

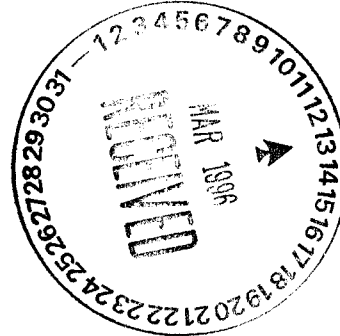


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March 11, 1996

Route 3, Box 7
Gallup, New Mexico
87301

Mr. Benito J. Garcia
Bureau Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044 Galisteo
Santa Fe, New Mexico 87502



Dear Mr. Garcia:

SUBJECT: RESPONSE TO NMED NOTICE OF DEFICIENCY DATED
SEPTEMBER 19, 1995.

Attached is Giant Refining Company's response to the Notice of Deficiency dated September 19, 1995, from NMED. Please note that Giant is presently evaluating the options to either submit a Class III Permit Modification, an application for a Post-Closure Care Permit, or to leave the Land Treatment Area open until the November 4, 1998, expiration date. Giant feels that within the next 30 days a decision will be made and proper notification will be submitted to NMED.

If there are any questions please contact me at (505) 722-0227.

Sincerely,

Edward L. Horst, Environmental Manager
Giant Refining Company
CINIZA-Refinery

cc: Kim Bullerdick, Legal Counsel

w/o attachments
Dick Platt, General Manager
David Pavlich, HSE Manager
Steve Morris, Enviro. Spec.

RESPONSE TO NOTICE OF DEFICIENCY COMMENTS
MODIFICATION TO CLOSURE/POST-CLOSURE PLAN
GIANT-CINIZA LAND TREATMENT AREA
NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS AND RADIOACTIVE MATERIALS BUREAU
SEPTEMBER 1995

The following is in response to the technical comments and recommendations from the Technical Compliance Program (TCP) and will address the comments and concerns set out in "ATTACHMENT I" of the New Mexico Environment Department, Hazardous & Radioactive Materials Bureau's (NMED/HRMB) Notice of Deficiency (NOD) dated September 19, 1995, for Giant Refining Company's CINIZA Land Treatment Area Closure and Post-Closure Plan.

At present Giant Refining is evaluating three possibilities for handling the Land Treatment Area. These options consist of submitting a Class III Permit Modification for clean closure, applying for a Post-Closure Care Permit, or leaving the Land Treatment Area open until the November 4, 1998, expiration date.

ITEM

NMED/HRMB_TCP Comment:

1. Section 1.2, 2nd paragraph. ("**...the residual waste has degraded sufficiently...**") Please explain what is meant by sufficient degradation.

Giant's Response: To assist in clarifying this concern, the term "degraded to a concentration not to exceed the Resource Conservation and Recovery Act regulatory limits" may be used in lieu of the term "degraded sufficiently".

NMED/HRMB-TCP Comment:

2. Section 1.2.1.2. ("**The dike should contain approximately three times the annual rainfall for the area (11 inches)... assuming the average dike height of 2.0 feet...**") The dike height will have to be increased if it is to hold three times the annual rainfall.

Giant's Response: This statement in itself is somewhat confusing. However, if the entire paragraph in Section 1.2.1.2 is considered, then what Giant is saying is that the existing dikes should contain three time the rainfall for a 24 hour, 100 year storm event. The 24 hour 100 year storm event will yield

3.6 inches of rain. Three time this amount is approximately equal to 11 inches.

NMED/HRMB-TCP Comment:

3. Section 1.2.1.2. ("Assuming that a 24 hour, 100 year storm event would not exceed the annual rainfall...") What is the basis for the assumption?

Giant's Response: This information is based on data provided by:

**National Climatic Center
NOAA, Environmental Data Service
Federal Building
Ashville, NC 28801**

and which states that a 24 hour, 100 year event will produce 3.6 inches of rain.

