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EPA -- REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. TSCA 10-2010-0253
)	
Chilkoot Lumber Company, Inc. and)	
Mr. L. Edward Lapeyri)	
)	SETTLEMENT CONFERENCE
)	STATUS REPORT
Haines, Alaska)	
)	
Respondents.)	
)	

Complainant, Region 10 of the U.S. Environmental Protection Agency ("EPA"), submits this status report in compliance with the Prehearing Order issued for the above captioned matter on December 15, 2010. The Prehearing Order directed Complainant and Respondents ("Parties") to convene a settlement conference by no later than January 19, 2011, and for Complainant to file this status report regarding such conference and the status of settlement on or before January 28, 2011.

Respondents, Chilkoot Lumber Company, Inc. ("Chilkoot Lumber") and Mr. L. Edward Lapeyri ("Mr. Lapeyri"), are represented by Mr. Fred W. Triem, Esq. EPA attempted to contact Mr. Triem to schedule a settlement conference shortly after receiving the Prehearing Order, only to learn that he was out of the country and unavailable until early January 2011. Following Mr.

SETTLEMENT STATUS REPORT - 1

DOCKET NO. TSCA 10-2010-0253

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

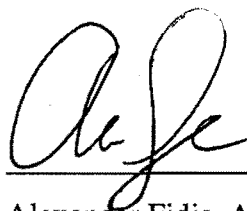
(206) 553-1037

1 Triem's return, the Parties were unable to schedule a settlement conference on or before January
2 19, 2011. The Parties were able to convene a settlement conference by phone the following
3 week on January 26, 2011. This status report briefly describes this conference and its outcome.

4 EPA began the settlement conference by providing a review of the actions that led to the
5 filing of the present enforcement case in September 2010. EPA explained each regulatory
6 requirement that Respondents allegedly violated, and provided a summary of the available
7 evidence in support of each violation. The Parties then engaged in a constructive discussion of
8 the evidence that helped to narrow factual and legal issues and to identify areas of disagreement.

9 The Parties were unable to reach settlement during this initial conference, but sufficient
10 progress was made for the Parties to easily agree to hold further settlement discussions. The
11 Parties are mindful that if settlement is possible, delaying efforts to achieve such resolution
12 would be a disservice to each party involved, and an unnecessary diversion of the resources of
13 the Office of Administrative Law Judges. Accordingly, the Parties have committed to using the
14 next four to eight weeks – the period allotted for prehearing information exchange – to continue
15 pursuing settlement in earnest.
16

17 Dated this 27th day of January, 2011.
18

19
20
21 

22 Alexander Fidis, Assistant Regional Counsel
23 Office of Regional Counsel
24
25

CERTIFICATE OF SERVICE

I certify that the foregoing "Settlement Conference Status Report" was filed and sent to the following persons, in the manner specified, on the date below:

Original and one copy, hand-delivered:

Carol Kennedy, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue,
Suite 900 (Mail Stop ORC-158)
Seattle, Washington 98101

A true and correct copy, by certified mail, return receipt requested:

Fred W. Triem, Esq.
Attorney at Law
Box 129
Petersburg, Alaska 99833-0129

Dated: 1/28/2011

Sharon Eng
ORC-158
U.S. EPA Region 10