

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY



BEFORE THE ADMINISTRATOR

RECEIVED

11 MAY -3 PM 2:43

HEARINGS CLERK
EPA -- REGION 10

IN THE MATTER OF)
)
Chilkoot Lumber Company, Inc.,) Docket No. TSCA-10-2010-0253
and Mr. L. Edward Lapeyri,)
)
Respondents)

ORDER TRANSFERRING CASE AND CLARIFYING THE PREHEARING ORDER

On December 15, 2010, a Prehearing Order ("PHO") was issued setting forth certain deadlines for the Prehearing Exchange ("PHE") pursuant to Section 22.19(a) of the Rules of Practice, 40 C.F.R. § 22.19(a). The PHO was adjusted by subsequent Order issued on April 8, 2011. The original PHO contained the following footnote:

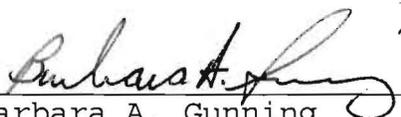
According to the record before me, service of the Complaint was made upon Respondent Mr. L. Edward Lapeyri ("Respondent Lapeyri"), the president and registered agent of Respondent Chilkoot Lumber Company, Inc. ("Respondent Chilkoot"), and upon Mr. Fred W. Triem, Esq. Through its attorney, Respondent Chilkoot filed an Answer on November 4, 2010. The record does not contain an Answer from Respondent Lapeyri in his individual capacity.

PHO at 1 n.1.

On April 11, 2011, Respondent submitted its PHE information. In that submission was a document entitled Respondent L. Edward Lapeyri's Answer. Upon further investigation, it appears that both Respondent Lapeyri's Answer and Respondent Chilkoot's Answer were timely filed on November 4, 2010, but after time-stamping the documents the Regional Hearing Clerk sent Respondent Chilkoot's Answer to this Tribunal and filed Respondent Lapeyri's Answer in the official record kept at the Regional Office. This

oversight has been corrected and the original Answer for Respondent Chilkoot is en route back to Region 10. The parties will disregard footnote 1 in the original PHO. The Answers of both Respondents were timely filed.

On April 26, 2011, Complainant filed its Rebuttal PHE, marking the completion of the Prehearing Exchange process. This matter should therefore be set for hearing. Due to congestion in the undersigned's hearing calendar, this case must be transferred to another ALJ for hearing. Accordingly, this matter is returned to the Chief ALJ for reassignment. A subsequent Order of Designation will alert the parties as to the new Presiding Officer.

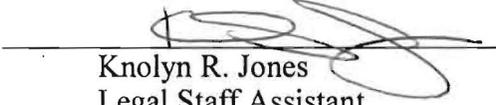


Barbara A. Gunning
Administrative Law Judge

Dated: April 28, 2011
Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Transferring Case Clarifying the Prehearing Order**, dated April 28, 2011, was sent this day in the following manner to the addressees listed below.


Knolyn R. Jones
Legal Staff Assistant

Original and One Copy by Email and Pouch Mail to:

Carol Kennedy
Regional Hearing Clerk
US EPA, Region X
1200 Sixth Avenue
Seattle, WA 98101
Email: kennedy.carol@epa.gov

Copy by Email and Pouch Mail to:

Alexander Fidis, Esq.
Assistant Regional Counsel
ORC, US EPA, Reg. X
Mail Stop ORC-158
1200 Sixth Ave., Ste. 900
Seattle, WA 98101
Email: fidis.alexander@epa.gov

Copy by Email and Regular Mail to:

Fred W. Triem, Esq.
Attorney at Law
Box 129
Petersburg, AK 99833-0129
Email: triemlaw@alaska.net and triemstad@ak.net

Co-Counsel (Email only)
Michael Nash, Esq.
Email: michaelnash@att.net

Copy by Regular Mail to:

L. Edward Lapeyri
President & Registered Agent
Chilkoot Lumber Company, Inc.
P.O. Box 1469
Haines, AK 99827

Dated: April 29, 2011
Washington, DC