

**RESOURCE CONSERVATION AND RECOVERY ACT
LAND TREATMENT UNIT FACILITY
POST-CLOSURE CARE PERMIT
EPA ID No. NMD 000333211**

to

GIANT REFINING COMPANY

for the

CINIZA REFINERY

LAND TREATMENT UNIT

Located in

MCKINLEY COUNTY, NEW MEXICO

August 2000

Prepared by the

**New Mexico Environment Department
Hazardous Waste Bureau
2044-A Galisteo Street
Santa Fe, New Mexico, 87505**

HAZARDOUS WASTE FACILITY PERMIT

Name of Permittee: Giant Refining Company

EPA Identification Number: NMD000333211
Permit Number: NMD000333211-1

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6901, et seq.), and the New Mexico Hazardous Waste Act, NMSA 1978, Sections 74-4-1 et seq. (Repl. Pamph. 1993), and regulations promulgated thereunder by the New Mexico Environmental Improvement Board (codified and to be codified in the Hazardous Waste Management Regulations [20 NMAC 4.1]), a Permit is issued to Giant Refining Company (the Permittee), for post-closure care of a Land Treatment Unit Facility (the Facility), comprising three cells. The Facility is located in Jamestown, McKinley County, New Mexico on Latitude 35.29.020 North, and Longitude 108.25.042 West.

The New Mexico Environment Department (NMED) is authorized by the Environmental Protection Agency (EPA) for all hazardous waste management regulations applicable to the Facility. The Permittee shall comply with all terms and conditions of this Permit. This Permit consists of the conditions herein including those in the Attachments.

This Permit is based on the assumption that all information contained in the Permit Application and the administrative record is accurate and that the facility will be constructed and operated as specified in the application. The permit application consists of information submitted in April 1998 and supplementary technical documents.

Any inaccuracies found in the submitted information may be grounds for the termination or modification of this Permit in accordance with 20 NMAC 4.1.900 incorporating 40 CFR §270.41, §270.42, and §270.43 and for potential enforcement action.

This Permit shall become effective thirty days (30) after notice of the decision has been served on the applicant, and shall remain in effect for ten (10) years in accordance with the New Mexico Hazardous Waste Act, Section 74-4-4 unless modified, suspended or revoked under Section 74-4-4.2 or 20 NMAC 4.1.900 incorporating 40 CFR §270.41, §270.42, §270.43, or continued in accordance with 20 NMAC 4.1.900 incorporating 40 CFR §270.51, or issued for a duration that is less than the full allowable term in accordance with 20 NMAC 4.1.900 incorporated at 40 CFR §270.50(c).

Signed this 17th day of August, 2000.

by Peter Maggiore
Peter Maggiore
Secretary
New Mexico Environment Department

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Giant Refining Company
Ciniza Refinery
Post Closure Care Permit
August 2000

ATTACHMENTS

Giant Refining Company Ciniza Refinery RCRA Part A and Part B Post-closure Permit
Application Volume I

Giant Refining Company Ciniza Refinery RCRA Part A and Part B Post-closure Permit
Application Volume II

Giant Refining Company Ciniza Refinery RCRA Part A and Part B Post-closure Permit
Application Volume III

LIST OF ACRONYMS

AOC	Area of Concern
ASTM	American Society for Testing and Materials
BGS	Below Ground Surface
CAMU	Corrective Action Management Unit
CEC	Cation Exchange Capacity
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CMS	Corrective Measure Study
COC	Chain of Custody
CSU	Container Storage Unit
DOT	U.S. Department of Transportation
DQO	Data Quality Objectives
EC	Emergency Coordinator
EPA	U.S. Environmental Protection Agency
GC/MS	Gas Chromatography/Mass Spectrometry
GRCC	Giant Refining Company Ciniza Refinery
HRMB	Hazardous and Radioactive Materials Bureau
HWA	New Mexico Hazardous Waste Act
KOP	Knowledge of Process
LDR	Land Disposal Restrictions
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
MS/MSD	Matrix Spike/Matrix Spike Duplicate
NERI	Northeast Research Institute
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
PARCC	Precision, Accuracy, Representativeness, Completeness, and Comparability
PCBs	Polychlorinated Biphenyls
PID	Photo-ionization Detector
PPE	Personal Protective Equipment
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plans
RCRA	Resource Conservation and Recovery Act
RFI	RCRA Facility Investigation

SAP Sampling and Analysis Plan
SAR SWMU Assessment Report

LIST OF ACRONYMS (Continued)

SOP Standard Operating Procedures
SVOCs Semivolatile Organic Compounds
SWMU Solid Waste Management Unit
TSCA Toxic Substances Control Act
TSDF Treatment, Storage and Disposal Facility
VOCs Volatile Organic Compounds
WAP Waste Analysis Plan
WQCC New Mexico Water Quality Control Commission

MODULE I - GENERAL PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

The Secretary of the New Mexico Environment Department (Secretary) issues this Post-Closure Care Permit (the Permit) to the Giant Refining Company (GRCC), the owner and operator of the Ciniza Refinery Facility (EPA ID Number NMD 000333211). This Permit authorizes GRCC (the Permittee) to conduct post-closure care at a hazardous waste land treatment unit at the Ciniza Refinery, and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, 74-4-1 et seq. (Repl. Pamp. 1993) and the New Mexico Hazardous Waste Management Regulations, 20 4.1.100 NMAC et seq.

Compliance with this Permit during its term shall constitute compliance, for purposes of enforcement, with Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq. and the New Mexico Hazardous Waste Act and their implementing regulations. Compliance with this Permit shall not constitute a defense to any order issued or any action brought under Sections 74-4-10, 74-410.1 or 74-4-13 of the HWA; Section 3008 of RCRA, 42 U.S.C. § 6928, Section 3013 of RCRA, 42 U.S.C. § 6934, 7002(a)(1)(b) of RCRA, 42 U.S.C. § 6972(a) or 7003 of RCRA; 42 U.S.C. § 6973 or Sections 104, 106(a) or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9604, 9606(a) or 9607; or any other law providing for protection of public health or the environment. This permit does not convey any property rights or exclusive privilege, nor authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. [20 4.1.900 NMAC (incorporating 40 CFR §§270.4 and 270.30(g))].

