

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2010 JAN 25 PM 2: 20

Docket No.: RCRA-08-2009-0002

FILED
EPA REGION VIII
HEARING CLERK

In The Matter Of:)
Frontier Refining Inc.)
2700 East 5th Street)
Cheyenne, Wyoming)
82007)
RCRA ID No.: WYD051843613)
Respondent.)

JOINT MOTION TO STAY PROCEEDINGS

COME NOW, Complainant, the United States Environmental Protection Agency ("EPA"), and the Respondent, Frontier Refining Inc. ("Frontier"), by and through their counsel, and file this, a Joint Motion to Stay Proceedings for a period of thirty days. The parties would show this Honorable Tribunal as follows:

RELEVANT PLEADING HISTORY

1. EPA filed its Complaint on September 30, 2009 and served Frontier on October 19, 2009.
2. On November 17, 2009, Frontier filed a Motion to Dismiss as well as an Answer and Request for Hearing in response to EPA's Complaint and Compliance Order.
3. On December 11, 2009, EPA filed a Response to Frontier's Motion to Dismiss and a Motion to Amend Complaint.
4. On January 8, 2010, Frontier filed a Reply to EPA's Response to Frontier's Motion to Dismiss and a Response to EPA's Motion to Amend Complaint.
5. On January 25, 2010, (simultaneously with this motion), EPA filed a Reply to Frontier's Response to EPA's Motion to Amend Complaint.

MOTION TO STAY PROCEEDINGS

6. Having completed the briefing schedule relating to the pleadings detailed above, and in advance of this tribunal issuing a Prehearing Order (“PHO”), the parties request that all matters relating to this matter be stayed for a period of thirty (30) days from the date of this Motion to Stay Proceedings so the parties may participate in settlement negotiations. More specifically, the parties request this tribunal refrain from issuing an order regarding any of the pending motions as well as refrain from issuing a PHO until after the thirty-day stay has elapsed.


7. The parties make this request not for the purpose of undue delay but to promote justice and judicial economy.

PRAYER

WHEREFORE, EPA and Frontier pray that this tribunal grant their jointly filed Motion to Stay Proceedings and issue an order staying all aspects of this proceeding for a thirty-day (30) period beginning January 25, 2010 and expiring February 26, 2010.

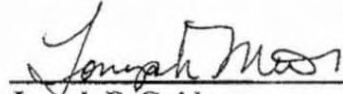
Respectfully Requested this 25th day of January, 2010.

**UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY
REGION 8, Office of Enforcement,
Compliance and Environmental Justice**



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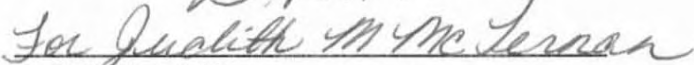
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one true copy of the Joint Motion to Stay Proceedings, was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop St., Denver, Colorado, and that a true copy of the same was sent via USEPA Pouch mail to:

**The Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
U. S. EPA. Mail Code 1900L
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460**

Date: January 25, 2010

By:



Judith M. McTernan