

January 29, 2010

VIA EMAIL AND CERTIFIED MAIL No. 7008 2810 0000 4726 2151

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

Joel Dougherty (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA Region 6, Suite 1200
1445 Ross Ave.
Dallas, TX 75202-2733

**RE: PROCESS DESIGN REPORT FOR THE WASTEWATER TREATMENT PLANT
WORK PLAN (ALTERNATE DESIGN)
WESTERN REFINING SOUTHWEST, INC., GALLUP REFINERY
EPA ID #NMD000333211**

Dear Mr. Bearzi:

Western Refining Southwest, Inc., Gallup refinery ("Gallup") has reviewed NMED's October 27, 2009 notice of disapproval (NOD) requesting additional information on the Process Design Report for the Wastewater Treatment Plant Work Plan (Alternate Design) ("Work Plan"). Gallup plans to address all comments contained in this NOD and submit a revised work plan to NMED with additional information as soon as possible. Gallup takes great pride in this project and fully understands the necessity to complete the installation in a timely manner. However, as explained below, NMED has requested certain information that will not be made available to Gallup until after Gallup purchases the process units described in the Work Plan. Consequently, Gallup requests NMED's reconsideration of its Comment 7-NMED Response, Comment 20, and Comment 21. Gallup also takes this opportunity to provide information below and attached concerning an on-site test demonstration of the proposed technology.

Reconsideration Request

NMED's Comment 7 of the NOD notes that Gallup provided a schematic of the Macro Porous Polymer Extraction ("MPPE") technology in Figure 2 of the Work Plan. NMED's Comment requests additional design detail and a design drawing of the MPPE technology that will actually be installed at the facility. NMED's Comments 20 and 21 similarly request

additional design and process flow diagrams for the "DGF" and MPPE that are specific to the actual treatment plant that will be installed. However, the manufacturer of the MPPE will not develop and provide rigorous, individualized design details incorporating the MPPE with the Dissolved Gas Flotation ("DAF") technology to Gallup unless and until Gallup places an order for an MPPE unit. Gallup can only order the MPPE technology after NMED approval of the WWTP design. Consequently, due to circumstances outside of Gallup's control, it is impossible at this time for Gallup to obtain and provide more detailed design schematics to NMED than those already provided.

For this reason, Gallup is requesting NMED to reconsider and withdraw its request for additional information in the NMED Response to Comment 7, Comment 20, and Comment 21 and, instead, consider the Work Plan design with the additional information that Gallup will provide shortly in response to Comments 1-6, and 8-19 of the NOD. Once NMED approval of the Work Plan is granted (including approval to proceed with the use of the MPPE technology along with the DAF technology), Gallup will be in a position to order the equipment and, thereafter, provide NMED with the detailed design drawings for the equipment that can be incorporated into the approved Work Plan.

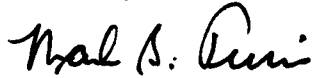
MPPE Test Demonstration

Also, Gallup advises NMED of the following work performed in furtherance of compliance with the Consent Agreement and Final Order. During the month of November a test demonstration of the proposed project described in the Work Plan was conducted at the Refinery. The demonstration consisted of a pilot DAF unit along with a pilot MPPE unit.. This simulated operation received an influent stream from the New API that was then fed into a scaled down DAF. The capacity of the DAF was 15-70 gallons per minute. For the purpose of the test run, 20 gallons per minute were processed through the unit. The DAF unit was used to create a clarified stream to feed to the MPPE unit. The DAF also created a float stream that will be used to estimate the float that will be generated in the full scale operation. The clarified effluent stream was then sent to the MPPE unit. The MPPE unit then processed the stream at a rate of 20 gallons per minute. A report from the manufacturer of the MPPE is attached providing results of the Waste Water Treatment Project Trial Run. During the three week trial, the benzene level of the treated water was constantly below 0.5 ppm, with varying benzene inlet concentrations from 3.7 to 14.0 ppm, at an average flow rate of 15 gpm. This trial run was a closed system. All streams generated were contained and returned to the influent of the New API, where they were processed and sent to the benzene strippers and then to the aeration lagoons. The results of this test demonstration provide Gallup additional confidence that the MPPE technology in conjunction with the DAF units will achieve compliance with the Consent Agreement and Final Order.

I certify that the information contained in or accompanying this submission is true, accurate and complete. As to those identified portions of this submission for which I cannot personally verify the truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting upon my direct instructions, made the verification, that this information is true, accurate, and complete.

Thank you for your review of this request. Gallup would be glad to arrange a phone call between NMED and the vendors. We look forward to your response. Please feel free to contact Ed Riege at 505-722-0217 with any questions.

Sincerely,



Mark B. Turri
Refinery Manager

cc: Hope Monzeglio NMED HWB
Carl Chavez OCD
Dave Edelstein, EPA Region 6
Ann Allen Western Refining
Ed Riege Western Refining
Shane White Western Refining