This Permit consists of Permit Modules I through IV and the Permit Application, Volumes 1 through 3, which is incorporated by reference into the Permit. The Permittee shall comply with the post-closure care, corrective action, and other activities and standards specified in the Permit Modules and the Permit Application.

I.B. PERMIT ACTIONS

I.B.1. Permit Modification, Suspension, and Revocation

This Permit may be modified, suspended, and/or revoked for cause, as specified in Section 74-4-4.2 of the HWA and 20 4.1.901.B and .900 NMAC (incorporating 40 CFR §§270.41, 270.42, and 270.43). The filing of a request for a Permit modification,

suspension, or revocation, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any Permit condition. [20 4.1.900 NMAC (incorporating 40 CFR §§270.4(a) and 270.30(f))]

I.B.2. Permit Renewal

The Permittee may renew this Permit by submitting an application for a new permit at least 180 days before the expiration date of this Permit, in accordance with 20 4.1.900 NMAC (incorporating 40 CFR §§270.10(h) and 270.30(b) and 40 CFR§124) and Permit Condition I.E.3. In reviewing any application for a Permit renewal, the Secretary shall consider improvements in the state of control and measurement technology and changes in applicable regulations. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(b))]

I.C. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

I.D. DEFINITIONS

Unless otherwise expressly provided herein, the terms used in this Permit shall have the meaning set forth in the HWA, RCRA, and/or their implementing regulations.

"AOC" means any area that may have a release of hazardous waste or hazardous constituents, which is not from a solid waste management unit and is suspected or determined by the Secretary to pose a threat to human health or the environment.

"Facility" means the Ciniza Refinery 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.

"Hazardous Constituent" means any constituent identified in 20 4.1.200 NMAC (incorporating 40 CFR Part 261 Appendix VIII), any constituent identified in 20 4.1.500 NMAC (incorporating 40 CFR Part 264 Appendix IX), any constituent identified in a hazardous waste listed in 20 4.1.200 NMAC (incorporating 40 CFR part 261 Subpart D), any constituent identified in a toxicity characteristic waste in 20 4.1.200 NMAC (incorporating 40 CFR §261.24, Table 1) or

any other constituent determined to be hazardous by the Secretary.

"HWA" means the New Mexico Hazardous Waste Act, NMSA 1978, §§74-4-1 et seq. (Repl. Pamp. 1993).

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

"MCL's" means Maximum Contaminant Levels under the Federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq.

"Permittee" means the Giant Refining Company Ciniza Refinery.

"RCRA" means the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.

"Regional Administrator" means the Regional Administrator of EPA Region VI, or his or her designee or authorized representative.

"Secretary" means the Secretary of the New Mexico Environment Department (NMED) or designee.

"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.

"WQCC standards" means the maximum allowable ground water contaminant concentrations listed at 20 6.2.3103 NMAC.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittees shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an emergency permit specified in 20 4.1.900 NMAC (incorporating 40 C.F.R § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the HWA and/or RCRA and may subject the permittee, its successors and assigns, officers, directors, employees, parents or subsidiaries, to an administrative or civil enforcement action, including civil penalties and injunctive relief, under Sections 74-4-10 or 74-10.1 of the HWA or Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), or Section 3013 of RCRA, 42 U.S.C. § 6934; to permit modification, suspension, revocation or denial under Section 74-4-4.2 of the HWA; to citizen suit under Section 7002(a) of RCRA, 42 U.S.C. § 6972(a); to criminal penalties under Section 74-4-11 of the HWA or Section 3008(d), (e) and (f) of RCRA, 42 U.S.C. § 6928(d), (e) and (f), or to some combination of the foregoing.

I.E.2. Permit Term

This Permit shall be effective for ten years from its effective date. [20 4.1.900 NMAC (incorporating 40 CFR §270.50(a))]

I.E.3. Duty to Reapply

If the Permittee will continue an activity allowed or required by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days before this Permit expires, unless an extension is granted by the Secretary. [20 4.1.900 NMAC (incorporating 40 CFR §§270.10(h) and 270.30(b))]

I.E.4. Permit Expiration

This Permit and all conditions herein will remain in effect beyond the Permit's expiration date, if the Permittee has submitted a timely, complete application for renewal of this Permit 180 days prior to the expiration date of this Permit, in accordance with 20 4.1.900 NMAC (incorporating 40 CFR §270.10 and §§270.13 through 270.29) and, through no fault of the Permittee, the Secretary has not issued a new Permit on or before the expiration date of this Permit. [20 4.1.900 NMAC (incorporating 40 CFR §§270.10(h)

and 270.51)]

I.E.5. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(d))]

I.E.6. Proper Operation and Maintenance

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. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(e))]

I.E.7. Duty to Provide Information

The Permittee shall furnish to the Secretary, within a reasonable time period specified by the Secretary, any relevant information which the Secretary requests to determine whether cause exists for modifying, suspending, or revoking this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this Permit [20 4.1.500 and .900 NMAC (incorporating 40 CFR §§264.74(a) and 270.30(h))]. Permit condition I.E.7 shall not be construed to limit in any manner, the Secretary's information gathering authority under Article 4, Chapter 74 of the New Mexico Hazardous Waste Act or other applicable law.

I.E.8. Inspection and Entry

The Permittee shall allow the Secretary, or authorized representatives, upon the presentation of credentials and other documents as may be required by law:

- a. Entrance to Premises - to enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where

records must be kept under the conditions of this Permit;

b. Access to Records - to have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

c. Inspection - to inspect, at reasonable times, any Facility equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

d. Sampling - to sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the HWA and/or RCRA, any substances or parameters at any location. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(i))]

Permit Condition I.E.8 shall not be construed to limit, in any manner, the Secretary's inspection and entry authority under Section 74-4-4.3 of the HWA or any other applicable law.

