



RE: Hearing: Stevenson CWA-06-2011-2709

Chuck Kibler to: Russell Murdock, Lorena Vaughn  
Cc: Patrick Rankin

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From: "Chuck Kibler" <chuck@kiblerlaw.com>  
To: Russell Murdock/R6/USEPA/US@EPA, Lorena Vaughn/R6/USEPA/US@EPA  
Cc: Patrick Rankin/R6/USEPA/US@EPA

Ms. Vaughn,

As a follow-up to my previous message, I am confirming that my client and expert are available on the date mentioned.

I would like to also bring an issue up which troubles me. During the conference call noted in Mr. Murdock's message below, Mr. Rankin indicated that unless Galveston USCOE had a written policy in effect which required a submission of a written plan, then "this would pretty much decide the issue" (or words to that effect). I have requested such documents or other written proof of the existence of such a policy from Mr. Murdock who (politely, I'll add) responded that he would provide it once he had it. With less than 30 days before the hearing remaining, I am concerned that my client will bear the burden of additional legal and expert fees to attend a hearing which is unnecessary.

I would sincerely appreciate any information about the existence of such a policy (I have looked diligently and found nothing) before my client bears the additional burden of this hearing.

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From: Murdock.Russell@epamail.epa.gov [mailto:Murdock.Russell@epamail.epa.gov]  
Sent: Wednesday, October 10, 2012 9:56 AM  
To: Vaughn.Lorena@epamail.epa.gov  
Cc: Chuck Kibler; Rankin.Patrick@epamail.epa.gov  
Subject: Hearing: Stevenson CWA-06-2011-2709

Lorena,

I'm following up on the last conference call Mr. Kibler and I had with Regional Judicial Officer Rankin regarding the hearing in the matter of Henry Stevenson & Parkwood Land Company. After consulting with the Corps of Engineers and Mr. Kibler for potential dates, I believe I have found some dates that should work.

The Corps can provide us a conference room in their Galveston offices on November 13th, 14th, and 15th. I believe the hearing will only take one day, but out of an abundance of caution, I believe setting aside two days would be prudent. Also, given that the 12th is a holiday, I propose that the hearing be scheduled for Wednesday, November 14th in the Galveston office of the Corps of Engineers with the relevant room likewise scheduled for the 15th in case the hearing stretches to two days.

I hope this date will work for all parties. If not, I can go back to the Corps and try to negotiate a different time. I apologize for the delay in sending out this e-mail, but I literally just received confirmation from the Corps regarding the conference room in the past 30 minutes.

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