



**BILL RICHARDSON**  
GOVERNOR

*GRAB 06*  
State of New Mexico  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Telephone (505) 428-2500  
Fax (505) 428-2567  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



**ENTERED**



**RON CURRY**  
SECRETARY

**DERRITH WATCHMAN-MOORE**  
DEPUTY SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

March 6, 2006

Mr. Randy Schmaltz  
Environmental Supervisor  
Giant Refining Company  
P.O. Box 159  
Bloomfield, New Mexico 87413

Mr. Ed. Riege  
Environmental Superintendent  
Giant Refining Company  
Route 3, Box 7  
Gallup, New Mexico 87301

**RE: REQUEST FOR INFORMATION REGARDING THE OWNER AND THE OPERATOR OF GIANT REFINING COMPANY, BLOOMFIELD REFINERY PURSUANT TO THE NEW MEXICO HAZARDOUS WASTE ACT AND THE RESOURCE CONSERVATION AND RECOVERY ACT  
GIANT REFINING COMPANY, BLOOMFIELD REFINERY,  
NMD 089416416 HWB-GRCB-04-002**

Dear Messrs. Schmaltz and Riege:

Pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 to 74-4-14, and the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992k, the New Mexico Environment Department (Department) is authorized to request information necessary to administer and enforce the State's hazardous waste management program. In accordance with such authority, the Department hereby requests exact identification of the owner and the operator, as defined in section 20.4.1.100 NMAC incorporating 40 C.F.R. § 260.10, of the Giant Refining Company, Bloomfield Refinery located in San Juan County approximately 0.5 miles east of U.S. Highway 550 on County Road 4990 (Sullivan Road), New Mexico (Giant Bloomfield Refinery).

The Giant Bloomfield Refinery is a petroleum refining facility that generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes within the meaning of the HWA and RCRA, NMSA 1978, § 74-4-3(K); 42 U.S.C. § 6903(15). The Department has notified Giant Refining Company that a revised hazardous waste permit application is required for the wastewater treatment surface impoundment at the Giant Bloomfield Refinery.

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Section 74-4-4.3(A)(1) of the HWA provides that "[f]or the purposes of taking any corrective action or enforcing the provisions of the [HWA], . . . upon request of [the Department] any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes." Likewise, section 3007(a) of RCRA provides that "[f]or purposes of enforcing the provisions of [RCRA], any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of . . . any duly designated officer, employee, or representative of a State having an authorized hazardous waste program, furnish information relating to such wastes." (42 U.S.C. § 6927(a)).

In accordance with these provisions, compliance with this information request by Giant Refining Company is mandatory. Failure to respond fully and truthfully to this information request within the time specified herein, or adequately justify such failure to respond, may result in an enforcement action by the Department pursuant to section 74-4-10 of the HWA, or section 7002(a)(1)(A) of RCRA, 42 U.S.C. § 6972(a)(1)(A), or both. Both the HWA and RCRA provide for the imposition of civil penalties for noncompliance. Section 74-4-12 of the HWA provides that any person who violates any provision of the HWA "may be assessed a civil penalty not to exceed ten thousand dollars (\$10,000) for each day during any portion of which a violation occurs." (*See also* NMSA 1978, § 74-4-10(A) and (B)). Section 3008(g) of RCRA provides that any person who violates any requirement of RCRA shall be liable for a civil penalty not to exceed \$32,500 per day for each such violation. 42 U.S.C. § 6928(g). Both the HWA and RCRA also provide for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with the HWA or RCRA. NMSA 1978, § 74-4-11(A)(3); 42 U.S.C. § 6928(d)(3).

## **INFORMATION REQUESTS**

Please provide the following information to the Department:

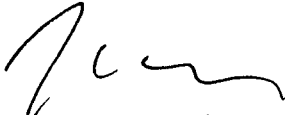
1. Identify the current owner or owners of the Giant Bloomfield Refinery. Provide the business name, its principal address, the type of business organization (e.g., corporation, limited partnership), and the state of incorporation for each owner.
2. Identify the current operator or operators of the Giant Bloomfield Refinery. Provide the business name, its principal address, the type of business organization (e.g., corporation, limited partnership), and the state of incorporation for each owner.

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Giant Bloomfield Refinery must submit a response to the Department within 20 days of receipt of this letter. The response shall be submitted to my attention.

Thank you for your cooperation in this matter. If you have any questions please contact Hope Monzeglio of my staff at (505) 428-2545.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:hm

cc: C. Padilla, NMED W&WMD  
D. Cobrain, NMED HWB  
J. Kieling, NMED HWB  
C. de Saillan, NMED OGC  
L. King, EPA 6PD-N  
M. Hansen, EPA-6EN-H  
B. Wilkinson, EPA

File: Reading and CRCB 2006 file