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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

IN THE MATTER OF:) DOCKET NO. CWA-09-2026-0016
)
)
Henry Simpson,)
d/b/a Buena Vista Subdivision)
Santa Rita, Guam,)
)
Respondent.) **STATUS REPORT AND COMPLAINANT'S**
) **PRELIMINARY STATEMENT**
)
)
Proceedings under Section 309(g) of the Clean)
Water Act, 33 U.S.C. § 1319(g).)
)
_____)

I. STATUS REPORT

The Presiding Officer issued an order requiring that the parties engage in a settlement conference on or before February 23, 2026. *See Order Granting Complainant's Motion to Amend Complaint and Joint Motion for Extension* (January 22, 2026). The Parties engaged in a

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settlement conference via Microsoft Teams, on February 9th at 3 PM PST (February 10, 2026, at 9 am ChST) and again on February 26, 2026 at 2 pm PST (February 27, 2026, at 8 am ChST). The parties have also exchanged several emails regarding settlement and have another settlement conference scheduled for March 3, 2026. The parties have concurrently filed a joint motion to extend the remaining deadlines in the Prehearing Order by an additional 30 days to allow time for further settlement discussions.

II. COMPLAINANT'S PRELIMINARY STATEMENT

Request for In-Person Hearing. Complainant prefers that any hearing in this case take place in person, due to the challenges presented by the time difference between the parties and the presiding officer. As explained in the Motion to Extend Deadlines in the Prehearing Order (January 16, 2026), the significant time difference makes scheduling 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 would be available for a hearing (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). These challenges would be further exacerbated where the Presiding Officer is located in a third time zone. An in-person hearing would allow for the hearing to take place over a day or two, rather than stretched out over a couple of hours for several days or even weeks.

Hearing Location. Under 40 CFR 22.21(d) and 40 C.F.R. § 22.19(d), the hearing shall be held in the county where the respondent resides or conducts the business which the hearing concerns, in the city in which the relevant Environmental Protection Agency Regional Office is

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located, or in Washington, D.C., unless the Presiding Officer determines that there is good cause to hold it at another location or by telephone. Complainant requests that any in-person hearing be held in San Francisco, as San Francisco is the city in which the relevant EPA office is located, EPA's office has conference space available to accommodate a hearing, and San Francisco is relatively centrally located between Guam and Washington D.C. If the Presiding Officer determines San Francisco is not a suitable location, Complainant requests that the hearing be held in Hawaii, as Hawaii is relatively centrally located between San Francisco, Guam and Washington. D.C., and therefore there would be good cause to hold the hearing in this location.

Contact Information. Complainant may accept service of orders, decisions and other documents by the parties or by the presiding officer at the following email address:

brewer.erin@epa.gov.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In the matter of Henry Simpson d/b/a Buena Vista Subdivision

EPA Docket No. CWA-09-2026-0016

I certify that the foregoing Status Report and Complainant's Preliminary Statement was served pursuant to the *Standing Order Authorizing Electronic Filing in Proceedings Before the Administrative Law Judges Division, Order Urging Electronic Filing and Service*, and the Order of Designation to the following parties in the manner indicated below:

Original by ALJD E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk
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Copy by Electronic Mail to:

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