



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

July 21, 2010

Eurika Durr
U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington D.C. 20005

Re: Flint Hills Resources, LP
CAA Appeal No. 10-03

Dear Ms. Durr:

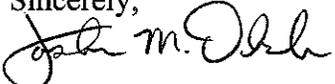
Enclosed please find the Response To The July 2, 2010 Order Of The Environmental Appeals Board in the above-referenced matter.

Please direct further service of matters related to this proceeding to me at the following address:

Joshua M. Olszewski
Assistant Regional Counsel
Office of Regional Counsel (6RC-M)
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202-2733

Phone: (214) 665-2178
Fax: (214) 665-2182
E-mail: Olszewski.joshua@epa.gov

Should you have any questions concerning this matter, please contact me at the above number or address.

Sincerely,

Joshua M. Olszewski

cc: David M. Friedland
Kevin T. Haroff

6. If the Board denies FHR's motion, EPA requests three (3) days to file our Response on Jurisdiction.

Respectfully submitted,



Joshua M. Olszewski
Assistant Regional Counsel
Office of Regional Counsel, EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Counsel for Respondent
U.S. Environmental Protection Agency, Region 6

Date: July 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that that the original of this Response To The July 2, 2010 Order Of The Environmental Appeals Board has been transmitted to the Board at the address and by the method specified below, as well as by electronic submission in PDF format through the Board's Central Data Exchange (CDX) portal. In addition, a copy has been e-mailed to counsel for Flint Hills Resources, LP as well as mailed to the same at the address and by the method specified below:

Via First Class Mail

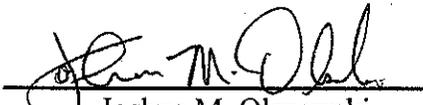
U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
1341 G Street, NW, Suite 600
Washington, DC 20005

Via First Class Mail

David M. Friedland
Beveridge & Diamond PC
1350 I Street, NW, Suite 700
Washington, DC 20005-3311

Kevin T. Haroff
Shook, Hardy & Bacon, LLP
600 Travis Street, Suite 1600
Houston, TX 77002-2992

Date: July 21, 2010


Joshua M. Olszewski