



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

OFFICE OF THE COMMISSIONER

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July 24, 2018

Tom Lakosh
3301 Eureka Street, A12
Anchorage, AK 99503

Re: Request for Adjudicatory Hearing on ADEC's Approval of Amendment Two to the Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan

Dear Mr. Lakosh:

The Alaska Department of Environmental Conservation (ADEC) Commissioner's Office received your request for adjudicatory hearing on ADEC's approval of amendment two to the Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan. Your request was received on July 17, 2018, but was not served on the involved parties. An affidavit of service was received July 20, 2018 and the request was determined to be properly served.

As provided in AS 44.64.060(b), the Commissioner may, not later than ten days after receiving a properly served request conditionally approve the hearing request and refer the request to the Office of Administrative Hearings for a recommended decision whether the request meets the requirements of 18 AAC 15.200 and the scope of any hearing on the request. When the Commissioner refers your request to the Office of Administrative Hearings, ADEC's regulations require that notice be provided to the requester, division director, and the permit applicant or permittee for the request for hearing. 18 AAC 15.220(b). ADEC issued the public notice concerning your request for hearing on July 24, 2018. A copy of the public notice is enclosed.

The regulations allow twenty days from publication of the notice for the division director, the permit applicant or permittee to submit responses on whether the hearing request meets the requirements of 18 AAC 15.200, and if so, the scope of proceedings before the Office of Administrative Hearings. You

may file a reply within seven days of service of any timely filed response to the hearing request. 18 AAC 15.220(b). Not later than ten days after the deadline for responses and replies, the Office of Administrative Hearings will issue a recommended decision to the Commissioner whether the hearing request meets the requirements of 18 AAC 15.200. Not later than ten days after receiving the recommended decision, the Commissioner will make a final decision on the recommendation.

If the Commissioner determines that an adjudicatory hearing or a hearing on the existing record should be held, the Office of the Commissioner will publish notice of the action in a newspaper of general circulation for the affected area and will send a copy of the public notice to each person who submitted timely comments on the amendments or who submitted a request for hearing.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gary Mendivil', with a long horizontal stroke extending to the right.

Gary Mendivil, Hearing Liaison

Cc: Office of Administrative Hearings
Kristin Ryan, DEC
Graham Woods, DEC
Sarah Moore, DEC
Ron Doyel, DEC
Cameron Jimmo, LAW
Scott Hicks, Alyeska Pipeline Service Company