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**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

August 16, 2000

Giant Refining Company  
Route 3, Box 7  
Gallup, NM 87301

**RE: Response to Comments, Draft Post Closure Care Permit**  
**Land Treatment Unit, Giant Refining Company, Ciniza Refinery**  
**EPA ID Number NMD000333211**

Attention: Concerned Citizen:

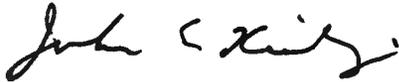
Please find enclosed the New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) response to comments regarding the draft Post-closure Care Permit for the Land Treatment Unit (LTU) at Giant Refining Company's Ciniza Refinery. The LTU is located at the Ciniza Refinery in McKinley County, New Mexico. A draft Resource Conservation and Recovery Act (RCRA) Post-closure Care Permit (Permit No. NMD000333211-1) was issued for public notice on May 22, 2000. Comments regarding the draft Post-closure Care permit were submitted by the Giant Refining Company. The NMED's response and the modifications to the permit, where implemented, are provided following each comment.

RED REC 2000

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

Please contact Mr. Dave Cobrain of my staff at 827-1561 if you have questions or comments regarding the enclosed response to comments.

Sincerely,



John E. Kieling  
Program Manager  
Permits Management Program

Enclosure

cc: James Bearzi, HWB  
Dave Cobrain, HWB  
Dave Pavlich, Giant Refining Company  
Dorinda Mancini, Giant Refining Company  
Pam Allen, HWB

Tracking: Red File, 2000, Response to Comments PCC Permit Public Notice

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

**NEW MEXICO ENVIRONMENT DEPARTMENT RESPONSE TO COMMENTS  
RECEIVED ON THE GIANT REFINING COMPANY CINIZA REFINERY LAND  
TREATMENT UNIT DRAFT POST-CLOSURE CARE PERMIT**

**EPA ID Number: NM000333211**

**COMMENT-INITIATED PERMIT MODIFICATIONS**

The Public Comment Period began on May 22, 2000 and ended on August 1, 2000. Giant Refining Company provided comments to the New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB). No other comments were received by HWB.

The individual comments are listed followed by the HWB response and the permit modification as implemented in the final permit. Requested changes to the permit provided by public comment are listed in "quotations". Changes made in the permit in response to public comment are indicated as follows: (1) shaded text indicates additions, (2) text with ~~strike through~~ indicates deleted material.

**Comment #1: General Permit Modification.** Change Giant Refining Company to "Ciniza Refinery Giant Refining Company". Add "Land Treatment Unit" to the page headings.

**HWB Response:** HWB agrees with the suggested changes with the exception that "Ciniza Refinery" will be substituted for "Land Treatment Unit" in the page headings. The changes will be made in the title page and throughout the permit text.

**Permit Modification:** **Ciniza Refinery** Giant Refining Company **(GRCC)** ~~(GRCC)~~ will replace ~~GRC~~ in the text of the permit]. **Ciniza Refinery** will be added to the page headings.

**Comment #2: Module I, Page 2, Section I.D. Definitions.** Delete the word "site" from the definition: "Facility" means the Ciniza Refinery site owned by the Giant Refining Company and located in Township 15 North, Range 15 West, Sections 28 and 33 and the northern one third of Section 4, McKinley County, New Mexico, EPA ID No. NMD 000333211.

**HWB Response:** HWB agrees with the suggested change. The change has been made to the Permit.

**Permit Modification:** The third paragraph of Module I, Section I.D. has been modified as follows:

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

"Facility" means the Ciniza Refinery ~~site~~ owned by the Giant Refining Company and located in Township 15 North, Range 15 West, Sections 28 and 33 and the northern one third of Section 4, McKinley County, New Mexico, EPA ID No. NMD 000333211.

**Comment #3: Module I, Page 3, Section I.D. Definitions.** Add the definition "Land Treatment Unit – means the three approximately 480-foot by 240-foot treatment cells located adjacent to the east of evaporation pond 12B".

**HWB Response:** HWB agrees with the suggested change. The definition has been added to the permit.

**Permit Modification:** Module I, Section I.D. has been modified as follows:

"Land Treatment Unit" means the three approximately 480-foot by 240-foot treatment cells located adjacent to the east of evaporation pond 12B.

