

February 26, 2009

Brad Jones  
Oil Conservation Division  
Environmental Bureau  
1220 S. St. Francis Dr.  
Santa Fe, NM 87505

Hope Monzeglio  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303



**Re: OCD Discharge Permit GW-032 Condition 16.C**

Dear Mr. Jones and Ms. Monzeglio:

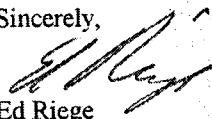
This letter and submissions are to address the OCD Discharge Permit GW-032 Condition 16.C. requirement. Specifically the below listed item addresses the OCD GW-032 revised schedule letter dated March 12, 2008, which granted a submission due date of March 1, 2009.

- **Condition 16.C.** - Attachment 1 contains the Process Design Report For Wastewater Treatment Plant Upgrade prepared by Brown and Caldwell.

Please note that while Western will identify and timely seek permits and authorizations necessary to construct and operate the wastewater treatment plant in compliance with applicable laws, the proposed schedule submitted herein is subject to, and contingent upon, approval by the NMOCD, the NMED, and the U.S. EPA of such permits and authorizations. Additionally, Western must reserve the right to make any design revisions that may become appropriate based upon agency action on any applications for permits and authorizations, or other agency directives. For example, Western currently expects to submit an application for a National Pollutant Discharge Elimination System permit for the wastewater treatment plant. Western will undertake any additions and modifications to the wastewater treatment plant that may be necessary to meet the terms and conditions of any NPDES permit that is granted. Similarly, if an NPDES permit is either not sought or granted, it may be necessary to modify the installation and design plans to incorporate any RCRA standards that may become applicable (such as those standards in 40 CFR 265, Subpart J applicable to RCRA-regulated tanks.) Any period of time associated with undertaking the engineering design and other steps necessary to satisfy NMOCD, NMED, and the U.S. EPA, of course, will affect the proposed schedule.

Please contact me at (505) 722-0217 if you have any comments or questions regarding this submittal.

Sincerely,



Ed Riege  
Environmental Manager

C: Mark B. Turri

Ann Allen  
Don Riley  
Shane White