

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

HEARING CLERK

2007 SEP -4, PM 1:59

RECEIVED
EPA REGION IV

IN THE MATTER OF)
) Docket No. SDWA-04-2005-1016
Gene A. Wilson)
)
Respondent.)
_____)

ORDER SCHEDULING PREHEARING TELEPHONE CONFERENCE
AND ORDER ON SUBPOENAS

1. A prehearing telephone conference will take place on **Tuesday, September 11, 2007, from 10:00am to 12:00pm, Eastern Time.** The call will be initiated by the undersigned. **If a party cannot participate in the call, please contact me immediately.** In doing so, please take notice of Section 22.8 of the Consolidated Rules of Practice, 40 C.F.R. § 22.8, prohibiting any discussion with the Presiding officer, *ex parte* the merits of this proceeding.

The prehearing conference agenda will address matters included in Subpart D of the Consolidated Rules – Hearing Procedures, and will include the following:

- A. Agenda for Hearing;
 - 1. Order for presentation of case
 - 2.. Exhibits – number of copies; numbering and marking of exhibits
- B. Burden of Presentation;
- C. Standard for admission of evidence;
- D. Examination of Witnesses, including Direct Testimony of Respondent;
- E. Transcript; and
- F. All other questions and miscellaneous hearing matters to be raised by the parties.

2. In his November 14, 2006, Prehearing Information Exchange, with respect to proposed witnesses David Hayes and David Oldham, Respondent wrote “(Will need to subpoenaed).” Attached are subpoenas issued by the undersigned for Messrs. Hayes and Oldham for their appearance on the second day of the hearing, Wednesday, September 26, 2007. Respondent is responsible for locating these witnesses and for serving them with the subpoenas, if he still requires their attendance at the hearing.

Date: 9/4/07

Susan B. Schub
Susan B. Schub
Regional Judicial Officer/Presiding Officer

HEARING CLERK

2007 AUG 31, PM 1:58

RECEIVED
EPA REGION IV

S.B.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
) Docket No. SDWA-04-2005-1016
Gene A. Wilson)
)
)
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)
)
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)
)
Respondent.)

)

SUBPOENA¹

TO: David M. Oldham
Address: _____

YOU ARE HEREBY COMMANDED, pursuant to Section 1423(c)(8) of the Safe Drinking Water Act, 42 U.S.C. § 300h-2(c)(8), and Sections 22.4(c)(9) and 22.21(b) of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.4(c)(9), 22.21(b), TO APPEAR IN PERSON, on the following dates and times:

DATES AND TIMES: Wednesday, September 26, 2007 at 9:30

PLACE: Carl Perkins Federal Building
 3rd Floor Courtroom
 1405 Greenup Avenue
 Ashland, Kentucky 41101

YOU ARE FURTHER COMMANDED:

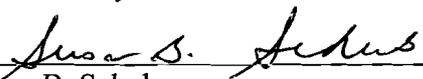
TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by Presiding Officer Susan B. Schub.

NOTICE: FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIATION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF.

¹ This subpoena is to be served on the witness by Respondent in accordance with Section 22.5(b)(1)(i) of the Consolidated Rules of Practice, 40 CFR § 22.5(b)(1)(i).

ISSUED in Atlanta, Georgia, this 4th day of Sept., 2007.

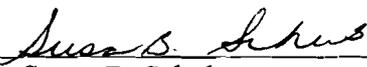


Susan B. Schub
Regional Judicial Officer/Presiding Officer
U.S. Environmental Protection Agency Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Witness fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued, in this instance, Respondent Gene A. Wilson.

IT IS ORDERED.

Date: 9/4/07



Susan B. Schub
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
) Docket No. SDWA-04-2005-1016
Gene A. Wilson)
)
 Respondent.)
_____)

SUBPOENA¹

TO: David Hayes
Address: _____

YOU ARE HEREBY COMMANDED, pursuant to Section 1423(c)(8) of the Safe Drinking Water Act, 42 U.S.C. § 300h-2(c)(8), and Sections 22.4(c)(9) and 22.21(b) of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.4(c)(9), 22.21(b), TO APPEAR IN PERSON, on the following dates and times:

DATES AND TIMES: Wednesday, September 26, 2007 at 9:30

PLACE: Carl Perkins Federal Building
 3rd Floor Courtroom
 1405 Greenup Avenue
 Ashland, Kentucky 41101

YOU ARE FURTHER COMMANDED:

TO TESTIFY then and there under oath, and make truthful response to all lawful inquiries and questions put to you by the Parties to the proceedings; and

TO REMAIN IN ATTENDANCE until expressly excused by Presiding Officer Susan B. Schub.

NOTICE: FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN INITIATION OF COURT PROCEEDINGS IN A UNITED STATES DISTRICT COURT AGAINST THE RECIPIENT AND ANY FAILURE TO OBEY SUCH ORDER OF THE COURT MAY BE PUNISHED BY SUCH COURT AS CONTEMPT THEREOF.

¹ This subpoena is to be served on the witness by Respondent in accordance with Section 22.5(b)(1)(i) of the Consolidated Rules of Practice, 40 CFR § 22.5(b)(1)(i).

ISSUED in Atlanta, Georgia, this 4th day of Sept., 2007.

Susan B. Schub
Regional Judicial Officer/Presiding Officer
U.S. Environmental Protection Agency Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Witness fees and expenses in the same amounts as are paid to witnesses in the courts of the United States shall be paid by the party upon whose request the subpoena is issued, in this instance, Respondent Gene A. Wilson.

IT IS ORDERED.

Date: 9/4/07

Susan B. Schub
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Order Scheduling Prehearing Telephone Conference and Order on Subpoenas, in the Matter of Gene A. Wilson, Docket No., SDWA-04-2005-1016, on the parties listed below in the manner indicated:

Mr. Gene A. Wilson
101 Madison Street
P.O. Box 702
Louisa, Kentucky 41230

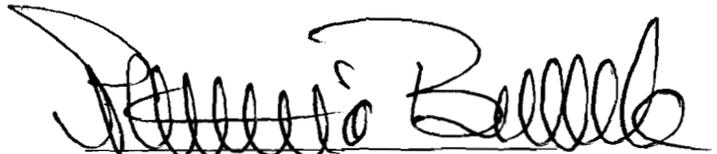
(Certified Mail – Return
Receipt Requested)

Zylpha Pryor, Esq. and
Paul Schwartz, Esq.
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(via Intra-Office Mail)

Date:

9-4-07



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
404/562-9511