



August 6, 2013

Via Email and Certified Mail, Return Receipt Requested

Mr. John E. Kieling
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 2
Santa Fe, NM 87505-6303

**Re: Hydrocarbon Release Notification
Western Refining Company Southwest, Inc. ("Western")
Gallup Refinery
EPA ID #NMD000333211**

Dear Mr. Kieling:

On July 31, 2013, the Hazardous Waste Bureau ("Bureau") sent a letter to Western's Gallup Refinery responding to Western's July 16, 2013 reply to the Bureau's July 8, 2013 letter concerning Western's June 27, 2013 oral notification of a hydrocarbon release. Given the importance of the issues expressed in these letters, and for the reasons below, Western requests a postponement of the August 19, 2013 and September 16, 2013 dates for the deliverables sought in your letter.

As you know, Western is in the process of arranging a meeting with Secretaries Ryan Flynn and David Martin to discuss the jurisdictional controversy that is at the heart of your July 8 and July 31 letters to Western, and Western's reply. That meeting, previously scheduled for August 5, 2013, will be scheduled, hopefully, in the next two weeks. While we are extremely concerned about the positions expressed in your July 31 letter, we hope that meeting will begin the process of clarifying and resolving the issues associated with the release and the Hazardous Waste Facility Permit (the "Permit") renewal. Of course Western will continue addressing the release in the field as appropriate during any postponement.

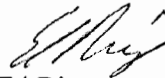
We also would like to note that while our July 16th letter expressed our belief that certain Hazardous Waste Facility Permit ("Permit") provisions were inapplicable to the subject release, we stated that we stood ready to meet with you and your staff should the Bureau have any concerns regarding the response. Additionally, Western has provided the Bureau with the information currently available about the release. Despite these cooperative measures by Western, your letter stated that Western had failed to submit

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available information about the release and, therefore, was in continuing violation of IV.B.2.a of the Permit. In view of the very real jurisdictional concerns that Western has raised in good faith, and Western's diligent efforts to bring the Bureau and the Oil Conservation Division into a dialogue on these concerns (in fact, at the suggestion of the Bureau at November 7, 2012 and June 7, 2013 meetings with Western), we would ask also that any final determinations on Permit compliance be postponed as well.

Given the shortness of time, we would appreciate your prompt response to this request. Please note Western reserves all applicable rights and defenses relevant to this matter.

Sincerely,



Ed Riege
Environmental Manager

cc: T. Blaine, P.E., NMED HWB
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
A. Allen, Western
A. Hains, Western
L. Gould, Western
C. Chavez, OCD
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