

GRCO 94-95

MEMORANDUM

TO: Tracy Hughes, Office of General Counsel
THROUGH: ^{BY} Benito J. Garcia, Bureau Chief, HRMB
THROUGH: ^{BY} Barbara Hoditschek, Program Manager, RCRA Permits
FROM: Michael Chacón, RCRA Permits ^{MC}
DATE: May 1, 1995
SUBJECT: April 28, 1995 Letter from Chase Manhattan, N.A.

Attached is a letter from Chase Manhattan, N.A., regarding Letter of Credit number P0636731 issued in favor of NMED, for the account of Giant Refining Company (Giant). Said Letter of Credit is as required by 20 NMAC 4.1 Subpart IX, 40 CFR §264 Subpart H-Financial Requirements. These requirements specify that the Letter will be maintained in the possession of NMED. Because a file search has failed to uncover it in NMED offices, and Giant has denied possession of the Letter, a certified duplicate was requested from Giant. By way of reply, Giant's issuing institution has referred to the Director of NMED the enclosed letter. I hereby request a legal review of the April 28, 1995 letter from Chase Manhattan, N.A. Please note that the area of concern has been highlighted. I look forward to any and all findings, comments, and/or suggestions. If there are any questions please call me at 827-4308.

cc: Benito J. Garcia
Barbara Hoditschek
~~Michael Chacón~~
File; Reading

CONFIDENTIAL; SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

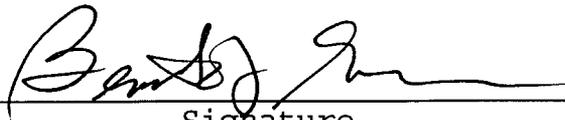
NMED REQUEST FOR LEGAL SERVICES

NAME OF CASE: Giant Industries Letter of Credit

REQUESTOR/CONTACT: HRMB, Water and Waste Mngmnt DATE: 5-1-95
Bureau and Division

PHONE # 827-4308

ROOM # Suite 4

BUREAU CHIEF: 
Signature

5/2/95
Date

DIVISION DIRECTOR: _____
Signature

Date

PRIORITY: _____ EMERGENCY
_____ HIGH
X NORMAL
_____ LOW

DUE DATE: 5-15-95
ORGANIZATION CODE: 520825
PROJECT CODE: 520440
ESTIMATE TIME
REQUESTED: _____

NATURE OF REQUEST AND SPECIAL INSTRUCTIONS:

Please provide a memo or narrative description and attach any other documentation explaining the assistance sought.

TO BE COMPLETED BY GENERAL COUNSEL

This matter has been assigned to _____ on _____
with the following instructions _____

The client/bureau is responsible for all costs incurred while representing the Department in legal matters. Certain related costs, i.e., contract attorneys fees, expert witness fees, court reporting costs, recording fees, filing fees, hearing officer costs, etc., will be borne by the division/bureau or office being served.

Internal # _____

General Counsel

Date Completed: _____

Letter of Credit

The Chase Manhattan Bank, N.A.
North American Trade Operations
4 Chase MetroTech Center - 8th Floor
Brooklyn, NY 11245



Cable Address:
Chamanbank

North American
Trade Operations

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P0636731

APRIL 28, 1995

BENEFICIARY:
STATE OF NEW MEXICO DIRECTOR
NEW MEXICO ENVIRONMENTAL IMPROVEMENT DIVISION
P.O. BOX 968
SANTA FE, NEW MEXICO 87504-0968

RE: OUR L/C P0636731 IN FAVOR OF STATE OF NEW MEXICO DIRECTOR
FOR A/C OF GIANT REFINING COMPANY, A DIVISION OF GIANT INDUSTRIES

GENTLEMEN:

WE ARE INFORMED THAT YOU HAVE RECEIVED OUR ORIGINAL LETTER OF
CREDIT NUMBER P0636731 AND THAT THE SAID INSTRUMENT IS APPARENTLY
LOST OR MISPLACED.

IN CONSIDERATION OF THE CHASE MANHATTAN BANK N.A. ISSUING A
DUPLICATE ORIGINAL OF OUR LETTER OF CREDIT NUMBER P0636731,
PLEASE OFFICIALLY SIGN AND RETURN TO US THE ATTACHED COPY OF
THIS LETTER AS EVIDENCE THAT YOU AGREE TO INDEMNIFY AND HOLD US
HARMLESS FROM AND AGAINST, AND TO PAY ON DEMAND THE AMOUNT OF
ANY, AND ALL LOSSES, LIABILITY AND DAMAGE (INCLUDING COSTS,
JUDGEMENTS, SETTLEMENTS, OTHER EXPENSES AND REASONABLE
ATTORNEY'S FEES, SUFFERED OR INCURRED AS A RESULT OF OUR ISSUING
SUCH DUPLICATE ORIGINAL LETTER OF CREDIT.

IN THE EVENT THE ORIGINAL LETTER OF CREDIT IS FOUND BY
YOURSELVES, SAME MUST BE RETURNED TO US PROMPTLY AND UPON
RECEIPT OF SAID ORIGINAL LETTER OF CREDIT WE SHALL RELEASE YOU
FROM THE AFOREMENTIONED INDEMNITY.

VERY TRULY YOURS,

Satya Kharga
AUTHORIZED SIGNATURE
SATYA KHARGA

WE AGREE