



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Hazardous & Radioactive Materials Bureau  
2044 Galisteo  
P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-1557  
Fax (505) 827-1544



MARK E. WEIDLER  
SECRETARY

EDGAR T. THORNTON, III  
DEPUTY SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Giant  
Red 95

December 7, 1995

Mr. David C. Pavlich  
Health, Safety and Environmental Manager  
Giant Refining Company  
Route 3, Box 7  
Gallup, NM 87301

Dear Mr. Pavlich,

**RE: Permit Modification Request Class Determination and Fee Assessment**

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) is in receipt of the October 20, 1995 modification request submitted by Giant Refining Company (Giant) for a conversion of financial assurance. Specifically, this request is to convert Giant's financial assurance from Letter of Credit to the financial test and corporate guarantee as found in 20 NMAC 4.1 (rev. 11-1-95) Subpart V, 40 CFR §§ 264.143(f) and 264.151(f).

HRMB has reviewed the request for class determination and agrees that the modification is a Class I. The New Mexico Hazardous Waste Fee Regulations (EIB/HWFR-1) require the assessment of permit fees for permit modifications. Permit modifications classified as minor by the Hazardous Waste Management Regulations (which includes Giant's Class I Modification request) are subject to a fee of one thousand dollars (\$1,000.00).

Please send payment by check made out to **NMED Hazardous Waste Permit Fees**, and send by **Certified Mail** to:

Ms. Chika Ezeanyim  
N.M. Environment Department  
Hazardous and Radioactive Materials Bureau  
2044 Galisteo Street  
P.O. Box 26110  
Santa Fe, New Mexico 87502

After HRMB has received the permit modification fee, NMED will process your request for the Class I modification. Giant will then

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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, as per 20 NMAC 4.1 Subpart IX, 40 CFR §270.42(a)(ii).

If there are any questions on this matter, you may contact Mr. Michael Chacón of my staff at (505) 827-1561.

Sincerely,



Barbara Hoditschek, RCRA Permits Program Manager  
Hazardous and Radioactive Materials Bureau

cc: David Neleigh, EPA  
Benito J. Garcia, Chief, HRMB  
Bob Sweeney, RCRA TCP  
File-Red 95 & RCRA Reading File