

GRC07



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RON CURRY
Secretary

CINDY PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 16, 2007

Ms. Stella Rosales
1000 West Temple Street
Los Angeles, CA 90012-1514

**RE: BANK OF AMERICA IRREVOCABLE STANDBY LETTER OF CREDIT
GIANT INDUSTRIES ARIZONA, INC.**

Dear Ms. Rosales:

The New Mexico Environment Department (NMED) is releasing the Irrevocable Standby Letter (LOC) of Credit Number: 3073012. The New Mexico Administrative Code 20.4.1.500 NMAC incorporating regulations 40 CFR 264.143(d)(10) state "The Regional Administrator will return the letter of credit to the issuing institution for termination when: (i) An owner or operator substitutes alternate financial assurance as specified in this section; or " Giant Industries has provided alternate financial assurance. Attached to this letter is the letter from NMED's Regional Administrator releasing Giant Industries Arizona, Inc. from the letter of credit number 3073012 and the original copy of the letter of credit.

Ms. Rosales
August 16, 2007
Page 2 of 2

If you have any questions regarding this letter, please contact Hope Monzeglio of my staff at 505-476-6045.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and "K".

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

Attachment

cc: J. Bearzi, NMED HWB
D. Cobrain, NMED HWB
H. Monzeglio, NMED HWB
C. Frischkorn, NMED HWB
E. Riege, GRCC
R. Schmaltz, GRCB
M. Cox, Western Refining
Reading File and GRCB 2007 and GRCC 2007



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone: (505) 827-2855
Fax: (505) 827-2836



RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

July 19, 2007

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

Mr. Randy Schmaltz
Environmental Supervisor
Giant Refining Company
P.O. Box 159
Bloomfield, New Mexico 87413

**RE: FINANCIAL ASSURANCE LETTER OF CREDIT RELEASE
GIANT REFINING COMPANY'S, CINIZA EPA ID# NMD000333211 AND
BLOOMFIELD REFINERIES EPA ID # NMD 089416416**

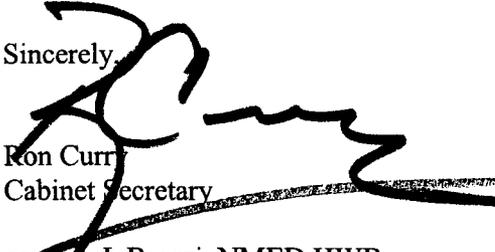
Dear Mr. Riege and Mr. Schmaltz:

The New Mexico Environment Department (NMED) has received Western Refining's letter dated July 6, 2007 regarding the Response to Financial Assurance Update Request for Giant Industries Arizona, Inc. (Giant). Giant has updated and changed the financial assurance mechanism from a letter of credit to a financial test and corporate guarantee.

In accordance with 40 CFR 264.143(d)(10)(i), NMED hereby releases Giant from the letter of credit requirements established in 40 CFR 264.143(d), 264.145 (d), 265.143(c) and 265.145(c). NMED will return the letter of credit to the issuing institution and notify Giant when this task has been accomplished.

If you have any questions regarding this letter, please contact Hope Monzeglio of my staff at 505-476-6045.

Sincerely,


Ron Curry
Cabinet Secretary

- cc: J. Bearzi, NMED HWB
J. Kieling, NMED HWB
D. Cobrain, NMED HWB
C. Frischkorn, NMED HWB
H. Monzeglio, NMED HWB
L. King EPA Region 6 (6PD-N)
S. Jenkins, EPA Region 6
L. Scott, EPA Region 6
B. Wilkinson, EPA Region 6 (6EN-H)
M. Cox, Western Refining Company
Reading File and GRCB 2007 and GRCC 2007



DATE: JANUARY 25, 2005

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER: 3073012

CONFIDENTIAL

BENEFICIARY
NMED HAZARDOUS WASTE BUREAU
2905 RODEO PARK DRIVE EAST
BUILDING 1
SANTA FE, NM 87505

APPLICANT
GIANT INDUSTRIES ARIZONA, NMED Hazardous
23733 N. SCOTTSDALE ROAD Waste Bureau
SCOTTSDALE AZ 85255



ATTENTION: HOPE MONZEGLIO

AMOUNT
USD 776,840.00
SEVEN HUNDRED SEVENTY SIX THOUSAND
EIGHT HUNDRED FORTY AND 00/100'S US
DOLLARS

EXPIRATION
MAY 12, 2005 AT OUR COUNTERS

DEAR SIR OR MADAM:

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. 3073012 IN YOUR FAVOR, AT THE REQUEST AND FOR THE ACCOUNT OF GIANT INDUSTRIES ARIZONA, INC., 23733 N. SCOTTSDALE ROAD, SCOTTSDALE, ARIZONA 85255 UP TO THE AGGREGATE AMOUNT OF U.S. DOLLARS SEVEN HUNDRED SEVENTY SIX THOUSAND EIGHT HUNDRED FORTY AND NO/100, US\$776,840.00, AVAILABLE UPON PRESENTATION OF THE FOLLOWING DOCUMENTS:

1. YOUR SIGHT DRAFT, BEARING REFERENCE TO THIS LETTER OF CREDIT NO. 3073012; AND
2. YOUR SIGNED STATEMENT READING AS FOLLOWS:

"I CERTIFY THAT THE AMOUNT OF THE DRAFT IS PAYABLE PURSUANT TO REGULATIONS ISSUED UNDER AUTHORITY OF THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 AS AMENDED."

