

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

HEARINGS CLERK  
EPA--REGION 10

IN THE MATTER OF: )  
 )  
DOUG BLOSSOM, ) DOCKET NO. CWA-10-2002-0131  
 )  
RESPONDENT. )

ORDER GRANTING RESPONDENT'S MOTION FOR SUBPOENAS

By Motion dated April 14, 2004, Respondent moved for issuance of subpoenas to compel the attendance of four of its witnesses - Jeff Graham, Al Peterson, Allan Moore and Jeff Fox, at the hearing in this matter. Respondent represents that the four witnesses were disclosed in its initial prehearing exchange and that their testimony is material and essential to the hearing of this matter. Further, Respondent asserts the subpoenas are necessary because the witnesses are employees of the State of Alaska and their employer will not permit them to be absent from their positions to attend the hearing without the subpoenas. In telephone conference with the staff of the undersigned's office, Complainant represented that it had no objection to the issuance of the subpoenas.

Section 1319(g)(10) of the Clean Water Act (33 U.S.C. § 1319(g)(10)) authorizes the issuance of subpoenas for the attendance and testimony of witnesses for any administrative penalty proceeding under Section 1319(g). Sections 22.4(c)(9) and 22.19(e)(4), of the Consolidated Rules (40 C.F.R. §§ 22.4(c)(9) and 22.19(e)(4)) provide that the Presiding Judge may issue such subpoenas, pursuant to such statutory authority. Accordingly, the Respondent's Motion for Subpoenas is hereby **GRANTED**.



Susan L. Biro  
Chief Administrative Law Judge

Date: April 15, 2004  
Washington, D.C.

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

In the matter of )  
)  
)  
DOUG BLOSSOM, )  
)  
Clam Gulch, Alaska )  
)  
Respondent )  
\_\_\_\_\_ )

**SUBPOENA TO APPEAR**

Docket No. CWA-10-2002-0131

TO: Jeff Graham  
Alaska Department of Natural Resources  
Division of Forestry  
101 Airport Road  
Palmer, Alaska 99645

YOU ARE COMMANDED to appear before the United States Environmental Protection Agency at the place, date, and time specified below to testify in the above case.

Alaska Superior Court  
Grand Jury Room  
125 Trading Bay Drive  
Kenai, Alaska 99611  
May 6, 2004 @ 10:30 a.m.

4/15/04  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Presiding Officer

[Subpoena issued at the request of Arthur S. Robinson, attorney for the Respondent, 35401 Kenai Spur Hwy., Soldotna, Alaska 99669 (907) 262-9164.]

**PROOF OF SERVICE**

I certify that on the date stated below, I served this subpoena on the person to whom it is addressed, \_\_\_\_\_ in \_\_\_\_\_, Alaska. I left a copy of the subpoena with the person named and also tendered mileage and witness fees required by 40 CFR 22.19(e)(4) and 40 CFR 22.21(b).

\_\_\_\_\_  
Date and Time of Service

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

In the matter of )  
 )  
 )  
 DOUG BLOSSOM, )  
 )  
 Clam Gulch, Alaska )  
 )  
 Respondent )  
 \_\_\_\_\_ )

**SUBPOENA TO APPEAR**

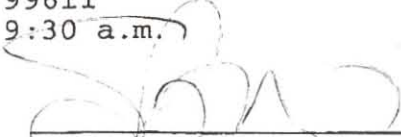
Docket No. CWA-10-2002-0131

TO: Al Peterson  
Alaska Department of Natural Resources  
Division of Forestry  
42499 Sterling Hwy.  
Soldotna, Alaska 99669

YOU ARE COMMANDED to appear before the United States Environmental Protection Agency at the place, date, and time specified below to testify in the above case.

Alaska Superior Court  
Grand Jury Room  
125 Trading Bay Drive  
Kenai, Alaska 99611  
May 4, 2004 @ 9:30 a.m.)

4/5/2004  
Date

  
Presiding Officer

[Subpoena issued at the request of Arthur S. Robinson, attorney for the Respondent, 35401 Kenai Spur Hwy., Soldotna, Alaska 99669 (907) 262-9164.]

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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

In the matter of )  
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 )  
 DOUG BLOSSOM, )  
 )  
 Clam Gulch, Alaska )  
 )  
 Respondent )  
 \_\_\_\_\_ )

**SUBPOENA TO APPEAR**

Docket No. CWA-10-2002-0131

TO: Allan Moore  
State of Alaska  
Department of Transportation  
4111 Aviation Drive  
Anchorage, Alaska 99519

YOU ARE COMMANDED to appear before the United States Environmental Protection Agency at the place, date, and time specified below to testify in the above case.

Alaska Superior Court  
Grand Jury Room  
125 Trading Bay Drive  
Kenai, Alaska 99611  
May 4, 2004 @ 9:30 a.m.

4/15/04  
Date

  
Presiding Officer

[Subpoena issued at the request of Arthur S. Robinson, attorney for the Respondent, 35401 Kenai Spur Hwy., Soldotna, Alaska 99669 (907) 262-9164.]

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\_\_\_\_\_  
Date and Time of Service

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Signature of Server

\_\_\_\_\_  
Address of Server

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

In the matter of )  
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 )  
 DOUG BLOSSOM, )  
 )  
 Clam Gulch, Alaska )  
 )  
 Respondent )  
 \_\_\_\_\_ )

**SUBPOENA TO APPEAR**

Docket No. CWA-10-2002-0131

TO: Jeff Fox  
 State of Alaska  
 Department of Fish & Game  
 43961 K Beach Rd., Suite B  
 Soldotna, Alaska 99669

YOU ARE COMMANDED to appear before the United States Environmental Protection Agency at the place, date, and time specified below to testify in the above case.

Alaska Superior Court  
 Grand Jury Room  
 125 Trading Bay Drive  
 Kenai, Alaska 99611  
 May 4, 2004 @ 9:30 a.m.

4/15/04  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Presiding Officer

[Subpoena issued at the request of Arthur S. Robinson, attorney for the Respondent, 35401 Kenai Spur Hwy., Soldotna, Alaska 99669 (907) 262-9164.]

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\_\_\_\_\_  
Date and Time of Service

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Signature of Server

\_\_\_\_\_  
Address of Server

In the Matter of Doug Blossom, Respondent  
Docket No.CWA-10-2002-0131

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Respondent's Motion For Subpoenas** dated April 15, 2004, was sent this day in the following manner to the addressees listed below.

  
Maria Whiting-Beale  
Legal Staff Assistant

Dated: April 15, 2004

Original and One Copy by Pouch Mail to:

Carol D. Kennedy  
Regional Hearing Clerk  
U.S. EPA  
1200 Sixth Avenue  
Seattle, WA 98101

Copy by Pouch Mail to:

Jeffrey Kopf, Esquire  
Assistant Regional Counsel (SEL)  
U.S. EPA  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

Copy by Regular Mail to:

Mark A. Ryan, Esquire  
Assistant Regional Counsel  
U.S. EPA  
Idaho Office  
1435 N. Orchard Street  
Boise, ID 83706

Arthur S. Robinson, Esquire  
Robinson & Beiswenger  
35401 Kenai Spur Highway  
Soldotna, AK 99669