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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

REGIONAL HEARING CLERK
EPA REGION VI

In re:

Henry R. Stevenson, Jr. &
Parkwood Land Co.

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Docket No. CWA-06-2011-2709

Complainant

**COMPLAINANT'S MEMORANDUM IN SUPPORT OF THE SELECTION OF DALLAS,
TEXAS, AS THE VENUE FOR THE HEARING**

COMES NOW COMPLAINANT, the Acting Director of the Water Quality Protection Division, United States Environmental Protection Agency, Region 6, by and through its attorney, submits this memorandum in support of the selection of Dallas, Texas, as the venue for the above proceeding regarding Mr. Henry R. Stevenson and Parkwood Land Company (hereinafter "Respondents"). This memorandum is written at the request of the Regional Judicial Officer during a January 24, 2012, prehearing conference call.

1. Complainant filed the Administrative Complaint ("Complaint") in this matter on July 18, 2011, for violations of the Clean Water Act ("the Act"). On January 9, 2012, Complainant filed its prehearing exchange and requested that the hearing be held in Dallas, Texas, the city in which the relevant Environmental Protection Agency Regional Office is located, a permissible venue under 40 C.F.R. § 22.19(d). Respondents filed their own prehearing exchange soon thereafter and requested that the hearing be held in Orange County, Texas, the county in which the property subject to this administrative action is located. Respondents' selection is also a permissible choice of venue under 40 C.F.R. § 22.19(d).

2. Under 40 C.F.R. § 22.21(d) and 40 C.F.R. § 22.19(d), the Presiding Officer has discretion to choose between certain locations of venue prescribed by the code. The Presiding Officer may also determine to select an alternate location or conduct the hearing by telephone, if the Presiding Officer

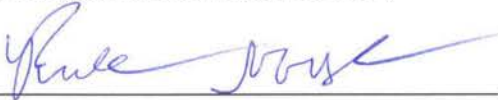
determines there is good cause. Both the venues requested by Respondents and Complainant would be permissible under the code.

3. Complainant faces severe budgetary restraints, particularly with regard to travel. The selection of a venue outside of Dallas, Texas, would subject Complainant to financial hardship as a result of the limited travel budget. Complainant faces the further possibility of needing to provide the funds for the travel of two witnesses from the United States Army Corps of Engineers ("Corps"), Galveston District, Mr. Davidson and Ms. Shivers. Were the hearing to take place in Orange County, Complainant would be forced to pay for the travel of two employees from the Dallas, Texas, office and likely for the travel of the Corps witnesses. In these times of limited budget, finding the funds would prove difficult.

CONCLUSION

For the foregoing reasons, Complainant respectfully requests that the Presiding Officer designate Dallas, Texas, as the venue for the hearing in this matter.

RESPECTFULLY SUBMITTED,



Russell Murdock
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CERTIFICATE OF SERVICE

I certify that the original of the foregoing MEMORANDUM IN SUPPORT OF THE SELECTION OF DALLAS, TEXAS, AS THE VENUE FOR THE HEARING was hand-delivered to and filed with the **Regional Hearing Clerk**, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and a true and correct copy was sent to the following on this _____ day of March 13, 2012, in the following manner:

VIA FIRST CLASS U.S. MAIL:

Mr. Charles M. Kibler
The Kibler Law Firm
765 N. 5th Street
Silsbee, Texas 77656

Barbara J. Adridge