

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

2007 AUG - 3 PM 12: 49

HEARING CLERK

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EPA REGION IV

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

\*\*\*\*\*

**SECOND SUPPLEMENT TO RESPONDENT'S PRE-HEARING EXCHANGE**

Comes the Respondent, Gene A. Wilson, pursuant to 40 CFR 22.19 and the Regional Judicial Officer, Susan B. Schub's Orders dated June 14, 2007 and June 28, 2007 states as follows:

1. Respondent asks the hearing officer's indulgent in some leniency in Respondent's knowledge of E.P.A.'s Federal Register sent to him by Ms. Zylpha K. Pryor, Esq. to prepare for the hearing to be held at Carl Perkins Federal Building, 3<sup>rd</sup> Floor Courtroom, 1405 Greenup Avenue, Ashland, Kentucky 41101, September 25 through 28, 2007. 40 CFR 144.39, 144.40 and 144.41; however, was not furnished as quoted by the hearing officer's Order of June 14, 2007; therefore, Respondent is at a little disadvantage. Please keep in mind Respondent has not practiced law for some twenty-five plus (25+) years but will definitely employ counsel if this matter goes beyond an Administrative Hearing.

2. To avoid the possibility of not being allowed to use the exhibits attached to Respondent's pleadings and motions it is hereby declared that all previously filed Exhibits "1" through "55" shall be presented in evidence along with all pleadings and motions. This notice is to be in compliance with and to avoid exclusion by the Federal Register stating "a document or exhibit that has not been included in pre-hearing information exchange shall not be admitted into evidence". All these documents and exhibits are included by reference if copied at length herein.

3. Respondent through the Freedom Of Information Act (FOIA) traveled to Atlanta to view his file in October 2006; however Mr. Leonard Dangerfield, FOIA Specialist, advised a portion of the records had been removed. See Respondent's Exhibit "56" attached hereto.

Respondent appealed Mr. Dangerfield's decision not to allow Respondent to see all the file to E.P.A. in Washington, D.C. See Respondent's Exhibit "57" and E.P.A.'s acknowledgement marked Exhibit "58" attached herewith.

In April of 2007 Respondent again visited E.P.A.'s office in Atlanta and among other things was informed by Mr. Dangerfield Respondent had not appealed the decision *supra* or Mr. Dangerfield would have received notice giving him thirty (30) days to forward the file to Washington.

After returning to Kentucky, Respondent notified E.P.A. in Washington of the apparent lost Appeal as shown by the letter dated April 26, 2007 attached herewith marked Respondent's Exhibit "59".

Pursuant to the Judicial Hearing Officers Order dated June 28, 2007 it is hereby requested that all the documents withheld from Respondent be made a part of this

Supplemental Pre-Hearing Exchange.

4. Respondent wishes to incorporate into the Pre-Hearing Exchange all permit files furnished by Mr. William Mann for Respondent's viewing in Atlanta on April 16, 2007 and April 17, 2007, to show discrimination, prejudicial treatment and selective enforcement.

All tagged documents Respondent requested copies of where not forwarded; therefore, it is imperative all file permits listed on Mr. Mann's hand written list be made a part of this Pre-Hearing Exchange to show Respondent is being discriminated against along with prejudicial treatment and selective enforcement by E.P.A. The only copies sent to Respondent after viewing are marked herewith as Respondent's Exhibit "60".

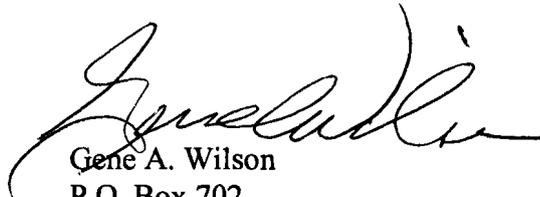
5. Finally E.P.A.'s attorney, Ms. Zylpha Pryor, states in her Pre-Hearing Exchange Statement dated November 14, 2006, allegations of "Respondent had a history of violating MIT testing requirements"; "E.P.A. notified Respondent on several occasions to submit evidence of Mechanical Integrity Testing"; "failed to take seriously the responsibility of owning an under-ground injection well", etc. Ms. Pryor's undocumented opinions are erroneous.

While viewing records in Atlanta Respondent attempted to find the alleged missing files for the Collier Creek injection well showing Respondent's seriousness in correcting the brine problems at Martha. The letter from Respondent to E.P.A. on May 26, 1989, attached herewith marked Respondent's Exhibit "61" alone refute Complainant's attorney. Also Respondent's only two (2) permitted injection wells that was reassigned to Edna Oil in 1994, further refute E.P.A. attorney's contention Respondent was not taking seriously the duties involved. See collectively Exhibits "62-A

through 62-R”.

Wherefore Respondent prays all the above be included in the Pre-Hearing Exchange to avoid exclusion during the hearing set for September 25, 2007 by not mentioning these Exhibits in a Pre-Hearing Exchange.

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 Second Supplement To Respondent's Pre-Hearing Exchange 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)

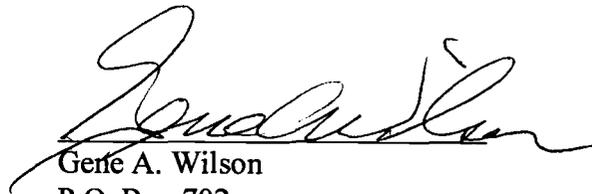
Hon. Susan B. Schub  
Regional Judicial Officer  
U.S. EPA, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

(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: 7/31/07



Gene A. Wilson  
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