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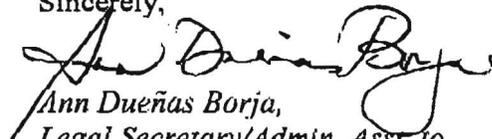
ENVIR. APPEALS BOARD

GUAM

"Good Water Always"**578 North Marine Corps Drive****Tamuning, Guam 96913****Phone: (671) 647-7681 Fax: (671) 646-2335****Fax****To:** Eurika Durr
Clerk of the Board, EAB
USEPA**From:** Samuel J. Taylor
Legal Counsel
Guam Waterworks Authority**Fax:** (202) 233-0121**Pages:** Eight (8) including cover sheet**Phone:** (202) 233-0110**Date:** November 4, 2010**Re:** GWA NDSTP and ASTP;
NPDES Appeal Nos. 09-15 and 09-16**CC:** **Urgent** **For Review** **Please Comment** **Please Reply** **Please****Recycle****• Comments:**

Transmitted is a letter, its exhibits and a certificate of service, dated November 4, 2010 addressed to Ms. Eurika Durr from Samuel J. Taylor.

Sincerely,



Ann Dueñas Borja,
Legal Secretary/Admin. Assst. to
Samuel J. Taylor

GWA Legal Counsel
578 North Marine Corps Drive
Tamuning, Guam 96913
Telephone No.: (671) 647-7681
Facsimile No.: (671) 646-2335



GUAM WATERWORKS AUTHORITY
ATURIDAT KINALAMTEN HANOM GUAHAN
578 North Marine Corps Drive, Tamuning, GU 96913
Phone: (671) 647-7681 Fax: (671) 646-2335

November 4, 2010

VIA U.S. MAIL and FACSIMILE

Facsimile No.: (202) 233-0121

Ms. Eurika Durr
U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: In the matter of Guam Waterworks Authority's Northern District Sewage Treatment Plant (NPDES Permit No. GU0020141) and Guam Waterworks Authority's Agana Sewage Treatment Plant (NPDES Permit No. GU0020087); NPDES Appeal No. 09-15 and NPDES Appeal No. 09-16

Dear Ms. Durr:

Please note that after sending my notice of my intent to appear via video conference at the November 15th status hearing, I was informed by GWA information technology personnel that our proposed video conferencing equipment is incompatible with the Environmental Appeals Board system. See Exhibit A (e-mail from GWA Information Technology Personnel). I still prefer to participate via video conference, however, as of this moment I am unaware of any compatible equipment on Guam that I am able to use.

I would appreciate it if the Environmental Appeals Board ("EAB") could let me know if they are aware of any such equipment that is available on Guam that I can use for the hearing. This request is based on the fact that it normally takes a bit over 24 actual hours to travel to Washington D.C. from Guam and when traveling back to Guam you lose one day since Guam is over the International Date Line. I also note that I have a quarterly status hearing in the Guam U.S. District Court on November 17, 2010 (Guam date and time) relative to the USEPA Stipulated Order. See Exhibit B (Order from U.S. District Court setting the date for the hearing). In sum, I would probably be unable to attend the hearing on Guam if I had to personally attend the EAB hearing on November 15, 2010 in Washington D.C.

To clarify further, it is my experience that flights to Japan or Hawaii that connect with flights to Guam generally leave early-mid morning and one ends up arriving in the afternoon the day after they leave the Continental United States. This means that in order to catch a flight which arrives on Guam in the afternoon the day prior to the scheduled hearing on the November 17, 2010, I would have to catch a flight from San Francisco to either Tokyo or Honolulu on the morning of the November 15, 2010.

I am currently attempting to locate compatible equipment on Guam. See Exhibit C (e-mail to EPA Region IX attorney Ms. Marcela Von Valcano asking for assistance locating compatible equipment). In the eventuality I am unable to locate compatible equipment on Guam, I intend to try to locate equipment that is compatible in Hawaii or other locations closer in proximity to Guam.

Given the problems associated with travelling from Guam, if compatible equipment cannot be found on Guam, I humbly request that the EAB hearing be postponed until a later date since it would be impracticable for me to attend both the EAB hearing and the quarterly status hearing on the Stipulated Order. I believe this issue is very important to GWA and I feel it is essential that GWA be provided an opportunity to appear at the EAB hearing.

If you have any questions, you can reach me at (671) 647-7681.

Sincerely,



Samuel J. Taylor
GWA Legal Counsel

cc: Mr. John Benavente, General Manager

Ann Borja

From: Taylor. Samuel [staylor@guamwaterworks.net]
Sent: Thursday, November 04, 2010 11:40 AM
To: 'Ann Borja'
Subject: FW: VTC Standards

-----Original Message-----

From: Ely Torres [mailto:ely@guamwaterworks.org]
Sent: Thursday, November 04, 2010 10:07 AM
To: staylor@ite.net; 'Ann Borja'
Cc: 'Victor Torres'
Subject: FW: VTC Standards

Sam,

Please see what they have to say. Sorry we don't have that system at the moment.

