BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

In the Matter of the)	
Administrative Order on Consent)	
Issued to Frontier Refining Inc.	·)	Docket No. 06-5400
a Delaware corporation	j	

DEO REOUEST TO REINSTATE ITEM ON EOC MEETING AGENDA

The Wyoming Department of Environmental Quality (DEQ) requests reinstatement of the Joint Motion and Joint Stipulation for Modification of Administrative Order on Consent as an item on the agenda for the Environmental Quality Council's (EQC or Council) meeting on February 16, 2007. The reasons for this request are as follows:

- 1. In September 1990, the United States Environmental Protection Agency (EPA) entered into an Administrative Order on Consent (AOC) with Frontier Refining Inc. (Frontier) under subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 et seq., for the Frontier refinery at Cheyenne, Wyoming.
- 2. WYO. STAT. ANN. § 35-11-518(b) authorizes the DEQ to issue administrative orders which are equivalent to any federal administrative order which has been issued pursuant to subtitle C of RCRA prior to the effective date of the authorization of Wyoming's state hazardous waste program under that subtitle.
- 3. In March, 1995, pursuant to WYO. STAT. ANN. § 35-11-518(b), the DEQ entered into an AOC with Frontier that is equivalent to and has replaced the 1990 federal AOC, which was withdrawn in March, 1997.
- 4. By letter to DEQ dated August 15, 2006 (copy attached as **ATTACHMENT #1**), EPA Region 8 wrote that the current pace of Corrective Action at the Frontier refinery under the March, 1995 AOC is unacceptable and called for accelerating Corrective Action at the Frontier refinery by placing Frontier on an enforceable schedule under the AOC, including the following key activities:

- a. Completion of on-site and off-site RFI field activities and draft RFI Report submittal by October 15, 2007.
- b. Achievement of the Environmental Indicators by September 30, 2008 or sooner.
- c. Site stabilization, including boundary control, by October 15, 2008.
- d. On-site source control by October 15, 2008.
- 5. Section XXI (Subsequent Modification) of the AOC provides that the AOC may be amended by mutual written agreement of the DEQ and Frontier.
- 6. On September 15, 2006 the DEQ and Frontier executed a <u>JOINT STIPULATION</u>

 FOR MODIFICATION OF ADMINISTRATIVE ORDER ON CONSENT (the Joint Stipulation) to modify the existing 1995 AOC only by adding a specific "Special Stipulated Corrective Action Schedule" to Section VI (Work to be Performed) to address the concerns identified in the August 15, 2006 EPA letter.
- 7. On October 17, 2006, the Joint Stipulation was filed with the Council along with a <u>JOINT MOTION TO APPROVE JOINT STIPULATION FOR MODIFICATION OF ADMINISTRATIVE ORDER ON CONSENT</u> (the Joint Motion), both of which expressly requested the Council to enter an Order approving the Joint Stipulation and incorporate it into the AOC by reference.
- 8. At the time the Joint Motion and Joint Stipulation were filed on October 17, 2006, the DEQ requested that they be put on the agenda for approval at the Council's next meeting on November 13, 2006, but was told it was too late to get them on the agenda for that meeting.
- 9. On October 18, 2006, counsel for DEQ faxed copies of both the fully executed Joint Motion and the fully executed Joint Stipulation to counsel for Arp & Hammond (copy attached as ATTACHMENT #2).
- 10. By letter to DEQ's counsel dated November 6, 2006 (copy of letter with page from enclosure attached as **ATTACHMENT** #3), counsel for Arp & Hammond posed some questions for discussion at a meeting with DEQ set for November 8, 2006, including "Questions"

