



BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 28, 1994

Sandy Alofs
Regulatory Affairs Analyst
Giant Industries
23733 North Scottsdale Road
Scottsdale, Arizona 85255

Dear Ms. Alofs:

RE: Class I Modification for Letter of Credit Change

EPA ID # NMD000333211

PERMIT # NMD000333211-2

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) has received Giant Industries (Giant) request for a change of Irrevocable Letter of Credit. Giant is hereby notified that according to 20 NMAC 4.1 sub-part IX, 40 CFR §270.42 Appendix I, A (1) (Administrative and informational changes), changing the Letter of Credit is a Class I modification.

HRMB has received Giant's new Letter of Credit for review, and after both regulatory and legal review HRMB has determined that the Letter is of incorrect format, as per 20 NMAC 4.501, 40 CFR § 264.143 (d) 2. The correct format, which the issuing institution must follow exactly, is specified in 20 NMAC 4.501, 40 CFR § 264.151 (d). Further, as per 20 NMAC 4.501, 40 CFR §264.143 (d) 4, the Letter of Credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the Letter of Credit. The amended Letter of Credit and the letter from the owner or operator will then be sent to HRMB. Upon receipt of the letters HRMB will review them for administrative completeness.

Upon determination of administrative completeness, NMED will assess Giant a one thousand dollar (\$1,000.00) Class I permit modification fee. After NMED has received the permit modification fee, the Director of NMED Water and Waste Management Division (WWD)

Ms. Alofs

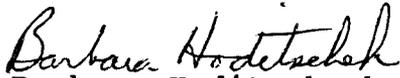
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will be requested to approve the Class I modification. Upon approval by the WWD Director, Giant will receive a letter of notification and a mailing list of persons to be informed of the modification. Giant is required to do this within 90 calendar days of making the modification.

If there are any questions on this matter, you may contact Michael Chacón of my staff at (505)-827-4308.

Sincerely,



Barbara Hoditscheck

Program Manager

Permits Program

Hazardous and Radioactive Materials Bureau

Enclosure

cc: Lorry Phillips, Giant Credit Administrator
Michael Chacón, RCRA Permits
File-Red 94
File-Reading

International Trade Banking Division
Trade Operations Center #2621
333 South Beaudry Avenue, 19th Floor
Los Angeles, California 90017

October 21, 1994

Irrevocable Standby Letter of Credit No. LASB-221968

State of New Mexico Director
New Mexico Environmental Improvement Division
P.O. Box 968
Santa Fe, New Mexico 87504-0968

Gentlemen:

At the request of Giant Industries, Inc. and for the account of Giant Industries Arizona, Inc., (a Giant Refining Company, a Division thereof), 23733 North Scottsdale Road, Scottsdale, Arizona 85255, We hereby establish our Irrevocable Standby Letter of Credit No. LASB-221968 in your favor up to the aggregate amount of USD \$216,900.00 (Two Hundred Sixteen Thousand Nine Hundred and 00/100 U.S. Dollars) available for payment by your draft(s) at sight drawn on Bank of America NT & SA, 333 S. Beaudry Ave, 19th Floor, Los Angeles, California when accompanied with the following document:

1. This original Letter of Credit.
2. Your statement purportedly signed by an authorized officer stating that:

"The amount of the draft is payable pursuant to regulations issued under authority of the New Mexico Hazardous Waste Act, 74-4-1 ET. SEQ. NMSA 1978."

Drafts drawn hereunder must be marked: "Drawn under Bank of America NT & SA Letter of Credit No. LASB-221968 and indicate the date hereof.

This Letter of Credit shall expire on November 15, 1995, but such expiration shall be automatically extended without amendment for a period one (1) year on November 15, 1995, and on each successive expiration date, unless, at least 120 days prior to the current expiration date, we shall notify both you and Giant Refining Company, A Division of Giant Industries, Inc. by registered mail or overnight courier service at the above address, that we have decided not to extend this Letter of Credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and Giant Industries, Inc., as shown on the signed returned receipt.

Whenever this Letter of Credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the Standby Trust Fund of Giant Refining Company, A Division of Giant Industries, Inc., in accordance with your instructions.

This Letter of Credit is not operative. This Letter of Credit will become operative by means of an amendment to be issued upon our receipt a written notification from Giant Industries, Inc that Chase Manhattan Bank, N.A Letter of Credit no P0636731 has been cancelled.

We certify that wording of this Letter of Credit is identical to the wording specified in the New Mexico Hazardous Waste Management Regulations, Part II, 206.D.3.J. (4), as such regulations were constituted on the date shown immediately above.


Sierra, Cybele

AUTHORIZED COUNTERSIGNATURE


CORTES, BEN

AUTHORIZED SIGNATURE

PROVISIONS APPLICABLE TO THIS CREDIT: This credit is subject to the Uniform Customs and Practice for Documentary Credits, 1993 revision, International Chamber of Commerce Publication No. 500.

Please examine this instrument carefully. If you are unable to comply with the terms or conditions, please communicate with the account party to arrange for an amendment. This procedure will facilitate prompt handling when documents are presented.