



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2010 APR -7 PM 2:27

BEFORE THE ADMINISTRATOR

FILED EPA REGION VIII HEARING CLERK

IN THE MATTER OF)
FRONTIER REFINING, INC.,) RCRA-08-2009-0002
RESPONDENT)

ORDER EXTENDING STAY

The Complaint in this case was served on Respondent on October 19, 2009. Since that time, the parties have been engaged in settlement discussions and prehearing motion practice. Since January 28, 2010, the proceedings have been stayed pending the execution of a Consent Agreement and Final Order ("CAFO"). The current stay expires on April 6, 2010. During a conference call on April 5, 2010, the parties stated that they have reached a settlement-in-principle, but verbally requested additional time to finalize a complex Supplemental Environmental Project ("SEP"). According to the parties, an additional forty five (45) days are necessary to develop an acceptable SEP and execute a CAFO.

Based on the parties' joint representations, the request for extension is GRANTED. The case and all pending motions are stayed until May 21, 2010, while the parties draft the final settlement document. Complainant is directed to file a Status Report by that same date. As this case has been pending without a prehearing order for nearly six months, the parties should be prepared to begin the prehearing exchange process after May 21, 2010.1 Should no settlement be finalized by that date, Complainant must be prepared to submit its prehearing exchange by June 18, 2010.

Handwritten signature of Barbara A. Gunning

Barbara A. Gunning Administrative Law Judge

Dated: April 6, 2010 Washington, DC

1 A Prehearing Order and ruling on the pending motions will be issued upon the expiration of the stay.

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Extending Stay**, dated April 6, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

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

Copy by Pouch Mail to:

Brenda L. Morris, Esq.
Enforcement Counsel (8ENFL)
U.S. EPA / Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

Copy by Regular Mail to:

Joseph F. Guida, Esq.
Guida, Slavich & Flores, P.C.
750 N. St. Paul Street, Ste. 200
Dallas, TX 75201

Dated: April 6, 2010
Washington, D.C.