



**BILL RICHARDSON**  
GOVERNOR

GRCC06  
State of New Mexico  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Telephone (505) 428-2500  
Fax (505) 428-2567  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



**RON CURRY**  
SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

June 29, 2006

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

**SUBJECT: "CONTAINED-IN" DETERMINATION APPROVAL REGARDING  
CONTAMINATED SOIL REMOVED FROM THE AERATION  
LAGOONS AND EVAPORATON PONDS  
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 titled *Request For Waste Determination At The Giant Ciniza Refinery* dated June 15, 2006. This letter requests a "contained-in" determination for petroleum contaminated soil excavated from the banks of Aeration Lagoons (AL) No. 1 and No. 2 and Evaporation Ponds (EP) No. 1 and No. 2. The soil was contaminated, in part, by API separator releases that occurred on August 3 and 15, 2005. Oily wastewater containing benzene (D018) and F037/F038-listed waste was released from the API separator, entered the ALs and EPs and was eventually deposited on the banks of the ponds. Six composite and six discrete soil samples were obtained from excavated soils removed from the banks of the ALs and EPs. The discrete samples were analyzed in a laboratory for volatile organic compounds (VOCs). The composite samples were analyzed in a laboratory for semi-volatile organic compounds (SVOCs),

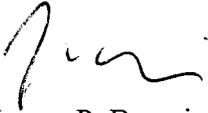
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Giant Ciniza Refining Company  
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toxicity characteristic leaching procedure (TCLP) metals, reactivity, ignitability, corrosivity, diesel range organics (DRO) and gasoline range organics (GRO).

NMED has determined that the Permittee is not required to manage the soils excavated from around the banks of the ALs and EPs as hazardous waste. This determination is based on analytical data indicating concentrations of all detected constituents were below the residential NM SSLs and EPA Region 6 Residential standards. As part of this approval, the Permittee must dispose of the soil in an appropriate landfill or on-site in a designated Oil Conservation Division (OCD) landfarm, if approved by OCD. If the excavated soil is not disposed of in the OCD landfarm, the Permittee must obtain approval for final disposal from both NMED and OCD.

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: J. Kieling, NMED HWB  
D. Cobrain, NMED HWB  
H. Monzeglio, NMED HWB  
W. Price, NMEMNRD OCD  
S. Morris, GRCC  
J. Lieb, GRCC

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