

IN THIS MATTER OF RODNEY O. CORR OF CORR FINANCIAL LLC
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
UNITED STATES)
ENVIRONMENTAL) DOCKET NO.CWA-04-2008-5508
PROTECTION)
AGENCY)
)
COMPLAINANT)

HEARING CLERK

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RESPONDENT'S INITIAL PREHEARING EXCHANGE

By order of Administrative Law Judge Barbara A. Gunning, dated March 4, 2009, Prehearing Order, Respondent, Rodney O. Corr of Corr Financial LLC, respectfully submits the following Prehearing Exchange.

A. EXPECTED EXPERTS, WITNESSES AND TESTIMONY

1. Atty. Terese T. Wyly: Attorney for Balch & Bingham LLP, Has worked for me on the first Administrative Consent Order, Docket No. CWA-04-2005-5762, expected to talk about the original order and terms and conditions of the existing Order CWA-04-2008-5508.

Also, Section 301(a) of the Clean Water Act (CWA) and Section 309(a)(c)(1) and (d) of the CWA. As if these pertain to the property in question.
Also, may be called to rebut any evidence by this court.

2. Atty. Mack Cameron: Has worked for me on several of my properties, helping me understanding my rights as a landowner. He is expected to talk about the terms and conditions of the existing Order # CWA-04-2008-5508
Also, Section 301(a) of the Clean Water Act (CWA) and Section 309(a)(c)(1) and (d) of the CWA. As if these pertain to the property in question.
Also, may be called to rebut any evidence by this court.

3. Hon.J.P. Compretta: House of Representative, Speaker of the House:
Expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources, and Environmental Protection Agency.
Also, may be called to rebut any evidence by this court.

4. Scottie Cuevas: Previous State Senator of Mississippi:
Expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources and Environmental Protection Agency.
Also, may be called to rebut any evidence by this court.

5. Billy Culpepper: Enviro South Consultant:

Expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources and Environmental Protection Agency.
Also, Section 301(a) of the Clean Water Act (CWA) and Section 309(a)(c)(1) and (d) of the CWA. As if these pertains to the property in question.
Also, may be called to rebut any evidence by this court.

6. Gary Ceavas: Enviro South Consultant:

Expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources and Environmental Protection Agency.
Also, Section 301(a) of the Clean Water Act (CWA) and Section 309(a)(c)(1) and (d) of the CWA. As if these pertains to the property in question.
Also, may be called to rebut any evidence by this court.

7. Jimmy Chiniche: Civil Engineer and Designer:

Expected to talk about the Design and Engineering of the Property as is pertains to the requirement of the Department of Environmental Quality, Department of Health, Mississippi Highway Department and Mississippi Marine Resources. Also, to talk about the design as per the new requirement of the Mississippi Department of Environmental Quality as a Retention Pond required on site.
Also, may be called to rebut any evidence by this court.

8. David Yarbrough: Hancock County Board of Supervisors:

Employee of Corr Contracting at the time of the Cease and Desist. Expected to talk about his knowledge of the property at the time of purchase.

9. Mitch Hardie: Trucking Company Owner:

Subcontractor during the construction of the Project in question. Expected to talk about his knowledge of the property at the time of purchase.

10. Sessie Maneri: Realtor at Corp Meeting:

Will Share with this court the harassment of Mr. Corr by the Corp of Engineering Mobile District at a Meeting of Realtors in Bay Saint Louis.

11. Ronald A. Krizman: Chief, Regulatory Branch Manager: (will Subpoena)

Expected to testify on the taking of my property on Ireland Street. Also, expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources and Environmental Protection Agency.
Also, may be called to rebut any evidence by this court.

13. Michael Moxey: Corps of Engineering:
Expected to...

(will call)

13. Michael Moxey: Corps of Engineering: (will Subpoena)

Expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources and Environmental Protection Agency.

Also, may be called to rebut any evidence by this court.

14. Frank Hublak: Corps of Engineering: (will Subpoena)

Expected to testify about the meeting he had in Hancock County with Real Estate associates and what he said at that meeting about one of my properties. Also, expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources and Environmental Protection Agency.

Also, may be called to rebut any evidence by this court.

15. Dr. William Walker: Dept. of Marine Resources: (will Subpoena)

Expected to testify on the taking of my property on Ireland Street. Also, expected to share his testimony on many of my properties dealing with ALL of the Government employees. Will share his knowledge on St. Joseph St, Ireland Street Properties and Cameron Bay Estates. These agencies include; State Department of Environmental Quality, Mississippi Corp of Engineers Mobile District, Department of Marine Resources and Environmental Protection Agency.

