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BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

**MOTION FOR EXTENTION TO FILE PREHEARING EXCHANGE REBUTTAL**

Pursuant to 40 C.F.R. § 22.16 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), Complainant, Region 10 of the U.S. Environmental Protection Agency, hereby files this Motion seeking a fourteen (14) day extension of time, commencing on the date when Respondents file their prehearing exchange, for Complainant to file a rebuttal to Respondents' prehearing exchange, if necessary.

In support of this Motion, Complainant asserts the following:

1. On December 15, 2010, the Presiding Officer issued a Prehearing Order in the above captioned matter establishing a schedule for the prehearing exchange of information pursuant to 40 C.F.R. § 22.19. The schedule set forth in the Order provided that Complainant would file an initial prehearing exchange of information on February 25, 2011, Respondents would file their

Complainant's Motion for Extension of Time- 1  
DOCKET NO. TSCA 10-2010-0253

U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101  
(206) 553-1037

prehearing exchange of direct and rebuttal evidence on March 25, 2011, and Complainant would file a rebuttal to Respondents' prehearing exchange, if necessary, on April 8, 2011.

2. On February 25, 2011, Complainant filed its prehearing exchange with the Regional Hearing Clerk. Complete copies of the filed prehearing exchange were sent to the Presiding Officer and Respondents by U.S. Postal Service certified mail/return receipt requested on February 25, 2011.

3. As of the filing of this Motion, Respondents' prehearing exchange, due on March 25, 2011, has not been filed with the Regional Hearing Clerk or received by Complainant.

4. On April 6, 2011, Respondents' Counsel stated in an email his intent to file a prehearing exchange on April 11, 2011, and a motion for the Court's leave to accept the late filing.

Assuming the Presiding Officer grants this motion, Respondents' prehearing exchange will be filed after the April 8, 2011 date on which Complainant was to file its rebuttal to the exchange.

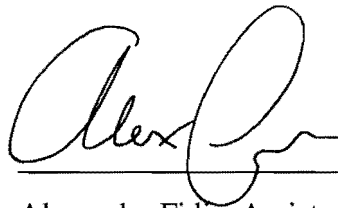
5. In order to allow sufficient time to review any direct and/or rebuttal evidence that Respondents' may proffer, and to provide a rebuttal of such evidence, if necessary, Complainant respectfully requests that its rebuttal deadline be extended to fourteen (14) calendar days after the date on which Respondents' file their prehearing exchange. The requested fourteen day extension is equal to the period of time initially provided in the Prehearing Order for Complainant to submit its rebuttal.

6. Under the Consolidated Rules of Practice, the Presiding Officer may grant an extension of time for filing any document upon timely motion of a party to the proceeding, for good cause shown, and after consideration of the prejudice of the parties. 40 C.F.R. §§ 22.7(b) and 22.16(a).

7. Complainant's Counsel informed Counsel for Respondents' of its intent to request this extension on April 6, 2011. Respondents' Counsel represented that he DID NOT OPPOSE the relief sought herein.

WHEREFORE, having demonstrated good cause for the extension and that it should not result in any prejudice to Respondents, Complainant respectfully requests that the Presiding Officer grant its motion to extend the deadline for Complainant to file its rebuttal to fourteen (14) calendar days from the date on which Respondents file their prehearing exchange.

Dated this 7th day of April, 2011.



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Alexander Fidis, Assistant Regional Counsel  
Office of Regional Counsel

**CERTIFICATE OF SERVICE**

*In re Matter of Chilkoot Lumber Company, Inc. and Mr. L. Edward Lapeyri*, No. TSCA-10-2010-0253, I hereby certify that a copy of the MOTION FOR EXTENSION TO FILE PREHEARING EXCHANGE REBUTTAL, was 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 U.S. Environmental Protection Agency internal mail:

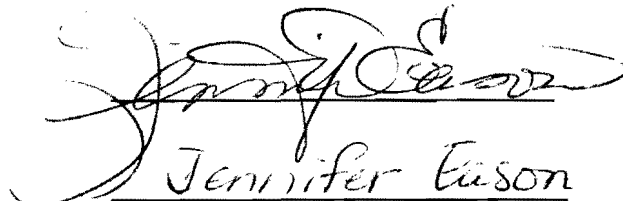
Hon. Barbara A. Gunning  
Administrative Law Judge  
EPA Office of Administrative Law Judges  
1200 Pennsylvania Avenue, NW  
Mail Code 1900L  
Washington, DC 20460-2001

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: \_\_\_\_\_

7 April 2011

  
\_\_\_\_\_  
Jennifer Eason  
U.S. EPA Region 10