

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

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EPA REGION IV

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

RESPONSE TO COMPLAINANT'S REPLY OBJECTING TO REOPENING THE HEARING

Comes the Respondent, Gene A. Wilson, and for his Response to Complainant's Reply To Respondent's Motion To Reopen Hearing states as follows:

The three (3) days granted for hearing was consumed by EPA's witnesses, with the balance of time being allotted for Respondent to establish that no injection of brine water was ever placed in the well; that there was no threat to possible sources of underground drinking water nor was there any threat to the environment and that the well had been plugged but not to EPA's specifications of cement to the surface.

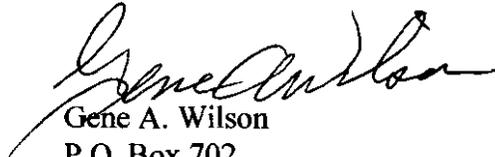
That EPA policy changed in 2000 to require annual monitoring reports on form 7520-11 even if no injecting occurred was a significant change in Respondent's permit of reporting as opposed to "after operations commenced" as stated in Respondent's permit. No notice was given to Respondent of this policy change which needs to be addressed;

that EPA's policy of notification of MIT tests to all operators with injection permits up until "2 or 3 years ago" as testified by EPA witness is critical to Respondent's defense was not addressed but superficially by EPA; that Respondent's files for his permits KY10344 and KY10503 be made part of the record to show he always was in compliance during the first ten (10) years of his permit and only after changes by EPA about reporting (without notice of the changes to Respondent) did a problem start between EPA and Respondent.

By reopening the hearing and allowing this new evidence be submitted will establish Respondent always took his obligations with EPA very seriously; was always in compliance and only when the new enforcement team came on the scene and changed the guide rules (without notice) did the problem start.

For justice to prevail, this request to reopen should be granted.

Respectfully Submitted


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date noted below, the foregoing Response To Complainant's Reply Objecting To Reopening The Hearing 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

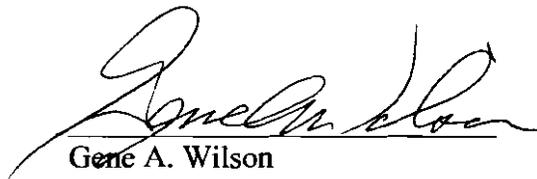
(Via Express Mail - Return Receipt Requested)

Atlanta, GA 30303-8960

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 3rd Street, SW
MC 2120
Washington, DC 20416-0005

Dated: 9/25/08



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