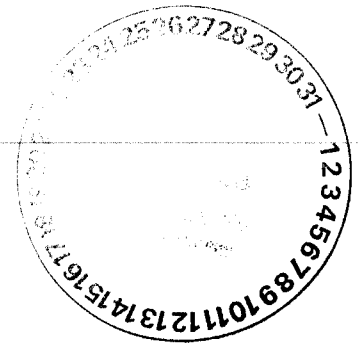




GALLUP REFINERY



WNR  
LISTED  
NYSE

CERTIFIED MAIL: 7008 2810 0000 4726 1666

August 25, 2009

New Mexico Environmental Department  
Hazardous Waste Bureau (HWB)  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303

Attention: Mr. John E. Keiling, Program Manager  
Permits Management Program  
Hazardous Waste Bureau

Reference: RETRACTION- "REQUEST FOR "CONTAINED-IN" DETERMINATION FOR  
PETROLEUM CONTAMINATED SOILS RESULTING FROM API SEPARATOR  
OVERFLOW ON JUNE 10, 2009;  
WESTERN REFINING-SOUTHWEST (GALLUP REFINERY)(previously known as:  
Giant Refining Co.)  
EPA ID#: NMD000333211

Dear Mr. Keiling,

Western Refining-Southwest (Gallup Refinery) was initially requesting a "Contained-In" Determination for Petroleum Contaminated Soil from an overflow of the New API Separator (NPAIS) that occurred on June 10, 2009. Western Refining is also graciously asking for the Agency to retract the "Contained-In Determination". Western Refining has made the necessary determination, due to the F037/F038 waste codes and due to the quantity of material to be shipped, has declared this material as a hazardous waste. In lieu of this, the material (approximately 20 to 30 yards) of hazardous waste is going to be shipped to a fully permitted RCRA (Subtitle C) Landfill (US Ecology) in Beatty, NV. All required records will be managed onsite for the Agency's review.

If you require additional information, please contact me at (505) 722-0258.

Sincerely,

Beck Larsen, CHMM, REM  
Environmental Engineer  
Western Refining-Southwest (Gallup Refinery)

Cc: Ms Hope Monzeglio, New Mexico Environmental Department- Hazardous Waste Bureau  
Mr. Carl J. Chavez, New Mexico Oil Conservation Division (NMOCD)  
Mr. Ed Riege, Western Refining (Southwest), Environmental Manager  
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