



July 20, 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). On June 19, 2009, Western Refining submitted a request to extend the deadline for the Remedy Completion Report to July 31, 2009. NMED approved the request on June 25, 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. However, staining and odor were observed while completing the most recent excavation activities. A sample was collected from this area and sent to the laboratory for analysis. The result was above the clean-up level. Additional excavation plans are in place to remove the stained soil.

Due to this discovery, we would like to request an additional extension to the Remedy Completion Report deadline in order to properly excavate and sample this remaining area. Due to the nature of this excavation we would like to request submitting the Remedy Completion Report to 60 days after the completion of the excavation and receipt of laboratory results for confirmation samples. Thank you for consideration of this request. Please feel free to contact me with any questions.

Sincerely,

Ed Riege  
Environmental Manager