

FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FEB 26 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

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

ORDER APPROVING JOINT STIPULATION AND DISMISSING APPEAL

Frontier Refining Inc. (Frontier) filed a Petition for Review and Request for Hearing (Petition) before the Wyoming Environmental Quality Council (EQC) in Docket No. 08-3808 on November 19, 2008. The Wyoming Department of Environmental Quality (DEQ) filed a Motion to Dismiss and Brief on January 2, 2009. Frontier filed a Response to DEQ's Motion to Dismiss on January 26, 2009. DEQ filed a Reply to Frontier's Response on January 30, 2009. By Order Setting Motion Hearing dated January 28, 2009, the EQC set oral argument on the DEQ's motion for hearing on February 10, 2009 in Gillette. In lieu of argument at the hearing, Frontier and DEQ, the only parties in Docket No. 08-3808, presented a Joint Stipulation for Disposition and Dismissal of Appeal, dated February 9, 2009, incorporating two maps depicting:

- 1) The referenced 1/29/09 Trihydro Corporation Figure: "Barrier Wall Alignment, Frontier Refining Inc., Cheyenne, Wyoming" and
- 2) The approximate path of the referenced concrete-lined irrigation ditch.

The parties stipulated and agreed that the EQC should enter an Order approving, incorporating and binding them to their joint stipulation and dismissing Frontier's appeal in Docket No. 08-3808. Having reviewed the parties' joint stipulation and considered their statements at the hearing, and being fully advised in the premises,



IT IS HEREBY ORDERED that:

The Joint Stipulation for Disposition and Dismissal of Appeal by Frontier and DEQ is approved and incorporated herein and shall be binding upon them; and

IT IS FURTHER ORDERED that:

Frontier's appeal in Docket No. 08-3808 is dismissed.

DATED this 24 day of February, 2009.



Presiding Officer

APPROVED AS TO FORM:



Mark R. Ruppert (Bar No. 6-3593)
Holland & Hart, LLP
Attorney for Frontier Refining Inc.



Mike Barrash (Bar No. 5-2310)
Senior Assistant Attorney General
Attorney for Wyoming DEQ

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 26th day of February, 2009, I served a copy of the foregoing **ORDER APPROVING JOINT STIPULATION AND DISMISSING APPEAL** by electronic mail to the following;

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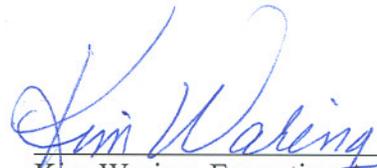
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