



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

December 11, 2009

**VIA HAND DELIVERY AND ELECTRONIC SUBMISSION**

Ms. Eurika Durr  
Clerk of the Board  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street, NW Suite 600  
Washington, DC 20005

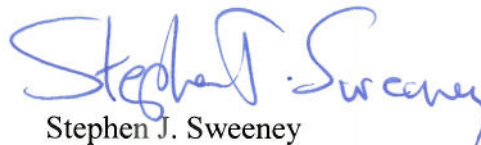
Re: Guam Waterworks Authority, NPDES Appeals Nos. 09-15 and 09-16

Dear Ms. Durr:

Enclosed for filing please find an original copy of a Joint Motion to Establish Filing Date for Region IX's Response In the Matter of the Guam Waterworks Authority's Petition for Review related to the Northern District and Agana Sewage Treatment Plants, NPDES Appeals 09-15 and 09-16. The Motion is made jointly by both parties to these consolidated appeals.

A copy of the motion is also being filed electronically with the Board through the CDX system. I am filing the motion on behalf of Ms. Marcela von Vacano, lead counsel from EPA Region 9, who has requested that I do so because she is ill and unavailable.

If you have any questions, please contact Ann Nutt, Associate Regional Counsel, EPA Region 9, at (415) 972-3930, or Stephen Sweeney, Office of General Counsel, at (202) 564-5491.

  
Stephen J. Sweeney  
Office of General Counsel

Enclosure

Cc: Samuel L. Taylor, Guam Waterworks Authority  
Ann Nutt  
Marcela von Vacano

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

In re: )  
)  
)  
GUAM WATERWORKS AUTHORITY'S )  
APPLICATIONS FOR MODIFIED )  
NPDES PERMITS UNDER )  
SECTION 301(h) OF THE )  
CLEAN WATER ACT )  
) NPDES Appeal Nos. 09-15 and 09-16  
Northern District Sewage Treatment Plant )  
Agana Sewage Treatment Plant )  
)  
NPDES Permit Nos. GU0020141 and GU0020087 )  
\_\_\_\_\_ )

**JOINT MOTION TO ESTABLISH FILING DATE FOR REGION IX'S RESPONSE**

Respondent, the United States Environmental Protection Agency, Region IX (the Region) and Petitioner, Guam Waterworks Authority (GWA), hereby jointly file this motion to establish a filing date for the Region's Response to the above-referenced consolidated petition (Petition) by February 26, 2010.

The Petition in this matter challenges two decisions by the Region to deny GWA's requests to renew and re-issue NPDES permits that were modified under Clean Water Act section 301(h) for GWA's Northern District sewage treatment plant and Agana sewage treatment plant. The Region issued the challenged decisions on September 30, 2009. On October 29, 2009, GWA filed an unopposed motion seeking relief from the regulatory deadline for filing administrative appeals, seeking to file summary petitions for review by November 5, 2009, followed by supplemental briefs on December 7, 2009. On November 3, 2009, the Board granted GWA's motion, but did not establish a filing date for the Region's response. On

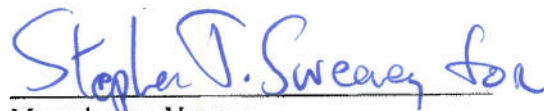
November 4, 2009, GWA filed a motion requesting that the Board consolidate the two appeals. The Board granted the request by order dated November 27, 2009. GWA filed a supplemental brief in support of its consolidated Petition on December 4, 2009.

In addition to this matter, the Region 9 staff and counsel who will be working on the response to the Petition are engaged in other administrative and judicial matters that are complex and time-consuming. Because both GWA and the Region are governmental agencies with limited resources, the parties jointly file this motion based on their shared understanding of the need to effectively manage public resources. In addition, given the upcoming holidays, there are EPA personnel who need to review the supplemental brief and work on the Response who will be unavailable. Accordingly, the Region and GWA request that the deadline for the Region's Response be set for February 26, 2010.

To date, other than GWA and the Region, no other entity has sought or been granted party (or amicus) status by the Board. Thus, no other party would be prejudiced by the Board granting the parties' Motion.

For the foregoing reasons, the Region and GWA hereby respectfully move the Board to establish a filing date for the Region to file its Response to Consolidated Appeal Nos. 09-15 and 09-16 on or before February 26, 2010.

Respectfully submitted,



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75 Hawthorne Street  
San Francisco, CA 94105-3901

*Samuel L. Taylor* 12/11/09

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