

Giant



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
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Santa Fe, New Mexico 87502
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MARK E. WEIDLER
SECRETARY

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DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 27, 1995

David C. Pavlich
Health, Safety and Environmental Manager
Giant Refining Company
Ciniza Refinery
Route 3, Box 7
Gallup, New Mexico 87301

Dear Mr. Pavlich:

**RE: Notice of Deficiency
Proposed Land Treatment Area Closure/Post-closure Permit
EPA I.D. No. NMD 000333211**

On December 18, 1995, the New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) received the Giant Refining Company-Ciniza (Giant) request for a meeting to discuss the closure of Giant's Land Treatment Area. This letter is in response to the December 14, 1995 telephone conversation in which HRMB requested an update on Giant's response to the Notice of Deficiency (NOD) dated September 19, 1995. Giant's response was due thirty (30) days after receipt of the NOD. However, Giant failed to respond to the NOD.

The salient point left undiscussed in the phone conversation and subsequent letter is that an NOD is an enforceable request for information. Failure to submit the information within the designated thirty (30) day time period may result in the issuance of a compliance order with associated fines. We understand some information listed in this NOD may require more than thirty (30) days to develop, and realize that the personnel transfers mentioned in Giant's December 15 letter have had a direct impact on your ability to meet this deadline. For these reasons, we will consider a request to extend the deadline for submittal of the required information if you provide a written justification, and an explanation for missing the original deadline. Included in the request should be a reiteration of Giant's request for a meeting to discuss the response, and an estimate of the time needed after the meeting for submittal of the response. With a formal request for extension, HRMB and Giant will be able to return to a set schedule

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for the closure process and allow a timely and efficient completion of the Land Treatment Area closure.

If you have any questions or wish to schedule a meeting, please call Mr. Michael Chacón of my staff at (505) 827-1561.

Sincerely,



for Barbara Hoditschek, RCRA Permits Program Manager

cc: David Neleigh, EPA
Benito J. Garcia, Chief, HRMB
Bob Sweeney, RCRA TCP
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