
From: VonVacano.Marcela@epamail.epa.gov [mailto:VonVacano.Marcela@epamail.epa.gov]
Sent: Friday, October 23, 2009 6:26 AM
To: Taylor, Samuel
Cc: Ann Borja
Subject: RE: 301(h) appeals

Mr. Taylor,

EPA will not join in any motion to extend the deadline for GWA to file its appeal(s). While EPA is willing not to oppose a 30-day extension, largely as a courtesy, we would oppose any request for a longer extension of time.

Further, the EAB appeal process should be kept separate from the negotiations regarding the Stipulated Order. If you wish to discuss next steps regarding the Stipulated Order, please contact Mr. Mullaney of DOJ and Gary Hess. Thanks.

Marcela von Vacano
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne, 16th Floor
San Francisco, CA 94105
Telephone 415-972-3905
Facsimile 415-947-3570

EXHIBIT A

From: VonVacano.Marcela@epamail.epa.gov [mailto:VonVacano.Marcela@epamail.epa.gov]
Sent: Tuesday, February 23, 2010 11:52 AM
To: Taylor, Samuel
Cc: annborja@guamwaterworks.org
Subject: RE: Question regarding GWA's 301(h) appeals

Mr. Taylor,

I was working on the Response and will continue to work on it this week. Based on your answer, my understanding is that you oppose our motion.

Marcela von Vacano
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne, 16th Floor
San Francisco, CA 94105
Telephone 415-972-3905
Facsimile 415-947-3570

From: "Taylor, Samuel" <staylor@guamwaterworks.net>
To: Marcela VonVacano/R9/USEPA/US@EPA
Cc: "annborja@guamwaterworks.org" <annborja@guamwaterworks.org>
Date: 02/22/2010 05:35 PM
Subject: RE: Question regarding GWA's 301(h) appeals

Marcela,

I was referring to anyone at EPA working on the matter during the periods of time mentioned which give rise to the proposed delay. It would be inherently unfair to my client to have EPA employees other than those mentioned working on the Opposition when you denied GWA the opportunity to extend out its response time. Thus, if you assure me that nobody at EPA worked on this issue at all during the snow delay and won't work on it at all during the delay this week, I am satisfied. If however, anyone worked on the opposition during the snow delay or will work on it this week, then we are not in accord on the delay and I would oppose it since GWA was denied the similar opportunity (i.e., extra work would prejudice my client and benefit EPA). Please advise if this was/is the case.

Sam

EXHIBIT B