Also, may be called to rebut any evidence by this court.

B. EXHIBITS INTENDS TO INTRODUCE INTO EVIDENCE AT HEARING

<u>Respondent #</u>	<u>Subdivision</u>	<u>Date</u>	<u>Description of Papers</u>
1-	St. Joseph	6/5/2000	Application of Preliminary Plat Approval
2-	St. Joseph	6/6/2000	Miss. Dept of Environmental Quality Approval Letter
3-	St. Joseph	6/6/2000	Minutes from Meeting City of Waveland
4-	St. Joseph	6/26/2000	Notice of Public Hearing
5-	St. Joseph	7/20/2000	St. Joseph Permit
6-	St. Joseph	7/28/2000	Miss. Dept of Environmental Quality Approval letter
7-	St. Joseph	8/4/2000	Miss. State Dept of Health Approval Letter
8-	St. Joseph	9/4/2001	Department of the Army "Cease and Desist Order"
9-	St. Joseph	10/10/2001	Closing on New Loan w/ Bancorp South
10-	St. Joseph	12/12/2001	Department of the Army Letter of Recommendation
11-	St. Joseph	3/20/2002	Mack Cameron Letter to Corp of Engineering
12-	St. Joseph	5/12/2002	Notice of Public Hearing
13-	St. Joseph	6/5/2002	St. Joseph Meeting for Final Approval
14-	St. Joseph	4/8/2003	Mack Cameron's Letter to David Schwartz

**Moneys Lost by Rodney O. Corr due to the Corp or Engineers Broad Terminology of the
Clean Water Act and Properties Owners ability to understand it
(on St Joseph Street Property)**

Expenses	\$	3,156.00
Interest on Loan	\$	15,918.00
Attorney Fees	\$	8,650.00
Total	\$	27,724.00

<u>Respondent #</u>	<u>Subdivision</u>	<u>Date</u>	<u>Description of Papers</u>
15-	Ireland St Sub.	9/6/2000	Contract for Purchase Ireland Street
16-	Ireland St Sub.	10/4/2000	Warranty Deed Ireland Street
17-	Ireland St Sub.	2/22/2001	Frances Cremer Nationwide Permit 18 for Lot 18
18-	Ireland St Sub.	1/19/2001	Survey of Ireland Street Subdivision
19-	Ireland St Sub.	4/27/2001	Description of Wetlands impact and avoidance
20-	Ireland St Sub.	5/3/2001	Public Notice for Permits for Ireland Street
21-	Ireland St Sub.	5/25/2001	State of Mississippi Dept of Environmental Quality Approval Letter

<u>Item Number</u>	<u>Subdivision</u>	<u>Date</u>	<u>Description of Papers</u>
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22-	Ireland St Sub.	5/29/2001	Miss State Board of Health Approval Letter
23-	Ireland St Sub.	7/9/2001	Miss State Dept. of Health Approval of Plans Letter
24-	Ireland St Sub.	7/10/2001	Response to U.S. Fish and Wildlife, EPA, and National Marine Fisheries Service
25-	Ireland St Sub.	7/25/2001	Response to Office of Pollution Control
26-	Ireland St Sub.	7/30/2001	Response to Using Nationwide Permit 18 Guidelines
27-	Ireland St Sub.	8/14/2001	Response Letter from CORP Michael Moxey from all Agencies to Public Notice
28-	Ireland St Sub.	8/22/2001	David Smith Nationwide Permit 18 for Lot 39
29-	Ireland St Sub.	9/21/2001	Letter withdrawing permit due to reduction of project by Corps.
30-	Ireland St Sub.	2/20/2003	<u>Cease and Desist Order for the "DITCH" for Ireland Street</u>
31-	Ireland St Sub.	4/2/2003	Krizman Letter to Mack Cameron about Meeting with Multi Agencies
32-	Ireland St Sub.	4/15/2003	Mack Letter in Response for Ireland St to Krizman
33-	Ireland St Sub.	4/21/2003	Response to "DITCH" Nationwide Permit 14 for County
34-	Ireland St Sub.	5/2/2003	Order from Miss. Commission on Environmental Quality
35-	Ireland St Sub.	5/13/2003	Order Response for Mack Cameron to Ms Riley
36-	Ireland St Sub.	6/19/2003	Letter from Gary Cuevas to Ron Krizman on Ireland Meeting
37-	Ireland St Sub.	7/3/2003	Ron Krizman e-mail agreement for Ireland Street to Gary Cuevas
38-	Ireland St Sub.	7/7/2003	Dr. Walkers agreement Letter to Ron Krizman
39-	Ireland St Sub.	9/3/2003	Enviro South Letter to Corr on Mitigation agreements
40-	Ireland St Sub.	3/26/2003	Pictures of Ireland Property and Road
41-	Ireland St Sub.	3/26/2003	Pictures of Ireland Property and Road
42-	Ireland St Sub.	3/26/2003	Pictures of Ireland Property and Road
85-	Ireland Street	9/9/2003	Permit for Nationwide # 14 for Hancock Co. "Ditches on side of Roadway"
90-	Ireland Street	12/2/2003	Enviro South Letter and Check showing payment of Mitigation for Ireland St.
105-	Ireland Street	9/3/2003	Ireland Street Lot 28, 29, 30 & 31 Property Governmental Taking

