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JOHN A. SANCHEZ
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NEW MEXICO  ENTERED
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RYAN FLYNN
Cabinet Secretary-Designate

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Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 14, 2013

Mr. Ed Riege
Environmental Manager
Western Refining, Southwest Inc., Gallup Refinery
Route 3, Box 7
Gallup, New Mexico 87301

**RE: HYDROCARBON RELEASE NOTIFICATION
WESTERN REFINING SOUTHWEST INC., GALLUP REFINERY
EPA ID # NMD000333211
HWB-WRG-MISC**

Dear Mr. Riege:

The New Mexico Environment Department (NMED) has received Western Refining Southwest, Inc.'s (Western Refining) letter dated August 6, 2013, regarding NMED's requirement to submit a release assessment report and investigation report documenting the hydrocarbon release discovered on June 26, 2013.

Western Refining's issues over jurisdiction do not relieve Western Refining of its duty to comply with the Hazardous Waste Permit (Permit) issued in 2000. The Permit requires Western Refining to submit documentation regarding the release as noted in NMED's previous letters; Western Refining must comply with the Permit. Noncompliance with the Permit requirements constitutes a violation of the Permit. Nevertheless NMED takes enforcement action at its discretion.

NMED is not requiring work in addition to the work that is already being performed, only requiring submittal of reports. However, since the cleanup is being conducted at risk, NMED may require additional information depending on the results of the cleanup activities.

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During a refinery tour on July 30, 2013, in response to questions from NMED, Western Refining provided limited information related to the ongoing cleanup activities with NMED; however, no other information has been shared with NMED other than the preliminary C-141 form.

In an effort to work with Western Refining, NMED agrees to postpone the submittal dates of the required documents for 60 days. The investigation report is due no later than **October 21, 2013** and the release assessment report must be submitted by **November 18, 2013**.

If you have questions regarding this letter, please contact Kristen Van Horn of my staff at 505-476-6046.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: T. Blaine, NMED EHD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
K. Van Horn, NMED HWB
C. deSaillen, NMED OGC
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File: Reading File and WRG 2013 File
HWB-WRG-MISC