THIS LETTER OF CREDIT IS EFFECTIVE AS OF JANUARY 25, 2005 AND SHALL EXPIRE ON MAY 12, 2005, BUT SUCH EXPIRATION DATE SHALL BE AUTOMATICALLY EXTENDED FOR A PERIOD OF ONE YEAR ON MAY 12, 2005 AND ON EACH SUCCESSIVE EXPIRATION DATE, UNLESS, AT LEAST 120 DAYS BEFORE THE CURRENT EXPIRATION DATE, WE NOTIFY BOTH YOU AND GIANT INDUSTRIES

ORIGINAL



CONFIDENTIAL

THIS IS AN INTEGRAL PART OF LETTER OF CREDIT NUMBER: 3073012

ARIZONA, INC. BY CERTIFIED MAIL THAT WE HAVE DECIDED NOT TO EXTEND THIS LETTER OF CREDIT BEYOND THE CURRENT EXPIRATION DATE. IN THE EVENT YOU ARE SO NOTIFIED, ANY UNUSED PORTION OF THE CREDIT SHALL BE AVAILABLE UPON PRESENTATION OF YOUR SIGHT DRAFT FOR 120 DAYS AFTER THE DATE OF RECEIPT BY BOTH YOU AND GIANT INDUSTRIES ARIZONA, INC., AS SHOWN ON THE SIGNED RETURN RECEIPTS.

WHENEVER THIS LETTER OF CREDIT IS DRAWN ON UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT, WE SHALL DULY HONOR SUCH DRAFT UPON PRESENTATION TO US, AND WE SHALL DEPOSIT THE AMOUNT OF THE DRAFT DIRECTLY INTO THE STANDBY TRUST FUND OF GIANT INDUSTRIES ARIZONA, INC. IN ACCORDANCE WITH YOUR INSTRUCTIONS.

WE CERTIFY THAT THE WORDING OF THIS LETTER OF CREDIT IS IDENTICAL TO THE WORDING SPECIFIED IN 40 CFR 264.151 (D) AS SUCH REGULATIONS WERE CONSTITUTED ON THE DATE SHOWN IMMEDIATELY BELOW.

STELLA ROSALES
TITLE: ASSISTANT VICE-PRESIDENT

DATE: JANUARY 25, 2005

THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 500.

ORIGINAL



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, DALLAS, TX 75202-2733**



**COMPLIANCE ASSURANCE AND
ENFORCEMENT DIVISION**

FACSIMILE TRANSMITTAL

FROM: Lauretta Scott

Office:	Region 6 Compliance Assurance and Enforcement Division		
FAX Number:	(214) 665-7264		
Phone Number:	(214) 665-2250		
E-mail address:	scott.lauretta@epa.gov		
Pages, Including Cover Sheet:			
Date:	July 27, 2007		

TO: Ms. Hope Monzeglio

Office	505-476-6045
FAX Number	505-476-6030
Phone Number	

Comments: Hello Hope;

I have entered the same numbers in the FACT Tool database and it is showing a result that the facility Passed. I have faxed a copy of the result to your fax number of 505-476-6030. Any questions please feel free to give me a call at 214-665-2250.

Thanks,

Lauretta Scott

Financial Test

Name of Facility:
Giant Industries

EPA Facility ID:
NMD00033211

Company Name
Western Refining

Regulatory Requirement:
RCRA Subtitle C Post-Closure

Facility Post-Closure Cost Estimate:
\$343,551.00

Date of Cost Estimate:
06-Jul-07

Financial Test

Did the facility provide an original copy of its audited financial statements?

Is the firm required to file a Form 10K with the SEC?

Company subject to Financial Test: Western Refining

Enter a New Set of Financial Data

Historical Financial Data Provided by Facility	
Date of Financial Data	Result of Financial Test
06-Jul-07	

Double click on an entry in the list to the right to view financial information for prior years

Regulatory Checklist

Did the facility submit an original letter by its Chief Financial Officer (CFO) that includes current cost estimates for all relevant units?

Does the language of the CFO's letter match 40 CFR 264.151(f), 264.151(g), or state equivalent?

Did the facility submit a special report from its CPA stipulating that the data in the CFO's letter was derived from the facility's financial statements?

Name of CPA:

Did the facility submit updated versions of the two reports referenced above within 90 days after the close of each succeeding fiscal year?

If any of the above boxes are unchecked, then check to see if the facility maintains other financial assurance instruments. If not, the facility may not be in full compliance with the applicable financial assurance requirements. Consult with your legal counsel.

Facility's Key Data Inputs

P. 03/03
7264
214 665

Balance Sheet Data	Date of Financial Data: 06-Jul-07	View Cost Info
Current Assets: \$429,287,000.00	Total Costs Covered: \$343,551.00	
Intangible Assets: \$58,607,000.00	Income Statement Data	Rating Data
Total Assets: \$1,176,177,000.00	Net Income: \$129,541,000.00	Bond Rating Agency:
Total U.S. Assets: \$1,176,177,000.00	Depreciation: \$0.00	Bond Rating:
Current Liabilities: \$222,135,000.00	Depletion: \$0.00	Bond Rating Date:
Total Liabilities: \$691,809,000.00	Amortization: \$0.00	Run Financial Tests
Tangible Net Worth: \$425,761,000.00	Are at least 90 % of firm's assets located in the U.S.? <input checked="" type="checkbox"/>	

Result of Financial Test: Pass

HAZ WASTE ENF

Return to Main Menu	Return to Company Input Screen	Return to Facility Input Screen	Last Modified By: Laretta Scott
			Date Modified: 27-Jul-07

Privileged and Confidential: May Contain Confidential Business Information. DRAFT PROTOTYPE: FOR INTERNAL AGENCY REVIEW ONLY

Version 4: 27-Jul-07

JUL-27-2007 11:23