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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
OFFICE OF REGIONAL COUNSEL  
1445 ROSS AVENUE  
DALLAS, TEXAS 75202



SENDER'S DIRECT DIAL MEMBER



OFFICE OF REGIONAL COUNSEL  
BUS. PHO. NO: (214) 665-  
FAX NO. (214) 665-3177

PLEASE DELIVER TO: Ms. Hope Montzeglio

DIRECT PHONE NUMBER: \_\_\_\_\_

FAX NUMBER: 505 476-6060

REGARDING: San Juan Refining Co., et al

THE INFORMATION CONTAINED IN THIS MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE ADDRESSEE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS PROHIBITED. IF YOU RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY TELEPHONE US TO ARRANGE FOR RETURN OF THE DOCUMENTS TO US. THANK YOU

FROM: Marcia Moncrieffe  
214 665-7343

DATE: 2-15-08

IN CASE OF PROBLEMS, PLEASE CALL me AT 214/665-2129, Lupe

THIS IS PAGE 1 OF \_\_\_\_\_ PAGES



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

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REGIONAL HEARING CLERK  
EPA REGION VI

FEB 15 2008

Mr. Joseph F. Guida  
Guida, Slavich & Flores  
750 N. St. Paul Street, Suite 200  
Dallas, Texas 75201

RE: San Juan Refining Co., and Giant Industries Arizona, Inc.  
Bloomfield Refinery/U.S. EPA Docket No. VI-303H/Termination of  
Administrative Order on Consent

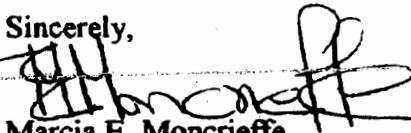
Dear Joe:

I write this letter to document the file in the above-referenced matter and to provide clarity relative to the blank signature block for the Regional Judicial Officer ("RJO") that appears in the Joint Stipulation of Termination of Administrative Order on Consent (the "Agreement") that was filed on February 8, 2008, with the Regional Hearing Clerk. As explained below, notwithstanding the blank signature block, the Agreement became effective on said day pursuant to Section IV (Effective Date) of the Agreement.

The approval and signature of the RJO are not necessary to effectuate the binding agreement of the Parties under this Agreement. The delegation authority to sign Consent Agreements memorializing settlements between the Environmental Protection Agency, Region 6 ("EPA") and Respondents, as in this instance, lies with EPA's Division Director for the Compliance Assurance and Enforcement Division. As seen on page two (2) of the Agreement, the Agreement was executed by the appropriate representative for the EPA.

Please accept this letter as further documentation to the file that the above-referenced Agreement was filed and became effective on February 8, 2008; and as we agreed, I will file this letter with the Regional Hearing Clerk in the above-referenced docket. I will deliver, by first class mail, a filed-stamped copy of this letter to you and deliver in person and/or by facsimile a copy to Mr. Nick Stone of the EPA and Ms. Hope Monzeglio of the New Mexico Environment Department. Should you have any further questions, do call me at (214) 665-7343 or I might be reached by e-mail at [moncrieffe.marcia@epa.gov](mailto:moncrieffe.marcia@epa.gov). Thanks for your cooperation in this matter.

Sincerely,

  
Marcia E. Moncrieffe  
Assistant Regional Counsel

Cc: Mr. Nick Stone  
Ms. Hope Montzeglio

FILED

08 FEB -8 AM 11:15

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6**

REGIONAL HEARING CLERK  
EPA REGION VI

IN THE MATTER OF:	)	
	)	
Bloomfield Refining Company	)	ADMINISTRATIVE
P.O. Box 159	)	ORDER ON CONSENT
Bloomfield, New Mexico	)	
	)	U.S. EPA DOCKET NO.
EPA ID NO. NMD089416416	)	VI-303-H
	)	
RESPONDENT	)	PROCEEDING UNDER SECTION
	)	3008(h) OF THE RESOURCE
	)	CONSERVATION AND RECOVERY
	)	ACT, AS AMENDED, 42
	)	U.S.C. SECTION 6928(h).

