

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

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HEARING CLERK

IN THE MATTER OF

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

Docket No. SDWA-04-2005-1016

Respondent

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**ADDENDUM TO PRE-HEARING EXCHANGE WITNESSES LIST**

Comes the Respondent and after reviewing E.P.A.'s clarification on permit requirements, received on July 30, 2007, states as follows:

1. With E.P.A.'s lawyers still holding the position Respondent injected brine on Collier Creek, it becomes more imperative that Mr. Randy Poston be permitted to testify at the hearing in Ashland, Kentucky. Everyone knows brine was never injected and the proposed injection well was never put into service except E.P.A.'s lawyers. Had attorneys for E.P.A. called Mr. Poston who is with Environmental and Public Protection Cabinet, Department for Environmental Protection, Division of Water and asked if Respondent commenced operations of injecting brine at Respondent's farm on Collier

Creek (as they pursued local banks trying to find a Letter Of Credit), clearly half of E.P.A.'s case should not have been brought against Respondent. Even the hearing officer, the Honorable Susan B. Schub has trouble with E.P.A.'s position.

2. To show discrimination, prejudicial treatment and selective enforcement it is also imperative that Mr. Lynn Dangerfield be present at the hearing. Respondent wants to assure his presents and not take a change E.P.A.'s lawyers decide not to use Mr. Dangerfield; therefore, it is requested he be added to Respondent's list of witnesses. Mr. Dangerfield will be considered a hostile witness.

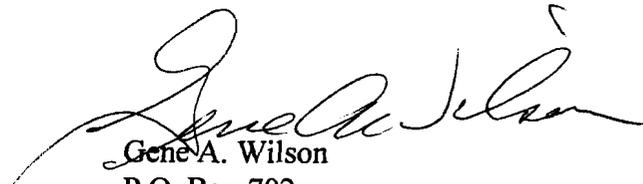
3. Now that E.P.A.'s lawyer Zylpha Pryor has co-counsel in this proceeding it has become increasing apparent Ms. Pryor has taken this case personally and is trying to prove some point beyond Respondent's knowledge. It is asked that Ms. Zylpha Pryor also becomes a witness in this matter to show prejudicial treatment and selective prosecution of Respondent by being afforded proper cross-examination of a hostile witness.

The one phone call to State Inspector Doug Hamilton and Environmental and Public Protection Cabinet, Department for Environmental Protection, Division of Water, Inspector Mr. Randy Poston would resolve half of E.P.A.'s case of never commencing the operation of injecting brine on Collier Creek requiring monitoring reports. And the policy of E.P.A. reminding operators when MIT's where due but not informing Respondent displays selective treatment adverse to Respondent should void the other half of E.P.A.'s case.

WHEREFORE, Respondent prays again that Mr. Randy Poston be included on the list of witnesses for a just determination. Mr. Lynn Dangerfield and Ms. Zylpha Pryor

also be included on the list for a total of fifteen (15) witnesses for Respondent. E.P.A.'s employees being considered hostile affording Respondent proper right of cross examination.

Respectfully Submitted



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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the date noted below, the foregoing Addendum to Pre-Hearing Exchange Witness Lit was mailed as follows: the original to the Regional Hearing Clerk and one (1) copy each to Hon. Susan B. Schub, Regional Judicial Officer, Hon. Zylpha Pryor and Mr. Nicholas N. Owens, National Ombudsman in the manner specified on the date below:

Ms. Patricia A. Bullock  
Regional Hearing Clerk  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

(Via Express Mail - Return Receipt Requested)

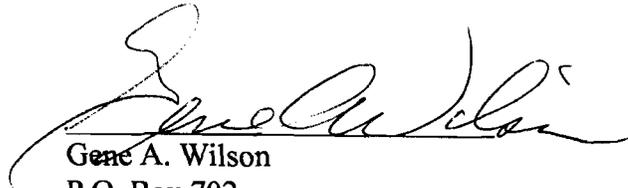
Hon. Susan B. Schub  
Regional Judicial Officer  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

(Via Express Mail - Return Receipt Requested)

Ms. Zylpha Pryor  
Associate Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

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

Dated: 8/2/07



Gene A. Wilson  
P.O. Box 702  
Louisa, KY 41230  
(606) 638-9601