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January 25, 1996

Mr. William Gallagher, Chief (6PD-0)
OK/TX RCRA Permits Section
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733



Dear Mr. Gallagher:

RE: **Giant Refining Company Delisting Petition for a Waste Pile
Containing EPA Hazardous Waste No. K051**

In response to your January 22, 1996 letter, the New Mexico Environment Department (NMED) has reviewed the subject delisting petition of Giant Refining Company (GRC), Bloomfield Refinery. Although NMED has been afforded only a short review period, NMED has no major concerns with this delisting petition. Therefore, NMED agrees with the U.S. Environmental Protection Agency (EPA) that a one-time, site-specific exclusion for GRC's stockpiled waste is appropriate.

NMED does, however, have comments for the record on this delisting petition. First, although NMED agrees with EPA that ingestion of contaminated water is the most realistic exposure route of concern, NMED is not currently familiar with EPA's Composite Model for Landfills and has concern about the calculated Compliance-Point Concentrations. These concentrations were calculated for hazardous constituents which, based upon Toxicity Characteristic Leaching Procedure (TCLP) data, were considered as most likely to be mobilized to groundwater. NMED is concerned whether EPA evaluated these concentrations in terms of cumulative risk related to multiple constituents, particularly because the Lead concentration approaches the Level of Regulatory Concern.

Additionally, NMED is concerned about the validity of the organic compound analytical data, particularly the Volatile Organic Compound (VOC) data, in consideration of GRC's use of composite samples. Notwithstanding GRC's contention that the waste pile has been subjected to extensive mixing during its history, compositing of samples for VOC analysis may result in a non-representative sample and is not acceptable to NMED.

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NMED appreciates the opportunity to provide comments on this delisting petition. If there are any questions, please contact me at (505) 827-2855 or Ronald Kern of my staff at (505) 827-1560.

Sincerely,



Ed Kelley, PhD, Director
Water & Waste Management Division

EK:RK

cc: Benito Garcia, Chief, NMED/HRMB
Ronald Kern, NMED/HRMB
Michelle Peace, EPA, 6PD-O