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GRCB 07

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau



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RON CURRY
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CINDY PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 29, 2007

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

**RE: REJECTION OF THE
CLOSURE PLAN FOR THE SURFACE IMPOUNDMENT
GIANT REFINING COMPANY, BLOOMFIELD REFINERY
EPA ID# NMD089416416
HWB-GRCB-07-002**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) received Giant Refining Company's Bloomfield Refinery (GRCB) *Closure Plan for the Surface Impoundments* (Closure Plan), dated August 30, 2007. NMED hereby rejects this Closure Plan.

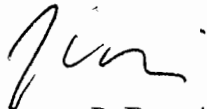
The submittal did not meet the minimum requirements of a closure plan found in 40 CFR 265 Subpart G. Rather, the submittal appeared to be a regulatory review and discussion of the status of the surface impoundment relative to the Clean Water Act. These discussions are not relevant to compliance requirements found in Subpart G. NMED notes that the regulatory status of the surface impoundment was addressed during the negotiations of the July 27, 2007 Compliance Order and in NMED's Response to Comments, items 27 and 28. The facts regarding the surface impoundment are also documented in the "Part B Operating Permit Application for Hazardous Waste Treatment Surface Impoundments" and the "Construction Quality Assurance Report Retrofit of Three Interim Status Surface Impoundments" found in NMED's administrative record.

Mr. Schmaltz
November 29, 2007
Page 2 of 2

NMED reiterates that the surface impoundment is an interim status unit regulated under the Resource Conservation Recovery Act (RCRA) that must undergo closure as provided for in Section IV.B.5 of the Order. GRCB must submit a closure plan to NMED on or before January 4, 2008 that contains the elements for partial closure as discussed during the conference call between NMED and Giant on September 27, 2007.

If you have any questions regarding this letter, please contact Hope Monzeglio of my staff at (505) 476-6045.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
C. Frischkorn, NMED HWB
H. Monzeglio, NMED HWB
L. King, EPA Region 6

File: GRCB 2007 and Reading
HWB-GRCB-07-002