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ENVIRONMENT DEPARTMENT

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RON CURRY
Secretary

CINDY PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 4, 2007

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

**RE: "CONTAINED-IN" DETERMINATION FOR CONTAMINATED SOIL
RESULTING FROM OVERFLOWS FROM THE WEIR BOX TO THE NEW API
SEPARATOR ON JUNE 23, 2007 AND JULY 19, 2007
GIANT REFINING COMPANY, GALLUP REFINERY
EPA ID NO. NMD000333211
HWB-GRCC-MISC**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) is in receipt of Giant Refining Company, Gallup Refinery's (the Permittee) letter titled *Request for Contained-In Determination: Weir Box Soil* dated September 19, 2007. This letter requests a "no longer contained-in" determination in accordance with 20.4.1.800 NMAC [incorporating 40 CFR 268.7(e)] for excavated petroleum contaminated soil resulting from weir box overflows at the New API separator (NAPIS) occurring on June 23 and July 19, 2007. Oily wastewater containing benzene (D018) and F037/F038-listed waste was released from the weir box associated with the NAPIS. One composite and one discrete soil sample were obtained from approximately 8 cubic yards of excavated contaminated soil. The discrete sample was analyzed for volatile organic compounds (VOCs). The composite sample was analyzed for semi-volatile organic compounds (SVOCs), RCRA 8 total metals, reactivity, ignitability, corrosivity, and total petroleum hydrocarbons (TPH).

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NMED has some concerns regarding the analytical data. The corrosivity analysis was performed past the recommended holding time; however, the result was within a normal pH range. The Permittee did not analyze for the toxicity characteristic using the toxicity characteristic leaching procedure (TCLP) using test method 1311 in accordance with 40 CFR 261.24, but analyzed for RCRA 8 total metals. NMED applied the twenty times rule and the values were below the toxicity characteristic values. In the future, TCLP analysis must be conducted on soil profile samples.

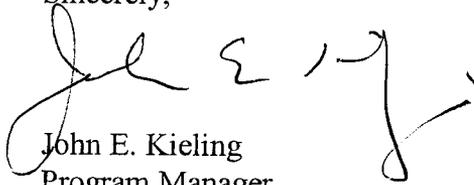
Based on our review of the soil sample chemical analytical results, NMED has determined that the Permittee is not required to manage the excavated soils resulting from the weir overflows as hazardous waste. The analytical data indicate that the waste is not characteristic hazardous waste as defined by 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 a "contained-in" determination is requested in the future, the Permittee must refer to past "contained-in" determination letters to ensure the correct chemical analyses are being performed and all relevant information is submitted. The Permittee must also compare chromium results to the chromium VI New Mexico Soil Screening Levels (234 mg/kg) and not chromium III.

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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
J. Lieb, GRCC
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