I.E.9. Reporting Planned Changes

The Permittee shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the Facility, of other changes to the Facility or activities which may impact the Permittee's compliance with this Permit, or of any other instance of noncompliance with this Permit. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(l)(1), (2), and (10))]

I.E.10. Other Information

Whenever the Permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in any document submitted to the Secretary, the Permittee shall promptly submit such facts or information in writing to the Secretary. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(l)(11))]

I.E.11. Transfer of Permits

The Permittee shall not transfer this Permit to any person except after notice to the Secretary. The Secretary shall require modification or revocation and reissuance of this Permit, as specified by 20 4.1.901 NMAC and 20 4.1.900 NMAC (incorporating 40 CFR

§§270.40(b) and 270.41(b)(2)), to identify the new Permittee and incorporate such other requirements as may be necessary under the HWA and RCRA and implementing regulations. Before transferring ownership or operation of the Facility, the Permittee shall notify the new owner or operator in writing of the requirements of 20 Chapter 4 NMAC, 40 CFR Parts 264 and 270, and this Permit. [20 4.1.500 and .900 NMAC (incorporating 40 CFR §§264.12(c) and 270.30(l)(3))]

I.F. SIGNATORY REQUIREMENT

The Permittee shall sign and certify, as specified in 20 4.1.900 NMAC (incorporating 40 CFR §270.11), all applications, reports, or information submitted to the Secretary. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(k))].

I.G. REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE SECRETARY

All reports, notifications, or other submissions that are required by this Permit to be submitted to the Secretary shall be sent by certified mail or hand-delivered to:

Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2044-A Galisteo
Santa Fe, NM 87505

I.H. CONFIDENTIAL INFORMATION

The Permittee may claim confidentiality for any information submitted to or requested by the Secretary or required by this Permit, to the extent authorized by Section 74-4-4.3(D) of the HWA and 20 4.1.900 NMAC (incorporating 40 CFR §270.12).

I.I. ENFORCEMENT

I.I.1. Waiver of Defenses

In any such judicial action brought in New Mexico District Court for the First Judicial District under the HWA, or in the United States District Court for the District of New Mexico under RCRA (or under the HWA asserting supplemental jurisdiction under 28 U.S.C. § 1367), the Permittee waives all objections and defenses it may have to the

jurisdiction of either such State or federal court or to venue in either such State or federal district.

I.I.2. Admissibility of Data

In any administrative or judicial action to enforce a condition of this Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Permit.

MODULE II - GENERAL FACILITY CONDITIONS

II.A. DESIGN AND OPERATION OF FACILITY

The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden, or non-sudden release of hazardous waste constituents to air, soil, surface water, or groundwater that could threaten human health or the environment. [20 4.1.500 NMAC (incorporating 40 CFR §264.31)]

II.B. OFF-SITE WASTES

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

II.C. SECURITY

The Permittee shall comply with the security provisions specified in 20 4.1.500 NMAC (incorporating 40 CFR §§264.14(b)(2) and (c)) and in the Permit Application Volume 1, Sections F.1 and I.5.1, in order to prevent unknowing or unauthorized entry onto the LTU by persons or livestock.

II.D. GENERAL INSPECTION REQUIREMENTS

The Permittee shall implement the inspection schedule specified in Application Volume 1, Sections F.2 and I.4. The Permittee shall remedy any deterioration or malfunction discovered by an inspection. The Permittee shall maintain records of inspection in accordance with Application Volume 1, Figure F.1. [20 4.1.500 NMAC (incorporating 40 CFR §264.15)]

II.E. PREPAREDNESS AND PREVENTION

II.E.1. Required Equipment

The Permittee shall maintain at the facility, at a minimum, the emergency equipment specified in the Permit Application Volume 1, Section G. [20 4.1.500 NMAC (incorporating 40 CFR §264.32)]

II.E.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition II.E.1 above, as necessary, to assure its proper operation in time of emergency. [20 4.1.500 NMAC (incorporating 40 CFR §264.33)]

II.E.3. Access to Communications and Alarm System

The Permittee shall maintain access to the communications and alarm system specified in the Permit Application Volume 1, Sections G. [20 4.1.500 NMAC (incorporating 40 CFR §264.34)]

II.E.4. Arrangements with Local Authorities

The Permittee shall maintain emergency arrangements with state and local authorities, as specified in the Permit Application Volume 1, Section G.6. [20 4.1.500 NMAC (incorporating 40 CFR §264.37)]

II.F. RECORDKEEPING AND REPORTING

In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee shall comply with the following requirements:

II.F.1. Operating Record

The Permittee shall maintain at the Facility, until the end of the post-closure care period or completion of corrective action, whichever is later, a written record of waste, soil, and groundwater analyses. The written operating record shall include all information required under 20 4.1.500 NMAC (incorporating 40 CFR §§264.73(b)(5), (6), and (8)) and Permit Conditions II.F.2. and II.F.3. listed below [20 4.1.500 NMAC (incorporating 40 CFR §264.73)]:

II.F.2. Twenty-four Hour Reporting

- a. The Permittee shall report orally to the Secretary any noncompliance that may endanger human health or the environment. Such report shall be made within 24 hours from the time the Permittee becomes aware of the circumstances and shall include:

- i. Information concerning the release of any hazardous waste or hazardous constituents that may endanger public drinking water supplies;
 - ii. Information concerning the release or discharge of any hazardous waste or hazardous constituents, or of a fire or explosion at the facility, which could threaten the environment or human health at and outside the facility. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(1)(6)(i))]
- b. The description of the occurrence and its cause shall include:
- i. Name, address, and telephone number of the Permittee and the Facility;
 - ii. Date, time, and type of incident;
 - iii. Name and quantity of materials involved;
 - iv. The extent of injuries, if any;
 - v. An assessment of actual or potential hazards to the environment and human health at and outside the Facility; and
 - vi. Estimated quantity and disposition of recovered material that resulted from the incident. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(1)(6)(ii))]
- c. The Permittee shall also submit a written notice to the Secretary within five calendar days of the time the Permittee becomes aware of the circumstances under Permit Condition II.F.2.a. above. The written notice shall contain the following information:
- i. a description of the noncompliance and its cause;
 - ii. the period(s) of noncompliance (including exact dates and times), and, if the noncompliance has not been corrected, the anticipated time it is expected to be corrected; and

- iii. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance or imminent hazard.

