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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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RON CURRY  
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 24, 2010

Ms. Ann Allen  
Senior Vice President  
Western Refining  
123 W. Mills Avenue, Suite 200  
El Paso, Texas 79901

**RE: APPROVAL  
EXTENSION REQUEST FOR THE  
RESPONSE TO NOTICE OF DISAPPROVAL FOR  
THE 2010 FINANCIAL ASSURANCE DEMONSTRATION  
WESTERN REFINING COMPANY, SOUTHWEST, INC.  
GALLUP AND BLOOMFIELD REFINERIES  
EPA ID # NMD000333211  
HWB-GRCC-MISC**

Dear Ms. Allen:

The New Mexico Environment Department (NMED) received the Western Refining Company, Southwest Inc. (WRC) *Extension Request for Response to Notice of Disapproval Financial Assurance for Western Refining Southwest, Inc. Gallup* (Response) dated February 18, 2010. The letter requests an extension to submit the response to NMED's *Notice of Disapproval Financial Assurance for the Gallup Refinery EPA ID# NMD000333211 and the Bloomfield Refinery NMD089416416* dated February 4, 2010.

Ann Allen  
Western Refining Southwest, Inc.,  
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Western's financial statements will not be finalized until March 4, 2010; the Permittee has shown good cause in this request. NMED hereby approves of the requested extension for submittal of the Response until March 15, 2010.

As part of the request WRC requested the regulatory basis for additional financial assurance for the closure of the Bloomfield Refinery surface impoundments. The surface impoundments (aeration lagoons) are interim status units. Even though investigation and cleanup of the surface impoundments below the liners will be conducted in conjunction with corrective action conducted in the process area (SWMU 13) under the July 27, 2007 Order, WRC is still required to provide financial assurance for the completion of closure of interim status units in accordance with 20.4.1.600 NMAC incorporating 40 CFR §265.142 and 143. The closure cost estimate must include the costs for all activities required to complete final closure. NMED's estimate is a general approximation based on complete removal of contaminated soils beneath the surface impoundments, disposal of those soils as nonhazardous waste at an approved landfill and all associated costs for testing, monitoring and reporting of the removal action. WRC may choose to provide its own estimate of the costs for closure of the surface impoundments rather than use the estimate provided in NMED's February 4, 2010 letter.

If you have questions regarding this letter please contact Hope Monzeglio of my staff at 505-476-6045.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB  
D. Cobrain NMED HWB  
H. Monzeglio, NMED HWB  
C. Chavez, OCD  
J. Dougherty, EPA Region 6  
D. Edelstein, EPA Region 6  
Alan Haines, Western Refining  
File: Reading File and GRCC 2010 File