



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of
Environmental Conservation**

OFFICE OF THE COMMISSIONER

PO BOX 111800
Juneau, Alaska 99811-1800
Office: 907-465-5065
Fax: 907-465-5070

November 12, 2020

Sara L. Laumann, Principal
Laumann Legal, LLC
3800 Buchtel Blvd. #100236
Denver, CO 80210

Subject: **Alaska Public Records Act Request, AGDC Liquefaction Plant Air Permit**

Dear Ms. Laumann,

The Alaska Department of Environmental Conservation received your request dated October 29, 2020 for documentation regarding

- “ 1. *Remaining Permit Application Materials*
2. *ADEC BACT Analyses in Native Format, as listed in Enclosure A*
3. *Disclosable Portions of the Permit Applicant's Application*
4. *Federal Land Manager Consultation Information*
5. *Communication with the Environmental Protection Agency*”

This request was subsequently amended to include the following items

- *“Any new or revised dispersion modeling information relied upon by ADEC, and*
- *We'd appreciate obtaining access to download the actual dispersion modeling input/output files that match with the information in the TAR”*

In addition, the request was amended on November 5, 2020 to include a request for a fee waiver, based on the Air Quality Division's determination that documents regarding consultation with the Federal Land Managers is subject to the Alaska Public Record Act. The Air Quality Air Permit Program estimates that due to the volume of records associated with this project it would take a total of 20 hours to research and retrieve all the documents responsive to your request at an estimated cost of \$1,330. If the department's estimate does not meet your needs, you may want to narrow down or clarify your request to particular items. Please note that the figures quoted above are preliminary estimates and the actual costs will depend on the final time spent by staff, and the number of documents provided.

As noted above, you have requested a fee waiver. Please note that public interest fee waivers are governed by the Alaska Administrative Code at 2 AAC 96.370. In order to comply with these regulations, the requester must certify that their request meets the requirements of 2 AAC 96.370(a)(1) – (5). Once that statement of certification has been provided, then the department will make a finding and process the fee waiver request accordingly. As noted in the public interest fee waiver regulations at 2 AAC 96.370(a)(4) and 2 AAC 96.370(b), the fee waiver or fee reduction is limited to \$500, so depending on the outcome of the department's findings above, you would need to agree to pay either the full amount, if the fee waiver is denied or the full amount minus the \$500 fee reduction. Upon receipt of your final response and agreement to pay the costs of providing these records, the department will proceed in processing your request.

Upon receipt of your clarified response or agreement to pay the costs of providing these records, the department will proceed in processing your request. Pursuant to Alaska's public record regulations, the time limits outlined in those regulations will not begin to run again until we receive your response.

Please feel free to contact the Air Quality Division if you wish to clarify your request. Please also contact me at 907-465-5061, or email GARY.MENDIVIL@ALASKA.GOV, if you have any questions regarding the public records fee waiver process.

Sincerely,

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

Gary Mendivil
Environmental Program Specialist

cc: Alice Edwards, DEC
Jim Plosay, DEC
Aaron Simpson, DEC
Dave Jones, DEC