**Comment #4: Module I, Page 5, Section I.E.6. Duties and Requirements.** Delete "all facilities" and replace with "the LTU such that" in the sentence, "The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the Permittee to achieve compliance with the conditions of this Permit".

**HWB Response:** HWB does not agree with the suggested change because, in addition to the LTU, other units require compliance with the Permit as outlined in Module IV (Corrective Action) and Appendix A (Solid Waste Management Unit Summary). The sentence states that the conditions apply in order to achieve compliance with this Permit. There is no inference to units or facilities at the refinery not regulated under the Permit.

**Permit Modification:** None.

**Comment #5: Module II, Page 9, Section II.B. Off-site Wastes.** Delete "Facility" and replace with "Land Treatment Unit".

**HWB Response:** HWB agrees with the suggested change. The change has been made to the permit.

**Permit Modification:** Module II, Section II.B. has been modified as follows:

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

The Permittee shall not accept hazardous waste at the Facility ~~Land Treatment Unit~~ from any off-site source.

**Comment #6: Module II, Page 12, Section II.F.3.b.iv. Monitoring Records.** Delete the portion of the sentence “and individuals who”. Insert “The chain-of-custody records and” [the laboratory] “that” [performed the analyses].

**HWB Response:** HWB agrees with the suggested change. The change has been made to the permit.

**Permit Modification:** Module II, Section II.F.3.b.iv. has been modified as follows:

The ~~chain of custody records and~~ the laboratory ~~that~~ ~~and individuals who~~ performed the analyses

**Comment #7: Module III, Page 16, Section III.D.1.a.3. Notices and Certification.** Replace “facility” with “Facility”.

**HWB Response:** HWB agrees with the suggested change. The change has been made to the permit. In addition, HWB has substituted ~~at~~ for ~~of~~ in the same sentence.

**Permit Modification:** Module III, Page 16, Section III.D.1.a.3. has been modified as follows:

3) and, the survey plat and record of the type, location, and quantity of hazardous wastes applied to the Land Treatment Unit ~~of~~ ~~at~~ the ~~Facility~~ facility have been filed with the Director and McKinley County, New Mexico in accordance with 20 NMAC 4.1.500 (incorporating 40 CFR §264.119(b)(1)(iii)).

**Comment #8: Module III, Page 16, Section III.D.2. Notices and Certification.** Replace “off-site” with “off-Site” and insert “from the LTU” after ‘If the Permittee wishes to move off-site any hazardous waste, hazardous waste residue, or contaminated soils...’.

**HWB Response:** HWB agrees with the suggested change to insert “from the LTU” at the above-mentioned location. The word “site” will not be capitalized because “Site” is not included in the Definitions included in Module I, Section D of the Permit.

**Permit Modification:** Module III, Page 16, Section III.D.2 has been modified as follows:

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

If the Permittee wishes to move off-site any hazardous waste, hazardous waste residue, or contaminated soils ~~from the LTU~~, then he or she shall request a modification to this Permit in accordance with the applicable requirements at 20 NMAC 4.1.900 (incorporating 40 CFR Parts 270 and 124). The Permittee shall demonstrate that the removal of hazardous waste will satisfy all applicable HWA and RCRA requirements for generation and transport of hazardous waste. [20 NMAC 4.1.500 (incorporating 40 CFR §264.119(c))]

**Comment #9: General Permit Modification.** Replace “chemicals of concern” with “constituents of concern”.

**HWB Response:** HWB agrees with the suggested change to remain consistent with the terminology used in Appendix B of the Permit.

**Permit Modification:** The Permit has been modified as follows:

The term ‘~~chemicals of concern~~’ has been replaced by ‘~~constituents of concern~~’ in the text of the Permit.

**Comment #10: Module IV, Page 20, Section IV.A.1.a. Corrective Action for Regulated Units.** In the following paragraph replace as identified:

The Permittee shall comply with the sampling strategy for soils, consisting of “increased” *[replace with “a”]* sampling frequency and, if necessary, further characterization, as described in the Permit Application, Volume 1 Section E.0 and Section I.0 and Volume 2, Appendix E. The Permittee shall notify NMED if there is a statistically significant increase in “chemicals” *[replace with “constituents”]* of concern in the soils located in the zone of incorporation (ZOI), “defined as” *[replace with “and/or”]* the treatment zone [soils present in the LTU at depths less than five (5) feet below the ground surface (264.271(c))], “and in soils below the treatment zone (BTZ)” *[delete]*.