- Refinery Impacted Property 1. How will DEQ enforce the listed completion due dates in the Joint Stipulation?" (Italics added). This question shows that Arp & Hammond was aware of the Joint Stipulation at that time, including stipulated item 4: the request that the Council approve it and incorporate it into the AOC.
- 11. The Council did not hold a meeting in December 2006, and approval of the Joint Motion and Stipulation were not included in the agenda for the next Council meeting on January 17, 2007.
- 12. By e-mail on 1/8/2007 (copy attached as **ATTACHMENT #4**), the Council responded to a phone call from DEQ's counsel the previous week seeking to confirm that the modification of the Frontier Refining AOC would be on the Council's February meeting agenda (which the Council confirmed at that time), commented about the number of times DEQ's counsel had asked about scheduling this matter, and inquired if there was a problem or reason DEQ felt the matter should be expedited.
- 13. By e-mail on 1/9/2007 (copy attached as **ATTACHMENT** #5), DEQ's counsel responded by explaining that the joint stipulation to modify the AOC embodied terms in response to an August 15, 2006 EPA letter (a PDF copy of which was attached to the 1/9/2007 email, and is also attached hereto as **ATTACHMENT** #1), and noting that the Joint Stipulation and the Joint Motion for its approval were both filed with the Council back on October 17, 2006.
- 14. By e-mail on 1/22/2007 (copy attached as **ATTACHMENT #6**), the Council gave notice that they were putting together the agenda for the upcoming meeting scheduled for February 15-16, 2007, and that requests for items to be put on the agenda received after Friday, January 26, 2007 would have to be scheduled at the following meeting (for which no date was given).
- 15. By e-mail on 2/6/2007 (copy attached as **ATTACHMENT #7**), the Council sent out the "Final Agenda for the next scheduled EQC meeting in Cheyenne on February 15-16, 2007" (copy of agenda attached as **ATTACHMENT #8**).

- 16. The EQC meeting agenda for February 16, 2007, under 5.A. (Consent Agenda; Approval of Orders) lists "6. Frontier Refining, Inc. Administrative Order on Consent, Docket No. 06-5400."
- 17. On the afternoon of February 13, 2007, counsel for DEQ received a "Motion of Arp & Hammond Hardware Company for Leave to Intervene and to Supplement *Joint Stipulation for Modification of Administrative Order on Consent* Dated September 15, 2006," (Arp & Hammond motion), file-stamped by the Council on February 12, 2007, which among other things, moved that "the Joint Stipulation be approved and that the EQC enter an order supplementing the provisions of the Joint Stipulation" (p.4), and that the Council grant Arp & Hammond leave to intervene and allow the parties sixty days to negotiate "supplementation" of the Joint Stipulation (p.6).
 - 18. The Arp & Hammond motion was not filed until:
 - 117 days after DEQ's counsel faxed copies of the fully executed Joint Stipulation and Motion to counsel for Arp & Hammond on October 18, 2006;
 - 98 days after the November 6, 2006 letter from Arp & Hammond's counsel acknowledged their awareness of the Joint Stipulation;
 - 17 days after the Council's January 26, 2007 deadline for requesting items be put on the agenda for the February 16, 2007 meeting;
 - 6 days after the "Final Agenda" for the February 16, 2007 meeting was distributed;
 - 4 days before the February 16, 2007 meeting.
- 19. The Council strictly enforced their deadline for requesting items be put on the agenda when they disallowed inclusion of the Joint Stipulation and Motion filed October 17, 2006 on the agenda for the November 13, 2006 meeting, 27 days later.
- 20. The DEQ has been openly trying to get this matter on the Council's agenda for about four months, and now, without advance notice to DEQ, the Council, by phone call on the afternoon of February 13th followed by an e-mailed Memorandum dated February 14, 2007 (copy attached as **ATTACHMENT** #9), has removed it from the agenda in response to a motion

filed four days before the February 16, 2007 meeting by an entity which has known about it for about four months.

- 21. WYO. STAT. ANN. § 35-11-112(a)(ii) states that the Council shall approve orders of the department before they become final.
- 22. WYO. STAT. ANN. § 35-11-901(a) authorizes the state to bring civil actions in state district court to enforce a "determination or order of the council."
- 23. Council approval of a DEQ order (unilateral or on consent) or of modification of a DEQ order would be a "determination or order of the council" enforceable under WYO. STAT. ANN. § 35-11-901(a).
- 24. EPA Region 8's August 15, 2006 letter to DEQ (ATTACHMENT #1) called for DEQ to place Frontier on an "enforceable" schedule under the AOC for certain key corrective action activities, which is what the Joint Stipulation for modification of the AOC does, although its enforceability under WYO. STAT. ANN. § 35-11-901(a) is contingent upon the Council approval DEQ has been seeking for four months.
- 25. The first due date under the Joint Stipulation for modification of the AOC, which corresponds to EPA Region 8's August 15, 2006 letter, is 8 months from now (October 15, 2007).
- 26. Counsel for Arp & Hammond's November 6, 2006 letter (ATTACHMENT #3) expressed concern about how DEQ will "enforce the listed completion due dates in the Joint Stipulation" (italics added).
- Arp & Hammond's February 12, 2007 motion, which prompted the Council to drop the Joint Stipulation from the agenda for its February 16, 2007 meeting, among other things, (p.4) moves that "the Joint Stipulation be *approved* and that the EQC enter an order supplementing [but not rejecting] the provisions of the Joint Stipulation" (italics added).
- 28. It is not clear what interest is being served by again postponing a Council decision on approval of the Joint Stipulation when:

