



November 8, 2011

Via E-Mail

john.kieling@state.nm.us

and FedEx Airbill #7953 8587 4993

Mr. John E. Kieling, Acting Chief
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

**Re: Draft Hazardous Waste Permit For Western Refining Southwest, Inc./
Gallup Refinery/ Request For Extension of Public Comment Period**

Dear Mr. Kieling:

The purpose of this letter is to request, on behalf of Western Refining Southwest, Inc. ("Western"), that the public comment period for the above-referenced draft Hazardous Waste Permit ("draft permit") be extended thirty (30) days from November 15, 2011 through December 15, 2011. The reasons for this request are set forth below.

1. Western has been unable to identify the "Administrative Record" referenced in the public notice announcing public comment on the draft permit. (See Public Notice No. 11-05.) An index of documents purporting to reflect the contents of the Administrative Record was provided to a Western representative by a Bureau representative, but this index appears to merely reference all the documents in the Bureau's files relating to the refinery going back over twenty (20) years. There is no discernible nexus between the draft permit requirements (especially those relating to SWMUs and work plan schedules) and documents referenced in the index. It will take considerable time to examine every document that might relate in some way to the terms of the draft permit. Although Western does not waive any objections to the Bureau's authority to support its permit determinations through simple incorporation of the entire Western file, we believe that, at the very least, the Bureau ought to afford Western a reasonable opportunity to review all of the voluminous documents purportedly representing the Administrative Record in this proceeding.

2. In addition, at the bottom of page 4 of the September 16, 2011 Fact Sheet, it is stated: "The regulatory justifications for imposing corrective action are contained in the NMED's technical support documents filed in the administrative record." However, we have not been able to locate

these justifications in the "administrative record." Assuming such documents exist, Western will need a fair opportunity to review and respond to them.

3. The draft permit represents a significant departure from the existing August 2000 LTU Post-Closure Permit for the refinery with extensive new boilerplate provisions, numerous new SWMU designations, a host of new work plan schedules, and major new facility-wide remedial obligations extending forward ten (10) years that have not been the subject of any previous discussion between Western and the Bureau. In order for Western to have a fair and meaningful opportunity to comment on a draft permit with new requirements of such magnitude, and on which there has been no prior consultation with the Bureau, more time is necessary and appropriate.

For the reasons set forth above, Western respectfully requests that the public comment period on the draft permit be extended through December 15, 2011. Given the current public comment deadline of November 15, 2011, we would appreciate your prompt response to this request as soon as possible in advance of the current deadline.

Thank you for your consideration.

Sincerely,



Leslie Ann Allen
Senior Vice-President
Environmental and Regulatory Affairs