Ely Torres
Network System Administrator
GWA Data Processing
Business: 671 647-7634
Fax: 671 649-4320

-----Original Message-----

From: Sivell.Shea@epamail.epa.gov [mailto:Sivell.Shea@epamail.epa.gov]
Sent: Thursday, November 04, 2010 5:17 AM
To: ely@guamwaterworks.org
Cc: Baylor.Michelle@epamail.epa.gov
Subject: VTC Standards

Ely,

You will need a video system that adheres to the H.323 or H.320 standards for video conferencing. Skype does not adhere to these standards. Tandberg or Polycom are the most common video systems used.

<http://c21video.com/standards.html>

Thanks,

Shea Sivell
ECS Team-EPA ITS-ACT Contractor
Telecommunications Analyst Specialist
National Video Operations Support
RTP, NC
Tel: 919-541-1807
Fax: 919-685-3328

EXHIBIT A

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IN THE DISTRICT COURT OF GUAM

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UNITED STATES OF AMERICA,

CIVIL CASE NO. 02-00035

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Plaintiff,

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vs.

**ORDER RE: STATUS HEARING
AND REQUEST FOR STATUS HEARING**

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GUAM WATERWORKS AUTHORITY
and GOVERNMENT OF GUAM,

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Defendant.

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This matter came before the court on August 4, 2010, for a quarterly status hearing. At that time, Guam Waterworks Authority ("GWA") and the United States Environmental Protection Agency ("USEPA") reported on the status of the projects GWA is required to perform pursuant to the Stipulated Order. *See* Docket No. 40. Seven days after the hearing, on August 11, 2010, USEPA filed a Supplemental Status Report and Request for Status Hearing. *See* Docket No. 115. Therein, USEPA expressed concern that the Guam Department of Public Works ("DPW") had apparently issued a building permit to the proposed Younex project known as the Ukudu Workforce housing. *Id.* Specifically, USEPA pointed out that the project could potentially increase the wastewater flow from the project to the Northern District Wastewater Treatment Plant ("WWTP") which would adversely impact effluent quality from the WWTP, which is in violation of its permit limits. *Id.*

The USEPA requested, inter alia, this court to "(1) closely monitor permitting decisions by DPW, GWA and Guam EPA for both the Younex project and any other project described in a

EXHIBIT B

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1 building application as involving drinking water or wastewater issued that could impact GWA's
2 water supply or wastewater treatment capacity." See Docket No. 124, at p. 7. The court is not
3 inclined to grant this request as well as several others that USEPA proposes.

4 The court is confident that USEPA is capable of ensuring GWA's compliance with the
5 Clean Water Act ("CWA"). It is neither appropriate nor timely for this court to become
6 integrally involved in the day to day activities of Guam's governmental agencies. The court
7 understands that there will be construction projects in regard to the proposed military build up on
8 Guam, which are sure to impact the already fragile state of GWA's infrastructure and operations.
9 However, at this juncture the court finds that it is better for the parties to work collaboratively in
10 addressing these challenges.

11 The court remains committed to ensuring that the projects GWA is required to perform
12 pursuant to the Stipulated Order are completed. In the event GWA is found to have violated the
13 CWA, USEPA is charged with so notifying the court and the court will address those specific
14 violations as it has done in the past.

15 The court has previously scheduled the quarterly status hearing on November 10, 2010 at
16 9:00 a.m. but now will reschedule it to November 17, 2010 at 9:00 a.m. At that time, the court
17 will address the status of the projects as they relate to the Stipulated Order, and any violations
18 for which USEPA has support. In addition, the court has required the parties to each file its
19 respective status reports. GWA is ordered to coordinate with DPW to ensure that the
20 representations made in its status report to the court are accurate. USEPA has suggested, and
21 this court will order that the Directors of DPW and Guam EPA also attend the status hearing.

22 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Oct 13, 2010

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Ann Borja

From: Taylor, Samuel [staylor@guamwaterworks.net]
Sent: Thursday, November 04, 2010 11:26 AM
To: VonVacano.Marcela@epamail.epa.gov
Cc: 'Ann Borja'; 'John Benavente'

Marcela,

Are you aware of any location on Guam that has the type of equipment where I am able to join the video conference from? If not, is there a possibility that I can use EPA video conferencing equipment in Hawaii or San Francisco instead of having to travel all the way to Washington D.C. and appear in person? Congratulations on the upcoming birth of your child, you must be excited.

Sam

EXHIBIT C

11/4/2010

Received 11-04-2010 01:13

From-6716462335

To-USEPA ENVIRONMENTAL

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