The Secretary may waive the five-day written notice requirement in favor of a written report within 15 days. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(l)(6)(iii))]

II.F.3. MONITORING RECORDS

a. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, records of all data used to complete the Application for this Permit, and records from all ground-water monitoring wells and associated ground-water surface elevations for a period of at least three years from the date of the sample, measurement, report, record, certification, or Application, or until post-closure care and corrective action are approved as complete by the Secretary, whichever is later. The Secretary may extend these periods at any time, and these periods shall be automatically extended during the course of any unresolved enforcement action regarding the Facility. [20 4.1.500 and .900 NMAC (incorporating 40 CFR §§264.74(b) and 270.30(j)(2))]

b. Records of monitoring information shall include:

- i. The dates, exact place, and times of sampling or measurements;
- ii. The individuals who performed the sampling or measurements;
- iii. The dates analyses were performed;
- iv. The chain-of-custody records and the laboratory that performed the analyses;
- v. The analytical techniques or methods used;
- vi. The quality assurance/quality control procedures used; and
- vii. The results of such analyses. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(j)(3))]

II.F.4. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the Facility, until post-closure care and corrective action are approved as complete by the Secretary, the following documents and all amendments, revisions, and modifications to these documents:

- a. This Permit and its attachments;
- b. Inspection schedules, as required by 20 4.1.500 NMAC (incorporating 40 CFR §264.15(b)(2)) and this Permit;
- c. Operating record, as required by 20 4.1.500 NMAC (incorporating 40 CFR §264.73) and this Permit;
- d. Post-Closure Plan, as required by 20 4.1.500 NMAC (incorporating 40 CFR §264.118(a)) and this Permit;
- e. Annually-adjusted cost estimate for facility post-closure, as required by 20 4.1.500 NMAC (incorporating 40 CFR §264.144(d)) and this Permit;
- f. Groundwater monitoring and all other corrective action documents required by Permit Condition II.F.3. above.

MODULE III - POST-CLOSURE CARE

III.A. MODULE HIGHLIGHTS

This Permit implements post-closure care requirements for soil contamination left in place after closure of a land treatment unit (LTU) used for treatment of RCRA-regulated hazardous waste. The LTU consists of three approximately 480-foot x 240-foot treatment cells located adjacent to the east of evaporation pond 12B. The waste materials were periodically tilled to a depth of approximately one-foot below the ground surface to enhance biodegradation. Hazardous refinery process waste (D001, D007, K049, K050, K051, and K052) was disposed at the LTU between October 1980 and November 1990. In addition, nonhazardous waste was applied at the LTU between 1990 and 1993. Treatment of the applied waste continued through 1999.

A permit implementing a land treatment demonstration was issued in December 1986. An operating permit for land treatment at the LTU was issued in November 1988 and expired in November 1998. The terms of the operating permit remain in effect until the effective date of this Post Closure Care Permit. Post-closure care requirements shall remain in place for 30 years after closure, unless the post-closure period is shortened or lengthened pursuant to 20 4.1.500 NMAC (incorporating 40 CFR §264.117(a)(2)). A groundwater monitoring program, consisting of monitoring and sampling monitoring wells in the vicinity of the LTU, is required to remain in place until completion of corrective action, i.e., demonstration of attainment of cleanup standards for three years, pursuant to 20 4.1.500 NMAC (incorporating 40 CFR §§264.97 and 264.98).

III.B. GENERAL POST-CLOSURE REQUIREMENTS

III.B.1. Post-Closure Care Period

The Permittee shall comply with post-closure care requirements for 30 years after completion of closure of the regulated unit, unless the Secretary approves shortening or lengthening the post-closure care period pursuant to 20 4.1.500 NMAC (incorporating 40 CFR §264.117(a)(2)). Post-closure care shall be in accordance with 20 4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart G), and the Post-Closure Plan, Permit Application Volume 1 Section E and Volume 2, Appendix E and subject to the terms and conditions of this Permit. [20 4.1.500 NMAC (incorporating 40 CFR §264.117)]

The Permittee shall implement the Post-Closure Plan, Permit Application Volumes 1 and 2. All post-closure care activities must be conducted in accordance with the provisions of the Post-Closure Plan. [20 4.1.500 NMAC (incorporating 40 CFR §§264.117(d) and 264.118(b))]

III.C. POST-CLOSURE PROCEDURES AND USE OF PROPERTY

III.C.1. The Permittee shall monitor the ground water, maintain all ground water monitoring wells and comply with all other applicable requirements of 20 4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart F), during the post-closure period. [20 4.1.500 NMAC (incorporating 40 §CFR 264.117(a)(1))]

III.C.2. The Permittee shall comply with the requirements for land treatment units, as follows:

- a. Maintain the integrity and effectiveness of the final cover, including making repairs to the cover, as necessary, to correct the effects of settling, subsidence, erosion, or other events;
- b. Prevent run-on and run-off from eroding or otherwise damaging the final cover; and
- c. Protect and maintain surveyed benchmarks used in complying with the surveying and recordkeeping requirements of 20 4.1.500 NMAC (incorporating 40 CFR §264.309). [20 4.1.500 NMAC (incorporating 40 CFR §264.310(b))]

III.C.3. The Permittee shall maintain security at the Facility during the post-closure care period, in accordance with the Post-Closure Care Plan and all security requirements specified in Permit Condition II.C. and Permit Application Volume 1, Sections F.1 and I.5.1. [20 4.1.500 NMAC (incorporating 40 CFR §264.117(b))]

III.C.4. The Permittee shall not allow any use of the Facility that will disturb the integrity of the final cover or the function of the Facility's monitoring or corrective action systems during the post-closure care period. [20 4.1.500 NMAC (incorporating 40 CFR §264.117(c))]

III.C.5. The Permittee shall inspect the components, structures, and equipment at the LTU in accordance with the requirements specified at Permit Condition II.D. and Permit Application Volume 1, Sections F.3, G.5 and I.5. [20 4.1.500 NMAC (incorporating 40 CFR §264.117(a)(1)(ii))]

III.D. NOTICES AND CERTIFICATION

III.D.1. No later than sixty (60) days after this permit is issued, the Permittee shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Director, a record of the type, location, and quantity of hazardous wastes applied to the Land Treatment Unit [20 4.1.500 NMAC (incorporating 40 CFR §264.119(a)]. Within sixty (60) days after this permit is issued, the Permittee shall:

a. Record, in accordance with 20 4.1.500 NMAC, a notation on the deed to the facility property or on some other instrument that is normally examined during the title search that will in perpetuity notify any potential purchaser of the property that:

- 1) the land has been used to manage hazardous wastes;
- 2) its use is restricted under 20 4.1.500 NMAC incorporating 40 CFR §§ 264.116 and 264.119(a);
- 3) and, the survey plat and record of the type, location, and quantity of hazardous wastes applied to the Land Treatment Unit at the Facility have been filed with the Director and McKinley County, New Mexico in accordance with 20 4.1.500 NMAC (incorporating 40 CFR §264.119(b)(1)(iii)).

b. Submit a certification to the Director, signed by the Permittee, that he or she has recorded the notation specified above, including a copy of the document in which the notation has been placed [20 4.1.500 NMAC (incorporating 40 CFR §264.119(b) (2)).