NMED/HRMB-TCP Comment:

4. Section 1.2.2.1., 1st paragraph ("The sample is analyzed for the constituents shown in Table 1 of the Closure/Contingency Post-Closure Plan.") Several constituents in Table III-1 and Attachment F, Table 4 of the Permit, are not included in, and should be added to, Table 1 of this Plan. They are Chloromethane, 1,1-Dichloroethane, 1,2-Dichloroethane, 1,1-Dichloroethene, trans-1,2-Dichloroethene, Methylene chloride, Trichloroethene, Benzo (J) fluoranthene, 2-Chlorophenol, Indene, 2,4,6-Trichlorophenol, Antimony, Arsenic, Barium, Beryllium, Cadmium, Cobalt, Mercury, Nickel, Selenium, and Vanadium.

In addition, Xylene, Di-n-butyl phthalate, and Methyl chrysene are typical petroleum refining wastes included on the "Skinner List" and should be added to Table 1.

Giant's Response: On November 4, 1988, the New Mexico Health and Environment Department, Environmental Improvement Division (now known as the New Mexico Environment Department) issued Giant Refining Company a Hazardous Waste Facility Permit # NMD 000333211-2. Module III of that Permit and Attachment F, Table 4, establishes the constituents Giant must analyze for. Giant will revise Table 1 of the Closure/Contingency Post-Closure Plan to reflect the approved permit requirements.

NMED/HRMB-TCP Comment:

5. Section 1.2.2.1, 3rd paragraph. ("**...if a sample...has no detectable constituents, then soil pore monitoring will be discontinued.**") Reword the sentence to indicate that monitoring will be discontinued only after the 90 day sampling is attempted.

Giant's Response: *Giant will change this sentence to read "An attempt to retrieve samples from the lysimeters will be made 90 days after closure and, if a sample is retrieved but has no detectable constituents, then soil pore monitoring will be discontinued."*

NMED/HRMB-TCP Comment:

6. Section 1.2.2.2, 4th paragraph. ("**...soil core samples...will be... analyzed for the constituents in Table 1.**") The comments for Item 4 above apply here also.

Giant's Response: *: On November 4, 1988, the New Mexico Health and Environment Department, Environmental Improvement Division (now known as the New Mexico Environment Department) issued Giant Refining Company a Hazardous Waste Facility Permit # NMD 000333211-2. Module III of that Permit and Attachment F, Table 4, establishes the constituents Giant must sample for. Giant will revise Table 1 of the Closure/Contingency Post-Closure Plan to reflect the requirements set forth in our approved permit.*

NMED/HRMB-TCP Comment:

7. Section 1.2.2.2, 4th paragraph. ("**Sampling locations will be established by using a random numbers table.**") In the past, GRC has submitted multiple random number scenarios and HRMB has then modified one of the scenarios to arrive at an acceptable sampling location plan. The resulting locations are no longer "random". The location selection process can be simplified by GRC and HRMB agreeing to locations chosen through best judgment.

Giant's Response: *We do not fully agree that the concept of "random" has completely been eliminated by HRMB's one time modification. Giant feels that using the random number table system is still a valid and effective tool.*

NMED/HRMB-TCP Comment:

8. Section 1.2.2.2, 7th paragraph. ("**If in-situ treatment has degraded hazardous constituents to corrective action levels or below, the treatment will be considered complete.**") The regulatory approved corrective action levels should be stated in the Plan.

Giant's Response: In lieu of "If in-situ treatment has degraded hazardous constituents to corrective action levels or below, the treatment will be considered complete", Giant will use the following:

"If in-situ treatment has degraded regulated constituents at or below the concentrations levels set out in 40 CFR 268.48 "Universal Treatment Standards, TABLE UTS", the treatment will be considered complete."

NMED/HRMB-TCP Comment:

9. Section 1.2.2.3, 2nd paragraph. ("Cell #3 was graded to a 1-2° dip to the west, but will likely be leveled...") the surface of the cell needs to be leveled to assure even distribution of precipitation and irrigation water and to avoid pooling of liquids.

Giant's Response: The statement "Cell #3 was graded to a 1-2° dip to the west, but will likely be leveled..." will be changed to reflect the approved permit language found on page 8 of ATTACHMENT F, which states:

"The surface of the LTA will be graded to a final slope of between 1% and 1.5% in a westerly direction."

