

GRC 94

Ron

M E M O R A N D U M

To: Barbara Hoditschek, Manager, RCRA Permits Program  
From: Tom Tatkin, RCRA Permit Writer  
Subject: **Permit Modifications for the Giant Refining Company  
EPA Permit Number, NM000333211-2**  
Date: **January 27, 1994**

Before modifying the GRC permit, we need to hold a meeting to discuss the necessity for permit termination. I would like to arrange the meeting Monday, January 31, 1994. Those staff members concerned with this issue are Marc Sides, Steve Alexander, Ron Kern, you and me. There will be no further need to pursue the permit modifications if there is a permit termination.

Having reviewed HWMR-7, Part IX, §270.42, Appendix I on classifying permit modifications, I conclude that all requested changes are class 3 modifications under item K.9. (Land Treatment-change of operating practices due to the detection of releases from the land treatment unit).

Status of the Requested Permit Modifications

In the RCRA Permit (Land Treatment Unit) for Giant Refining Company (GRC), Permit Condition I.C. states that the Permit will be reviewed by NMED 5-year after the Permit's effective date (HWMR-5, Part IX, §270.50(d)). Review of the Permit should help with a determination for modification, suspension, revocation, or termination pursuant to HWMR-5, Part IX, §902.B.2. The effective date of the Permit is November 4, 1988, and the date for review is after November 4, 1993.

In our letter to GRC of August 18, 1993, Marc Sides stated that if contamination below the treatment zone could not be corrected through proposed permit modifications, then permit termination and closure would be considered. GRC conducted special sampling activity (November, 1993) to help develop corrective measures. The sampling activity verified the presence of hazardous waste contaminants at 7.5-feet below the treatment zone. However, none of GRC's proposed modifications addressed measures that attempted to correct the contamination. Instead, **the requested modifications addressed measures for preventing further contamination.** Emphasis was placed on a more rigorous soil monitoring scheme than presently exists.