- the schedule in the Joint Stipulation corresponds to that in the EPA's August 15, 2006 letter;
- Arp & Hammond has expressed concern about DEQ's ability to enforce that schedule, and the Council's order approving that schedule as a modification of the AOC would be enforceable through WYO. STAT. ANN. § 35-11-901(a); and
- Arp & Hammond itself has moved that "the Joint Stipulation be approved," and "supplementation" of the Joint Stipulation can be considered or contested later.

WHEREFORE, for the reasons discussed above, the DEQ requests that the Council reinstate the <u>Joint Stipulation for Modification of the Administrative Order on Consent</u> and the <u>Joint Motion to Approve Joint Stipulation for Modification of the Administrative Order on Consent</u> as an item on the agenda for the Council's February 16, 2007 meeting.

DATED this 15th day of February, 2007.

Mike Barrash

Sr. Assistant Attorney General

123 Capitol Building

Cheyenne, Wyoming 82002

(307) 777-6946

CERTIFICATE OF SERVICE

True and correct copies of the foregoing <u>DEQ REQUEST TO REINSTATE ITEM ON</u>

<u>EQC MEETING AGENDA</u> were served this 15th day of February, 2007 by United States mail, first class postage paid, facsimile transmission and/or e-mail, addressed as follows:

Alex Davison
Patton & Davison
P.O. Box 945
Cheyenne, WY 82003-0945
Fax: 307-635-6904
Alex@PattonDavison.com

Alvin Wiederspahn Attorney at Law 2015 Central Avenue, Suite 200 Cheyenne, WY 82001 Fax: 307-638-1975 Alvin@wycolaw.com

Joseph Guida Guida, Slavich & Flores 750 N. St. Paul Street, Suite 200 Dallas, Texas 75201-3205 Fax: 214-692-6610 Guida@guidaslavichflores.com

Wyoming Attorney General's Office



UNITED STATES ENVERONMENTAL PROTECTION AS

REGION 8
999-18⁻³³ STREET- SEITE 200
DENVER CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08



August 15, 2006

LeRoy C. Fuesner, P.E., BCHE, Administrator Solid and Hazard ons Waste Division Wyoming Department of Environmental Quality Herschier Building, 4th Floor 122 West 25th Street 4W Cheyenne, WY 82002

Re: Econtier Refiniery, Cheyenne, Wyoming

Deat Mr. Fuesner

As you are aware, we are increasingly concerned with Frontier's poor progress in addressing serious conformental problems. This concern was shared by Steve Tuber, Assistant Regional. Administrator of the Office of Partnerships and Regulatory Assistance, and his deputy Carol Campbell, with John Corra, you, and the other Wyoming DEO division directors at a meeting on April 19, 2006. As a result, you agreed to provide EPA's regional office with a distailed plan of action within 60 days, which was to include a discussion of resources, achievement of environmental indicators, and completion of the RCRA Facility Investigation (RFT) and Concertive Measures Study (CMS).

In response to this commitment you submitted a plan on him: 20, 2006. Our review of the plan indicates that it does not address all of the requested elements and does not provide a comprehensive plan for moving expeditiously with Cornective Action. Specifically, the plan does not address the state's staff resources or the schedule for completion of the RFL CMS, and Cornective Measures Implementation (CMI). Rather, it focuses on accomplishing boundary control under a perfected agreement that is our ently being regonated with the facility and included a projected date for remediation of some off-site areas and achievement of the Environmental Indicators.

The current pace of Corrective Action is unacceptable, and your plan does not provide assurance that it will improve sufficiently. Our concerns are beightened because the state's Administrative. Order on Consent with the Frontier Refinery has been in place since March 16, 1995, the requirement to conduct the RFI was thingered on or about October 9, 1998, and the June 20, 2006 plan does not include a schedule for completing the RFI. There are at least two acceptable options with respect to accelerating Corrective Action at the Frontier Refinery.

