

**FILED**

JAN 28 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

In the Matter of Frontier Refining Inc.'s )  
Appeal of DEQ's October 27, 2008 )  
Incorporation of the Barrier Wall Schedule ) Docket No. 08-3808  
Into the AOC and November 7, 2008 Denial )  
That Frontier Has Achieved Boundary Control )

**ORDER SETTING MOTION HEARING**

**THIS MATTER** has come before the Wyoming Environmental Quality Council upon the Department of Environmental Quality's (DEQ) Motion to Dismiss filed on January 2, 2009 and Frontier Refining Inc.'s (Frontier) Response to the Motion to Dismiss was filed on January 26, 2009.

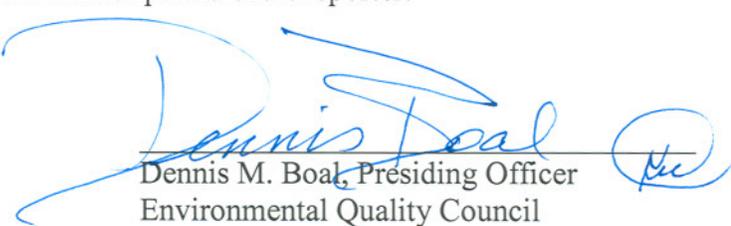
In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the Parties shall share the cost of the transcript and court reporter.

The Presiding Officer having reviewed the record and being fully advised in the premises,

**IT IS HEREBY ORDERED**

1. The DEQ shall file the Reply to Frontier's Response to the Motion to Dismiss by January 30, 2009.
2. The hearing on DEQ's Motion to Dismiss will be held on February 10, 2009 at 2:00 p.m. The hearing will be held at the Campbell County Library, 2101 S 4J Road, Pioneer Rooms 1 and 2, Gillette, Wyoming. All Parties shall have fifteen minutes each to present legal argument.
3. If the Parties have not filed a waiver on or before February 6, 2009 a court reporter will transcribe the hearing.
4. The Parties shall share the cost of the transcript and court reporter.

**DATED** this 28<sup>th</sup> day of January, 2009.

  
Dennis M. Boal, Presiding Officer  
Environmental Quality Council

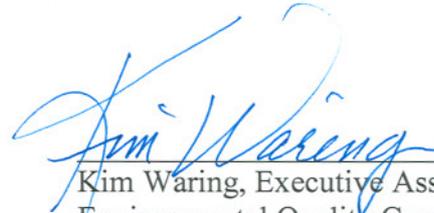
## CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 28th day of January, 2009, I served a copy of the foregoing ORDER SETTING MOTION HEARING by electronic mail to the following;

Mark Ruppert  
Holland & Hart  
[mruppert@hollandhart.com](mailto:mruppert@hollandhart.com)

Mike Barrash  
Office of Attorney General  
[mbarra@state.wy.us](mailto:mbarra@state.wy.us)

John Corra  
Director, DEQ  
[jcorra@state.wy.us](mailto:jcorra@state.wy.us)



---

Kim Waring, Executive Assistant  
Environmental Quality Council  
122 W. 25<sup>th</sup>, Rm. 1714  
Herschler Bldg.  
Cheyenne, WY 82002  
Phone: 307-777-7170  
FAX: 307-777-6134