

February 16, 2011



Joel Dougherty (6EN-HE)
Hazardous Waste Enforcement Branch
U.S. EPA Region 6, Suite 1200
1445 Ross Ave.
Dallas, TX 75202-2733
Via Certified Mail
No. 7006 2150 0003 5110 0139

Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Via Certified Mail
No. 7006 2150 0003 5110 0146

**RE: In the Matter of Western Refining Southwest, Inc.
Complaint and Consent Agreement and Final Order
Docket No. RCRA-06-2009-0936**

Gentlemen:

Western Refining Southwest, Inc. ("Western") received on January 19, 2011, a demand letter stating that "Western has failed to comply with the terms of the CAFO and the CAFO Modification. Paragraph 110 of the CAFO prescribes Stipulated Penalties if the Respondent fails to comply with any provision in the CAFO. Western is hereby ordered to pay Six Thousand Dollars (\$6,000.00) to the Treasurer of the United States as prescribed by Paragraphs 110 through 114 of the CAFO." Although Western disagrees with EPA's February 10, 2011 determination not to accept Western's *force majeure* claim on two of the events that serve as the basis for the subject stipulated penalty demand, Western is hereby making full payment of the demand in the spirit of cooperation and compromise rather than seeking further dispute resolution. Please note that Western's payment is not an admission of any kind.

Attached is a copy of the Cashier's Check No. **9494140330** dated February 15, 2011, in the amount of \$6,000.00 made payable to the Treasurer of the United States. This payment is being made within the required 30 days of receipt of the demand letter. Simultaneous notices of payment with a copy of the Cashier's Check are being provided to the following EPA representatives as required by Paragraphs 102 and 105 of the CAFO.

Lorena S. Vaughn (6RC-D)
Regional Hearing Clerk
U.S. EPA – Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
Via Certified Mail No. 7006 2150 0003 5110 0153

Ragan Broyles (6EN-H)
Associate Director, Hazardous Waste Enforcement Branch
U.S. EPA – Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Via Certified Mail No. 7006 2150 0003 5110 0160

David Edelstein (6RC-ER)
RCRA Legal Branch
Office of Regional Counsel
U.S. EPA – Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Via Certified Mail No. 7006 2150 0003 5110 0177

Please call me at (915) 534-1480 if you have any questions.

Sincerely,



Leslie Ann Allen
Senior Vice President
Health, Safety, Environment and Regulatory Affairs

Enclosure

copy: Mark Turri
Western Refining – Gallup Refinery

Ed Riege
Western Refining – Gallup Refinery

Bank of America 

Cashier's Check

No. **9494140330**

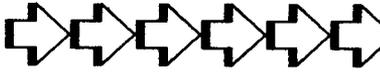
ANTI-FRAUD PROTECTION PATENTS 5,187,766 & 5,187,767

Bank of America, N.A.
San Antonio, Texas
Deposit Services
318/0005197 EE

Void Over 90 Days

30-1/1140

DATE
02/15/2011 03:37:07 PM

PAY  **BANK OF AMERICA** ^{SIX} **600000**
ZERO ZERO ZERO CT SCTS

*****\$6,000.00

To The Order Of **Treasurer of the United States**

Details of Payment: In the Matter of Western Refining Southwest, Inc., Docket No.
RCRA-06-2009-0936
SR#1-967977335

Void Over \$ 6,000.00

Remitter: **WESTERN REFINING COMPANY, L.P.**


AUTHORIZED SIGNATURE

⑈9494140330⑈ ⑆121000358⑆ 1397285075⑈

■ THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. ■ HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS. ■