NMED/HRMB-TCP Comment:

10. Section 1.2.2.3, 6th paragraph. ("There may be a lag time between evaluation and actual seeding...") What is the estimated length of the lag time and how will GRC maintain the surface of the LTU during the lag period?

Giant's Response: It is anticipated that no more than a three (3) to six (6) month period would lapse between the evaluation time and the actual seeding.

NMED/HRMB-TCP Comment:

11. Section 1.2.2.5, 2nd paragraph. ("All analyses will be for Table 5 constituents.") Table 5 includes Table 1. The deficiencies of Table 1, noted in Item 4 above, should be corrected.

Giant's Response: : On November 4, 1988, the New Mexico Health and Environment Department, Environmental Improvement Division (now known as the New Mexico Environment Department) issued Giant

Refining Company a Hazardous Waste Facility Permit # NMD 000333211-2. Module III of that Permit and Attachment F, Table 4, establish the constituents Giant for which Giant must sample. Giant will revise Table 1 of the Closure/Contingency Post-Closure Plan to reflect the requirements set forth in our approved permit.

NMED/HRMB-TCP Comment:

12. Section 1.2.2.5, 3rd paragraph. ("If no hazardous constituents are detected in the shallow monitor wells...groundwater monitoring will be discontinued.) Hazardous constituents in groundwater samples from the shallow monitor wells (i.e. samples from the Ciniza sand) were reported in the 1994 Annual Groundwater Report. The report indicates the presence of xylene in well SMW-3 and chromium in SMW-3, SMW-5, and SMW-6. The chromium concentrations exceed the maximum concentration allowable under 20 NMAC 4.1 Subpart V, 40CFR264.94. Because the groundwater protection standards have been exceeded, GRC must institute a corrective action program in accordance with 20 NMAC 4.1 Subpart V, 40CFR264.91(a).

Giant's Response: Because there is a question on the validity of the previous analytical results, a letter dated February 14, 1996, was sent to HRMB requesting that an extension of time be granted for responding to the NOD because of re-sampling efforts for MW-1 and personnel reasons. Results from that re-sampling event have been received and are attached hereto and made a part of this response (See Exhibit 1). Based on the attached Exhibit 1, it is apparent that the 1994 and 1995 results are highly questionable and again requests that NMED/HRMB delay any order to institute a corrective action program until after analytical results are received and reviewed for the March, 1996, semi-annual sampling event.

NMED/HRMB-TCP Comment:

13. Section 1.2.2.5, 3rd paragraph. ("If hazardous constituents are ever detected in the shallow monitor wells, Giant will...commence sampling of groundwater from the Sonsela aquifer, for the constituents in Table 1...") Hazardous constituents have already been detected in the shallow monitor wells (see Item 13 above). Also, table 5 is more inclusive than Table 1 and should be used for groundwater monitoring.

Giant's Response: Because the analytical results in question are highly suspect, a letter dated February 14, 1996, was sent to HRMB requesting that an extension of time be granted for

responding to the NOD because of re-sampling efforts for MW-1 and personnel reasons. Results from that re-sampling event have been received and are attached hereto and made a part of this response (See Exhibit 1). As mentioned above, based on the attached Exhibit 1, it is apparent that the 1994 and 1995 results are obviously of questionable validity and again requests that NMED/HRMB delay any order to institute any change in the sampling program until after analytical results are received and reviewed for the March, 1996, semi-annual sampling event.

RESPONSE TO NOTICE OF DEFICIENCY COMMENTS
MODIFICATION TO CLOSURE/POST-CLOSURE PLAN
GIANT-CINIZA LAND TREATMENT AREA
NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS AND RADIOACTIVE MATERIALS BUREAU
SEPTEMBER 1995

The following response will address the comments and concerns set out in "ATTACHMENT 2" of the New Mexico Environment Department, Hazardous & Radioactive Materials Bureau's (NMED/HRMB) Notice of Deficiency (NOD) dated September 19, 1995, for Giant Refining Company's CINIZA Land Treatment Area Closure and Post-Closure Plan.

