

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:

Frontier Refining, Inc.,

Respondent

)
)
)
)
)

Docket No. RCRA-08-2009-0002

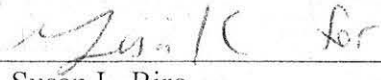
ORDER GRANTING COMPLAINANT'S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO MOTION TO DISMISS

After the Complaint was filed in this matter, Respondent filed an Answer to the Complaint and a Motion to Dismiss and Brief in Support on November 17, 2009. On November 25, 2009, Complainant, EPA Region 8, filed a Motion for Extension of Time to File a Response to Motion to Dismiss and Brief in Support, noting that under the Rules of Practice, 40 C.F.R. § 22.16(b), the response to the motion to dismiss is due on December 4, 2009, and requesting a one week extension of time, until December 11, to file the response.

The extension is requested on the basis of the Thanksgiving holiday and the absence of key individuals necessary for preparation of the response. Complainant's counsel states that she has previously scheduled travel away from the office, and that Respondent's attorney indicated that he would not object to the extension of time. The Motion indicates that Respondent does not object to the requested extension.

Good cause exists for the granting of the Motion in that it is in the interest of the parties and judicial economy for the parties to be able to adequately prepare responses to motions. A hearing in this case has not been scheduled, and therefore no prejudice will result from a brief delay.

The Motion for an Extension of Time to File Response to Respondent's Motion to Dismiss is hereby **GRANTED**. The Complainant shall have until **December 11, 2009** to file its response to the Respondent's Motion to Dismiss.


Susan L. Biro

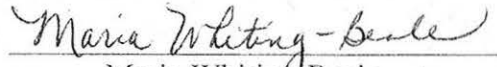
Chief Administrative Law Judge

Dated: December 1, 2009
Washington, D.C.

In the Matter of Frontier Refining, Inc., Respondent
Docket No. RCRA-08-2009-0002

Certificate of Service

I certify that the foregoing **Order Granting Complainant's Motion For Extension of Time To File Response To Motion To Dismiss**, dated December 1, 2009, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: December 2, 2009

Original And One Copy By Pouch Mail to:

Tina Artemis
Regional Hearing Clerk
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy By Pouch Mail And Facsimile To:

Brenda L. Morris, Esquire
Enforcement Counsel (8ENF-L)
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy by Regular Mail and E-mail To:

Joseph F. Guida, Esquire
Tonya L. Meier, Esquire
Jean M. Flores, Esquire
R. Kyle Ballard, Esquire
Guida Slavich & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, TX 75201