

GRCB



Monzeglio, Hope, NMENV

From: De Saillan, Charles, NMENV
Sent: Tuesday, July 17, 2007 5:11 PM
To: Bearzi, James, NMENV; Cobrain, Dave, NMENV; Monzeglio, Hope, NMENV
Subject: FW: Draft Order
Attachments: UAODraftComments071707.doc



From: Edmund H. Kendrick [mailto:EKendrick@montand.com]
Sent: Tuesday, July 17, 2007 5:03 PM
To: De Saillan, Charles, NMENV
Cc: Guida, Joseph F.
Subject: Draft Order

Charlie,

As I mentioned, we have some additional revisions to the draft Order that would make our client comfortable with the document. These revisions are attached for your review. We anticipate that these are the sum of our revisions and that there will not be others. Please let us know if you have any questions or would like to discuss these revisions.

We should be able to get back to you on the side agreement tomorrow. We appreciate your efforts to work with us to bring this matter to a final resolution.

Ned

<<UAODraftComments071707.doc>>

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1/7/2008

July 17, 2007

**COMMENTS OF
GIANT INDUSTRIES/SAN JUAN REFINING
ON JULY 10, 2007 REVISED NMED UAO
(NMED Redline Version)**

Title Page: Delete “dba Giant Refining Company,”

SECTION I

Page 1, Section I Third Line: Delete “, doing business as Giant Refining Company,”

SECTION II.A.

Page 2, ¶ 2 First and Second Lines: Delete “, doing business as Giant Refining Company,”

Page 4, ¶ 12 Second Line: After “is” add: “or has been”

Page 12, ¶ 51 Fourth Line: After “operate” add: “, or have operated,”

Page 15, ¶ 63 Fifth Line: After “into” delete “the” and replace with “a”

Sixth Line: Strike the comma after “process” and replace “which” with “that”

Page 26, ¶ 125 First Line: Replace “a Stipulation agreeing” with “an Agreement”

Second Line: Strike “substantially”

Third Line: Replace “Stipulation” with “Agreement”

Page 26, ¶ 126 What does this paragraph mean? Does NMED have responses to comments Giant has not previously seen? If so, NMED should provide them to Giant ASAP.

SECTION II.B

Page 27, ¶ 7 Third Line: Strike the comma after “74-43-3(K)” and delete “74-4-10.1 and 74-4-13” before “of”

Page 27, ¶ 9 First Line: Add “Discarded” before “Petroleum” at the beginning of the sentence and change the “P” in “Petroleum” to lower case “p”

Second Line: Replace “are” with “have been” before “spilled” and insert “or may be” before “hazardous”

Page 28, ¶ 12 First Line: Insert “or its equivalent” after “permit” and insert “currently” after “is”

Page 29, ¶ 18 Second Line: Delete “section 74-4-13(A)” and replace with “74-4-10 (A) and (E)”

SECTION III

Page 34, III.A. Third Line: Delete “,or other solid wastes” after “constituents”

Sixth and Seventh Line: After “constituents” delete the comma and the phrase “or other solid wastes,”

Page 34, III.B.

“Area of Concern” Second Line: Strike “or other solid wastes”

Page 43, III.P.4 Giant proposes two alternatives to the financial assurance language in this section:

Seventh Line: After “pay in period” and before the period add: “unless a required change in the cost estimate will result in an increase of at least \$1,000,000 and the Respondent proposes a pay in period reasonably acceptable to the Department.

OR

Seventh Line: After “pay in period” and before the period add: “unless the Respondents can demonstrate to the Department that the requirement prohibiting a pay in period would be economically unreasonable in any given case”

Page 44, top line Replace “principals” with “principles”

SECTION IV

Page 45, Section IV.A.1. First Line: Change “July 1, 2007” to “July 31, 2007”

Page 48, Section IV.B.5, Group 1 Third Line: Delete the phrase “,conduct corrective action,” after “liner” *[See change to Group 9 below. This reflects the strategy set forth*

in the letter dated April 25, 2007 from NMED to EPA and the letter dated May 8, 2007 from EPA to NMED]

Page 49, Section IV.B.5, Group 9 Second Line: Strike “and” before SWMU and replace with a comma, and after “Separator” add a comma and the following phrase “Interim Status Unit No. 1 NAL and SAL”

SECTION VI

Page 55, VI.B.1. Third Line: Strike “always”

SECTION VIII

Page 81, VIII.D.5 First paragraph: Replace the second sentence with following: “The Respondents shall ensure that the contract laboratory completes all activities necessary to support future development of a Level IV data package, should such information be requested by the Department.”

Page 84, VIII.D.5 Last paragraph, fourth line: Strike “compiled and” Also, strike “the Facility for reference” and replace with “laboratory for a period of three years”

Section XI--TABLE I SCHEDULE

Page 134, last row, middle cell: Delete “and” after “Tanks 3, 4, and 5” and replace with a comma and after “Separator” add the phrase “and Interim Status Unit No. 1 NAL and SAL”