III.D.2. 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 4.1.900 NMAC (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 4.1.500 NMAC (incorporating 40 CFR §264.119(c))]

III.D.3. No later than 60 days after completion of the established post-closure care period, the Permittee shall submit to the Secretary, by registered mail, a certification that post-closure care was performed in accordance with the specifications in the Post-Closure Care Plan. The certification must be signed by the Permittee and an independent New Mexico registered professional engineer. Documentation supporting the independent, registered professional

engineer's certification must be furnished to the Secretary upon request until the Secretary releases the Permittee from the financial assurance requirements for post-closure care under 20 4.1.500 NMAC (incorporating 40 CFR §264.145(1)). [20 4.1.500 NMAC (incorporating 40 CFR §264.120)]

III.E. FINANCIAL ASSURANCE

The Permittee shall maintain financial assurance and comply with all applicable requirements of 20 4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart H), during the post-closure period. The Permittee shall demonstrate continuous compliance with financial assurance requirements by providing documentation of financial assurance in compliance with 20 4.1.500 NMAC (incorporating 40 CFR §§264.145 and 264.151), in at least the amount of the cost estimate required by 20 4.1.500 NMAC (incorporating 40 CFR §264.144), and Permit Condition III.E.1. Changes in financial assurance mechanisms must be approved by the Secretary pursuant to 20 4.1.500 NMAC (incorporating 40 CFR §264.145).

III.E.1. Cost Estimate for Facility Post-Closure

The Permittee's most recent post-closure cost estimate, prepared in accordance with 20 4.1.500 NMAC (incorporating 40 CFR §264.144), is specified in Permit Application, Volume 1, Section I.0, Table I-3.

- a. The Permittee shall adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument used to comply with 20 4.1.500 NMAC (incorporating 40 CFR §264.145), and Permit Condition III.E. [20 4.1.500 NMAC (incorporating 40 CFR §264.142(b))]
- b. The Permittee shall revise the post-closure cost estimate whenever there is a change in the Facility's Post-Closure Plan. [20 4.1.500 NMAC (incorporating 40 CFR §264.144(c))]
- c. The Permittee shall keep in the operating record at the Facility the latest post-closure cost estimate. [20 4.1.500 NMAC (incorporating 40 CFR §264.144(d))]
- d. Financial assurance funds may be released, upon approval by the

Secretary, if the value of the financial assurance mechanism exceeds the remaining cost of post-closure care. The Permittee shall demonstrate to the Secretary that the value of the financial assurance mechanism exceeds the remaining cost of post-closure care, in order for the Secretary to approve a release of funds. [20 4.1.500 NMAC (incorporating 40 CFR §264.145(a)(10))]

e. The Permittee shall submit itemized bills to the Secretary when requesting reimbursement for post-closure care under 20 4.1.500 NMAC (incorporating 40 CFR §264.145(a)(11)).

III.F. POST-CLOSURE PERMIT MODIFICATIONS

The Permittee shall request a Permit modification to authorize a change in the approved Post-Closure Plan when a change is made in the Post-Closure Plan. This request shall be in accordance with applicable requirements of 20 4.1.900 NMAC (incorporating 40 CFR Part 270, Subpart D and 40 CFR Part 124), and must include a copy of the proposed amended Post-Closure Plan for approval by the Secretary. The Permittee shall request a Permit modification whenever changes in operating plans or Facility design affect the approved Post-Closure Plan, or other events occur that affect the approved Post-Closure Plan. The Permittee shall submit a written request for a Permit modification at least 60 days prior to the proposed change in Facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the Post-Closure Plan. [20 4.1.500 NMAC (incorporating 40 CFR §264.118(d))]

III.G. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with 20 4.1.500 NMAC (incorporating 40 CFR §264.148), in the event of bankruptcy proceedings naming the owner or operator or bankruptcy of the financial assurance issuing institution. [20 4.1.500 NMAC (incorporating 40 CFR §264.148)]

PERMIT ATTACHMENTS REFERENCED IN MODULE III - POST-CLOSURE CARE

Permit Attachment No.

Plan or Document

Part B Application Volume 1

Post-Closure Cost Estimate

MODULE IV - CORRECTIVE ACTION

IV.A. CORRECTIVE ACTION FOR REGULATED UNITS

The Corrective Action Program for the release to soil and/or groundwater from the LTU regulated unit, if detected during the post-closure care period, is described in the Permit Application, which is incorporated herein by reference and made an enforceable part of this Permit. The sampling plan for soil and groundwater will be specific to the contaminant detection event and is addressed in Permit Application Volume 1, Section E.0 and Volume 2, Appendix E.

IV.A.1. Corrective Action for Soil

a. The Permittee shall comply with the sampling strategy for soils, consisting of a sampling 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 constituents of concern in the soils located in the zone of incorporation (ZOI), and/or the treatment zone [soils present in the LTU at depths less than five (5) feet below the ground surface (40 CFR §264.271(c))]:

b. If the Permittee demonstrates attainment of soil remediation standards for land treatment units in accordance with 20 4.1.500 NMAC (incorporating 40 CFR §264.280), then the Permittee may submit a request to the Secretary to shorten the post-closure care period for soil in accordance with 20 4.1.500 NMAC (incorporating 40 CFR §264.117(a)(2)(i)).

