

FILED

JAN 23 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of the Appeal of the)
June 2, 2008 Denial of the) Docket No. 08-3804
Force Majeure Claim by)
Frontier Refining Inc.)

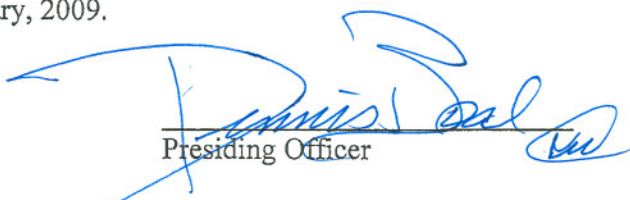
ORDER DISMISSING APPEAL

Petitioner Frontier Refining Inc. (Frontier) filed a Petition for Review and Request for Hearing in Docket No. 08-3804 before the Wyoming Environmental Quality Council (EQC) on July 2, 2008. Respondent Wyoming Department of Environmental Quality (DEQ), filed a motion to dismiss that appeal on October 15, 2008. Frontier and DEQ, the only parties in Docket No. 08-3804, alternately filed a response, a reply, a supplemental memorandum, and a reply to supplemental memorandum. On January 15, 2009, the EQC held a hearing for oral argument on the motion before Dennis Boal, Chairman and Presiding Officer, F. David Searle, John Morris, Tim Flitner, and Thomas Coverdale (by video conference). Frontier was represented by its attorneys, Mark Ruppert of Holland & Hart and Kyle Ballard of Guida, Slavich & Flores. DEQ was represented by its attorneys, Mike Barrash and Peter Michael of the Wyoming Attorney General's Office. Having reviewed the parties' respective filings and having considered their arguments presented at the hearing, and being fully advised in the premises,


IT IS HEREBY ORDERED that:

Respondent DEQ's motion to dismiss Petitioner Frontier's appeal in Docket No. 08-3804 is granted and that appeal is dismissed.

DATED this 23 day of January, 2009.


Presiding Officer

APPROVED AS TO FORM:


Mark Ruppert (Wyo. Bar # 6-3593)


Mike Barrash (Wyo. Bar # 5-2310)

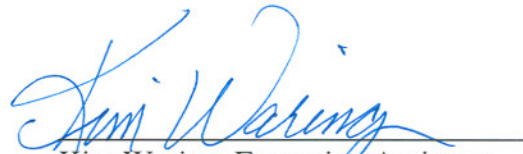
CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 23rd day of January, 2009, I served a copy of the foregoing **ORDER DISMISSING APPEAL** by electronic mail to the following;

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