Place Frontier on an enforceable schedule, under an administrative of der on consent or a settlement agreement, within 50 days of receipt of this letter. The enforceable

schedule should include, at a minimum, the following schedule for sompletion of key activities:

- Completion of on-site and off-site RET field activities and deaft RET Report scribmittal by October 15, 2007.
- A Chievement of the Environmental Indicators by September 30, 2008 or sooner.
- Sire institution, including boundary countrol, by October 15, 2008.
- On site source control by October 15, 2008.
- Agree to direct implementation of Corrective Action at this facility by EPA. The Region will ensure that the key activities and schedule outlined above are completed. Details of FPA's direct implementation would be developed in consultation with the Sinte over the next two months.

As you are aware, there are other related enforcement issues, including areas of non-compliance on this facility, which we understand will be part of your upsoming discussion with Carol Rushin and her managers on August 22, 2005. Coordinated, consistent action across all of these issues is highly desirable. Therefore, we would appreciate hearing from you by August 31, 2006 regarding which Conscious Action option you would like to pursue. This will allow us to inconjugate your selection and overall strategy and to work in noncert with you as we move flarward on Frontier.

We suge you to take immediate steps to accelerate the pare of Corrective Action at Frender to ensure the protection of the human health and the environment. We are available to discuss these opinous with you and answer any questions you may have. We may be reactived at the phone insiders listed below. We look forward to receiving your written response by the end of August

Sincerely

Steve Burkert, Director

Solid and Huzardous Waste Program

(303) 312-7081

Sharon Kercher Director

RCRA/CERCLA/Technical Enfercement Program

(303) 312-6352

CC:

John Corra: Carl Anderson

Confirmation Report-Memory Send

: 10-18-06 06:53

Tel line 1: 3077773542

: AG WATER NATURAL RESOURCES DIVISION

: 314 Job number

10-18 06:51 Date

To 96381975

Document Pages 07

Start time 10-18 06:51

10-18 06:53 End time

Pages sent . 07

*** SEND SUCCESSFUL *** : 314 Job number



Office of the Attorney General

Governor Dave Freudenthal

Amorney General Pamck J. Crank

Water and Nanual Resources Division 123 State Capitol

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(307) 777-6946 Telephone

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Deputy Attorney General Jay A. Jerde

FAX COVER SHEET

Please call (307) 777-6946 if there are any problems with transmission of _____ page(s) plus cover.

DATE: 10/18/2006

TO: AL WIEDER SPAHN

FAX NO: 6 38-1975

MIKE BARRASH Wyoming Anomey General's Office FROM:

(307) 777-6946 PHONE:

SPECIAL INSTRUCTIONS:

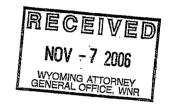
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ALVIN WIEDERSPAHN J.D., P.C.

A PROFESSIONAL CORPORATION
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TELEPHONE (307) 638-6417
FACSIMILE (307) 638-1975

November 6, 2006

Mike Barrash Senior Assistant Attorney General Office of the Attorney General 123 Capitol Building Cheyenne, Wyoming 82002



Re: Frontier Refining

Dear Mike:

In anticipation of our meeting with DEQ representatives scheduled for Wednesday, November 8, 2006, I have attached some questions that I hope we might have the opportunity to discuss.

With best regards, I remain

Very truly yours,

Alvin Wiederspahn

ALW/aer

Enclosure

Questions - Refinery Impacted Property

- 1. How will DEQ enforce the listed completion due dates in the Joint Stipulation?
- 2. What is the definition of boundary control?
- 3. Will all discharges be controlled, such as the release of hydrocarbons to Crow Creek from the storm sewer?
- 4. What are the boundary controls being considered?
- 5. Since the refinery is an active facility will the boundary controls not only contain existing impact areas, but fully surround the facility (down gradient sides) to contain all potential future releases?
- 6. What are the performance goals for the boundary control and how will these goals be enforced by DEQ?
- 7. What remediation strategies are being considered for the offsite petroleum hydrocarbon impacts to soil and groundwater?
- 8. What are the performance goals for offsite remediation?
- 9. What will be the schedule for offsite remediation completion to meet the performance goals?
- 10. Have impacts other than petroleum hydrocarbon been considered (salts), specifically in soil and groundwater in the area of the wastewater impoundments?
- 11. Did the wastewater impoundments and other onsite impoundments have constructed liners?
- 12. If not, did significant infiltration to soil and groundwater in the immediate areas of these impoundments occur?
- 13. Were these releases remediated?
- 14. How does the NOV work/interact with the Stipulation?

