



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVE SUE, SUITE 1200
DALLAS, TX 75202-2733

Gallop



ENTERED

12/03/09

Jean M. Flores
Guida, Slavich & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, Texas 75201

Re: *Western Refining Cost Estimate*

Dear Mrs. Flores:

Pursuant to paragraph 100(H) of the Complaint, Consent Agreement, and Final Order negotiated between the Environmental Protection Agency, Region 6, ("EPA"), the New Mexico Department of Environmental Quality ("NMED"), and Western Refining ("Western"), EPA has received and approves of Western's cost estimate of \$1,257,000 as reflected in Western's 11/10/2009 submission.

Western's 11/10/2009 submission estimates that approximately 25% of the soils to be disposed at Western's facility will require disposal as characteristic hazardous waste at US Ecology's landfill in Battie, NV. To assure EPA and NMED that Western's cost estimate remains accurate, EPA requests additional cost estimates be submitted: (1) after Western's Closure Plan is approved by NMED; and (2) after Western has performed its initial characterization of the soils to be disposed. If these subsequent cost estimates exceed Western's current cost estimate, Western will be required to update its financial assurance submission accordingly.

If you have any questions please contact David Edelstein at (214) 665-2258.

Sincerely yours,

Ragan Broyles
Associate Director
Hazardous Waste Enforcement Branch