



June 19, 2009

New Mexico Environmental Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

Dear Hope Monzeglio,

In the December 11, 2008 correspondence from the New Mexico Environmental Department (NMED) titled "Approval with Direction, Railroad Rack Lagoon Fan-Out Area Excavation Work Plan" (Approval Letter), NMED approved (with direction) the Work Plan dated September 17, 2008 titled "Railroad Rack Overflow Ditch and Fan-out Area Soil Investigation Work Plan" (Work Plan). In the Approval Letter, NMED provided the following deadlines:

April 1, 2009: The Work Plan (dated September 17, 2008) must be implemented

July 1, 2009: The Remedy Completion Report must be submitted

In accordance with NMED's Approval Letter, Western Refining has been collecting soil samples and excavating soil contaminated with Diesel Range Organic (DRO) compounds at Solid Waste Management Unit (SWMU) #8 at the Gallup Refinery (Gallup).

Western Refining commenced excavation activities in December 2008 in compliance with the Work Plan deadline (April 1, 2009) by initial determination of the field screening technique. Our consultant (Trihydro Corporation) began excavation activities the week of March 16, 2009. They have been on site once each month since March 2009 to oversee excavation activities and conduct confirmation sampling. Trihydro was on site the weeks of March 16, April 20, May 19, and June 1, 2009.

We received sample results on June 8, 2009 that showed the final confirmation samples were below the clean-up level of 890 mg/kg of DRO. Including historical data, Trihydro now has approximately 2 years of data to be summarized into the Remedy Completion Report (Report). To conduct data validations, compile field data, generate figures and tables, and complete the Report, Trihydro requires additional time. Therefore, Western Refining would like to request an extension for the Report submittal date. We request that the submittal date be amended to July 31, 2009. This will provide ample time for Trihydro to complete and submit the Report to Western Refining for internal review. Once Gallup has reviewed the Report it will be submitted to NMED for closure of the SWMU #8.

Thank you for consideration of this request. Please feel free to contact me with any questions.

Sincerely,

Ed Riege  
Environmental Manager