

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JAN 29 1990

Terri A. Lorenzon, Adm. Asst.
Environmental Quality Council

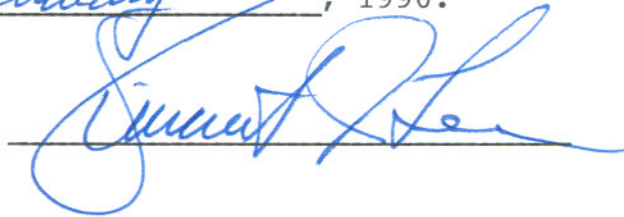
IN THE MATTER OF NOTICE OF)
VIOLATION AND ORDER) Docket No. 2064-89
NO. 2064-89 ISSUED TO)
FRONTIER OIL & REFINING CO.)

ORDER

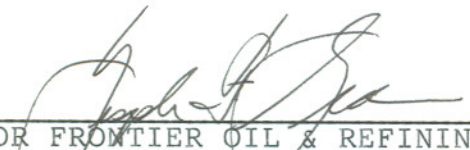
Frontier Oil and Refining Company (Frontier) filed a timely request for a hearing before the Council to appeal Notice of Violation and Order No. 2064-89 issued by the Department of Environmental Quality/Air Quality Division (DEQ/AQD). Subsequently Frontier filed a Motion for Conditional Withdrawal of Request for Hearing, in which Frontier expressed its commitment to comply with the terms of the referenced Order and its preference to withdraw its request for the hearing "on the condition that Frontier's compliance with the terms of the Order will not be deemed as an admission of the allegations in the Notice of Violation." The DEQ/AQD filed a timely Response to Frontier's Motion for Conditional Withdrawal of Request for Hearing, in which the DEQ/AQD stated that it did not object to Frontier's Motion provided that absence of objection would not be deemed to "represent or imply the DEQ's concurrence in or acceptance of Frontier's denial of the odor violation alleged in Notice of Violation No. 2064-89." The Council has considered Frontier's Motion and the DEQ's Response, and being fully advised,

IT IS HEREBY ORDERED THAT Frontier's appeal in the Matter of Notice of Violation and Order No. 2064-89 is hereby dismissed and Order No. 2064-89 is now final. This dismissal of Frontier's appeal is with prejudice to Frontier's right, if any, to refile or reinstate its petition for review in this matter, but without prejudice to the right of either party to raise in any subsequent action claims or defenses concerning the truth, accuracy or validity of any allegation contained in Notice of Violation No. 2064-89.

DATED this 25th day of January, 1990.



APPROVED AS TO FORM:


FOR FRONTIER OIL & REFINING CO.


FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 24th day of January, 1990, I served a copy of the foregoing Order by depositing copies of the same in the United States mail, postage pre-paid, duly enveloped and addressed to:

Joseph F. Guida
Gardere & Wynne
717 North Harwood
Suite 1500
Dallas, TX 75201

By interoffice mail of the same date to:

Charles A. Collins, Administrator
Air Quality Division
Department of Environmental Quality
122 West 25th Street, Herschler Building
Cheyenne, WY 82002

Dennis Hemmer, Director
Department of Environmental Quality
122 West 25th Street, Herschler Building
Cheyenne, WY 82002

Mike Barrash
Assistant Attorney General
Attorney General's Office
123 Capitol Building
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