

**Via Certified Mail
No. 7004 1350 0003 7983 2909**

July 29, 2015

RECEIVED

JUL 31 2015

Jim Griswold
Bureau Chief
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe, New Mexico 87505-6303

**NMED
Hazardous Waste Bureau**

**Re: Bisti Landfarm – Change of Ownership
Request for Transfer of Permit and Financial Assurance
NMOCD Surface Management Facility Permit: NM2-0010**

Dear Mr. Griswold:

This letter and attachments provide notice of a change in ownership, request for transfer of permit and financial assurance for the Bisti Landfarm.

Change of Ownership

On June 19, 2015, the property on which the Bisti Landfarm is located was conveyed from Western Refining Terminals, LLC unto Western Refining Southwest, Inc. The Special Warranty Deed conveying the property is attached.

Request for Transfer of Permit

Western Refining Southwest, Inc. requests a transfer of the NMOCD Surface Management Facility Permit: NM2-0010. The completed NMOCD Transfer of Permit Form is also attached.

Financial Assurance

Western Refining Southwest, Inc. is providing financial assurance. A Surety Bond in the sum of \$25,000 is also attached. At your earliest convenience, please return the original bond and the bond issued in early 2015 to:

Jim Griswold
New Mexico Environment Department
Hazardous Waste Bureau
July 29, 2015
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Jacque Cumbie
Risk Manager
Western Refining
1250 West Washington Street
Suite 101
Tempe, Arizona 85281.

If you have any questions, please call Allen Hains at (915) 534-1483.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ann Allen".

Leslie Ann Allen
Senior Vice President
Environment and Regulatory Affairs

Attachments

assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject to the Permitted Encumbrances.

Grantee's address is: 1250 West Washington Street, Suite 101, Tempe, Arizona 85281.

[SIGNATURE PAGE FOLLOWS]

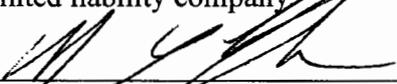


201507019 06/19/2015 09:45 AM
2 of 4 B1588 P645 R \$25.00
San Juan County, NM DEBBIE HOLMES

EXECUTED as of the date set forth in the acknowledgment below, to be effective as of June 18, 2015.

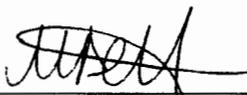
GRANTOR:

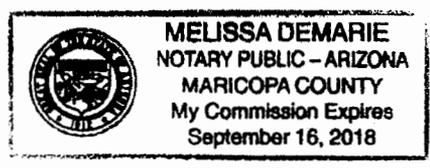
WESTERN REFINING TERMINALS, LLC, a
Delaware limited liability company

By: 
Matthew L. Yoder,
Senior Vice President - Operations

THE STATE OF ARIZONA §
 §
COUNTY OF MARICOPA §

This instrument was acknowledged before me on June 18, 2015, by Matthew L. Yoder, Senior Vice President – Operations of Western Refining Terminals, LLC, a Delaware limited liability company, on behalf of said limited liability company.


Notary Public, State of Arizona




201507019 06/19/2015 09:45 AM
3 of 4 B1588 P645 R \$25.00
San Juan County, NM DEBBIE HOLMES

EXHIBIT A

DESCRIPTION OF THE LAND

All of Section 16, Township 25 North, Range 12 West, N.M.P.M., containing 640 acres, more or less.



201507019 06/19/2015 09:45 AM
4 of 4 B1588 P645 R \$25.00
San Juan County, NM DEBBIE HOLMES

TRANSFER OF PERMIT

Pursuant to 19.15.36.12.E NMAC, "Transfer of a permit. The operator shall not transfer a permit without the division's prior written approval. A request for transfer of a permit shall identify officers, directors and owners of 25 percent or greater in the transferee. Unless the director otherwise orders, public notice or hearing are not required for the transfer request's approval. If the division denies the transfer request, it shall notify the operator and the proposed transferee of the denial by certified mail, return receipt requested, and either the operator or the proposed transferee may request a hearing with 10 days after receipt of the notice. Until the division approves the transfer and the required financial assurance is in place, the division shall not release the transferor's financial assurance."

FACILITY INFORMATION:

Surface Waste Management Facility Permit: NM2-0010

Facility Name: Bisti Landfarm

Legal Description: NW/4 SE/4 of Section 16, Township 25 North, Range 12 West, NMPM

Location: San Juan County, New Mexico

From: Company Name: Western Refining Terminals, LLC
Company Address: 1250 West Washington Street, Suite 101
Tempe, Arizona 85281

To: Company Name: Western Refining Southwest, Inc.
Company Address: 1250 West Washington Street, Suite 101
Tempe, Arizona 85281

Officers: Mark J. Smith, President – Refining and Marketing
Gary R. Dalke, Chief Financial Officer
Leslie Ann Allen, Senior Vice President – Environment and
Regulatory Affairs

Directors: Jeff A. Stevens
Scott D. Weaver
Mark J. Smith

Sole Shareholder: Giant Industries, Inc.

