

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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Respondent

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**MOTION TO REQUIRE COMPLAINANT TO FILE FIRST**

Comes the Respondent by Motion and prays for the following:

(1) The Order dated September 29, 2006 required the Complainant and Respondent to file simultaneously a list of Pre Hearing documents, exhibits and witness lists and what the parties are expected to allege.

(2) Respondent does not know what Complainant is charging against him; therefore, Respondent does not know how to Respond for a full defense without seeing first the full charge.

(3) It is known the permit was improperly issued, that the injection well was never completed and was never put into service, that for approximately ten (10) years the Respondent attempted to have the permit corrected and finally gave up and advised he wanted to plug the well.

(4) Respondent attempted to discuss facts with Complainant's attorney, Zylpha Pryor, and she refused to even stipulate the well was never used and filed this litigation against Respondent approximately a year after plugging.

Wherefore Respondent prays the Complainant be required to file all requested itemized items in the Hearing Officer Order of September 29, 2006 instead of simultaneously to allow Respondent to have a quasi discovery of what Complainant has against him with at least twenty (20) days to submit his position on all charges.

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 Certified 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

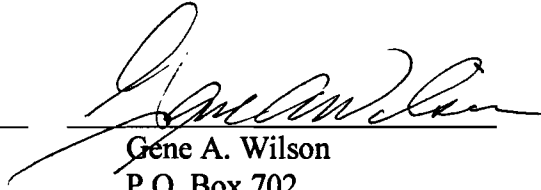
(Via Certified Mail - Return Receipt Requested)

Ms. Zylpha Pryor  
Associate Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960

U.S. Small Business Administration  
409 3<sup>rd</sup> Street, SW  
MC 2120  
Washington, DC 20416-0005

Dated:

10/13/06



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