



BILL RICHARDSON
GOVERNOR

GRCC 05
State of New Mexico
ENVIRONMENT DEPARTMENT

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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 21, 2005

Mr. Ed Riege
Environmental Superintendent
Giant Refining Company
Route 3 Box 7
Gallup, New Mexico 87301

SUBJECT: APPROVAL "CONTAINED-IN" DETERMINATION FOR EXCAVATED SOIL FROM THE AUGUST 2005 API SEPARATOR RELEASE GIANT REFINING COMPANY, CINIZA REFINERY EPA ID NO. NMD000333211 HWB-GRCC-MISC

Dear Mr. Riege:

The New Mexico Environment Department (NMED) is in receipt of Giant Refining Company, Ciniza Refinery's (the Permittee) letter entitled *Request for Waste Determination At The Giant Ciniza Refinery* dated November 15, 2005. This letter requests a "contained-in" determination for soil excavated to remediate releases from the American Petroleum Institute (API) separator that occurred on August 3 and 15, 2005. The API separator releases consisted of oily wastewater containing the hazardous waste codes D018, F037, and F038. The letter states that the Permittee obtained composite soil samples from excavated soils for analysis for volatile and semi-volatile organic compounds (VOCs and SVOCs, respectively). Xylenes were detected in the samples of soils excavated during remediation of the August 3, 2005 release. Soil samples obtained from the soils excavated during remediation of the August 15, 2005 release contained concentrations of benzene, toluene, ethylbenzene, and xylene. No other VOCs with established soil screening levels were detected in the soil samples. The only SVOC detected was bis(2-ethylhexyl)phthalate.

NMED has discretionary authority to make a site-specific determination that contaminated soils be managed as either hazardous or nonhazardous waste. This "contained-in" determination is

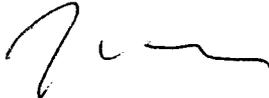
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Giant Ciniza Refining Company
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based on conservative risk based soil screening levels where the analytical data is compared to New Mexico's Soil Screening Levels (NMSSLs) and the US EPA Region 6 Residential Human Health Medium -Specific Screening Levels (MSSLs).

NMED has determined that the soil excavated during remediation of the API separator releases does not need to be managed as hazardous waste, based on the submitted analytical data. The data indicates that concentrations of all detected constituents were less than Residential NMSSLs and also less than the EPA Region 6 Residential MSSLs. As part of this approval, the Permittee must not dispose of the excavated soil on-site in the Oil Conservation Division (OCD) land farm. The Permittee must dispose of the soil off-site in an appropriate subtitle D landfill.

If you have questions regarding this approval please contact Hope Monzeglio of my staff at 505-428-2545.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:hm

cc: *D. Cobrain, NMED HWB
*J. Kieling, NMED HWB
~~W. Price, NMEMNRD OCD~~
C. Chavez, NMENMRD, OCD
D. Foust, NMENMRD OCD
S. Morris, GRCC

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