



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION VI
 1445 ROSS AVENUE
 DALLAS, TEXAS 75202

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REGIONAL OFFICE OF THE SECRETARY

Mr. Claud Rosendale
 Environmental Manager
 Giant Refining Company
 Ciniza Refinery
 Route 3, P.O. Box 7
 Gallup, New Mexico 87301

RE: Class I Permit Modification Request Determination
 Giant Refining Company - NMD000333211

Dear Mr. Rosendale:

On September 11, 1991, the Environmental Protection Agency (EPA) received your request for a response to the discrepancies in your permit due to Class I modifications of your Resource Conservation and Recovery Act (RCRA) and Hazardous and Solid Waste Amendments (HSWA) permit. The most recent modification request was made on February 1, 1991, for the addition of a new waste code, F037, to the permit without changes in the management practices. On August 16, 1991, this Class I permit modification was approved and it added F037 and F038. The additional waste code has been removed and a revised permit modification will be issued.

On September 24, 1990, the Toxicity Characteristic Rule became effective. On this date, permitted facilities were to submit a Class I permit modification in order to continue managing these newly listed wastes. You submitted an amended Part A application on this date, which added D018. Subsequently, on January 28, 1991, you submitted a Class I permit modification for the addition of D018, as well as D039. A Class I permit modification serves as a notice to the Agency and the public that a facility is conducting newly regulated activities. It also allows a facility to continue managing a newly regulated waste, until such time as a Class III permit modification is submitted. A Class I permit modification, in this situation, grants a type of interim status for permitted facilities, and does not need approval from the Director.

Giant Refining is using an unpermitted unit to manage a newly regulated hazardous waste. Therefore, on March 25, 1991, you should have submitted a Class III permit modification. This modification would be used to add not only the new waste codes to the list of waste to be managed in the container storage area, but also the air stripping unit you are currently using to manage this waste. When you submit the information needed for a Class III permit modification, the Director will make a decision on that permit modification.

The other waste code, D001, you wished to add to your permit must be handled by the New Mexico Environment Department, because the agency is authorized for the base RCRA program.

If you have any questions, please contact Mr. Richard Mayer of my staff at (214) 655-6785.

Sincerely yours,

Myron O. Knudson, P.E.
Director
Hazardous Waste Management Division

cc: Kathleen Sisneros
New Mexico Environment Department