Joe Girardin

To:

Mike Barrash

Date:

1/8/2007 5:47:43 PM

Subject:

Frontier Refining Docket No. 06-5400

Mike,

I am writing this in response to our phone conversation last week. Your call was to confirm that the modification of the Frontier Refining's AOC would be on the Council's February meeting agenda. I confirmed that for you. That conversation was that latest of many other conversations from you regarding the scheduling of this matter.

When you filed this matter I explained to you that you had filed it too late to be included on the Council's November agenda. Kim has sent an email to you, asking for agenda items and giving a deadline for the November agenda. This matter was submitted after that deadline. I informed you it would be at the Council's next scheduled meeting. That the Council's next hearing dates were in January and February and a meeting would most likely be scheduled at one of those hearings, you were agreeable with that. You and I have had that similar conversations through out November and December. Then a couple weeks ago, you asked Kim about it and she explained to you that this matter would be put on the February agenda. You indicated to Kim that the February date would be fine.

After talking with Terri and Kim about the number of times you have inquired about the scheduling of this matter, we are wondering if there is a problem. Is there is a reason that you feel the Council should expedite this matter? If so, then you need to tell us so we can relay that information to the Council.

Thank you for your attention to this.

Joe Girardin, Paralegal Environmental Quality Council

****** Email Disclaimer *******

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Mike Barrash Girardin, Joe

To: Date:

1/9/2007 10:11:47 AM

Subject:

Re: Frontier Refining Docket No. 06-5400

Joe, FYI: The Joint Stipulation to Modify the AOC embodies the terms agreed to by DEQ and Frontier in response to the August 15, 2006 EPA letter, a copy of which is attached below as a PDF document. The Joint Stipulation and the Joint Motion for its approval by the Council were both filed October 17, 2006. A copy of the Joint Stipulation was forwarded to EPA at or about the time it was filed.

Mike Barrash Senior Assistant Attorney General Wyoming Attorney General's Office 123 Capitol Building Cheyenne, WY 82002 (307) 777-6946

The information provided in this communication is confidential and protected, may be attorney client privileged, may constitute inside information, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately at (307) 777-6946

>>> Joe Girardin 01/08/07 5:47 PM >>> Mike,

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When you filed this matter I explained to you that you had filed it too late to be included on the Council's November agenda. Kim has sent an email to you, asking for agenda items and giving a deadline for the November agenda. This matter was submitted after that deadline. I informed you it would be at the Council's next scheduled meeting. That the Council's next hearing dates were in January and February and a meeting would most likely be scheduled at one of those hearings, you were agreeable with that. You and I have had that similar conversations through out November and December. Then a couple weeks ago, you asked Kim about it and she explained to you that this matter would be put on the February agenda. You indicated to Kim that the February date would be fine.

After talking with Terri and Kim about the number of times you have inquired about the scheduling of this matter, we are wondering if there is a problem. Is there is a reason that you feel the Council should expedite this matter? If so, then you need to tell us so we can relay that information to the Council.

Thank you for your attention to this.

Joe Girardin, Paralegal Environmental Quality Council

********** Email Disclaimer *****

— DEQ OBJECTION ATTACHMENT #5

Kim McGee

To: Date: Agenda List

Date:

1/22/2007 11:00:33 AM

Subject:

Agenda Items for February 15-16, 2007

We are starting to put together the agenda for the upcoming meeting in Cheyenne, WY. The meeting/hearing is scheduled for February 15-16, 2007.

Please send me any items you would like on the agenda by Friday, January 26, 2007. Any items received after this date will have to be scheduled at the following meeting. If you have any questions, please call our office.

Kim McGee, Executive Assistant Environmental Quality Council 122 W. 25th, Herschler Bldg., Rm. 1714 Cheyenne, WY 82002 (307) 777-7170 FAX - (307) 777-6134

Kim McGee

To:

Agenda List

Date:

2/6/2007 2:12:01 PM

Subject:

EQC February 15-16, 2007 Agenda

Attached is the Final Agenda for the next scheduled EQC meeting in Cheyenne on February 15-16, 2007.

