

4/7/94

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	NPDES Docket Nos.
)	
1988 NPDES Permits for)	1088-05-05-402
Alaska Placer Miners)	1088-05-27-402
)	
1989 NPDES Permits for)	1089-07-29-402
Alaska Placer Miners)	
)	
1990 NPDES Permits for)	1090-07-17-402
Alaska Placer Miners)	
)	
1991 NPDES Permits for)	1091-08-19-402
Alaska Placer Miners)	

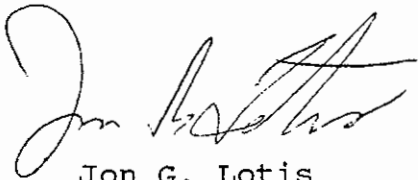
**ORDER GRANTING MOTION FOR SUMMARY DETERMINATION WITH
RESPECT TO CERTAIN ISSUES**

By motion dated March 18, 1994, the Environmental Protection Agency (EPA) requests summary determination be made in its favor with respect to Al Johnson's issues designated as issues numbers 9, 10 and 11 in my July 21, 1993 order.

The EPA argues that there are no genuine issues of material fact to be determined, that EPA has submitted evidence to support the challenged permit conditions and that Mr. Johnson has submitted no evidence.

The time permitted for answers to motions has expired. None has been received.

For good cause shown, the motion is granted. Summary determination is granted in EPA's favor with respect to issues 9, 10 and 11.


Jon G. Lotis
Administrative Law Judge

Date: April 7, 1994
Washington, D.C.

IN THE MATTER OF: 1988 NPDES Permits for Alaska Placer Miners, NPDES Docket Nos. 1088-05-05-402 and 1088-05-27-402; 1989 NPDES Alaska Placer Miners, NPDES Docket No. 1089-07-29-402; 1990 NPDES Alaska Placer Miners, NPDES Docket No. 1090-07-17-402; and 1991 NPDES Alaska Placer Miners, NPDES Docket No. 1091-08-19-402

CERTIFICATE OF SERVICE

I certify that the foregoing Order Granting Motion for Summary Determination with Respect to Certain Issues, dated April 7, 1994, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

Mary Shillcutt
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region X
1200 Sixth Avenue
Seattle, WA 98101

Copies by Regular Mail

Joseph W. Ryan, Esq.
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region X, M/S SO-155
1200 Sixth Avenue
Seattle, WA 98101

Al Johnson
P. O. Box 101827
Anchorage, Alaska 99510

Kenneth Manning
P. O. Box 715
Girdwood, Alaska 99587-0715

Miners Rights Action Group
Rosalie Rybachek
P. O. Box 55698
North Pole, Alaska 99705

Stanley Rybachek
P. O. Box 55698
North Pole, Alaska 99705

Donald Stein
105 Dunbar
Fairbanks, Alaska 99701

Trustees of Alaska
725 Christensen Drive, Suite 4
Anchorage, Alaska 99501

Richard Geraghty
405 Juneau
Fairbanks, Alaska 99701

Stanley & Edwin Gelvin
P. O. Box 18
Central, Alaska 99730



Stacy Hyde-Eason
Legal Technician, Office of
Administrative Law Judges
U.S. Environmental Protection
Agency
401 M Street, S.W.
Washington, D.C. 20460

Dated: April 7, 1994
Washington, D.C.