



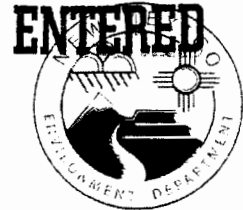
BILL RICHARDSON
Governor

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ENVIRONMENT DEPARTMENT

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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 20, 2010

James R. Schmaltz
Environmental Manager
Western Refining Southwest, Inc
Bloomfield Refinery.
P.O. Box 159
Bloomfield, NM 87413

**RE: APPROVAL
PARTIAL CLOSURE OF THE NORTH AND SOUTH
AERATION LAGOONS CLOSURE CERTIFICATION REPORT
WESTERN REFINING SOUTHWEST INC., BLOOMFIELD REFINERY
EPA ID # NMD089416416
HWB-GRCB-09-007**

Dear Mr. Schmaltz:

The New Mexico Environment Department (NMED) has received Western Refining Southwest Inc., Bloomfield Refinery's (Western) *Response to March 24, 2010 Notice of Disapproval North and South Aeration Lagoons Closure Certification Report* (NOD Response), dated April 19, 2010. NMED hereby approves partial closure of the Aeration Lagoons.

Western has completed partial closure of the North and South Aeration Lagoons (N & S ALs). The Aeration Lagoons are no longer treating hazardous waste, all sludges and liquids were removed, and the liners were cleaned and repaired as necessary. The Aeration Lagoons are currently operating, but are only used to treat non-hazardous waste water.

Although NMED has approved partial closure, Western is still required to complete final closure of the N & S ALs when they cease operation. The final closure process must include complete removal of the lagoons and all underlying contaminated soils. Final closure may be completed as part of corrective action under the July 27, 2007 Order (Order) with Group 9, SWMU 13 and in

Mr. Schmaltz
May 20, 2010
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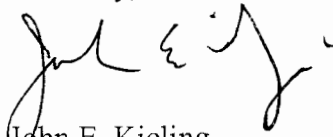
accordance with 40 CFR 265 Subpart G. The cost estimate associated with the closure process has been addressed by NMED in a separate letter dated April 5, 2010 (*Response to Western Refining March 15, 2010 Financial Assurance for the Gallup Refinery EPA ID #NMD000333211 and the Bloomfield Refinery EPA ID #NMD089416416 Western Refining Southwest, Inc.*).

In addition, Western's response to Comment 7 in the NOD Response states "[t]he approved IDW Management Plan mentioned in the North and South Aeration Lagoon Closure Certification Report was intended to reference the same IDW Management Plan that was included in the earlier approved Group 2 Investigation Work Plan, and has since been included in the earlier approved Group 2 Investigation Work Plans. A copy of the IDW management Plan was followed during the aeration lagoon monitoring well installation activities [and] is provided in (**Attachment D**)."

Attachment D is written in the future tense indicating what will be conducted instead of stating what was conducted. In the future, any IDW management reporting must address what was actually completed during the associated field activities, regardless of whether it was cited in an earlier plan. No revision is necessary because the IDW activities are complete and chemical analyses was conducted on the soils, which were accepted by the disposal facility.

Please contact Hope Monzeglio of my staff at (505) 476-6045, should you have any questions.

Sincerely,



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

cc: J. Bearzi, NMED HWB
D. Cobrain, NMED HWB
H. Monzeglio, NMED HWB
C. Chavez, OCD
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File: Reading File and GRCB 2010