



GARY E. JOHNSON
GOVERNOR

GRC 98
State of New Mexico

ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
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MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 13, 1998

Dick Platt
Manager
Giant Refining Co. Ciniza
Route 3, Box 7
Gallup, NM 87301

Re: Letter of Violation
NMD000333211

Dear Mr. Platt:

On March 24-25, 1998, the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Giant Refining Co. Ciniza (Giant). Based on our inspection and review of the information obtained, NMED has determined that Giant has violated the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as specified below.

The following violations were noted:

1. Giant has failed to perform a hazardous waste determination on contaminated soil found in a metal bin located along the south (southeast) perimeter fence. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.11.
2. Giant has failed to perform a hazardous waste determination on one 55-gallon drum of ZEP parts cleaning solvent located outside the mechanics shop. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.11.

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3. Giant has failed to label fluorescent bulbs located at a satellite accumulation point inside the warehouse with the words "Hazardous Waste" or with words identifying them as being spent. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34(c)(1)(ii).

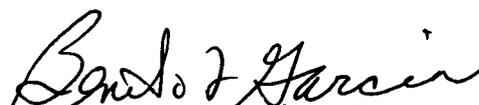
In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation of up to \$10,000 per day of non-compliance with each violation or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

At this time, NMED is suspending the enforcement options listed above if Giant provides NMED with a satisfactory resolution to the violation(s) or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. If NMED does not receive satisfactory information, then NMED reserves the right to initiate formal enforcement action.

Any action taken in response to this letter does not relieve Giant of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve Giant of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Mr. John Tymkowych of my staff or myself at (505) 827-1508 or (505) 827-1557, respectively. Please address your response to Mr. Tymkowych's attention at the address on the letterhead.

Sincerely,


Benito J. Garcia, Bureau Chief
Hazardous and Radioactive Materials Bureau

BJG:JMT:fjs

cc: Bill Bartels, NMED District I Office
file