THE STATE of ALASKA
GOVERNOR SEAN PARNELL

Department of Environmental Conservation
OFFICE OF THE COMMISSIONER
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January 17, 2014

Eric Fjelstad
Perkins Coie LLP
1029 W. Third Avenue, Suite 300
Anchorage, AK 99503

Re: In the Matter of ADEC's Conditional Approval of the Revised Human Health Risk Assessment for the Flint Hills Refinery

Dear Mr. Fjelstad:

The Alaska Department of Environmental Conservation (ADEC) Commissioner's Office has received your request for adjudicatory hearing on a November 27, 2013 letter in which the Contaminated Sites Program within ADEC's Spill Prevention and Response Division approved the revised human health risk assessment for Flint Hills' North Pole Refinery. Your request was received on December 20, 2013, and also requested a stay of the completion of the human health risk assessment scheduled for resubmission on March 28, 2014.

Before the Commissioner or his designee can act on your hearing request or refer it to the Office of Administrative Hearings for hearing, ADEC's regulations require that notice be provided to the public of the request for adjudicatory hearing. 18 AAC 15.200(d).

ADEC issued a public notice concerning your Request for Hearing on January 17, 2014. A copy of the public notice is enclosed. The regulations at 18 AAC 15 allow twenty days from publication of the notice for any person, as well as department staff to submit responses on whether the Commissioner or his designee should grant or deny the request. 18 AAC 15.200(d) and 18 AAC 15.220(a).

You may file a reply within seven days of service of any timely filed response to your adjudicatory hearing request. 18 AAC 15.220(a). Within 30 days after the time has expired for you to reply to the responses to the request, the Commissioner or his designee will inform you, any parties submitting responses, and the Office of Administrative Hearings of the decision on the

request. 18 AAC 15.220(b). If the hearing is granted in whole or in part, the case will be referred to the Office of Administrative Hearings for hearing and a recommended decision.

Regarding Flint Hills' request for stay, responses by the SPAR Division and interested persons may be filed 20 days after issuance of ADEC's public notice of the request. The regulations do not provide any opportunity for a reply to responses on the request for stay.

Please make sure that submissions to the Office of the Commissioner comply with the service requirements of 18 AAC 15.340. Copies of submissions concerning your hearing request must be mailed to the Office of the Commissioner, agency staff, and any other person who responds to the request for hearing. An affidavit of service should be included with your filing. See 18 AAC 15.340(a).

If you have questions concerning procedural matters, please feel free to contact me.

Sincerely,

Gary Mendivil, Hearing Liaison

cc: Office of Administrative Hearings
Kristin Ryan, DEC
Steve Bainbridge, DEC
Tamara Cardona, DEC
Lauri Adams, DOL