1. GENERAL CLOSURE REQUIREMENTS (40 CFR §264.111)

1.1 Maximum Inventory of Wastes

NMED/HRMB Comment: The closure plan lacks a facility description.

Requirement: The facility description should identify the political jurisdiction in which the facility is located and include a topographic map showing hazardous waste management areas, the location of each unit relative to other areas of the facility, buildings, floodplain locations, surface waters, surrounding land uses, and other key topographic features. This description and map should also indicate the location and nature of the security systems and traffic patterns.

Giant's Response: The information addressing the political jurisdiction in which the facility is located is found in the "Hazardous Waste Facility Permit" # NMD000333211-2, and "ATTACHMENT E" of the Part B Permit Application. Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

1.2 NMED/HRMB Comment: The closure plan lacks hydrogeologic information.

Requirement: The closure plan must have a description of what is known about the hydrogeology of the immediate area, including a description of the underlying soil and ground-water conditions. Soil class, depth and permeability, depth to ground-water, identification of aquifers and ground-water flow rate and direction are the principal pieces of information needed. A description of the ground-water monitoring systems and detection program at the facility should also be presented, including location for monitoring wells and sampling and analysis procedures.

Giant's Response: The information addressing the the ground-water monitoring systems is setout in "ATTACHMENT G" of Giant's Part B Permit Application area of concern is found within the Giant Refining Company's Hazardous Waste Facility Part B Permit Application. Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

1.3 NMED/HRMB Comment: The closure plan lacks a description of the Land Treatment Area.

Requirement: The closure plan must have a description of the design and configuration of each unit at the facility and the identity of the types and quantities of hazardous waste handled. The description should provide sufficient detail to support the proposed closure and post-closure procedures. Sufficient detail includes:

- EPA hazardous waste numbers;
- Physical state and principal chemical characteristics of the wastes;
- Size and dimensions of each area;
- Design capacity;
- Ancillary equipment associated with the area (e.g., trucks, tractors, tools, etc.);
- Types of monitoring and containment systems.

Giant's Response: This information can be found within the Giant Refining Company's Hazardous Waste Facility Part A and Part B Permit Application. . Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

2. GENERAL POST CLOSURE REQUIREMENTS (40 CFR §264.112(b)(3))

2.1 Requirements for Post-Closure Activities

NMED/HRMB Comment: The closure plan does not mention an estimate maximum inventory including all hazardous wastes and residues ever on site at any time over the life of the facility.

Requirement: The closure plan must include the above-mentioned inventory.

Giant's Response: Estimated maximum volumes of waste can be found within the Giant Refining Company's Hazardous Waste Facility Part A and Part B Permit Application. . Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date..

2.2 NMED/HRMB Comment: Giant has stated that hazardous waste is no longer being applied to the treatment area. No mention is made of how Giant is handling it.

Requirement: The closure plan must include a detailed description of how all hazardous wastes will be handled during the final closure period. If off-site removal or disposal of hazardous waste inventory is planned, the plan should include:

- An estimate of the quantity of hazardous waste to be sent off-site;
- A description of any treatment to be performed prior to transport, if applicable;
- An estimate of the approximate distance to final TSDF to support the estimate of the cost of off-site management; and
- A description of treatment or disposal methods at the final TSDF.

Giant's Response: This area of concern, in part, is found within the Giant Refining Company's Hazardous Waste Facility Part B Permit Application and in the Biennial Reports submitted to NMED. . Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

3. 40 CFR §264.112(b)(4)

NMED/HRMB Comment: The closure plan does not address facility decontamination.

Requirement: The closure plan must identify all areas requiring decontamination and describe in detail all the steps necessary to decontaminate equipment, structures, and soils during final closure. The closure plan should include:

- (1) A list of potentially contaminated areas and equipment;
- (2) Criteria for determining the extent of decontamination needed to satisfy the closure performance standards;
- (3) Procedures for cleaning, removing or disposing of contaminated equipment and structures; and
- (4) Methods for sampling, testing and disposing of contaminated soils.