IV.A.2. Corrective Action for Groundwater

The Permittee shall comply with the Detection Monitoring Program for groundwater specified in Permit Application Volumes 1 and 2; in this Permit Module; and in accordance with the requirements of 20 4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart F).

a. General Requirements

i. Groundwater Protection Standard

- (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 constituents of potential concern are included in Appendix B [the modified Skinner List (Exhibit 3, EPA RCRA Delisting Program Guidance Manual for the Petitioner, March 23, 2000)]. Groundwater sampling at the LTU will include chemical analyses for the modified Skinner List analytes including the following constituents of concern:

Benzene
Ethylbenzene
Toluene
Total Xylenes
Arsenic
Lead
Chromium [20 4.1.500 NMAC (incorporating 40 CFR §264.93)]

- (b) Concentration Limits. The maximum concentrations of hazardous constituents in the groundwater shall not exceed the lesser of WQCC standards or MCL's. The concentration limits for the constituents of potential concern at this Facility are listed as the reporting limits in Permit Application Volume 1 Section E.0 and Volume 2, Appendix E Tables E-1A, E-1B, E-1C and E-1D and include:

Benzene 5µg/L
Ethylbenzene 700µg/L
Toluene 1,000µg/L
Total Xylenes 10,000µg/L
Lead 15µg/L [EPA Maximum Contaminant Level 40 CFR 141]
Arsenic 50µg/L
Chromium 50µg/L [20 4.1.500 NMAC (incorporating 40 CFR §264.94)]

- (c) Point of Compliance. The concentration limit in Permit Condition IV.A.2.a.i.(b) shall apply at and downgradient from the intercept of the uppermost aquifer and monitoring wells MW-1, MW-2 and MW-5. [20 4.1.500 NMAC (incorporating 40 CFR §264.95)]
- ii. The Permittee shall continue the Detection Monitoring Program until the post-closure care period is complete. [20 4.1.900 NMAC (incorporating 40 CFR §§264.98(b) and 270.14 (c)(6))]
- iii. If the Permittee or the Secretary determines that the Detection Monitoring Program established by this Permit no longer satisfies the requirements of RCRA, the HWA, and pursuant regulations, then the Permittee shall submit an application for a Permit modification within 90 days to make any appropriate changes to the program. [20 4.1.500 NMAC (incorporating 40 CFR §264.100(h))]
- iv. Groundwater Monitoring
- (a) The Permittee shall maintain a ground water monitoring program to demonstrate the effectiveness of the Corrective Action Program for groundwater and that meets the requirements of 20 4.1.500 NMAC (incorporating 40 CFR §264.97).
- (b) The Permittee shall maintain groundwater monitoring wells at the locations specified on the Site Map in Permit Application Volume 1, Section I.0, Figure I-2a and Volume 2, Appendix E, Figures 1-2 and 2-1. [20 4.1.500 and 900 NMAC (incorporating 40 CFR §§264.97(c) and 270.14(c))]
- (c) The Permittee shall monitor for the hazardous constituents and at the frequencies specified in Permit Application Volume 1, Table I-2B, during the post-closure care period. [20 4.1.500 NMAC (incorporating 40 CFR §264.93)]
- (d) The Permittee shall determine the groundwater flow rate and direction in the uppermost aquifer each time groundwater is sampled. [20 4.1.500 NMAC (incorporating 40 CFR §264.98(e))]

(e) Groundwater Surface Elevation

- (i) The Permittee shall determine the ground-water surface elevation at each well each time ground water is sampled. [20 4.1.500 NMAC (incorporating 40 CFR §264.97(f))]

(f) Sampling and Analysis Procedures

- (i) The Permittee shall comply with the procedures specified in Permit Application Volume 1, Section E.0 and Volume 2, Appendix E, when obtaining and analyzing samples from the ground water monitoring wells. [20 4.1.500 NMAC (incorporating 40 CFR §§264.97(d) and (e))]
- (ii) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Secretary. Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, Standard Methods of Wastewater Analysis or an equivalent method approved by the Secretary. [20 4.1.900 NMAC (incorporating 40 CFR §270.30(j)(1))]

(g) Statistical Procedures

When evaluating the monitoring results to determine the effects of corrective action measures, the Permittee shall comply with the procedures specified at Permit Application Volume 1, Section E.2.6 and Volume 2, Appendix E, Section 5.8.

(h) Recordkeeping and Reporting

- (i) The Permittee shall enter all monitoring, testing and analytical data obtained in the operating record. The data must include all computations, calculated means, variances,

and results of the statistical tests specified in Permit Condition IV.A.2.a.iv(g) above. [20 4.1.500 NMAC]

- (ii) The Permittee shall submit a written report annually to the Secretary on the results of the groundwater monitoring and sampling program. [20. 4.1.500 NMAC (incorporating 40 CFR §§ 264.77(c) and 264.100(g)]

(i) Well Replacement and Abandonment

- (i) The Permittee shall replace any groundwater monitoring well removed from service with a monitoring well located as close to the abandoned well as practicable. The Permittee shall submit the proposed location and construction specifications for the new well to the Secretary for prior approval.
- (ii) The Permittee shall report the surveyed location and elevation of a new monitoring well when the well is installed.
- (iii) All wells deleted from the monitoring program shall be plugged and abandoned by the Permittee so as to ensure that the abandoned well will not serve to transport contaminants to the aquifer. The Permittee shall submit well plugging and abandonment specifications to the Secretary for approval prior to abandoning the well.

b. Corrective Action Program for Releases from the Land Treatment Unit

- (i) If the Permittee determines, pursuant to Permit Condition IV.A.1 and IV.A.2 that there is a statistically significant increase of hazardous constituents below the treatment zone, he shall notify the Secretary of this finding in writing within seven calendar days, indicating which constituents have shown statistically significant increases. The Permittee will apply for a permit modification within 90 days to address corrective action at the facility. [40 CFR §§264.278 (f), 264.278(g) and

264.278(h)]

- (ii) The Permittee need not submit the permit modification required by Permit Condition IV.A., if he successfully demonstrates in writing to the Secretary within 90 days, that a source other than the regulated unit caused the increase or that the increase resulted from an error in sampling, analysis or evaluation. The Permittee shall:
 - (iii) Notify the Secretary in writing within seven (7) calendar days of determining a statistically significant increase below the treatment zone that he intends to make a determination under this paragraph;
 - (iv) Within ninety (90) days, submit a report to the Secretary demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis or evaluation;
 - (v) Within ninety (90) days, submit to the Secretary an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and
 - (vi) Continue to monitor in accordance with the monitoring program established under this section. [40 CFR §264.278(h)]

