforcement action from EPA Region VIII
- 04/01/83 Memo from Jack Ellvinger to Raymond Sisneros  
Attaches letter from Utah. Claims Plateau is in violation of the basic regs and requests enforcement action
- 04/01/83 Memo from Raymond Sisneros to Charlie Nylander  
Transmitting a copy of the Utah letter
- 05/04/83 Ltr from Lee S. Woodside to EPA Region VIII  
Stating that Plateau will remove the material sent to Vernal and send it either to Plateau in Roosevelt, Utah for storage and re-refining, or to Toole, Utah for disposal
- 07/15/83 Memo from JH Lowry to Kirby O'Neal (EPA NEIC)  
Enclosing results of samples from Plateau material at Vernal Utah. Not characteristic for ignitibility, corrosivity, or EP-Toxicity. Sulfide levels, as high as 1060 ppm, may make it Reactive waste