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

12 In the Matters of:)
13)
14 GUAM WATERWORKS AUTHORITY'S) **THE GUAM WATERWORKS**
15 NORTHERN DISTRICT SEWAGE) **AUTHORITY'S OPPOSITION TO THE**
16 TREATMENT PLANT APPLICATION FOR) **UNITED STATES ENVIRONMENTAL**
17 A MODIFIED NPDES PERMIT UNDER) **PROTECTION AGENCY'S MOTION**
18 SECTION 301(h) OF THE CLEAN WATER) **FOR EXTENSION OF TIME TO FILE**
19 ACT (NPDES Permit No. GU0020141)) **RESPONSE TO PETITION**
20)
21 and) **(Appeal Nos. 09-15 and 09-16)**
22)
23 GUAM WATERWORKS AUTHORITY'S)
24 AGANA SEWAGE TREATMENT PLANT)
25 APPLICATION FOR A AMODIFIED NPDES)
26 PERMIT UNDER SECTION 301(h) OF THE)
27 CLEAN WATER ACT (NPDES Permit No.)
28 GU0020087))

29 The Guam Waterworks Authority ("Petitioner") opposes Respondent United States
30 Environmental Protection Agency's ("USEPA") Motion For Extension of Time to File Response
31 to Petition on the following grounds: (1) Respondent has already been granted a thirty day
32 extension to file its Response; and (2) Respondent opposed Petitioner's request to ask for
additional time to file its petition; and (3) Petitioner would be prejudiced if such a motion is

1 granted because USEPA intends to continue working on and refining its Response beyond the
2 period of time afforded to GWA for filing its Petition.

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4 1. USEPA Has Already Been Granted A Thirty Day Extension To File Its Response.

5 In its motion the USEPA indicated that the principal reason for the request is that the
6 “Region’s permit writer for this matter, as well as the manager of the NPDES Permits Office,
7 will be away from the Region’s office on official travel during the week of February 22, 2010.”
8 Respondent’s Motion at 1. However, Petitioner has already been given a total of sixty days to
9 file its Response and Petitioner failed to indicate to the Environmental Appeals Board how or
10 why the permit writer and the manager for the Region’s NPDES permits office could not have
11 worked on this matter within the already extended sixty day time period. The same rationale
12 applies equally to the week-long closure of federal government offices and the coordination with
13 “Agency Counsel in Washington D.C.,” i.e., no reason is given as to why this coordination could
14 not have occurred earlier. Barring any further reason, Petitioner believes Respondent’s request
15 on its face falls short of providing a sufficient reason for any further delay. Moreover, in both
16 examples the stated delay is only for one week in duration thereby perplexing Petitioner as to
17 how a one week delay in D.C. and a one week trip ends up requiring a two week extension since
18 there is no indication as to why the affected parties could not have otherwise been working on
19 the matter following the one week delay.
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26 2. Respondent Opposed Petitioner’s Request For Additional Time To File Its Petition.


27 Respondent opposed Petitioner obtaining any extension of time beyond the 30 days it
28 agreed to “as a matter of courtesy.” Exhibit A. Petitioner filed its petition within sixty days and
29 sees no valid reason why the Respondent, who has more resources than Petitioner in terms of
30 attorneys, administrative staff, engineers and others, could not do the same.
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1 3. Petitioner would be prejudiced if such a motion is granted.

2 If the Respondent is afforded more time to work on its Response than what has been
3 provided to Petitioner, then Petitioner is prejudiced. In this case, Respondent indicated that they
4 would continue to work on their Response regardless of the absence of the employees stated in
5 the motion. Exhibit B. Thus, Respondent is getting an extra two week "bite at the apple" which
6 will undoubtedly improve the quality of their Petition and perhaps result in a favorable outcome
7 that may not have otherwise occurred if they had filed within the sixty day timeframe provided to
8 Petitioner. In a nutshell, what is good for the goose is good for the gander and fairness dictates
9 both parties be given the same amount of time to file their papers and providing otherwise
10 potentially deprives Petitioner of its due process protections.
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14 For the reasons set forth herein, Petitioner respectfully requests that the Motion to Extend
15 be denied.
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17 RESPECTFULLY SUBMITTED this 27th day of February, 2010.
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22 SAMUEL J. TAYLOR
23 GWA Legal Counsel
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CERTIFICATE OF SERVICE

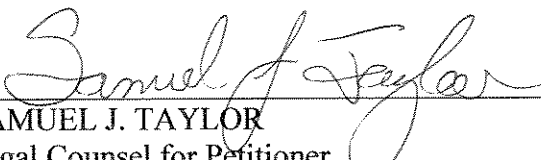
I, Samuel J. Taylor, hereby certify that on February 24, Wednesday (Chamorro Standard Time), I caused to be served a true and correct copy of Petitioner's Opposition To The United States Environmental Protection Agency's Motion For Extension Of Time To File Response To Petition electronically to the persons listed below:

Via the Central Data Exchange
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

Laura Yoshii
Acting Regional Administrator
United States Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Marcela von Vacano
Office of the Regional Counsel
United States Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Dated this 24th day of February, 2010.



SAMUEL J. TAYLOR
Legal Counsel for Petitioner,
The Guam Waterworks Authority