

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

In re:)
)
)
GUAM WATERWORKS AUTHORITY)
) NPDES Appeal Nos. 09-15 and 09-16
Northern District Sewage Treatment Plant)
Agana Sewage Treatment Plant)
)
NPDES Permit Nos. GU0020141 and GU0020087)
_____)

MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITION

Respondent, the United States Environmental Protection Agency, Region IX (the Region) hereby files this Motion for Extension of Time to file the Region's Response to the above-referenced consolidated Petition (Petition). The Response is currently due on February 26, 2010, pursuant to the Environmental Appeals Board (Board) Order of December 16, 2009. Petitioner, Guam Waterworks Authority (GWA) objects to the Region's Motion.

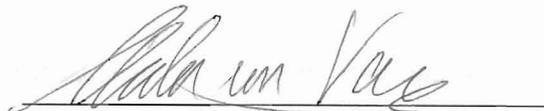
The Region hereby moves for an extension of fourteen (14) additional days to file its Response to the Petition. The principal reason for this request is that the Region's permit writer for this matter, as well as the manager of the NPDES Permits Office, will be away from the Region's office on official travel during the week of February 22, 2010. They, therefore, cannot assist with final review and completion of the Response to the Petition. The Region asserts that close coordination between the Regional Water Division staff and counsel for the Region is necessary to assure that the Response is consistent with the administrative record and national program policy. In addition, review and coordination with Agency counsel in Washington, D.C., was interrupted due to recent inclement weather causing a week-long closure of federal government offices.

To date no other entity besides the Region and GWA has sought or been granted party (or amicus) status by the Board. Thus, no other party would be prejudiced by the Board granting this Motion. Because the terms of the Region's decisions challenged in this Petition do not become effective, and therefore cannot adversely affect the Petitioner until after a decision by the Board (after full briefing), GWA would not be prejudiced by a brief extension in the filing date for the Region's Response. Counsel for the Region has contacted counsel for GWA, who objects to the Region's motion for an extension of time.

For the foregoing reasons, the Region hereby respectfully moves the Board to extend the time for filing the Region's Response to Consolidated Appeal Nos. 09-15 and 09-16 on or before March 12, 2010.

Respectfully submitted,

Date: February 23, 2010



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Of counsel

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CERTIFICATE OF SERVICE

I, Marcela von Vacano, hereby certify that a true and correct copy of the Motion for Extension of Time to File Response to Petition, In the Matter of Guam Waterworks Authority Northern District and Agana Sewage Treatment Plants, NPDES Appeal Nos. 09-15 and 09-16, was sent to the persons listed below on February 22, 2010:

Via the Central Data Exchange to:
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

Via electronic mail in Adobe Acrobat®.pdf format to:
Mr. Samuel L. Taylor
Legal Counsel
Guam Waterworks Authority
578 N. Marine Corps Drive
Tamuning, Guam 96913
Email: staylor@guamwaterworks.net

Date

February 23, 2010



Marcela von Vacano
Office of Regional Counsel
EPA Region IX