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2009 DEC 18 12:53

FILED
EPA REGION VIII
HEARING CLERK

December 18, 2009

CERTIFIED MAIL NO. 7160 3901 9845 1529 5575

RETURN RECEIPT REQUESTED

Regional Hearing Clerk
U.S. EPA Region 8, (8RC)
1595 Wynkoop Street
Denver, Colorado 80202-1129

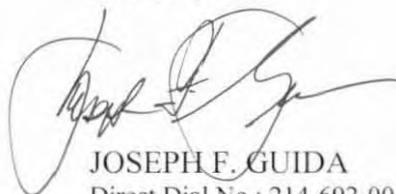
RE: United States Environmental Protection Agency, Region 8
Docket No. RCRA-08-2009-0002
In the Matter of: Frontier Refining, [sic] Inc., 2700 East 5th Street, Cheyenne,
Wyoming 82007
RCRA ID No.: WYD05843613

Dear Regional Hearing Clerk:

Please find enclosed the original, plus three (3) copies of Frontier Refining Inc.'s Unopposed Motion for Extension of Time to File Reply to Response to Motion to Dismiss and Response to Motion to Amend Complaint and Brief in Support regarding the above-noted matter.

Please file the original and one copy per 40 C.F.R. 22.15(a). Please return file marked/stamped copies in the enclosed self-addressed stamped envelope. If you have any problems or questions, please feel free to contact me at the direct dial number below.

Sincerely,



JOSEPH F. GUIDA

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JFG/II
Enclosures

Austin Office

816 CONGRESS AVENUE, SUITE 1500
AUSTIN, TEXAS 78701
TEL - 512.476.6300
FAX - 512.476.6331

Regional Hearing Clerk
December 18, 2009

cc: **CERTIFIED MAIL NO. 7160 3901 9845 1529 5551**

RETURN RECEIPT REQUESTED

AND FACSIMILE 202-565-0044

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 20406

CERTIFIED MAIL NO. 7160 3901 9845 1529 5568

RETURN RECEIPT REQUESTED

AND EMAIL AT morris.brenda@epa.gov

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

2009 DEC 22 PM 2: 53

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

FILED
EPA REGION VIII
HEARING CLERK

Docket No.: RCRA-08-2009-0002

In the Matter of:

Frontier Refining, [sic] Inc.
2700 East 5th Street
Cheyenne, Wyoming
82007

§
§ UNOPPOSED MOTION FOR
§ EXTENSION OF TIME TO FILE
§ REPLY TO RESPONSE TO MOTION
§ TO DISMISS AND RESPONSE TO
§ MOTION TO AMEND COMPLAINT
§ AND BRIEF IN SUPPORT

RCRA ID No.: WYD051843613

Respondent

COMES NOW Respondent Frontier Refining Inc. ("Frontier") and files this Unopposed Motion for Extension of Time to File Reply to Response to Motion to Dismiss and Response to Motion to Amend Complaint and Brief in Support. The U.S. Environmental Protection Agency Region 8 ("EPA") filed Complaint in this matter on September 30, 2009, and service of process was accepted on October 19, 2009. On November 17, 2009, Frontier filed its Motion to Dismiss and Brief in Support, Answer to the Complaint and Compliance Order and Request for Hearing. Pursuant to an Order dated December 1, 2009 allowing the EPA additional time to file a response, on December 11, 2009 EPA filed a Response to Motion to Dismiss and Motion to Amend Complaint. In accordance with 40 C.F.R. § 22.16(b), (and 40 C.F.R. § 22.6(c) since both the EPA's Response to Motion to Dismiss and

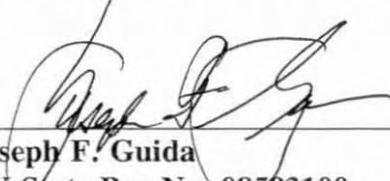
FRONTIER REFINING INC.'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
REPLY TO RESPONSE TO DISMISS AND RESPONSE TO MOTION TO AMEND
COMPLAINT AND BRIEF IN SUPPORT

Response to Motion to Amend Complaint and Brief in Support were filed by mail thus extending Frontier's response date by five days), Frontier's Reply to the Response to Motion to Dismiss is due on December 28, 2009 and Frontier's Response to the Motion to Amend Complaint is due on December 31, 2009. Frontier requests an extension of time until January 8, 2010, to file a Reply to the Response to Motion to Dismiss and Response to the Motion to Amend Complaint due to the Christmas holiday and the absence of key individuals necessary for its preparation. Frontier contacted EPA and EPA does not object to an extension until January 8, 2010.

WHEREFORE, Frontier prays that the Administrative Law Judge, the Honorable Barbara A. Gunning, will grant an extension of time for Frontier to file its Reply to the Response to Motion to Dismiss and Response to the Motion to Amend Complaint to January 8, 2010, and grant such other and further relief as she may deem appropriate.

Respectfully Submitted,

GUIDA, SLAVICH & FLORES, P.C.



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ATTORNEYS FOR RESPONDENT
FRONTIER REFINING INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one true copy of the Unopposed Motion for Extension of Time to File Reply to Response to Motion to Dismiss and Response to Motion to Amend Complaint and Brief in Support was served by first class certified mail to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop St., Denver, Colorado 80202-1129 via U.S. certified mail; by facsimile and first class certified mail to:

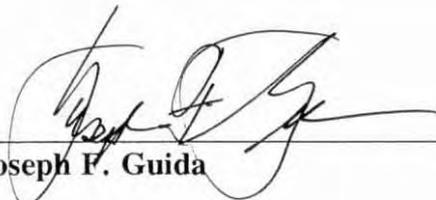
CERTIFIED MAIL NO. 7160 3901 9845 1529 5551
RETURN RECEIPT REQUESTED
AND FACSIMILE 202-565-0044

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 20406

and a true copy of the same sent via first class certified mail and email to:

CERTIFIED MAIL NO. 7160 3901 9845 1529 5568
RETURN RECEIPT REQUESTED
AND EMAIL AT morris.brenda@epa.gov

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



Joseph F. Guida