Kim McGee, Executive Assistant Environmental Quality Council 122 W. 25th, Herschler Bldg., Rm. 1714 Cheyenne, WY 82002 (307) 777-7170 FAX - (307) 777-6134

SEA SEA

THE STATE OF WYOMING

ENVIRONMENTAL QUALITY COUNCIL

AGENDA

The Environmental Quality Council is scheduled to hold a meeting on February 15-16, 2007, at the Holiday Inn Cheyenne, 204 W. Fox Farm Rd., Cheyenne, Wyoming in the Bighorn meeting room. The Council will begin the hearing for Chapter 1, Surface Water Standards for rulemaking at 9:00 A.M. on February 15, 2007. On February 16, 2007 at 9:00 A.M. the Council will begin the scheduled meeting.

For updated meeting information, please contact the Council office at (307) 777-7170 or check the Council's website at: http://deq.state.wy.us/eqc/

HEARING: Chapter 1, Surface Water Standards for Rulemaking, Docket No. 06-3819

MEETING:

- 1. Call to Order
- 2. Election of Officers for 2007-2008
- 3. Approval of Minutes: November 13, 2006 & January 17, 2007
- 4. Old Business
 - A. Decision
 - 1. Chapter 2, Appendix H Citizen Petition, Docket No. 05-3102
- 5. Consent Agenda
 - A. Approval of Orders
 - Northwest Energy, NOV and Order, Docket No. 07-3200
 - 2. Devon Energy Production Co., NOV and Order, Docket No. 07-3201
 - 3. M & K Oil Company, NOV and Order, Docket No. 07-3202

Dave Freudenthal, Governor Mark Gordon, Chair Jon E. Brady, Vice-Chair Richard C. Moore, P.E., Secretary Dennis M. Boal Sara M. Flitner Wendy S. Hutchinson, P.E. John N. Morris Terri Lorenzon, Esq. Director Joe Girardin, Paralegal Kim McGee, Executive Assistant

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- 4. Delta Airlines, Inc., NOV and Order, Docket No. 07-5200
- 5. Pennaco Energy, Inc., NOV and Order, Docket No. 07-3203
- 6. Frontier Refining, Inc., Administrative Order on Consent, Docket No. 06-5400

B. Dismissal

- 1. Black Diamond Energy, Inc., Docket No. 05-3467
- 6. Bond Forfeitures
 - A. Raven Quarries, LLC, Mining Permit 683s, Docket No. 06-4501
 - B. Countryside Construction, Inc., Docket No. 06-4502
- 7. New Business
 - A. Planning Session: Review of Hearings held in 2006

Adjournment

In accordance with the Americans with Disabilities Act, special assistance or alternate formats will be made available upon request for individuals with disabilities.

Joe Girardin

To:

Alex@Pattondavison.com; Alvin@wycolaw.com; goldman@gsfpc.com; Mike Barrash

Date:

2/14/2007 2:58:28 PM

Subject:

Frontier Refining, Inc., Docket No. 06-5400

See attached.

Joe Girardin, Paralegal Environmental Quality Council

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THE STATE OF WYOMING ENVIRONMENTAL QUALITY COUNCIL

<u>MEMORANDUM</u>

Dave Freudenthal, Governor Mark Gordon, Chair Jon E. Brady, Vice-Chair Richard C. Moore, P.E., Secretary Dennis M. Boal Sara M. Flitner Wendy S. Hutchinson, P.E. John N. Morris Terri Lorenzon, Esq. Director Joe Girardin, Paralegal

122 W. 25th, Herschler Bldg., Rm. 1714, Cheyenne, WY 82002 (307) 777-7170 FAX: (307) 777-6134 http://deq.state.wy.us/ eqc

Kim McGee,

Executive Assistant

TO: All Parties of Frontier Refining, Inc.

Docket No. 06-5400

FROM: Joe Girardin, Paralegal

DATE: February 14, 2007

RE: Frontier Refining, Inc., Docket No. 06-5400

The Environmental Quality Council has removed Docket No. 06-5400, Frontier Refining, Inc., Administrative Order on Consent from the February 16, 2007 meeting agenda. This matter will be rescheduled after the parties have had an opportunity to respond to the motions recently filed.

We apologize for any inconvenience that this may have caused. If you have any questions, please feel free to call our office.