Moneys Lost by Rodney O. Corr due to the Corp or Engineers Broad Terminology of the Clean Water Act and Properties Owners ability to understand it. (on Ireland Street Property)

Expenses	\$	4,625.23
Interest on Loan	\$	17,645.84
Attorney Fees	\$	<u>37,500.00</u>
Total	\$	59,771.07

<u>Respondent #</u>	<u>Subdivision</u>	<u>Date</u>	<u>Description of Papers</u>
43-	Highway 603	10/24/2003	Warranty Deed Highway 603 Chevis
44-	Highway 603	2/9/2004	Jimmy Chiniche to Ms. Department of Environmental Quality
44a-	Highway 603	2/9/2004	Ms. Department of Environmental Quality Approval of Subdivision and Pollution Control
45-	Highway 603	3/9/2004	Hancock County Building/ Zoning Approval from Board
46-	Highway 603	4/22/2004	Gary Cuevas Letter to Ms. Dept. of Environmental Quality
47-	Highway 603	5/28/2002	Overhead picture of Highway 603 Sub by Favre Street
48-	Highway 603	Jan-04	Storm Water Prevention Plan Cameron Bay
49-	Highway 603	4/30/2004	Permit Miss. Dept of Environmental Quality
50-	Highway 603	4/1/2004	State of Miss. Dept of Health Approval of Subdivision
51-	Highway 603	7/6/2004	Cease and Desist Order Cameron Bay
52-	Highway 603	6/10/2005	Extended Permit from MDEQ for Cameron Bay Thru May 2010
53-	Highway 603	7/15/2004	Letter from EPA accepting case from Corps of Engineering
54-	Highway 603	8/4/2004	Mack Cameron's Letter to Ms. Jackson about Cease and Desist
55-	Highway 603	9/8/2004	Mack Cameron's Letter to Mike Wylie about Cease and Desist
56-	Highway 603	10/7/2004	Mack Cameron's Letter to J.P. Compretta about Cease and Desist
57-	Highway 603	10/13/2004	Mack Cameron's Letter to Bill Sapp after Cease and Desist about setting meeting and liability of misrepresentation of agencies
58-	Highway 603	7/6/2005	Picture overhead of Cameron Bay Sub
59-	Highway 603	7/6/2005	Picture of Retension Ponds Approved by MDEQ
60-	Highway 603	7/6/2005	Picture of Retension Ponds Approved by MDEQ
61-	Highway 603	7/6/2005	Picture of Culverts on Favre Street
62-	Highway 603	7/6/2005	Pictures of Ditch in Rear of Subdivision
63-	Highway 603	7/6/2005	Pictures Hwy 603 Culvert and Rear Ditch Sub
64-	Highway 603	7/6/2005	Pictures of Retention Pond and View of Sub
65-	Highway 603	4/5/2005	Administrative Consent Order Docket No. CWA-04-2005-5762
66-	Highway 603	5/6/2004	Notice of Public Hearing for Cameron Bay
67-	Highway 603	Map	Google Map Showing distance of drainage ditch to Bayou Lacrouix