IV.B. CORRECTIVE ACTION FOR SWMU'S

IV.B.1. Applicability

The Conditions of this Part apply to:

- a. The SWMU's and AOC's identified in Volume I Section J and Volume III Appendices I-1 through I-13 of the permit application.
- b. Any additional SWMU's or AOC's discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means; as used in this Part of the Permit. The terms "discover", "discovery", or "discovered" refer to the date on which the Permittee either, (1) visually observes evidence of a new SWMU or AOC, (2) visually observes evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment.
- c. Contamination which has migrated beyond the facility boundary. The Permittee shall implement corrective actions beyond the facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Secretary that, despite the Permittee's best efforts, as determined by the Secretary, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for completion of such off-site corrective action will be required.

IV.B.2. Notification and Assessment Requirements for Existing and Newly Identified SWMU's and AOC's

- a. The Permittee shall notify the Secretary in writing within fifteen (15) calendar days of discovery of any suspected new SWMU or AOC. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of

the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.).

- b. The Permittee shall prepare and submit to the Secretary, within ninety (90) calendar days of notification, a SWMU Assessment Report (SAR) for each SWMU or AOC identified under Permit Section IV.B.2 above. At a minimum, the SAR shall provide the following information:
 - i. Location of unit(s) on a topographic map of appropriate scale;
 - ii. Designation of type and function of unit(s);
 - iii. General dimensions, capacities and structural description of unit(s) (supply any available plans/drawings);
 - iv. Dates that the unit(s) was operated;
 - v. Specification of all wastes that have been managed and/or released at/in the unit(s) to the extent available, including any available data on hazardous constituents in the wastes;
 - vi. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s), including groundwater, soil, air, and surface water data;
- c. Based on the results of the SAR, the Secretary will determine the need for further investigations at the SWMU's or AOC's covered in the SAR. The Secretary will notify the Permittee in writing of the final determination of the status of the suspected SWMU or AOC. If the Secretary determines that further investigation is needed, the Permittee shall submit a Work Plan for such investigation. If the Secretary determines that further investigation of a SWMU or AOC is required, the Permit will be modified in accordance with 20 4.1.901 NMAC and 40 CFR 270 Subpart D, incorporated at 20 4.1.900 NMAC.

IV.B.3. Reporting Planned Changes

The Permittee shall give written notice to the Secretary as soon as possible of any planned physical alterations or additions which impact known or suspected contamination at or from SWMU's or AOC's.

IV.B.4. Notification Requirements for Newly Discovered Releases from SWMU's or AOC's

- a. The Permittee shall notify the Secretary in writing of any newly discovered release(s) of hazardous waste or hazardous constituents from a SWMU or AOC discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, within fifteen days of discovery.
- b. If the Secretary determines that further investigation of a SWMU or AOC is needed, the Permittee shall submit a Work Plan for such investigation.

IV.B.5. RCRA Facility Investigation (RFI)

a. RFI Work Plan

- i. The Permittee shall prepare and submit to the Secretary, within ninety days of receipt of notice from the Secretary that an RFI is required under Sections IV.B.4. or IV.B.2.d. above, a RCRA Facility Investigation (RFI) Work Plan for those units requiring further investigation.
- ii. The RFI Work Plan shall include schedules of implementation and completion of specific actions necessary to determine the nature and extent of contamination and the potential pathways of contaminant releases to the air, soil, surface water, and groundwater.
- iii. The RFI Work Plan must be approved by the Secretary in writing prior to implementation. If the Secretary disapproves the RFI Work Plan, the Secretary shall notify the Permittee in writing of the RFI Work Plan's deficiencies and specify a due date for submission of a revised RFI Work

Plan. Upon approval by the Secretary, the RFI Work Plan, and any additions or adjustments therein, shall be incorporated herein by reference and made an enforceable part of this Permit.

b. RFI Implementation

The Permittee shall implement the RFI in accordance with the approved RFI Work Plan. The Permittee shall notify the Secretary at least 20 days prior to any sampling activity under the RFI Work Plan.

c. RFI Reports

i. The Permittee shall prepare and submit to the Secretary an RFI Report, prepared in accordance with HRMB guidance documents, for the investigations conducted pursuant to the RFI Work Plan. The RFI Report shall include an analysis and summary of all required investigations of SWMU's and AOC's and their results. The summary shall describe the type and extent of contamination at the facility, including sources and migration pathways, identify all hazardous constituents present in all media, and describe actual or potential human and ecological receptors. The RFI Report shall also describe the extent of contamination in relation to relevant cleanup standards and background levels, and shall include applicable cleanup levels.

ii. The Secretary will, following review of the RFI Report, notify the Permittee of the need for further investigation, including a Corrective Measures Study, or of a no further action decision.

IV.B.6. Interim Measures (IM)

a. IM Work Plan

i. If required by the Secretary, the Permittee shall prepare and submit an Interim Measures (IM) Work Plan. Interim measures will be required if necessary to reduce or prevent migration of contaminants or human or environmental exposure to contaminants while long-term corrective action remedies are evaluated and implemented. The Permittee may initiate interim measures by submitting notification to the Secretary.

ii. The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threats to human health or the environment and are consistent with and integrated into any long-term solution at the facility.

iii. The IM Work Plan must be approved by the Secretary prior to implementation. If the Secretary disapproves the IM Work Plan, the Secretary will notify the Permittee in writing of the IM Work Plan's deficiencies and specify a due date for submission of a revised IM Work Plan. Upon approval by the Secretary, the IM Work Plan, and any additions and adjustments therein, shall be incorporated herein by reference and made an enforceable part of this Permit.

b. IM Implementation

i. The Permittee shall implement the interim measures in accordance with the approved IM Work Plan.

ii. The Permittee shall prepare and submit to the Secretary, within ninety days of completion of interim measures, an IM Report summarizing the results of the interim measures, and including copies of all relevant chemical analytical, monitoring, and other data.

