



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

OFFICE OF THE COMMISSIONER

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September 13, 2021

Tiffany Hanson
Silver Bay Seafoods
4039 21st Avenue West
Seattle, WA 98119

Kevin M. Cuddy
Stoel Rives LLP
510 L Street, Suite 500
Anchorage, AK 99501

Re: Request for Adjudicatory Hearing – Silver Bay Seafoods

Dear Ms. Hanson and Mr. Cuddy:

On September 3, 2021, the Alaska Department of Environmental Conservation (ADEC) received your request for an adjudicatory hearing on the Water Division's July 15, 2020 denial of Silver Bay Seafoods' request dated July 13, 2020 to exceed the 10-million-pound discharge limit under the AKG520000 General Permit (DEC File No. 2616.54.013).

As provided in AS 44.64.060(b), I have conditionally approved the hearing request and referred the request to the Office of Administrative Hearings for a recommended decision as to whether the request meets the requirements of 18 AAC 15.200 and the scope of any hearing on the request. When a request is conditionally approved and referred to the Office of Administrative Hearings, ADEC's regulations require that notice be provided for the request for a hearing. 18 AAC 15.220(b). ADEC issued the public notice concerning your request for hearing on September 13, 2021. A copy of the public notice is enclosed.

Due to the amount of time between your request for an adjudicatory hearing and the Water Division's July 15, 2020 denial of your waiver request, I would like the involved parties to specifically address and provide any pertinent records on whether the September 3, 2021 request for an adjudicatory hearing was timely and meets the requirements outlined in 18 AAC 15.200(a).

The regulations allow twenty days from publication of the notice for the department staff to submit responses on whether the Commissioner should grant or deny the request for adjudicatory hearing. You may file a reply within seven days of service of any timely filed response to the hearing request. 18 AAC 15.220(a). After the deadline for responses and replies, the Office of Administrative Hearings will issue a recommended decision on whether the hearing request meets the requirements of 18 AAC 15.200. Once the Office of Administrative Hearings provides a recommended decision, I will make a final decision on the recommendation.

If it is determined 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 these procedural matters, please feel free to contact my hearing liaison Gary Mendivil. He can be reached at Gary.Mendivil@alaska.gov or by phone at (907) 209-0247.

Sincerely,

Jason W. Brune
Commissioner

cc: Emma Pokon, DEC
Tiffany Larson, DEC
Gary Mendivil, DEC