

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
NOV 30 2007

In the Matter of the Administrative Order)
on Consent Issued to Frontier Refining Inc.,)
a Delaware corporation)

Terri A. Lorenzon, Director
Environmental Quality Council
Docket No. 06-5400

**ORDER APPROVING JOINT MOTION TO APPROVE JOINT STIPULATION
FOR MODIFICATION OF ADMINISTRATIVE ORDER ON CONSENT**

This matter came before the Environmental Quality Council (Council) after the Department of Environmental Quality Solid and Hazardous Waste Division (DEQ) and Frontier Refining, Inc. (Frontier) entered a Joint Stipulation for Modification of Administrative Order on Consent dated September 15, 2006 and filed it with a Joint Motion to Approve Joint Stipulation for Modification of Administrative Order on Consent with the Council on October 17, 2006.

On February 12, 2007, Arp & Hammond Hardware Company (Arp & Hammond) filed 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 did not oppose the request for the Council to approve the Joint Stipulation for Modification of Administrative Order on Consent.


The Council held a hearing on the motion to intervene on June 11, 2007. The hearing examiner for this case was Deborah Baumer, Office of Administrative Hearings. Richard C. Moore, P.E., Presiding Officer, was the only Council member present. Also present for the Council were Terri A. Lorenzon, Director/Attorney, the Environmental Quality Council and Bridget Hill, Assistant Attorney General of the Attorney General's office. Other parties present were Alvin Wiederspahn of Alvin Wiederspahn J.D., P.C., of Cheyenne, Wyoming, representing Arp and Hammond; Joe Guida of Guida, Slavich and Flores in Dallas, Texas, representing Frontier Refining, Inc. along with Alex Davison of Patton & Davison of Cheyenne, Wyoming; Mike Barrash, Senior Assistant Attorney General of the Attorney General's office, representing the DEQ. The Council took the matter under advisement.

This matter came before the Council for decision at a public meeting in Rock Springs on August 29, 2007. The Council members present at the meeting were Richard C. Moore, Presiding Officer, Dennis M. Boal, Mark Gifford, Kirby L. Hedrick, Sara M. Flitner and John Morris. Also present at the meeting was Bridget Hill, Assistant Attorney General of the Attorney General's Office; Arp & Hammond, represented by Cynthia Lummis, owner of Arp & Hammond; Frontier, represented by Joe Guida of Guida, Slavich & Flores in Dallas, Texas, and the DEQ, represented by Mike Barrash, Senior Assistant Attorney General of the Attorney General's office.

The Council having reviewed the file, having heard oral arguments on the motions, and being advised in the premises, finds and concludes that:

1. The "Joint Stipulation for Modification of Administrative Order on Consent" dated September 15, 2006, filed October 17, 2006, should be approved.
2. The 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 should be denied.

IT IS SO ORDERED THIS 28 **day of November, 2007.**


Richard C. Moore P.E., Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the **30th day of November, 2007**, I served a copy of the foregoing **ORDER APPROVING JOINT MOTION TO APPROVE JOINT STIPULATION FOR MODIFICATION OF ADMINISTRATIVE ORDER ON CONSENT** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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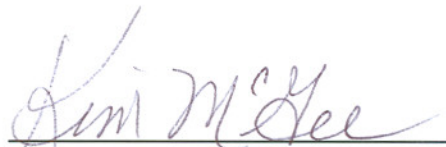
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also to the following persons via interoffice mail:

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