CERTIFICATION:

Western Refining Southwest, Inc., by the officer whose signature appears below, accepts this permit and agrees to comply with all terms and conditions contained herein. Western Refining Southwest, Inc. further acknowledges that the Division for good cause shown as necessary to protect fresh water, human health, and the environment may change such terms and conditions administratively. The undersigned also attests to the fact that he or she understands 19.15.5.11 NMAC which states "Any person who conducts any activity pursuant to a permit, administrative order or other written authorization or approval from the division shall comply with every term, condition and provision of such permit, administrative order, authorization or approval."

Accepted:

Western Refining Southwest, Inc.

Print Name: Leslie Ann Allen

Permit #: NM2-10

Signature: Leslie Ann Allen

Date: 7/29/15

Title: Senior Vice President – Environment and Regulatory Affairs

Mailing Address: 1250 West Washington Street, Suite 101, Tempe, Arizona 85281

Contact Telephone Number: 915-534-1480

**Energy, Minerals and Natural Resources Department
Oil Conservation Division
Surety Bond For Waste Management Facilities
(File with Oil Conservation Division, 1220 S. Saint Francis, Santa Fe, New Mexico 87505)**

**BOND NO. CMS0285679
(For Surety Company Use)**

KNOW ALL MEN BY THESE PRESENTS:

That Western Refining Southwest, Inc., (an individual, partnership, or a corporation organized in the State of Arizona, with its principal office in the City of Tempe, State of Arizona, and authorized to do business in the State of New Mexico), as PRINCIPAL, and RLI Insurance Company, a corporation organized and existing under the laws of the State of Illinois and authorized to do business in the State of New Mexico as SURETY, are held firmly bound unto the State of New Mexico, for the use and benefit of the Oil Conservation Division of the Energy, Minerals and Natural Resources Department (the "Division") pursuant to NMSA 1978, Section 70-2-12 as amended, in the sum of Twenty Five Thousand and 00/100 (\$ 25,000.00) Dollars for the payment of which PRINCIPAL and SURETY hereby bind themselves, their successors and assigns, jointly and severally.

The conditions of this obligation are such that:

WHEREAS, the above PRINCIPAL has heretofore or may hereafter enter into the collection, disposal, evaporation, remediation, reclamation, treatment or storage of produced water, drilling fluids, drill cuttings, completion fluids, contaminated soils, BS&W, tank bottoms, waste oil and/or other oil field related waste in Section 16, Township 25N, Range 12W, NMPM, San Juan County, New Mexico.

NOW, THEREFORE, this \$ 25,000.00 performance bond is conditioned upon substantial compliance with all applicable statutes of the State of New Mexico and all rules and orders of the Oil Conservation Commission and the Division. Upon clean-up of the facility site to standards of the Division, the Division will release this bond; otherwise, the principal amount of the bond is to be forfeited to the State of New Mexico.

Signed and sealed this 22nd day of November, 2014.

Western Refining Southwest, Inc.
PRINCIPAL

1250 W. Washington St., #101, Tempe, AZ 85281
Mailing Address

By [Signature]
Signature Title
Dennis Calhoun, VP-Procurement, Risk and Compliance, and Compliance Officer

Note: If Principal is a corporation, affix corporate seal here.

RLI Insurance Company
SURETY

9025 N. Lindbergh Dr., Peoria, IL 61615
Mailing Address

By [Signature]
Attorney-in-Fact Angela M. Tindol

Note: If corporate surety, affix corporate seal here.

ACKNOWLEDGMENT FORM FOR NATURAL PERSONS

STATE OF _____)
)SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2____, by

My commission expires:

Date

Notary Public

ACKNOWLEDGMENT FORM FOR A CORPORATION, INCORPORATED ASSOCIATION OR PARTNERSHIP

STATE OF Arizona)
)SS.
COUNTY OF Maricopa)

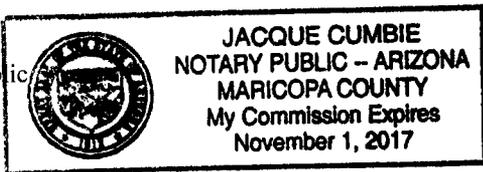
The foregoing instrument was acknowledged before me this 17th day of July, 2015, by Dennis Calhoun as (title) VP Procurement, Risk and Compliance, and Compliance Officer of Western Refining Southwest Inc., a corporation, incorporated association, or partnership.

My commission expires: 11-1-2017

Date July 17, 2015

Jacque Cumbie

Notary Public





RLI Surety
 9025 N. Lindbergh Dr. | Peoria, IL 61615
 Phone: (800)645-2402 | Fax: (309)689-2036
 www.rlicorp.com

POWER OF ATTORNEY

RLI Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company**, an Illinois corporation, does hereby make, constitute and appoint:

Anuj Jain, Mona D. Weaver, John Browning, Duane C. Trombetta, Sheila J. Montoya, Angela M. Tindol, Charles McDaniel, Mary Ashley Allen, jointly or severally

in the City of Denver, State of Colorado its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

Any and all bonds provided the bond penalty does not exceed Twenty Five Million Dollars (\$25,000,000.00).

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **RLI Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 13th day of May, 2015.



RLI Insurance Company

By: [Signature]
 Roy C. Die Vice President

State of Illinois }
 County of Peoria } SS

CERTIFICATE

On this 13th day of May, 2015, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 2nd day of November, 2014.

By: [Signature]
 Jacqueline M. Bockler Notary Public

RLI Insurance Company

By: [Signature]
 Roy C. Die Vice President

