

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUN 08 2007

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

Docket No. 06-5400

Terri A. Lorenzon, Director
Environmental Quality Council

**RESISTANCE TO OBJECTION AND MOTION TO STRIKE SUPPLEMENTAL
FILING OF COMMENTS TO FRONTIER'S PROPOSED REMEDIATION PLAN**

COMES NOW, Arp & Hammond Hardware Company ("Arp & Hammond"), by and through undersigned counsel, and states as follows:

I.

By pleading dated June 8, 2007, Frontier Refining, Inc. ("Frontier") filed its Objection and Motion to Strike Supplemental Filing of Comments to Frontier Refining's Proposed Remediation Plan.

As grounds therefor, Frontier states that the Environmental Quality Council (the "Council") order setting hearing provides that "the only matter which is currently before the Wyoming Environmental Quality Council is Arp & Hammond's Motion to Intervene, as well as Frontier's and the Wyoming Department of Environmental Quality's response(s) and opposition(s) to the same."

Arp & Hammond's motion (the "Motion") is styled as Motion for Leave to Intervene and to Supplement Joint Stipulation for Modification of Administrative Order on Consent. In that portion of the Motion which seeks a Council order supplementing the Joint Stipulation for Modification of Administrative Order on Consent (Motion, III, 1-13; p. 4), Arp & Hammond requests that the AOC be supplemented to include, among other things:

- 3) That remediation be completed to no less than established background conditions.
- 6) That Frontier be directed to complete additional groundwater assessment to establish background groundwater quality and the depth and areal extent of groundwater impact beneath the reservoir and (sic) well as down gradient of the reservoir...
- 12) That Porter Draw and other lands associated with the conveyance system be remediated to their established background condition.

Arp & Hammond's comments through Casey Resources, its environmental consultant, show that Frontier's remediation plan fails to address these and other items which are sought by Arp & Hammond as needed supplementation of the Administrative Order on Consent (the "AOC"). Therefore, the comments to Frontier's remediation plan are probative of and relevant to the Motion's request for an order supplementing the AOC for the purpose of remedying some of its evident inadequacies.

THEREFORE, Arp & Hammond respectively requests that the Council deny Frontier's objection and admit into the record of this proceeding Arp & Hammond's Comments to Frontier's Remediation Plan.

Submitted this 8th day of June, 2007.

ARP & HAMMOND HARDWARE COMPANY



By: _____

Alvin Wiederspahn
Alvin Wiederspahn J.D., P.C.
2015 Central Avenue, Suite 200
Cheyenne, Wyoming 82001
(307) 638-6417

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2007, a true and correct copy of the foregoing document was served by facsimile transmission and by first-class mail, postage prepaid, addressed to:

Joseph F. Guida
Guida, Slavich & Flores
750 North St. Paul Street, Suite 200
Dallas, Texas 75201
Fax (214) 692-6610

Michael Barrash
Senior Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002
Fax (307) 777-6869

Alexander K. Davison
Patton & Davison
P.O. Box 945
Cheyenne, Wyoming 82003-0945
Fax (307) 635-6904



Alvin Wiederspahn