Further, the plan must identify the equipment of structures that will require decontaminating at closure. Example include:

- Spill containment areas;
- Piping, pumps and valves;
- Floors and walls of buildings;
- Facility parking lots, roads, and truck staging areas;
- Earth moving equipment, such as trucks, for lifts, and front-end loaders, bulldozers, etc.

Giant's Response: This area of concern is found within the Giant Refining Company's Hazardous Waste Facility Part A and Part B Permit Application, Contingency Plan. . Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

3.2 NMED/HRMB Comment: The closure plan does not address criteria for evaluating decontamination.

Requirement: The closure plan must describe and document the procedures and criteria that will be used in determining the extent of decontamination necessary to satisfy the closure performance standard. The closure performance standard requires the owner or operator to control, minimize or eliminated the post-closure except of all hazardous constituents.

Giant's Response: This information, in part, is found within the Giant Refining Company's Hazardous Waste Facility Part B Permit Application, "ATTACHMENT A AND ATTACHMENT G". . Additional information may be submitted to NMED after

Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

3.3 NMED/HRMB Comment: The closure plan does not address decontamination procedures.

Requirement: The cleaning methods will vary depending on what is being cleaned and on the type of contaminant. Information about decontamination methods and procedures can be found in the Guide for Decontaminating Building, Structures and Equipment at Superfund Sites, U.S. EPA, Office of Research and Development, March 1985. Until decontamination is achieved, all cleaning residues are hazardous wastes and must be disposed of as hazardous waste, unless excluded by 20 NMAC 4.1 Sub-part 9, 40 CFR §261.3(d).

Giant's Response: . This information will be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

3.4 NMED/HRMB Comment: The closure plan does not address soil contamination as a result of routine drips and spills.

Requirements: The closure plan must describe the procedures and criteria to be used for evaluating the extent of soil contamination and demonstrate that the level of decontamination will satisfy the closure performance standard.

The following information should be included in the closure plan:

- The location for background soil measurements and background ground-water and surface-water monitoring, and
- Sampling and analysis methods to be used to evaluate and extent of contamination.

Besides determining soil contamination levels, the closure plan must describe how contaminated soils will be managed at final closure. The plan should include the following:

- An estimate of contaminated soil;
- A description of on-site (if capacity is available) or off-site treatment or disposal of contaminated soils; and

- An estimate of the approximate distance to the off-site TSDf to support the cost estimate.

Giant's Response: This area of concern is found within the Giant Refining Company's Hazardous Waste Facility Part B Permit Application. . Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

4. 40 CFR §264.112 (b) (5)

4.1 NMED/HRMB Comment: The closure plan changes the frequency of ground-water monitoring.

Requirement: Giant must comply with Subpart F (Attachment G of the operating Permit) requirements during the final closure period. The closure plan must describe the types and frequency of analyses required during the final closure period and maintenance that may be required to ensure that the monitoring equipment is in working order for the start of the post-closure care period. Because the monitoring required during the closure period should be consistent with that conducted during the unit's operation, the closure plan may simply refer to the Permit.

Giant's Response: This area of concern is found within the Giant Refining Company's Hazardous Waste Facility Part B Permit Application. . Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

5. 40 CFR §264.115

5.1 NMED/HRMB Comment: Closure certification is lacking in detail.

Requirement: Upon completion of closure activities, Giant will submit a Final Closure Report to the Director, NMED. The report will document the final closure and contain, at a minimum;

1. The certification described in section 1.5 of Giant's plan.

2. A tubular summary of all sampling results showing:
 - a. the datum reported,
 - b. the detection limit for each datum,
 - c. a measure of analytical precision (e.g. uncertainty, range, variance),
 - d. identification of analytical procedure, and
 - e. identification of analytical laboratory.
3. A quality assurance/quality control statement on the adequacy of the analyses and the decontamination effort.
4. The location of the file of supporting documentation including:
 - a. field logbooks,
 - b. laboratory sample analysis reports,
 - c. the quality assurance/quality control documentation, and
 - d. chain of custody records.
5. Disposal location and quantities of all regulated and non-regulated materials.
6. A certification of the accuracy of the report.
7. A description of any variances from the approved closure plan.