<u>Respondent #</u>	<u>Subdivision</u>	<u>Date</u>	<u>Description of Papers</u>
68-	Highway 603	12/18/2008	Letter to Patricia A. Bullock about Complaint
69-	Highway 603	4/17/2009	First Bank Letter of Past Due Money on Cameron Bay
70-	Taxes	2/23/2009	Rodney & Tammy 2008 Tax Return
71-	Highway 603	7/8/2005	Response to Bill Sapp to the Environmental Protection Agency by Terese T. Wylly
72-	Highway 603	2/25/2009	Letter to Judge Gunning about my position on the allegations
73-	Highway 603	10/11/2005	Supreme Court Case Summary Rapanos vs. United States
74-	Highway 603	Definitions	United States Environmental Protection Agency on Wetlands Section 502 of Clean Water Act
75-	Highway 603	6/15/2001	Permit for Lot 7 Boat Launch Mark Fridge
76-	Highway 603	3/18/2001	Survey of Mark Fridge Property and Boat Launch
77-	Highway 603	3/26/2003	Picture of Ireland Street Boat Launch
78-	Taxes	9/26/2007	Rodney & Tammy Corr 2006 Tax Return
79-	Taxes	3/13/2008	Rodney & Tammy Corr 2007 Tax Return
80-	Definitions	Webster New World	adjacent, waters, wetlands, navigable and "waters of the United States" "surface waters of the state"
81-	SWANCC	10/1/2003	Joint Memorandum on SWANCC
82-	Court Case	12/5/1985	United States v. Riverside Bayview, 474 U.S. 121 (1985)
83-	Court Case	9/10/2003	Treacy v. Newdunn Associates LLP 344 F3d 407
84-	Court Case	12/16/2003	United States v. James Needham
86-	Highway 603		Hancock County Sewer Approval and Plat of Property of Subdivisions
87-	Highway 603	Jan-04	Specification for Subdivision
88-	Highway 603	1/14/2003	Hancock County Water & Sewer Letter of Intent to Serve Subdivision
89-	Highway 603	12/10/2002	Check to Pay for Permit
91-	Highway 603	6/1/2009	Letter of Loan Showing Money's owed by Corr on Residential part of Property

<u>Respondent #</u>	<u>Subdivision</u>	<u>Date</u>	<u>Description of Papers</u>
92-	Highway 603	6/1/2009	Letter of Loan Showing Money's owed by Corr on Commercial part of Property
93-	Highway 603	10/1/2003	SWANCC v. United States Army Corps of Engineers 6th Circuit
94-	Highway 603	1/1/1994	Arial Photo of Highway 603 Property
95-	Highway 603	1/1/2000	Arial Photo of Highway 603 Property
96-	Highway 603	1/1/2007	Arial Photo of Highway 603 Property
97-	Wikipedia	10/18/1972	" The Clean Water Act "
98-	Highway 603	12/6/2005	Vic Planetta Agreement and Understanding
99-	Highway 603	12/6/2005	Vic Planetta Deed and Promissory Note
100-	Highway 603	4/14/2009	Wilda Cobb response on Judge Gunning letter. Wilda Cobb's demanding me to agree to Order or will put a lien on my property.
101-	Highway 603		Title 40 Penalty adjustment and Tables
102-	Highway 603		Section 301 of the Act
103-	Highway 603		Section 309 of the Act
104-	Highway 603		Section 401 & 404 of the Act
106-	Highway 603	12/23/2008	Letter from Judge Biro on pursuant to Section 309(g)
107-	Highway 603	11/28/2006	Sale of Property and Closing Papers
108-	Highway 603	8/2009	Respondents Initial Prehearing Order Exchange
109-	Highway 603		Plat of Subdivision showing drainage and retention ponds

Moneys Lost by Rodney O. Corr due to the Corp or Engineers Broad Terminology of the Clean Water Act and Properties Owners ability to understand it. (on Highway 603 Property)

	Expenses	\$	56,425.23
	Interest on Loan	\$	76,860.60
	Attorney Fees	\$	46,581.00
	Subtotal	\$	179,866.83
First Bank Foreclosure of Property because of Environment Agency Enforcement		\$	566,235.24
	Total	\$	746,102.07

Rodney O. Corr
Post Office Box 1147
Granbury, TX 76048
228-323-8936
Date:

cc: Patricia Bullock
Regional Hearing Clerk
US EPA/ Region 4
61 Forsyth Road
Atlanta, GA 30342

Ms. Wilda W. Cobb
Address same as
Courts Hearing Clerk

Hon. Barbara A. Gunning
Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue
Washington, DC 20460

Rep. J.P. Compretta
Atty. Terese T. Wyly
Atty. Mack Cameron