



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

March 12, 2010

**VIA CENTRAL DATA EXCHANGE  
AND FEDERAL EXPRESS**

Clerk of the Board  
United States Environmental Protection Agency  
Environmental Appeals Board  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Re: In the Matter of Guam Waterworks Authority Northern District and Agana Sewage Treatment Plants, NPDES Appeal Nos. 09-15 and 09-16

Dear Clerk of the Board:

Enclosed, please find two (2) copies of the Response to Petition for Review and copies of supporting Exhibits, filed on behalf of Region 9 of the U.S. Environmental Protection Agency ("the Region"). Attached to this letter are two lists of Exhibits filed via the Central Data Exchange ("CDX"), 19 regarding Agana and 12 regarding Northern District. The Exhibits are excerpts from the Administrative Record for each appeal. Also enclosed are an Index to the Administrative Record for each facility and a Certification for each Administrative Record.

The Region filed the original Response and Exhibits via the CDX on March 12, 2010, pursuant to the Environmental Appeals Board January 28, 2010 "Order Authorizing Electronic Filing in Proceedings before the Environmental Appeals Board under 40 C.F.R. Part 22." The enclosed copies are identical to the filed electronic documents.

The Region requests that you please date stamp the copy of the Response brief marked "Region's copy" and return it in the enclosed self-addressed stamped envelope.

Sincerely,

A handwritten signature in blue ink that reads "Marcela von Vacano".

Marcela von Vacano  
Office of Regional Counsel  
EPA Region IX

Enclosures

## LIST OF EXHIBITS

### Agana Exhibits

AGA Ex. 000 Index and Certification

AGA Ex. 001 Final Decision Document (p. AGA 1-71)

AGA Ex. 002 Tentative Decision Document (p. AGA 72-138)

AGA Ex. 003 Response To Comments (p. AGA 162-207)

AGA Ex. 003A Notice of Public Hearing (p. AGA 145-147)

AGA Ex. 004A Revised Application (1998) (p. AGA 1759-1850)

AGA Ex. 004B Revised Application (1998) (p. AGA 1851-2058)

AGA Ex. 005A 2001 Supplement to Revised Application (p. AGA 1417-1651)

AGA Ex. 005B 2001 Supplement to Revised Application (p. AGA 1652-1758)

AGA Ex. 006 Guam Water Quality Standards (p. AGA 2059-2178)

AGA Ex. 007A Section 301(h) ATSD (p. AGA 2179-2350)

AGA Ex. 007B Section 301(h) ATSD (p. AGA 2351-2565)

AGA Ex. 008 Basis of Design (p. AGA 2733-2849)

AGA Ex. 009 Relevant Correspondence (p. AGA 2647-58; 2664-2665; 2730-32)

AGA Ex. 010 1986 NPDES Permit (p. AGA 2568-2589)

AGA Ex. 011 WET Guidance (p. AGA 3875-4058)

AGA Ex. 012 Benthic Sampling (2001) (p. AGA 4172-4246)

AGA Ex. 013 Primary Treatment Analysis Summary (p. AGA 3689-91)

AGA Ex. 014 WET Results (2007) and EPA email (2008) (p. AGA 3805; 3828-3872)

## Northern District Exhibits

ND Ex. 000 Index and Certification

ND Ex. 001 Final Decision Document (p. ND 1-72)

ND Ex. 002 Tentative Decision Document (p. ND 125-193)

ND Ex. 003 Notice of Public Hearing (p. ND 200-202)

✓ ND Ex. 004A Revised Application (1998) (p. ND 1598-1750)

ND Ex. 004B Revised Application (1998) (p. ND 1751-1888)

ND Ex. 005 2001 Supplement to Revised Application (p. ND 1426-1595)

ND Ex. 006 Basis of Design (p. ND 1889-2007)

ND Ex. 007 1986 NPDES Permit (p. ND 2521-2540)

ND Ex. 008 Relevant Correspondence (p. ND 2597-2608; 2614-15; 2658-60)

ND Ex. 009 Primary Treatment Analysis Summary (p. ND 3515-3518)

ND Ex. 010 WET Results (2007) and EPA email (2008) (p. ND 3679-3705)

## CERTIFICATE OF SERVICE

I, Marcela von Vacano, hereby certify that true and correct copies of the Response to Petition for Review and copies of supporting Exhibits, which are all identical to the electronic copies filed via CDX on March 12, 2010, In the Matter of Guam Waterworks Authority Northern District and Agana Sewage Treatment Plants, NPDES Appeal Nos. 09-15 and 09-16, were sent to the persons listed below on March 12, 2010:

Via Federal Express courier to:

Clerk of the Board  
United States Environmental Protection Agency  
Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Via electronic mail in Adobe Acrobat®.pdf format to:

Mr. Samuel L. Taylor  
Legal Counsel  
Guam Waterworks Authority  
578 N. Marine Corps Drive  
Tamuning, Guam 96913  
Email: [staylor@guamwaterworks.net](mailto:staylor@guamwaterworks.net)

March 12, 2010

Date



Marcela von Vacano  
Office of Regional Counsel  
EPA Region IX