

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 NOV 25 AM 11:36

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)
)
Respondent.)

**MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO MOTION TO
DISMISS AND BRIEF IN SUPPORT**

COMES NOW Complainant, the United States Environmental Protection Agency Region 8 (EPA) and files this Motion for Extension of Time to File Response to Motion to Dismiss the Complaint and Compliance Order and Brief in Support. The Complaint in this matter was filed on September 30, 2009, and service of process was accepted on October 19, 2009. On November 17, 2009, Respondent filed its Motion to Dismiss and Brief in Support, Answer to the Complaint and Compliance Order and Request for Hearing which was served on Complainant on November 19, 2009. In accordance with 40 C.F.R. § 22.16 (b), Complainant's Response to Respondent's Motion to Dismiss is due on December 4, 2009. Complainant requests a one week extension of time until December 11, 2009, to file its Response to the Motion to Dismiss due to the Thanksgiving holiday and the absence of key individuals necessary for its preparation. Complainant contacted Respondent and Respondent does not object to an extension of time until December 11, 2009.

Wherefore, Complainant prays that the Chief Administrative Law Judge, the Honorable Susan L. Biro, will grant an extension of time for Complainant to file its Response to Respondent's Motion to Dismiss and Brief in Support to December 11, 2009, and grant such other and further relief as she may deem appropriate.

RESPECTFULLY SUBMITTED this 25th day of November, 2009.

11-25-09
Date

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one true copy of the Motion for Extension of Time, 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:

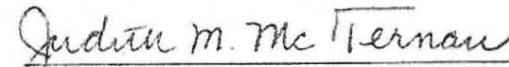
The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U. S. EPA. Mail Code 1900L
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

and sent, via first class U.S. mail to:

Joseph F. Guida
Guida, Slavich & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, Texas 75201-3205

Date: November 25, 2009

By:



Judith M. McTernan