



**GARY E. JOHNSON**  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
2044 A Galisteo St., P.O. Box 26110  
Santa Fe, New Mexico 87502-6110  
Telephone (505) 827-1557  
Fax (505) 827-1544



**PETER MAGGIORE**  
SECRETARY

**PAUL R. RITZMA**  
DEUPTY SECRETARY

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

October 11, 2000

Mr. David Pavlich  
HS & E Manager  
Giant Refining Co. - Ciniza  
Route 3, Box 7  
Gallup NM, 87301

**RE: NMED CORRECTIVE ACTION GOAL**  
**Giant Refining Co. - Ciniza NMD000333211**

Dear Mr. David Pavlich:

The New Mexico Environment Department and the U.S. Environmental Protection Agency (USEPA) have listed your facility in a baseline of facilities that have been targeted to definitively establish the existence of, and mitigate where necessary, any unacceptable human exposure to contamination or groundwater contamination migration. In order to achieve this goal, NMED proposes to use the defining criteria of two RCRA Corrective Action Environmental Indicator (EI) Codes (CA725-Human Exposures Controlled; and CA750-Groundwater Releases Controlled). NMED and the baseline New Mexico facilities should now begin to develop an approach to achieving these EI goals.

The USEPA originally developed the EI program to measure corrective action program performance and to provide a database so that the public can track progress in corrective action at facilities. Though the EI program is only one milestone in the overall corrective action process in RCRA, it serves as a method for facilities to work with State to focus resources on those sites that may require a higher level of effort to meet these important benchmarks. The program also represents an opportunity for facilities to highlight their corrective action accomplishments to both the government and the community.

As a first step toward developing an approach to achieving the indicator goals, NMED is requesting that each baseline facility complete the enclosed indicator forms. This information will provide a basis for working with NMED to determine if the facility can meet or already has met the criteria for the two indicators. The determinations of CA725 (Human Exposures Controlled) and CA750 (Groundwater Releases Controlled) apply facility-wide, but require

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consideration of each individual solid waste management unit (SWMU) or area of concern (AOC) within a facility. The forms and an accompanying February 5, 1999 guidance memo from the USEPA are enclosed with this letter; these checklists can also be downloaded from EPA's website at ([http://www.epa.gov/earthlr6/6pd/rcra\\_c/pd-o/rcrabase.htm](http://www.epa.gov/earthlr6/6pd/rcra_c/pd-o/rcrabase.htm)).

Achievement of a Human Exposures Controlled (CA725) determination means that no complete pathways resulting in exposures above acceptable risk-based levels exist. Acceptable risk based levels (levels of concern) are determined by the regulatory authority based on applicable state and federal standards and risk-based guidelines. This indicator is based on current conditions and uses at the site, so acceptable risk-based levels can differ from levels used for closure or No Further Action (NFA) determinations. In addition, institutional controls can be considered to limit pathways and exposures for this determination even though those controls would not be considered adequate protection for sites requesting an NFA. This indicator is designed to measure the protection of human health at RCRA Corrective Action sites.

A Groundwater Releases Controlled (CA750) determination indicates that groundwater is not migrating at levels that exceed the levels of concern. Levels of concern for this determination are also set by the regulatory authority based on applicable state and federal standards and risk based guidelines. This indicator is based on the movement of the groundwater, not whether people are currently or potentially exposed. This indicator is designed to measure the protection of groundwater as a resource.

It is essential that the documentation associated with each SWMU or AOC (such as RFIs, sampling investigation summaries, etc.) and used by Giant Refining Co. - Ciniza to make the determination be referenced on the forms so that the State can review these materials as part of their concurrence on the determination made by the facility. If Giant Refining Co. - Ciniza has achieved control of human exposure and groundwater releases, please provide the date of regulatory approvals, the date stabilization measures and/or corrective actions were implemented, and the date human exposure and groundwater releases were controlled for each waste management unit and/or AOC. If your facility must accomplish interim actions prior to achieving these goals, then provide a projected schedule that will result in a facility-wide CA725 and CA750 determination by the year 2005.

Because the Environmental Indicators program measures progress on a facility-wide basis, meeting the goals may require substantial effort to review individual sites and determine if interim measures need to be taken. It is imperative that both the New Mexico Environment Department and the facilities begin now to examine sites so that we can achieve our Environmental Indicator goals.

Please provide the Department with a list of the above mentioned documentation references within thirty (30) days from the date of this letter so that the Department might initiate its own evaluation. Please also return the completed enclosures within ninety (90) days from the date of

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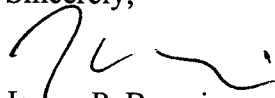
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this letter. Upon receipt of this information by the NMED, David Cobrain, Project Leader for Giant Refining Co, - Ciniza, will evaluate the information in conjunction with EPA directives and other guidance documents. She/he may contact you to discuss any discrepancies and the information and schedules needed for achieving the cleanup goals. A copy of your response will be forwarded to USEPA to facilitate an update of information contained on USEPA's website about your facility. Should your facility need additional time to complete these activities, please provide a schedule of completion through your facility project leader at HWB.

HWB is organizing a discussion/training regarding the EI forms on November 14, 2000 in Albuquerque. Please inform us within a week of receiving this letter if your organization is interested in attending. Should you have any questions concerning this letter please contact David Cobrain at (505) 827-1558 ext 1073 or Kirby Olson at (505) 827-1561 ext. 1034. Please submit the requested information to Dr. Olson at the address above. Thank you for your cooperation in this matter.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

Enclosure: USEPA CA725 and CA750 forms  
2/5/99 guidance memo

cc: J. Kieling, NMED HWB  
David Cobrain, NMED HWB  
P. Allen, NMED HWB  
D. Neleigh, USEPA Region 6 (6PD-N)  
David Vogler, USEPA Region 6  
K. Olson, HWB  
S. Pullen, HWB  
Read file

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