

January 22, 1993

13

Star



Route 3, Box 7
Gallup, New Mexico
87301

Mr. Edward Horst
RCRA Program Manager
Hazardous and Radioactive Bureau
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, New Mexico 87502

*GRC
Reed*



RE: Notice of Noncompliance, NMD 000333211

Dear Mr. Horst:

This is a written follow up notification concerning a noncompliance with Giant Refining Company's Hazardous Waste Facility Permit. On January 13th, I contacted Mr. Steve Alexander of your staff to inform him of a potential noncompliance with certain reporting provisions of the groundwater monitoring sections of Giant's RCRA permit. Mr. Alexander asked that I formally report these circumstances in a letter to the Bureau. The following is Giant's discussion and recommendations concerning the noncompliance.

On January 13th, 1993, Giant Refining Company completed and reviewed its Annual Groundwater Report for 1992. The submission of this report is one of the permit groundwater monitoring program requirements (Attachment G, Section 2 (L)).

During this internal review it was determined that certain requirements of the detection monitoring program had unintentionally been left undone.

In Attachment G, Part 2, there are requirements to perform statistical analysis on detection monitoring data for the point of compliance and early detection monitoring wells. The analysis and certain notifications to the Director are to be performed within specified time frames (45 days for the statistical analysis, 7 days to notify the Director of a significant change).

The statistical analysis for the point of compliance wells were performed within the specified time frame for both the Spring and Fall, 1992, monitoring events. The notifications to the Director of statistically significant changes for these monitoring events were not made as required. The statistical analysis and notifications concerning the early detection monitoring wells have also not been performed as required. This oversight was due to the confusing circumstances surrounding the groundwater monitoring program in the permit.

There are at least two occasions in the recent past where indicator parameters have given false-positive indications of a statistically significant change. The refinery responded by initiating the required assessment program. The result on each occasion was that the Bureau and Giant determined that there had been no impact to groundwater and that the statistical analysis had, indeed, given false-positives.

This led Giant and the Bureau to decide that the Permit's groundwater detection program needed to be modified so as to minimize false-positives. Giant and the Bureau discussed this much last April when we met to work out several pending permit modifications and an outstanding issue of possible beneath the treatment zone contamination.

At that meeting, Giant agreed in principle to modify the groundwater detection monitoring program. Giant wanted to adopt an alternative statistical test that would minimize false-positives. The Bureau wanted to replace the statistical methods and indicator parameters with a list of GC/MS purgeable organics (i.e. Appendix IX) and Maximum Concentration Limits (MCL'S).

Giant and the Bureau went into that meeting thinking that we would, in the very near future, modify various parts of the permit including the groundwater detection program. And in modifying the groundwater detection program, we would eliminate a very costly and time consuming problem for both the Bureau and Giant. What actually resulted from the meeting was a joint decision to first resolve the issue of possible beneath the treatment zone contamination.

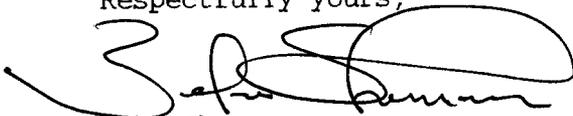
In taking this course, we would determine if the land treatment unit was going to remain in operation. If not, all of the planned modifications to the permit would not be necessary.

We concluded the meeting thinking that we would know the fate of the treatment unit in the near future and that there would be several imminent changes to the RCRA permit. These circumstances led us to deemphasize the current statistical method which was about to be replaced by a new method. It was not until our internal review of the 1992 Annual Groundwater Report that we realized that the required statistical analysis and notification had not been done.

We are attaching part of the required statistical analysis. It will indicate some statistically significant changes which we think are false-positives. We will forward the rest of the statistics as soon as they are completed. We will initiate the assessment program as the permit requires us to if the Bureau agrees that this is what should be done.

What we would prefer to do is to commence the permit modifications so that we can effectively and finally resolve this issue.

Respectfully yours,



Zeke Sherman
Environmental Manager
Ciniza Refinery
Giant Industries, Inc.

cc: Mr. John Stokes
Mr. Kim Bullerdick
Mr. Lynn Shelton