

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

AFFIDAVIT ADDENDUM TO PREVIOUSLY FILED MOTION TO DISMISS

Comes the Respondent, Gene A. Wilson and in the form of a sworn interrogatory of himself states as follows:

Comes the Affiant, Gene A. Wilson, after first being duly sworn states as follows:

1. In 1990 did Respondent apply for three (3) injection wells on farms he owned in Lawrence County, Kentucky?

Answer: Yes, two (2) on Cam Creek and one (1) on Collier Creek.

2. Where any of the injection wells placed in service?

Answer: Yes, the two (2) on Cam Creek.

3. Did you complete the application for the permit on Collier Creek and if not why?

Answer: No, the draft permit only allowed brine from my own operations on Cam Creek and the intent was to dispose of other producers brine at that location.

4. Did you notify E.P.A. to correct the permit?

Answer: Yes, orally and in writing for a number of years.

5. Did you ever inject your brine water or any other operators brine water on Collier Creek?

Answer: No, brine water was disposed of on Cam Creek by Respondent from his operations there until 1994 when that farm was sold.

6. Has Respondent produced brine water since 1994?

Answer: No.

7. Along with the request to correct the permit issued on Collier Creek, did you advise E.P.A. you were not injecting fluids on Collier Creek?

Answer: Yes.

8. After the issuance of the permit did E.P.A. ever give you notice to do a MIT test?

Answer: Yes, in 1993 and again in 1999; in 1993 an inspector for E.P.A. was present however in 1999 although scheduled the inspector did not show but employees completed the test.

9. Were you aware your former employees conducted the MIT test in 1999?

Answer: No, not until Respondent contacted them as possible witnesses that no brine was ever discharged in the well.

10. Did you ever use E.P.A. forms to report no injection in the well?

Answer: No, In the early 1990's a lot of communications were by telephone; however, Affiant found in his files 1991, 1992, 1993 and 2000 letters of no injections and requests to correct the permit.

11. Did you ever complete the well for injecting brine water?

Answer: No I was waiting on the permit to be corrected and in 2000 I notified E.P.A. I wished to go ahead and plug the well.

12. Did you receive permission?

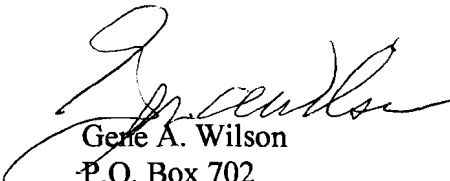
Answer: Yes in 1995.

13. Did you properly plug the well after permission was granted?

Answer: Yes, attempts were made to have an E.P.A. inspector present to no avail so Ms. Carol Chen was gracious enough to allow a Commonwealth of Kentucky inspector observe the plugging in June of 2005. This approval from Ms. Chen was by telephone.

Wherefore having given a limited summary of events on permit application and issuance of permit KYI01376, it is requested this Affidavit become a part of Respondent's Facts And Exhibits For Stipulation And Motion For Summary Judgment submitted on August 8, 2006 and pursuant to Hon. Susan B. Schub's directive Motion For Summary Judgment re-filed on December 11, 2006.

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 Motion To Require Complainant To File First 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)

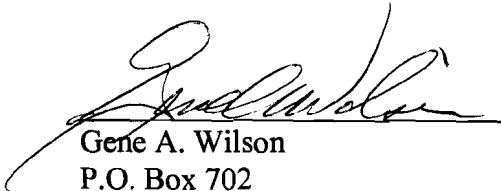
Hon. Susan B. Schub
Regional Judicial Officer
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

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

Dated: 2/20/07



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