**HWB Response:** HWB agrees with the suggested changes and has made an additional modification to Module IV, Section IV.A.1.a. by replacing the word ~~frequency~~ with ~~program~~.

**Permit Modification:** The Permit has been modified as follows:

The Permittee shall comply with the sampling strategy for soils, consisting of ~~increased a~~ sampling ~~frequency~~ ~~program~~ and, if necessary, further characterization, as described in the Permit Application, Volume 1 Section E.0 and Section I.0 and Volume 2, Appendix E. The Permittee shall notify NMED if there is a statistically significant increase in ~~chemicals~~

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

~~constituents~~ of concern in the soils located in the zone of incorporation (ZOI), ~~defined as and/or~~ the treatment zone [soils present in the LTU at depths less than five (5) feet below the ground surface (264.271(c))], ~~and in soils below the treatment zone (BTZ).~~

**Comment #11: Module IV, Page 21, Section IV.A.2.a.i.(a) Corrective Action for Regulated Units.** Delete "Annual" in line seven.

**HWB Response:** HWB agrees with the suggested change.

**Permit Modification:** The Permit has been modified as follows:

- (a) **Hazardous Constituents.** The Permittee shall monitor at the locations, frequencies and for the hazardous constituents specified in Permit Application Volumes 1 and 2, Tables E-1A, E-1B, E-1C and E-1D. The chemicals of potential concern are included in Appendix B [the modified Skinner List (Exhibit 4, EPA Region VI RCRA Delisting Program Guidance Manual for the Petitioner, March 21, 1996)]. ~~Annual~~ Groundwater sampling at the site will include chemical analyses for the modified Skinner List analytes including the following ~~chemicals~~ **constituents** of concern:

**Comment #12: Module IV, Page 22, Section IV.A.2.a.iv.(b) Corrective Action for Regulated Units.** Replace "E.0" with "I.0".

**HWB Response:** HWB agrees with the suggested change.

**Permit Modification:** The Permit has been modified as follows:

The Permittee shall maintain groundwater monitoring wells at the locations specified on the Site Map in Permit Application Volume 1, Section ~~E-0~~ **I.0**, Figure I-2a and Volume 2, Appendix E, Figures 1-2 and 2-1. [20 NMAC 4.1.500 and 900 (incorporating 40 CFR §§264.97(c) and 270.14(c))]

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

## NEW MEXICO ENVIRONMENT DEPARTMENT INITIATED CHANGES

The NMED HWB has implemented the following modifications to Module I, Section D. of the Post-closure Care Permit:

The definition:

~~"AOC" means any area that may have a release of hazardous waste or hazardous constituents and that is not a SWMU.~~

has been replaced by:

"AOC" or "Area of Concern" means any area that may have a release of hazardous waste or hazardous constituents, which is not a solid waste management unit (SWMU) and which the Secretary determines may pose a threat to human health or the environment.

The definition:

~~"Solid waste management unit" or "SWMU" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at the Facility at which solid wastes have been routinely or systematically released.~~

has been replaced by:

"Solid waste management unit" or "SWMU" means any discernible unit at which solid wastes have been placed at any time, and from which the Secretary determines there may be a risk of a release of hazardous constituents, irrespective of whether the unit was intended for the management of solid or hazardous waste. Placement of solid waste includes one-time and accidental events that were not remediated, as well as any unit or area at which solid waste has been routinely and systematically placed.

## CORRECTIONS TO THE PART B POST-CLOSURE CARE PERMIT APPLICATION

The following modifications have been made to the Part B Post-closure Care Permit Application by Giant Refining Company at the request of the NMED:

Volume 1, Table E.1A

The Liquid Reporting Limits (which are considered the regulatory cleanup standards in this application) for toluene and total xylenes have been changed to reflect the EPA primary drinking

Response to Comments  
Giant Refining Company  
Ciniza Refinery  
Post-closure Care Permit

water maximum contaminant levels (MCLs) of 1,000 micrograms per liter ( $\mu\text{g/l}$ ) and 10,000  $\mu\text{g/l}$ , respectively.

Volume 2, Appendix C:

Slop Oil Emulsion Solids from the Petroleum Refining Industry was incorrectly identified as K047 waste. The listing has been changed to the correct listing of K049.