

GRCC 07



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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

CINDY PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 15, 2007

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

**SUBJECT: "CONTAINED-IN" DETERMINATION FOR CONTAMINATED SOIL
REMOVED FROM THE AERATION LAGOONS AND EVAPORATION
PONDS JULY 2007
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 Contained-In Determination* dated August 1, 2007. This letter requests a "contained-in" determination for petroleum contaminated soil excavated from the banks of Aeration Lagoons (AL) 1 and 2, and Evaporation Pond (EP) 1, and 2. Oily wastewater containing benzene (D018) and F037/F038-listed waste was released from the refinery wastewater conveyance system, entered the ALs and EPs, and was eventually deposited on the banks of the ponds. Two composite and two discrete soil samples were obtained from approximately 100 cubic yards of contaminated soils removed from the banks of the ALs and EPs. The discrete samples were submitted to a laboratory for analysis of volatile organic compounds (VOCs). The composite samples were analyzed for semi-volatile organic compounds (SVOCs), toxicity characteristic leaching procedure (TCLP) metals, reactivity, ignitability, corrosivity, diesel range organics (DRO) and gasoline range organics (GRO).

Mr. Ed Riege
Giant Ciniza Refining Company
August 15, 2007
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Based on our review of the soil sample chemical analytical results, 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. The analytical data indicate that the waste is not characteristic hazardous waste as defined by 40 CFR 261 Subpart C. In addition, the concentrations of all detected constituents are below residential New Mexico Soil Screening Levels. As part of this approval, the Permittee must properly dispose of the soil in an appropriate landfill or in a permitted Oil Conservation Division (OCD) landfarm, if approved by OCD. All soil disposal activities must be properly documented.

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

Sincerely,



John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau

cc: J. Bearzi, NMED HWB
D. Cobrain, NMED HWB
C. Frischkorn, NMED HWB
H. Monzeglio, NMED HWB
W. Price, NMEMNRD OCD
S. Morris, GRCC
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