

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF

Gene A. Wilson, Respondent

Docket No. SDWA-04-2005-1016

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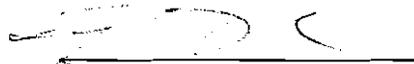
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REPLY TO RESPONDENT'S MOTION TO REOPEN HEARING

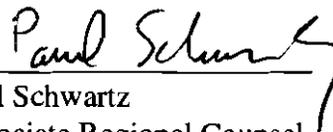
COMES NOW the Complainant, the United States Environmental Protection Agency, Region 4, and hereby submits its Reply to Respondent's Motion to Reopen Hearing. 40 CFR § 22.28 states that where the movant seeks to introduce new evidence, the motion shall, among other things, show that such evidence is not cumulative. Complainant opposes Respondent's motion on two bases: first, Respondent is not seeking to introduce any evidence that is new; second, Respondent's arguments are clearly a rehashing of the evidence presented at hearing and in his briefs and are, therefore, cumulative.

For these reasons, Complainant requests that Respondent's Motion be denied.

Respectfully submitted,



Zylpha Pryor
Associate Regional Counsel
U. S. Environmental Protection Agency, Region 4



Paul Schwartz
Associate Regional Counsel
U. S. Environmental Protection Agency, Region 4

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date indicated below, the original and one copy of Complainant's "Reply to Respondent's Motion to Reopen Hearing" was delivered by interoffice mail to the Regional Hearing Clerk and copies were sent to the following persons in the manner noted.

Susan B. Schub, Esq.
Regional Judicial Officer
U.S. EPA
61 Forsyth Street
Atlanta, GA 30303

Interoffice Mail

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

Certified
~~Overnight~~ Mail

Nicholas N. Owens
National Ombudsman
U.S. Small Business Administration
409 3rd Street, SW, MC 2120
Washington, DC 20416-0005

First Class Mail

September 19, 2008

Chalon Davis

Chalon Davis, Secretary
OEA - U.S. EPA
61 Forsyth Street
Atlanta, GA 30303

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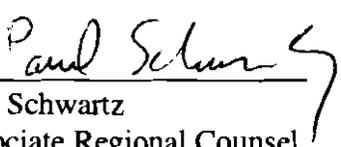
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