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State of New Mexico
ENVIRONMENT DEPARTMENT
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April 28, 1995

Lynn Shelton
Senior Environmental Coordinator
Giant Refining Company
Ciniza Refinery
Route 3, Box 7
Gallup, New Mexico 87301

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Dear Mr. Shelton:

RE: Notice of Deficiency
LTA Closure/Post-closure Permit Modification
EPA I.D. No. NMD 000333211

On October 25, 1994, the New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) received the Giant Refining Company-Ciniza (Giant) permit modification request dated October 18, 1994. The submittal is as required by the operating Permit Attachment G, 2 (D) (ii), which states that the permittee must submit an application for a permit modification within ninety (90) days of determining that a detection monitoring parameter's background value has a sample coefficient of variation greater than or equal to 1.00. Giant has submitted values greater than or equal to 1.00 for Chromium and Lead. This document constitutes a modification request to the permitted closure/post-closure plan which the (NMED) issued to Giant on November 4, 1988 for a land-treatment area (LTA) located at Giant's Ciniza refinery.

The HRMB has completed an administrative completeness review of the closure/post-closure plan modification requested. Comments are enclosed. Also enclosed is an example of the checklist used as a guideline in the administrative review. In general, the closure/post-closure procedures outlined in the modification are too sketchy and much more detail needs to be provided. Specifically, the post-closure plan mentions clean closure, whereas the closure plan does not. If Giant intends to pursue clean closure, the closure plan must provide details of the types of activities and decision points to be used in the clean closure process. Also, reducing the length of post-closure care is not a decision to be made at will by NMED, but is determined by demonstration of monitoring results by Giant. Further, Giant is hereby notified that a modification consists of adding or deleting language from an operating plan, and not (as in this case) a wholesale replacement of an operating plan. HRMB recommends that

Lynn Shelton
April 28, 1995
Page 2 of 3

Giant submit a new revised closure/post-closure plan modification addressing the enclosed comments. Giant's revised closure/post-closure plan is due within thirty (30) days of receipt of this letter.

Further, Giant is hereby notified that 20 NMAC 4.1, Subpart 9, 40 CFR §270.42 Appendix I(k)(9), requires that the revised closure/post-closure plan be a Class III permit modification. Upon determination of administrative completeness of Giant's revised closure/post-closure Permit Modification request, NMED will assess Giant a Class III Permit Modification fee of twenty-five thousand (\$25,000) dollars. A Permit Fee Worksheet is enclosed. To request a Class III Permit Modification, Giant is required to:

- (1) Submit a modification request to the Director that:
 - (i) Describes the exact change to be made to the permit conditions and supporting documents referenced by the Permit, submitted on a 3.5" floppy disk in Wordperfect 5.2. The disk will contain the current closure/post-closure plan with the deleted language shaded and in strikeout, and the proposed new language shaded.
 - (ii) Identifies that the modification is a Class III modification, and;
 - (iii) Explains why the modification is needed;

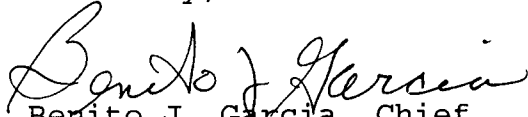
(2) Giant is also required to send a notice of the modification request to all persons on the facility mailing list enclosed in this Notice of Deficiency, and to the appropriate units of State and local government as specified in 40 CFR 124.10(c)(ix) and must publish this notice in a major local newspaper of general circulation. An example of correct public notice form is enclosed. This notice must be mailed and published within seven (7) days before or after the date of submission of the modification request, and the permittee must provide to the Director evidence of the mailing and publication.

(3) After the conclusion of the sixty day comment period, the Director must grant or deny the permit modification request according to the permit modification procedures of 20 NMAC 4.1 Subpart 9, 40 CFR Part 124. In addition, the Director must consider and respond to all significant written comments received during the sixty-day comment period.

Lynn Shelton
April 28, 1995
Page 3 of 3

Should you wish to schedule a meeting to discuss the specifics of the regulatory requirements or to set a working schedule on the revised modification request, please contact Ms. Barbara Hoditschek of my staff at (505) 827-4308.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

Enclosures

cc: Barbara Hoditschek, HRMB Program Manager
Ron Kern, HRMB Program Manager
Michael Chacón, RCRA Permits
David Neleigh, EPA
File-Red 95
File-Reading