

Vaughn, Lorena

From: lannywoods <lannywoods@jirehresourcesllc.com>
Sent: Thursday, December 21, 2017 8:56 PM
To: John Randolph; David House
Cc: jhtucker@rhodesokla.com; smcnamara@mcnamlaw.com; Chang-Vaughan, Ellen; Vaughn, Lorena; Brian Inbody (BInbody@mcnamlaw.com); Robert Winter
Subject: Re: SDWA 06-2017-1110, SDWA 06-2017-1111, SDWA 06-2017-1112 - hearing schedul

A total contradiction between the two statements. We have not been given our hearing or chance to present real facts. This is big brother taking over and doing whatever he wants without regard to what others in the EPA have said.

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone

----- Original message -----

From: John Randolph <jrandolph@praywalker.com>
Date: 12/21/17 8:47 PM (GMT-06:00)
To: David House <david@dwhouse.net>
Cc: jhtucker@rhodesokla.com, smcnamara@mcnamlaw.com, "Chang-Vaughan, Ellen" <Chang-Vaughan.Ellen@epa.gov>, "Vaughn, Lorena" <Vaughn.Lorena@epa.gov>, "David House (david@dwhouse.net)" <david@dwhouse.net>, "'Lanny Woods' (lannywoods@jirehresourcesllc.com)" <lannywoods@jirehresourcesllc.com>, "Brian Inbody (BInbody@mcnamlaw.com)" <BInbody@mcnamlaw.com>, Robert Winter <rwinter@praywalker.com>
Subject: Re: SDWA 06-2017-1110, SDWA 06-2017-1111, SDWA 06-2017-1112 - hearing schedul

Note the EPA reference that we were given an opportunity for a hearing and to present evidence in the letter accompanying the final order.

Compare that to our effort to pin down the nature of the public hearing and the hearing officer's response below.

Sent from my iPhone

On Sep 14, 2017, at 2:53 PM, Rucki, Thomas <Rucki.Thomas@epa.gov> wrote:

Good afternoon. It appears there is some confusion regarding the nature and scope of the coming public hearing, so please let me clarify what I intended to convey via my proposed telephone conference. In this matter, I am simply acting as the neutral presiding officer for a public hearing. I am present at the public hearing to allow for the orderly flow of comments/evidence presentation. Each party involved in the case, as well as any public commenters, is afforded an opportunity to present during the hearing - I am otherwise not involved in the matter after the hearing.

This public hearing is not adjudicatory in nature, nor is it a trial. I will not rule on motions, allow for cross examination, provide for prehearing exchanges, or conduct this public hearing in any manner like a traditional trial/hearing. Rather, the statute allows for an opportunity for public comments via a public hearing. This is that early step in the process and whatever transpires at this public hearing does not foreclose the ability to bring up any current/prior/new facts/arguments/evidence in future discussions with EPA counsel or further adjudicatory/administrative proceedings.

If any parties/commenters are still gathering information or waiting on witnesses or experts and that information or those persons are not available for the public hearing, it will not impact your ability to discuss these issues or call witnesses at a later adjudicatory hearing or with EPA counsel in negotiations/discussions. Furthermore, I will not make a decision when the hearing is over – I do not have that authority in this matter. Instead, I will forward the hearing transcript to the decision maker.

Again, this is a public hearing, where I will gather information and nothing more – this hearing was requested and is allowed per the statute and that opportunity will now occur. With that said, below is the schedule for the public hearing, which will occur on October 11, 2017, in Tulsa, Oklahoma. Please note that you need not attend this public hearing and that decision to not attend will not have any impact on your position/standing in this case - positive or negative. If you do choose to attend, however, each party will be allowed 1.5 hours to present, as set forth below. If you do not need the allocated 1.5 hours, please provide as such and I can adjust the schedule accordingly. If you are unable to attend, you can always submit any documents or evidence to EPA counsel.

Please let me know whether or not you plan to attend and participate in the public hearing.

All further communications in this manner should be directed to EPA counsel in this matter, unless there are questions or responses related only to the public hearing procedures, location, or similar public hearing matters (such as informing whether or not you will attend).

Tulsa County Courthouse

500 S. Denver Avenue

Room 119

Tulsa, Oklahoma 74103-3844

10:15-11:45: Jireh Resources, LLC

11:45-12:45: lunch

12:45-2:15: Warren American Oil Company, LLC

2:15-3:45: Novy Oil and Gas, Inc.

3:45-4:45: public comments

Regards,

Tom Rucki
Regional Judicial Officer
Senior Assistant Regional Counsel
Office of Regional Counsel (6RC-EC)
U.S. EPA - Region VI
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