



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
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James Bearzi



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 26, 2000

File

John J. Stokes
Vice President
Giant Bloomfield Refining Company
P. O. Box 159
Bloomfield, New Mexico 87413

**Re: Notice of Violation
EPA #NMD089416416**

Dear Mr. Stokes:

On December 8 and 9, 1999 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection at Giant Bloomfield Refining Company. Based on our inspection and review of the information obtained, NMED has determined that Giant Bloomfield Refining Company, has violated the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as specified below.

The following violations were noted:

1. Giant Bloomfield Refining Company failed to perform a hazardous waste determination on seven 55-gallon metal drums and two 5-gallon metal pails of unknown contents located in the drum storage area. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.11.

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2. Giant Bloomfield Refining Company failed to perform a hazardous waste determination on ten 5-gallon containers, one 55-gallon drum cut down to 1/3 and one 1-quart jar of unknown contents located at the less than 90 day storage area. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.11.
3. Giant Bloomfield Refining Company failed to perform a hazardous waste determination on the scattered debris and waste piles located on the concrete pad of the less than 90 day storage area. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.11.
4. Giant Bloomfield Refining Company failed to keep closed one 5-gallon black metal pail containing waste solvent saturated rags located near the solvent parts washer in the maintenance shop. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34(a)(1)(i).
5. Giant Bloomfield Refining Company failed to perform a hazardous waste determination on one 5-gallon black metal pail and one 5-gallon white plastic pail located in the spare trailer parking area near the auxiliary warehouse. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.11.
6. Giant Bloomfield Refining Company failed to prepare EPA manifest forms #8700-22 when offering waste solvent for transportation for off site disposal. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulations 40 CFR §262.20(a).
7. Giant Bloomfield Refining Company failed to maintain aisle space that allows for unobstructed movement at the drum storage area. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34 (a)(4).
8. Giant Bloomfield Refining Company failed to label one 5-gallon black metal pail containing waste solvent saturated rags with the words "Hazardous Waste", located near the solvent parts washer in the maintenance shop. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34 (c)(1)(ii).
9. Giant Bloomfield Refining Company failed to provide a description of procedures that will be followed to ensure that all wastes are removed from the less than 90 day storage area within 90 days of storage. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34 (a)(1)(iv)(B).

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10. Giant Bloomfield Refining Company failed to perform a hazardous waste determination on the spent filters located on the concrete pad of the less than 90 day storage area. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.11.

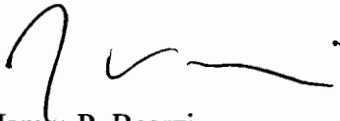
In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation of up to \$10,000 per day of non-compliance with each violation, or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

At this time, NMED is suspending the enforcement options listed above if Giant Bloomfield Refining Company provides NMED with a satisfactory resolution of the violations or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. If NMED does not receive satisfactory information, then NMED reserves the right to initiate formal enforcement actions.

Any action taken in response to this letter does not relieve Giant Bloomfield Refining Company of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve Giant Bloomfield Refining Company of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Billy Barnes at (505) 827-1513. Please address your response to Mr. Barnes's attention at the address on the letterhead.

Sincerely,



James P. Bearzi
Chief
Hazardous and Radioactive Materials Bureau

cc: Bill Bartels, NMED District I Office
David Tomko, Farmington Field Office
Billy Barnes, NMED/HRMB, Santa Fe

JPB:wjb