

ERIN BREWER
Assistant Regional Counsel
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3362

KIMBERLY WELLS
Acting Manager, Clean Water Act Section, Office of Regional Counsel
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3056

Attorneys for Complainant

DELIA LUJAN WOLFF
Lujan & Wolff LLP
238 Archbishop Flores St.
Suite 300, DNA Bldg.
Hagatna, Guam 96910
(671) 477-8064

Attorney for Respondent

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

**In re: Henry Simpson
Docket No. CWA-09-2026-0016**

I. INTRODUCTION

The Director of the United States Environmental Protection Agency (EPA), Region 9 Enforcement and Compliance Assurance Division (Complainant) filed a complaint against Henry Simpson d/b/a Buena Vista Subdivision (Respondent) on November 3, 2025. On January 6, 2026, the Administrative Law Judge (ALJ) issued a Prehearing Order, which contained several deadlines, including deadlines for the parties to conduct a settlement conference, file a status report and preliminary statement, and conduct prehearing exchanges. Also on January 6, 2026, Complainant filed a Motion to Amend the Complaint, which included a request to extend the deadlines in the Prehearing Order if the motion was granted. The ALJ has not yet issued a ruling on this motion.

For the reasons outlined below, the parties file this joint motion requesting the deadlines in the Prehearing Order be extended by at least 30 days.

II. MOTION TO AMEND THE COMPLAINT

40 CFR 22.7(b) states that the presiding officer may “grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties.”

The parties jointly request that the ALJ extend the deadlines in the Prehearing Order by at least 30 days to give the parties additional time to engage in a settlement conference. The parties have good cause to request this extension. First, the significant time difference makes scheduling a settlement conference difficult. Complainant and counsel for Complainant are located in California, while Respondent and his counsel reside in Guam. Guam is 18 hours ahead of California, which means there are only a few business hours each day and a few

business days each week during which both parties are available to schedule a call (for example, Monday at 9 am in Guam is 3 pm on Sunday in California, and Friday at 9 am in California is 3 am on Saturday in Guam). Additionally, counsel for the parties have several conflicts that have made scheduling a settlement conference difficult, including mediation, federal holidays, and previously scheduled vacations. The parties are actively working to find availability for a scheduling conference in early February.

Because the time change and scheduling conflicts have made scheduling a settlement conference difficult, and the settlement conference is a prerequisite to the other deadlines in the Prehearing Order, the parties respectfully request that the deadlines in the Prehearing Order be extended by at least 30 days. This motion is timely, as none of the deadlines in the Prehearing order have passed, and there will be no prejudice to other parties as this is a joint motion.

III. CONCLUSION

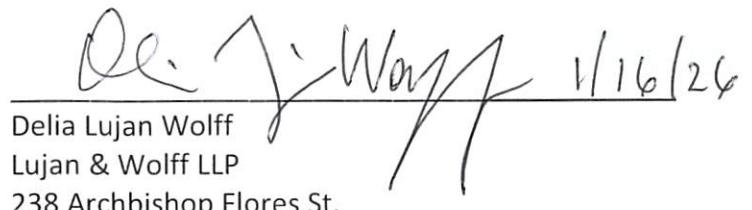
For the reasons laid out above, the parties respectfully move the ALJ to GRANT its Motion to Extend the Deadlines in the Prehearing Order by at least 30 days. Alternatively, if the ALJ grants Complainant's Motion to Amend the Complaint, Complainant requests a stay of the deadlines in the Prehearing Order until an Amended Complaint and Amended Answer have been filed.

Respectfully submitted,

For Complainant:

Erin Brewer
Assistant Regional Counsel
Office of Regional Counsel, EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 972-3362
Email: brewer.erin@epa.gov

For Respondent:


Delia Lujan Wolff
Lujan & Wolff LLP
238 Archbishop Flores St.
Suite 300, DNA Bldg.
Hagatna, Guam 96910
Telephone: (671) 477-8064
Email: dslwolff@lawguam.com