

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

In the Matter of	§ Docket No. CWA-06-2012-2712
	§
Paco Swain Realty, L.L.C.	§
a Louisiana Corporation,	§
	§ JOINT SET OF STIPULATED
Respondent	§ FACTS, EXHIBITS AND TESTIMONY

JOINT SET OF STIPULATED FACTS, EXHIBITS AND TESTIMONY

The Complainant, the Director of the Water Quality Protection Division, United States Environmental Protection Agency, Region 6 (“EPA”) through its attorney, and Paco Swain Realty, L.L.C. (“Paco Swain”), through its attorney (collectively, the “Parties”), hereby files this Joint Set of Stipulated Facts, Exhibits and Testimony pursuant to the Order Scheduling Hearing (“Order”), dated October 22, 2014, issued by the Administrative Law Judge (“ALJ”) and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22. In the Order, the ALJ instructed the Parties to file a Joint Set of Stipulated Facts containing specific information. This document contains the Parties’ response to the Order.

A. STIPULATED FACTS:

The Parties do not intend to stipulate to any facts in this matter.

B. STIPULATED EXHIBITS:

The Parties Stipulate to the authenticity and admissibility of the following exhibits:

1. Complainant’s Exhibits 1 through 14, submitted with Complainant’s Prehearing Exchange.
2. Respondent’s Exhibits 1 through 3, submitted with Respondent’s Prehearing Exchange, as supplemented.

C. STIPULATED TESTIMONY

The Parties do not intend to submit stipulated testimony in this matter.

Respectfully submitted,

/s/ Robert W. Morgan
(see attached proof of signature)

ATTORNEY FOR COMPLAINANT
Tucker Henson
Assistant Regional Counsel (6RC-EW)
Office of Regional Counsel
U.S. EPA, Region 6
1445 Ross Ave., Ste. 1200
Dallas, TX 75202-2733
henson.tucker@epa.gov
Tel.: (214) 665-8148
Fax.: (214) 665-2182

ATTORNEY FOR RESPONDENT
Robert W. Morgan
Attorney At Law
212 North Range Avenue
Denham Springs, LA 70726

CERTIFICATE OF SERVICE

I certify that the original of the foregoing JOINT SET OF STIPULATED FACTS, EXHIBITS AND TESTIMONY was filed with the **Headquarters Hearing Clerk** of the Office of the Administrative Law Judges (“OALJ”) via the OALJ E-Filing System, and a true and correct copy was sent to the following on this 24th day of December, 2014, via email to:

Robert W. Morgan
Attorney at Law
212 North Range Avenue
Denham Springs, LA 70726
morganlaw@bellsouth.net

Tucker Henson

Henson, Tucker

From: Henson, Tucker
Sent: Wednesday, December 24, 2014 11:27 AM
To: 'Bob Morgan'
Subject: RE: Fw: Joint Set of Stipulated Facts due Friday

EPA is OK with these revisions. I will remove the strikethrough and file them with the OALJ, along with a redacted copy of this email.

From: Bob Morgan [mailto:morganlaw@bellsouth.net]
Sent: Wednesday, December 24, 2014 8:39 AM
To: Henson, Tucker
Subject: Re: Fw: Joint Set of Stipulated Facts due Friday

Henson:

Attached are my proposed revisions of the drafts of stipulations.

[Redacted]

[Redacted] I authorize you to sign the original in my behalf. You may contact me by telephone if you need to discuss any of it. [Redacted]

Thank you.

Bob Morgan
225.223.2144
225.933.6798

On Tuesday, December 23, 2014 3:14 PM, Bob Morgan <morganlaw@bellsouth.net> wrote:

Tucker:

[Redacted]

Bob Morgan
[Redacted]

Tucker:

[REDACTED]

Bob Morgan

[REDACTED]

Sent via the Samsung Galaxy S® 5 ACTIVE™, an AT&T 4G LTE smartphone

----- Original message -----
From: "Henson, Tucker"
<Henson.Tucker@epa.gov>
Date: 12/23/2014 1:31 PM (GMT-06:00)
To: Bob Morgan
<morganlaw@bellsouth.net>
Cc: "McDonald, Scott" <mcdonald.scott@epa.gov>, "Mullins, Donna" <mullins.donna@epa.gov>
Subject: Fw: Joint Set of Stipulated Facts due Friday

Bob,

[REDACTED]

Tucker Henson

From: Henson, Tucker
Sent: Wednesday, December 17, 2014 1:23 PM
To: Bob Morgan
Subject: FW: Joint Set of Stipulated Facts due Friday

Bob,

[Redacted]

Tucker Henson
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 6
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From: Henson, Tucker
Sent: Monday, December 15, 2014 8:40 AM
To: Bob Morgan
Subject: Joint Set of Stipulated Facts due Friday

Bob,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Tucker Henson
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Bob,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Tucker Henson

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Bob,

[REDACTED]

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Bob,

[REDACTED]

[REDACTED]

[REDACTED]

Tucker Henson
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