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GOVERNOR

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

January 25, 1993

Mr. John J. Stokes, Manager
Giant Industries, Inc.
Ciniza Refinery
Route 3 Box 7
Gallup, New Mexico 87301

**RE: Resource Conservation and Recovery Act Permit Modification
Permit Number NMD000333211-2**

Dear Mr. Stokes:

The Hazardous and Radioactive Materials Bureau (HRMB) of the New Mexico Environment Department (NMED) received a report from Giant Industries, Inc. (Giant) entitled, "Report on Special Sampling Activities at Giant Refining Company Ciniza Refining", dated November 11, 1992. This report summarizes the results of special sampling activities conducted at Ciniza's hazardous waste land treatment unit (HWTU). Giant conducted the special sampling activities at the HWTU and prepared the report in response to the HRMB's concerns about analytical results obtained from soil cores and lysimeters indicating that contamination may have migrated beneath the specified treatment zone.

We reviewed the data submitted in the November 11, 1992, report and determined that there has been a statistically significant increase of hazardous constituents in the unsaturated zone below the treatment zone. According to Module III.M.1 of the Giant Resource Conservation and Recovery Act (RCRA) permit Giant must submit an application for a permit modification within ninety (90) days from your receipt of this letter to modify the operating practices at the facility in order to facilitate the success of degradation, transformation, and immobilization processes within the treatment zone.

The application for a permit modification should address changes in operating practices that are necessary to successfully degrade, transform, and immobilize the specific constituents in the wastes that have been identified beneath the treatment zone. Your application should contain plans for a soil boring program to determine the extent of release of hazardous constituents beneath the treatment zone extending down to at least the water table, and plans to make any necessary changes to the unsaturated zone

monitoring program.

You may make an alternate demonstration according to permit Module III.M.2. and HWMR-7, Part V, 40 CFR 264.278(h). Note that while you may make an alternate demonstration, in addition to or in lieu of submitting a permit modification application, the permit modification application must be submitted in the 90 day period. Unless the alternate demonstration successfully shows that a source other than the HWTU caused the increase or that the increase resulted from an error in sampling analysis or evaluation the 90 day deadline for submitting the permit modification application must be met. In making the alternate demonstration Giant must:

Notify the HRMB in writing within seven (7) days receipt of this letter that an alternate demonstration will be made;

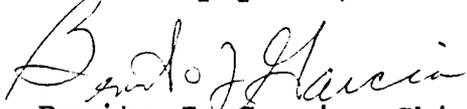
Within 90 days submit a report to the HRMB demonstrating that a source other than the HWTU caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

Within 90 days submit to the HRMB an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the HWTU and;

Continue to monitor in accordance with the unsaturated zone monitoring program established under the RCRA permit.

If you have any questions please contact Mr. Marc Sides regarding permit modification procedures or Ms. Jane Cramer for technical information at (505) 827-4300.

Sincerely yours,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

cc: David Neleigh, EPA Region 6 (6H-PN)
Marc Sides
Jane Cramer
Steve Alexander
Edward Horst
Barbara Hoditschek
Benito Garcia
File: Red 93 GRC