Giant's Response: . This information will be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

POST-CLOSURE PLAN

6. 40 CFR §264.118(b) (1); §264.310(b); §264.90

6.1 NMED/HRMB Comment: The post-closure plan changes the ground-water monitoring activities required in the operating permit.

Requirement: The ground-water monitoring activities proposed for the post-closure care period should be consistent with current conditions at the unit. The plan should indicate:

- The number, location and depth of wells;
- The frequency and procedures for sampling;
- Types of analyses, and
- Party responsible for monitoring activities.

Giant's Response: . *Addition information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.*

7. 40 CFR §264.118(B) (2)

7.1 NMRD/HRMB Comment: Post-closure plan does not adequately address maintenance of the ground-water monitoring system.

Requirement: The post-closure plan states that the groundwater monitoring wells will be inspected for; "locked caps, concrete pad around casing, and general well condition". The post-closure plan should include maintenance provisions for any events that reasonably could be expected to occur over a thirty year period. In the case of monitoring wells the post-closure plan should include provisions for such things as:

- Monitoring well replacement/re-drilling;
- Sampling pump replacement; and
- Replacing seals, piping and caps.

Giant's Response: *This area of concern will be addressed in Giant's Class III Permit Modification and Closure Plan.*

7.2 NMED/HRMB Comment: The post-closure inspections plan lacks detail.

Requirement: The plan must include a schedule of inspections for the containment dike, warning signs, and the ground-water monitoring wells. Also, surveyed benchmarks should be added to the components to be inspected. Further, the post-closure plan should

explicitly address procedures for inspections after the facility has been closed when staff may no longer be available for inspections.

Giant's Response: This area of concern is found within the Giant Refining Company's Hazardous Waste Facility Part B Permit Application, "ATTACHMENT C AND ATTACHMENT F". . Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.

8. 40 CFR §264.280

8.1 NMED/HRMB Comment: The post-closure plan fails to address continuation of land-treatment processes.

Requirement: The post-closure care period for land treatment facilities operates in part as an extension of the operating life of the facility. Thus, during the post-closure care period, Giant must continue those activities necessary to enhance degradation and transformation, and sustain immobilization of hazardous constituents in the treatment zone. The post-closure plan should describe procedures for:

- Disking, fertilizing and irrigating;
- Liming to ensure proper pH balance;
- Controlling run-on and run-off from the treatment fields;
- Repairing erosion damage;
- Regrading and replanting as needed
- Controlling wind dispersal of particulates; and
- Determining the level of hazardous constituents in the treatment zone; which should include procedures for:
 - a. identifying the constituents;
 - b. numbering and locating samples;
 - c. determining the types of analyses.

Because these activities may be needed more frequently in the early years of the post-closure care period, the plan should include a schedule and a discussion of how the proposed schedule of activities will achieve the desired objectives of ensuring the continued degradation of hazardous constituents. The plan should also indicate the party responsible for conducting the activities.

Giant's Response: . *Additional information may be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.*

9. 40 CFR §264.118

9.1 NMED/HRMB Comment: The post-closure plan lacks the name of the contact person or office.

Requirement: The post-closure plan must include the name, address and phone number of the person or office to contact about the land treatment area during the post-closure care period.

Giant's Response: . *This information will be submitted to NMED after Giant has evaluated the options to either submit a Class III Permit Modification for Clean Closure, apply for a Post-Closure Care Permit or allows the Land Treatment Area to remain open until the November 4, 1998, expiration date.*

10. 40 CFR §264.120

10.1 NMED/HRMB Comment: Post-closure certification is lacking in detail.

Requirement: Upon completion of post-closure care activities, Giant will submit a Post Closure report to the Director, NMED. The report will follow the guidelines put forth in section 5.1 of this Notice of Deficiency.

Giant's Response: *Depending on the outcome of Giant evaluation of the options on how to handle the Land Treatment Area, any required information will be provide to NMED.*