



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

May 29, 2009

VIA HAND DELIVERY AND ELECTRONIC SUBMISSION

Ms. Eurika Durr
Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
Colorado Building
Suite 600
1341 G Street, N.W.
Washington, D.C. 20005

Re: NPDES Appeal No. 09-01

Dear Ms. Durr:

Enclosed please find the following:

- a. One copy of EPA Region 9's Response to Petition for Review, NPDES Appeal No. 09-01, with Exhibit A.
- b. One notebook containing copies of:
 - Certification of Indexes to the Administrative Records (Declaration of Sara Roser)
 - Honouliuli Administrative Record Index
 - Sand Island Administrative Record Index
 - Doc. H.1.2, Honouliuli Final Decision
 - Doc. S.1.2, Sand Island Final Decision
 - Doc. H.1.7, Honouliuli Tentative Decision
 - Doc. S.1.7, Sand Island Tentative Decision
 - Doc. H.1.5, Response to Comments from CCH on Honouliuli
 - Doc. H.1.6, Response to Comments from the Public on Honouliuli
 - Doc. S.1.5, Response to Comments from CCH on Sand Island
 - Doc. S.1.6, Response to Comments from the Public on Sand Island
 - Doc. S.19.1, State of Hawaii Water Quality Standards
 - Disk containing electronic copies of all the materials in the administrative records
- c. Five additional disks containing electronic copies of all the materials in the administrative record, plus five paper copies of the indexes for the administrative record.

Copies of Region 9's Response, Exhibit A, and the documents in the notebook are also being filed electronically with the Board.

We are also sending counsel for CCH, by Federal Express, paper copies of the Response and Exhibit A, and a notebook identical to the one included here, including a Disk with the administrative record materials.

If you have any questions, do not hesitate to contact me at (415) 972-3884 or email leith.suzette@epa.gov.

Sincerely yours,

A handwritten signature in blue ink that reads "Suzette E. Leith". The signature is written in a cursive style with a large, stylized "S" and "L".

Suzette E. Leith
Assistant Regional Counsel

Enclosures: As described above

Copy to: David Salmons and Robert V. Zener, Bingham McCutchen LLP

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following was sent by Federal Express to the below listed persons on this 29th day of May 2009:

EPA Region 9's Response to Petition for Review, NPDES Appeal No. 09-01, with Exhibit A.

Notebook containing:

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Addressee:

Mr. David Salmons
Mr. Robert V. Zener
Bingham McCutchen LLP
2020 K Street NW
Washington, DC 20006



Suzette E. Leith