

Order GRCB 06

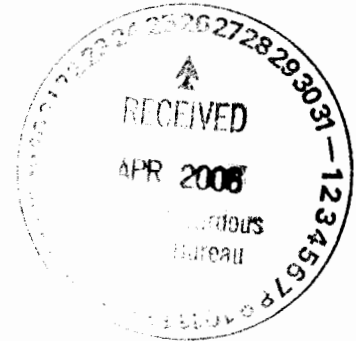


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733



ENTERED

APR 1 2008



Mr. James Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environmental Department
2905 Rodeo Park Dr. East
Building 1
Santa Fe, NM 87505-6003

Subject: Comments on Draft Order to the San Juan Refining Company and Giant Industries Arizona, Inc., DBA Giant Refining Company

Dear Mr. Bearzi:

Thank you for the opportunity to review the Draft Order to the San Juan Refining Company and Giant Industries Arizona, Inc. My staff and Mr. Troy Hill's staff, who administer various components of the Resource Conservation and Recovery Act (RCRA) for the Environmental Protection Agency, Region 6 (EPA), have reviewed the Draft Order and offer technical comments, as described below. Please note that we did not provide a legal review for the Order.

First, I would like to acknowledge the comprehensive nature of the Draft Order, which memorializes work that has been conducted and additional work that needs to be implemented. It is a credit to the work of your staff.

Specific to the Draft Order, we offer the following technical comments:

Page 18, Section II. A. 7. Ecological and Human Exposure to Contaminants: this is an important section and could benefit from an introductory paragraph outlining the significance of evaluating these exposure criteria, coupled with a brief discussion of impact routes. Parts 84 and 85 of this section could be moved into the introduction of this section.

Page 21, Number 97. You wrote: "Exposure to high levels of metallic, inorganic or organic mercury can permanently damage the brain, kidneys and developing fetus." Change last three words to "..., as well as the development of human fetuses."

Page 22, Number 72. Recommend that the MCL of ^{8.10}17 mg/L be included in the discussion of Nitrate.

Page 22, Number 73. Recommend adding to the end of the last sentence, "PAH contents of plants and animals may be higher than PAH contents of soil or water in which they live *through bioaccumulation or biomagnification processes.*"

Page 25. A space is needed between paragraph numbers 13 and 14.

Page 34, Section III. F. NOTICES
Please add notification to the EPA.

EPA, Region 6
Hazardous Waste Technical Enforcement Section (6EN-HX)
1445 Ross Ave.
Dallas, Texas 75202

Page 35, Section III. K. RECORD PRESERVATION

Recommend that the facility preserve all final reports in CD-ROM format and provide NMED and EPA with copies of all CD-ROM documents. This will be particularly useful in the event of a Freedom of Information Act Request.

Page 37, Section III. Q. Financial Assurance

The word Financial is misspelled in the title.

Page 37. At this point in the document, your section titles change from the use of all capital letters to standard capital and lower case letters. The text changes again at page 38. We recommend consistency throughout the document regarding the use of capital letters versus standard capital and lower case letters.

Page 47, Section V. B. 2. Monitoring

Regarding paragraph 3, in the annual monitoring reports it would be extremely useful to show graphically the concentration of hazardous constituents over time in each well. This will aid in determining trends in contaminant concentrations and assist in future decision-making. It is also recommended that a Geographic Information System (GIS) be employed to show all units, areas of concern, slurry wall, well locations, and other relevant features. The resulting data could be tied into virtual tables that would show concentrations over time at any particular location and aid in monitoring long term trends as well as decision making. It is further recommended that Global Positioning System (GPS) data be used to locate all wells, units, and features that would be input into the GIS system particular to the site.

Page 74, Section VIII. C. 2. Sample Custody

If possible, we recommend that "Bar Code" sample containers be used in field work to expedite and simplify sample handling and processing.

Page 84,

Section VIII. F. 1. g Toxicity Assessment and Section VIII. F. 1. h Uncertainties.
We recommend that a professional toxicologist and risk assessor be required to carry out these activities.

Again, thank you for the opportunity to comment on the Draft Order to the San Juan Refining Company and Giant Industries Arizona, Inc. I hope you find these

comments useful. We look forward to our continued work concerning Giant Refinery. Should you wish to further discuss these matters, you may contact me at (214) 665-7548 or Mr. Robert Wilkinson at (214) 665-8316.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Hansen', written in a cursive style.

Mark Hansen
Chief, Hazardous Waste Enforcement Branch

cc: Hope Monzeglio, NMED
Wayne Price, OCD
Troy Hill, EPA, Region 6