IV.B.7. Corrective Measures Study (CMS)

a. CMS Work Plan

i. The Permittee shall submit a CMS Work Plan within ninety days of notification by the Secretary that a CMS is required. The CMS may be concurrent with the RFI.

ii. The CMS Work Plan shall include schedules of implementation and completion of specific actions necessary to complete the CMS.

iii. The Secretary will either approve or disapprove in writing the CMS Work Plan. If the Secretary disapproves the CMS Work Plan, the Secretary will notify the Permittee in writing of the CMS Work Plan's

deficiencies and specify a due date for submittal of a revised CMS Work Plan. Upon approval by the Secretary, the CMS Work Plan, and any additions or adjustments therein, shall be incorporated herein by reference and made an enforceable part of this Permit.

b. CMS Report

i. The Permittee shall submit to the Secretary a CMS Report evaluating each remedial alternative.

ii. If the Secretary disapproves the CMS Report, the Secretary will notify the Permittee in writing of deficiencies in the CMS Report and specify a due date for submittal of a revised CMS Report. The Secretary will notify the Permittee of any no further action decision.

IV.B.8. Corrective Measures Implementation

a. The Permittee shall implement the remedy chosen in the CMS Report.

IV.B.9. Alternative Corrective Action Approach
Accelerated Corrective Action

a. Voluntary Corrective Action (VCA) or Expedited Cleanup (EC)

VCAs or ECs are intended for fairly simple sites where the remedy is obvious (e.g. sites with promulgated remediation criteria: non-systematic releases). VCAs or ECs are typically short-term remediation sites where limited investigation is necessary for adequate site characterization. VCAs and ECs may be implemented at risk by the facility without prior approval of NMED. VCAs and ECs are intended to be final remedies. Approval of the VCA or EC must be obtained from NMED prior to being proposed for no further action (NFA). Sites appropriate for VCAs or ECs are typically low priority sites.

i. The Permittee shall submit a VCA or EC Report within ninety days (90) of completion of the VCA or EC.

ii. The Secretary will either approve or disapprove in writing the VCA or EC Report. If the Secretary disapproves the VCA or EC Report, the Secretary will notify the Permittee in writing of the VCA or EC Report's deficiencies and specify a due date for submittal of a revised VCA or EC Report. . Upon approval by the Secretary, the VCA or EC Report, and any additions or adjustments therein, shall be incorporated herein by reference and made an enforceable part of this permit.

b. Voluntary Corrective Measures (VCM)

VCM is an accelerated corrective action process that is applied to relatively small-scale sites with obvious remedies. VCMs are similar to VCAs, however; because of complexity, cost or location of these corrective actions, enhanced regulatory involvement is required (e.g. sites with larger volumes of contaminated media or units with multiple contaminants of concern resulting in complex risk assessment issues from cumulative effects). VCMs are intended to be final remedies. Approval of the VCM Plan must be given prior to field activities and approval of the VCM Report must be obtained from NMED prior to being proposed for no further action. Field activities may be implemented at risk by the facility without prior approval from NMED.

i. The Permittee shall submit to the Secretary a VCM Work Plan within ninety (90) days of notification by the Secretary that a the VCM approach is being implemented at the site.

ii. The Permittee shall submit a VCM Report within 180 days of completion of the VCM.

iii. The Secretary will either approve or disapprove in writing the VCM Report. If the Secretary disapproves the VCM Report, the Secretary will notify the Permittee in writing of deficiencies in the VCM Report and specify a due date for submittal of a revised VCM Report. The Secretary will notify the Permittee of any no further action decision. Upon approval by the Secretary, the VCM Report, and any additions or adjustments therein, shall be incorporated herein by reference and made an enforceable part of this permit.

**Giant Refining Company
Ciniza Refinery
Post Closure Care Permit
August 2000**

APPENDIX A

GIANT REFINING COMPANY CINIZA REFINERY POST-CLOSURE CARE PERMIT

SOLID WASTE MANAGEMENT UNIT SUMMARY

- I. SWMU's and AOC's requiring further action at this time:
 1. The Aeration Basin;
 2. The Evaporation Ponds;
 3. Empty Container Storage Area;
 4. Old Burn Pit;
 5. Landfill Areas;
 6. The Tank Farm;
 7. Fire Training Area;
 8. The Railroad Loading Rack and Lagoon;
 9. The Drainage Ditch and the Inactive Landfarm;
 10. The Sludge Pits;
 11. Secondary Oil Skimmer;
 12. Contact Wastewater Collection System;
 13. The Drainage Ditch Between API Evaporation Ponds and Neutralization Tank Evaporation Ponds.
 14. API Separator

APPENDIX B

GIANT REFINING COMPANY CINIZA REFINERY POST-CLOSURE CARE PERMIT

CONSTITUENTS OF CONCERN FOR WASTES FROM PETROLEUM PROCESSES

Reference: Page 29, Exhibit 3, EPA RCRA Delisting Program Guidance Manual for the Petitioner, March 23, 2000

 Exhibit 3
CONSTITUENTS OF CONCERN FOR WASTES FROM PETROLEUM PROCESSESInorganics

Antimony	Lead
Arsenic	Mercury
Barium	Nickel
Beryllium	Selenium
Cadmium	Silver
Chromium	Vanadium
Cyanide	Zinc

Organics

Acenaphthene	2,4-Dinitrotoluene
Benzene	Di-n-octyl phthalate
Benzo(a) anthracene	1,4-Dioxane
Benzo(b) fluoranthene	Ethylbenzene
Benzo(a) pyrene	Ethylene dibromide
Bis(2-ethylhexyl) phthalate	Fluoranthene
Butyl benzyl phthalate	Fluorene
Carbon disulfide	Indeno(1,2,3-cd) pyrene
Chlorobenzene	Methyl ethyl ketone
Chloroform	Naphthalene
Chrysene	Nitrobenzene
Cresols	Phenol
Dibenz(a,h) anthracene	Pyrene
Di-n-butyl phthalate	Pyridine
1,2-Dichlorobenzene	Styrene
1,4-Dichlorobenzene	Tetrachloroethylene
1,2-Dichloroethane	Toluene
1,1-Dichloroethylene	1,1,1-Trichloroethane
7,12-Dimethylbenz(a) anthracene	Trichloroethylene
2,4-Dimethylphenol	Xylenes (total)