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9 *Attorneys for Respondent Henry Simpson*

10 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
11 **REGION 9**

12 **IN THE MATTER OF:**

13 Henry Simpson,
14 d/b/a Buena Vista Subdivision
15 Santa Rita, Guam,

16 Respondent.

17 Proceedings under Section 309(g) of the Clean
18 Water Act, 33 U.S.C. § 1319(g).

DOCKET NO. CWA-09-2026-0016

**UNOPPOSED MOTION FOR
EXTENSION OF TIME**

19 COMES NOW Respondent Henry Simpson (“Respondent”) and hereby moves,
20 unopposed, for an extension of time of the prehearing deadlines in the Order Granting Second
21 Joint Motion for Extension dated March 3, 2026.

22 **I. INTRODUCTION**

23 The Director of the United States Environmental Protection Agency (EPA), Region 9
24 Enforcement and Compliance Assurance Division (“Complainant”) filed a complaint against
25 Respondent on November 3, 2025. The complaint was later amended, to which Respondent filed
26 an answer.
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28

1 On March 3, 2026, the Administrative Law Judge (“ALJ”) issued an Order granting the
2 parties’ Joint Motion for Extension of Deadlines in Prehearing Order. In the Order, the ALJ
3 extended and revised the prehearing deadlines as follows:

- 4 • Complainant’s Initial Prehearing Exchange or Consent Agreement and Final Order: **April**
5 **22, 2026.**
- 6 • Respondent’s Prehearing Exchange: **May 13, 2026.**
- 7 • Complainant’s Rebuttal Prehearing Exchange: **May 27, 2026.**

8
9 The parties have since reached a resolution of this matter and are working to finalize a Consent
10 Agreement and Final Order for filing with the ALJ. (Ex. A, Wolff Decl. ¶ 3.) However, the
11 parties are unable to meet the April 22, 2026, deadline to file a Consent Agreement and Final
12 Order. (Id.) The main reason for the delay is Super Typhoon Sinlaku which, although not a
13 direct hit, created a significant weather event for Guam, causing residents, including
14 Respondent’s counsel, to prepare for the storm as early as April 9, 2026, and effectively shutting
15 down the island beginning on April 12, 2026¹. (Id. ¶ 4.) Guam remained in Condition of
16 Readiness 1—the highest storm threat level—from April 13, 2026, until April 16, 2026. (Id.) By
17 April 13, 2026, most of the island, including Respondent’s counsel, lost electricity, which lasted
18 for several days, and some were without water and continue to be without water. (Id.) After the
19 storm, island residents have had to clean up and contend with extensive flooding, water damage,
20 challenging road conditions, and other destruction. (Id.) In fact, the local court did not reopen to
21 the public until April 17, 2026. (Id.) Thus, the storm caused a significant obstacle to
22
23
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25

26 ¹ All dates mentioned herein of events occurring in Guam are based on Chamorro
27 Standard Time.
28

1 Respondent's counsel's ability to work on the draft Consent Agreement and Final Order to meet
2 the April 22, 2026, deadline. (Id.)

3 **II. MOTION FOR EXTENSION OF TIME**

4 40 CFR 22.7(b) states that the presiding officer may "grant an extension of time for filing
5 any document: upon timely motion of a party to the proceeding, for good cause shown, and after
6 consideration of prejudice to other parties; or upon its own initiative."
7

8 Respondent requests that the ALJ extend by approximately 30 days the outstanding
9 prehearing deadlines as follows:

- 10 • Complainant's Initial Prehearing Exchange or Consent Agreement and Final Order: **April**
11 **22, 2026, extended to May 22, 2026.**
- 12 • Respondent's Prehearing Exchange: **May 13, 2026, extended to June 15, 2026.**
- 13 • Complainant's Rebuttal Prehearing Exchange: **May 27, 2026, extended to June 29,**
14 **2026.**

15
16 There is good cause for an extension of time. The parties, acting in good faith and due
17 diligence, reached a resolution of this matter and are working on the draft Consent Agreement
18 and Final Order. Despite the undersigned's best efforts, a significant storm event occurred in
19 Guam, which caused the undersigned to focus on storm preparation, weathering the storm, and
20 post-storm cleanup and recovery. The storm effectively shut down Guam, including shutting off
21 electricity for most Guam residents including Respondent's counsel, for several days, hindering
22 the undersigned's ability to work on finalizing the draft Consent Agreement and Final Order. As
23 a result, the parties will not be able to timely file by April 22, 2026, a Consent Agreement and
24 Final Order and, thus, Respondent timely requests an approximately 30 days extension of the
25 prehearing deadlines. Complainant does not oppose this extension request and so will not be
26 prejudiced if the motion is granted.
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1 **III. CONCLUSION**

2 Based on the foregoing, Respondent respectfully moves the ALJ to grant his unopposed
3 Motion for Extension of Time and to extend the outstanding prehearing dates as follows:

- 4 • Complainant's Initial Prehearing Exchange or Consent Agreement and Final Order: **May**
5 **22, 2026.**
- 6 • Respondent's Prehearing Exchange: **June 15, 2026.**
- 7 • Complainant's Rebuttal Prehearing Exchange: **June 29, 2026.**
- 8

9 **RESPECTFULLY SUBMITTED** this 22nd day of April, 2026.

10 Henry Simpson, Respondent

11 By His Attorneys,
12 **LUJAN & WOLFF LLP**
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18 By:

19 
20 _____
21 **DELIA LUJAN WOLFF**
22 *Attorneys for Respondent Henry Simpson*

1 **CERTIFICATE OF SERVICE**

2 *In the matter of Henry Simpson d/b/a Buena Vista Subdivision*

3 EPA Docket No. CWA-09-2026-0016

4
5 I certify that the foregoing Unopposed Motion for Extension of Time was served pursuant
6 to the *Standing Order Authorizing Electronic Filing in Proceedings Before the Administrative*
7 *Law Judges Division, Order Urging Electronic Filing and Service*, and the Order of Designation
8 to the following parties in the manner indicated below:

9 **Original by ALJD E-Filing System to:**

10 Mary Angeles, Headquarters Hearing Clerk
11 Administrative Law Judges Division
12 U.S. Environmental Protection Agency
13 https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

14 **Copy by Electronic Mail to:**

15 Erin Brewer
16 Office of Regional Counsel
17 U.S. Environmental Protection Agency, Region 9
18 75 Hawthorne Street (mail code: ORC 2-3)
19 San Francisco, CA 94105
20 Phone: (415) 972-3362
21 brewer.erin@epa.gov

22 Dated this 22nd day of April, 2026.

23
24
25
26
27
28
By:



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EXHIBIT A

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**DECLARATION OF DELIA LUJAN
WOLFF IN SUPPORT OF
UNOPPOSED MOTION FOR
EXTENSION OF TIME**

19 I, DELIA LUJAN WOLFF, hereby declare and state the following:

- 20 1. I am the counsel of record for Respondent Henry Simpson (“Respondent”) in this
21 matter.
- 22 2. I have personal knowledge of the facts declared herein and am competent to testify
23 as to them.
- 24 3. In this matter, the parties have reached a resolution and are working to finalize a
25 Consent Agreement and Final Order for filing with the ALJ. However, the parties are unable to
26 meet the April 22, 2026, deadline to file a Consent Agreement and Final Order.
27
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