**JOINT STIPULATION OF TERMINATION OF ADMINISTRATIVE ORDER ON  
CONSENT**

**I. BACKGROUND**

1. The U.S. Environmental Protection Agency ("EPA") issued the Final Resource Conservation and Recovery Act ("RCRA") 3008(h) Administrative Order on Consent ("EPA Order") in this matter to Bloomfield Refining Company on December 31, 1992.
2. Subsequent to the issuance of the EPA Order, ownership of the subject facility was acquired by San Juan Refining Company and operations were assumed by Giant Industries Arizona, Inc. (collectively, "Giant").
3. Pursuant to the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-10 (A) and (E), the New Mexico Environment Department ("NMED") issued to Giant a unilateral Administrative Order, effective July 27, 2007 ("New Mexico Order").
4. EPA has determined that the New Mexico Order, in its present form, satisfies and achieves the same objectives as the EPA Order.
5. Pursuant to authorization by EPA under RCRA, the New Mexico hazardous waste program is authorized to operate in lieu of the federal RCRA program in the State of New Mexico.
6. It is the intent of the parties that RCRA corrective action activities that are set forth in EPA's Order at the subject facility shall now in all respects be undertaken

pursuant to the New Mexico Order, under the authority of the NMED, and under New Mexico law, in lieu of the EPA Order.

**II. AGREEMENT OF THE PARTIES**

7. This Joint Stipulation of Termination of Administrative Order on Consent ("Stipulation") constitutes the binding agreement and stipulation of the parties hereto that, by the signatures below, the EPA Order is terminated.

8. Within thirty (30) days of the effective date of this Stipulation, EPA will forward a copy of this Stipulation to the NMED to advise the NMED of this mutual agreement.

9. As part of EPA's authority under RCRA, EPA will continue to exercise its oversight authority as per the Memorandum of Understanding with NMED.

**III. TERMINATION AND SATISFACTION**

10. The terms of this Stipulation have been entered in lieu of the termination and satisfaction requirements in Sections XX and Section XXVII of the EPA Order, and this Stipulation supersedes those sections in all respects.

11. The parties agree that the issuance of the New Mexico Order satisfies all obligations the EPA and Giant have to each other under the EPA Order, and the EPA Order is being terminated in accordance with, and pursuant to, the terms of Section 3008(h) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6928(h).

**IV. EFFECTIVE DATE**

12. This Stipulation shall have as its effective date the date on which it is filed with the Regional Hearing Clerk, EPA Region 6.

IT IS SO AGREED:

United States Environmental Protection Agency, Region 6

Date: 1-25-08

By: [Signature]

Title: Director, 6EN

San Juan Refining Company

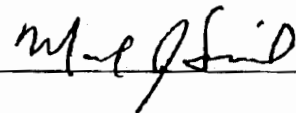
Date: 11-29-2007

By: [Signature]

Subject: Executive Vice President - Refining

Giant Industries Arizona, Inc.

Date: 11-28-2007

By: 

Title: Executive Vice President - Refining

Regional Judicial Officer

Date: \_\_\_\_\_

By: \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the attached Joint Stipulation of Termination of Administrative Order on Consent, Docket No. VI-303-H were hand-carried to the Regional Hearing Clerk, U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue (6PD-O), Dallas, Texas 75202 and that true and correct copies of the aforementioned document were sent by first class mail to:

Joseph F. Guida  
Guida, Slavich & Flores  
750 N. St. Paul St., Suite 200  
Dallas, TX 75201

Mr. Nick Stone  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Ave (6PD-O)  
Dallas, TX 75202



Marcia Moncrieffe  
Office of Regional Counsel

2/8/08



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 6**  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Paul L. Foster  
President and Chief Executive Officer  
Western Refining Company  
6500 Trowbridge Drive  
El Paso, TX 79905

RE: Closure of the Federal 3008(h) Order dated December 31, 1992

Dear Mr. Foster:

Pursuant to Section XX of 3008(h) Order dated December 31, 1992, the U.S. Environmental Protection Agency (EPA) has determined that the terms of the Order will be met under the New Mexico Environment Department Order issued July 27, 2007.

As shown in the enclosed agreement, EPA closes the Federal Order dated December 31, 1992, in lieu of the State Order issued July 27, 2007.

If you have any questions, please contact me at (214) 665-7548 or Nick Stone at (214) 665-7226.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hansen".

Mark Hansen, Associate Director  
Hazardous Waste Enforcement Branch

Enclosure

cc: Nick Stone, U.S. EPA Region 6  
Hope Monzeglio, NMED