

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF

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

Docket No. SDWA-04-2005-1016

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HEARING CLERK

Respondent

**RESPONSE TO COMPLAINANT'S MOTION TO STRIKE AFFIDAVIT WITH
EXHIBIT OF TELEPHONE BILL**

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

It was very upsetting for Respondent's witness, Patty Carter, to read E.P.A.'s
Proposed Findings of Fact and Conclusions of Law and Post Hearing Brief implying she
lied under oath during the hearing. She is willing to take a polygraph test.

On Mrs. Carter's own initiative she went back and started plundering through old
records and found the telephone calls to E.P.A. in 1999.

The E. P.A. lawyers called those "purported" telephone calls and conversation at
page 6 of their Brief. Webster's New World College Dictionary gives among its
definitions of the word "purported" is to give the appearance, often falsely, of being or
intending, etc.

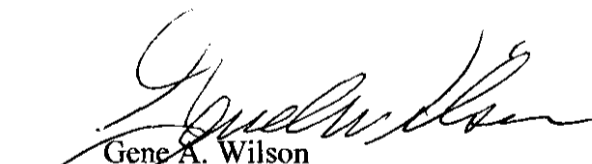
The attitude of E.P.A.'s lawyers are that although the Court did not admit E.P.A.'s Exhibit "32", Complainant's lawyers are not satisfied, so they resubmit it in their Proposed Findings of Fact at page 17 numbered paragraph 34. What's good for the goose is good for the gander.

Usually, during the hearing at Ashland, Kentucky when testimony was admitted strongly in favor of Respondent the E.P.A. lawyers would jump up and say the testimony was prejudicial to their case. Mrs. Carter, finding the old telephone bill showing she did call E.P.A. back in 1999 is prejudicial to E.P.A.'s case and they don't want the truth to be known. This is regrettable to say the least.

Had Respondent known this Administrative Hearing was going to be treated identically to a Judicial Trial in a Court of Law, legal counsel would have been employed immediately. The E.P.A. lawyers are not interested in the truth but is attempting to make an example, right or wrong.

WHEREFORE Respondent prays the Hearing Officer considers all the evidence submitted on Respondent's behalf, including the fact two (2) Kentucky Enforcement Officers, one (1) retired by Affidavit (this being an old case) and one (1) that is over all the inspectors in Eastern Kentucky testified on Respondent's behalf.

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 Response To Complainant's Motion To Strike Affidavit With Exhibit Of Telephone Bill 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:

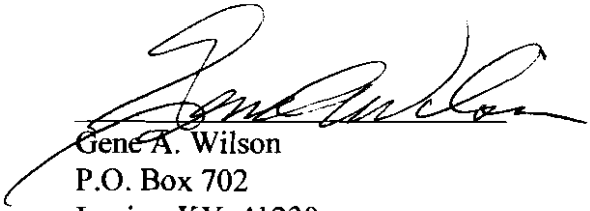
Ms. Patricia A. Bullock (Via Express Mail - Return Receipt Requested)
Regional Hearing Clerk
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

Hon. Susan B. Schub (Via Express Mail - Return Receipt Requested)
Regional Judicial Officer
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
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: 2/4/08


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