

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Dave Erlanson, Sr., Individual,
Swan Valley, Idaho,

Respondent.

DOCKET NO. CWA-10-2016-0109

**COMPLAINANT’S MOTION
TO CONFORM THE TRANSCRIPT**

Pursuant to Sections 22.16(a) and 22.25 of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Complaint or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits” (“Part 22 Rules”) and the Presiding Officer’s Order dated June 26, 2019, Complainant respectfully moves to conform the transcript of the hearing in this matter to the actual testimony presented at the hearing, by accepting and adopting the corrections listed in Exhibit 1.

Prior to filing this Motion, the undersigned Complainant’s counsel attempted to confer with Respondent regarding the request to conform the transcript but was unsuccessful.

In further support of this Motion, Complainant states the following:

1. Rule 22.25 of the Part 22 Rules provides, in pertinent part, that “[a]ny party may file a motion to conform the transcript to the actual testimony within 30 days after receipt of the transcript, or 45 days after the parties are notified of the availability of the transcript, whichever is sooner.” 40 C.F.R. § 22.25.

2. The hearing in this matter was held on May 14-15, 2019.

3. Complainant received an electronic copy of the transcript, as sent by Mr. Matt Barnwell of the Office of Administrative Law Judges on June 26, 2019.
4. The transcript contains typographical and transcription errors.
5. Attached is a table listing by page and line the corrections to the transcript that will conform the transcript to the actual testimony presented at hearing. Complainant believes that making these corrections is necessary to ensure the transcript is accurate.

Dated this 26th day of July, 2019.

Respectfully submitted,

/s/ J. Matthew Moore

J. MATTHEW MOORE

Assistant Regional Counsel

U.S. EPA, Region 10

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **COMPLAINANT’S MOTION TO CONFORM THE TRANSCRIPT**, dated July 26, 2019, was filed electronically with the Clerk of the Office of Administrative Law Judges using the ALJ e-filing system, which sends a Notice of Electronic Filing to Respondent.

The undersigned also certifies that on this date she served the foregoing **COMPLAINANT’S MOTION TO CONFORM THE TRANSCRIPT**, via regular US Mail, postage prepaid, on Respondent Dave Erlanson, Sr., at P.O. Box 46, Swan Valley, Idaho 83449.

Dated this 26th day of July 2019.

/s/ J. Matthew Moore _____

J. Matthew Moore
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EXHIBIT 1

Errata of Transcript dated May 14 and 15, 2019

Page and Line Number	Error	Correction
102.14	rabble	cobble
137.19	excuse, dilution	excuse me, not duration
145.5	with who	with those who
159.17	for a permit coverage	for permit coverage
159.18	other dredgings	other dredging areas
168.15	October	August
178.6	Mr. Erlanson	Judge Coughlin
202.1	August 21	August 15
223.7, .11, .15	side bores	sideboards
226.19	access	excess
258.24	Forest	Forests
259.2	Forest	Forests
266.21	over Grand	Orogrande
272.12	site	Sites
275.20	Western Pearl Shell	Western Pearlshell
277.18	flood plain	floodplain
277.23	stream flows	streamflows
295.1	candidly	apparently
298.19, .20	trayed	entrained
300.15	weed	woody
333.23	Dr.	did
359.13	didn't	did
369.17	LoLo	Lolo
370.1	Staff	Staaf
370.10	LoLo	Lolo
386.10	cant'	can't
389.5, .10,.14	Snook	Chinook
389.10, .12, .14	reds	redds
399.1	LoLo	Lolo
409.20	Fishery	Fisheries
410.11	at	and
412.13	and	in
413.9	two letter	two, letters
417.2	SA	ESA
417.6	tribe	tribes
418.7	was on aid to	analyzed

Page and Line Number	Error	Correction
419.12	in the	and a
419.13	plant	plan
420.18	Basin, steelhead	Basin steelhead
422.3	links	lengths
422.21	plume	plain
423.16	eroding	roading
425.4	devolvements	developments
426.24	than in contained	that contain
431.15	in	and
432.18	and fine sediment. It reduces a	. And fine sediment reduces
436.19	of	and
461.9	added-to	additive
462.9	facts	effects
465.3	level	lethal
474.19	had	had not
480.8, .16, .17, .22, .23	red	redd
486.9	reds	redds
488.19, .23, .25	red(s)	redd(s)
493.21	reds	redds
496.14	IEDQ	IDEQ
502.7, .13	reds	redds