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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 20, 2015

Mr. Ed Riege
Environmental Manager
Western Refining, Southwest Inc., Gallup Refinery
92 Giant Crossing Road
Gallup, New Mexico 87301

**RE: APPROVAL WITH MODIFICATIONS
EXTENSION REQUEST FROM RCRA PERMIT CORRECTIVE
ACTION SUBMITTAL SCHEDULE
SOLID WASTE MANAGEMENT UNITS (SWMUs) NO. 7, NO. 9, AND NO. 11
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., Gallup Refinery (Permittee) *Extension Request from RCRA Corrective Action Submittal Schedule Solid Waste Management Units (SWMUs) No. 7, No. 9, and No. 11* (Extension Request), dated February 17, 2015 and received February 23, 2015. This Extension Request complies with RCRA Permit Section I.J.12 (Extensions of Time) and NMED hereby issues this Approval with the following modifications.

The Permittee cites two reasons for the extension request: NMED's statement in the *Request to Proceed Review of Petition for No Further Action and Supplementary Information* letter, dated November 18, 2014 that "active sites" (e.g., SWMU 7 Fire Training Area) will not be reviewed at this time. The second is that the other sites are currently being reviewed by NMED as part of the no further action review. This is true for SWMU 9 (Drainage Ditch and Inactive Landfarm);

Mr. Riege
Gallup Refinery
March 20, 2015
Page 2

however, SWMU 11 (Secondary Oil Skimmer) was not included in the Permittee's June 24, 2013 Request to Proceed letter. NMED does not agree with the Permittee's proposal to suspend the 2015 due dates "until such time as it is appropriate to review existing information for these SWMUs."

Since SWMU 7 is an active site, the submittal schedule for the site will be deferred until such time as the site is no longer in use. RCRA Permit Table E-2 shows that a Work Plan is due March 31, 2015; this submittal is deferred until further notice.

SWMU 9 was included in the Permittee's Request to Proceed letter; NMED is in the process of reviewing the information submitted for this site. NMED anticipates Western will need to provide additional information and grants an extension from June 30, 2015 to a date to be determined pending issuance of NMED's comments.

SWMU 11 was not included in the Permittee's Request to Proceed letter; therefore, NMED has not reviewed the information submitted for the site at this time. However, NMED will proceed with a review and provide comments to the Permittee. NMED requests that the Permittee submit a list of other SWMUs that were included in the 2001/2002 NFA and Supplemental Information submittals that the Permittee wishes to have reviewed. NMED believes that the submittal date of December 31, 2015 remains reasonable at this time and an extension is not granted for SWMU 11.

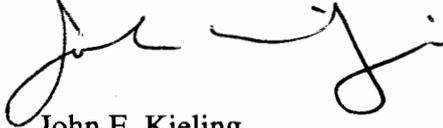
The Permittee is reminded that as part of the draft RCRA Permit, NMED included a proposed schedule for submittals. The Permittee never provided reasonable or pertinent comments on the schedule; therefore, the schedule included in the final Permit was similar to the schedule issued in the Draft Permit with the dates extended to correspond to the time between issuance of the Draft Permit and issuance of the Final Permit. Since the RCRA Permit is now final, rather than have the Permittee submit extension request letters each time the submittal schedule cannot be met, NMED recommends the Permittee and NMED develop an alternative submittal schedule and that a permit modification be made in the future.

The Permittee must submit a letter listing other SWMUs from the 2001/2002 NFA and Supplemental Information submittals it wishes to have NMED review by **May 26, 2015**.

Mr. Riege
Gallup Refinery
March 20, 2015
Page 3

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

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
K. Van Horn, NMED HWB
C. Chavez, EMNRD OCD
A. Hains, WRG
L. King, EPA

File: Reading File and WRG 2015 File
WRG-14-MISC