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8 Email: dslwolff@lawguam.com

9 *Attorneys for Respondent Henry Simpson*

10 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
11 **REGION 9**

12 **IN THE MATTER OF:**

13 Henry Simpson,
14 d/b/a Buena Vista Subdivision
15 Santa Rita, Guam,

16 Respondent.

17 Proceedings under Section 309(g) of the Clean
18 Water Act, 33 U.S.C. § 1319(g).

19 DOCKET NO. CWA-09-2026-0016

20 **RESPONDENT HENRY SIMPSON'S
21 PRELIMINARY STATEMENT**

22 In accordance with the Prehearing Order dated January 6, 2026,¹ Respondent Henry
23 Simpson (“Respondent”) submits his Preliminary Statement as follows:

24 (1) Respondent prefers that the hearing in this matter be held in person in Guam.
25 However, if the hearing is not to be held at Respondent’s preferred location of Guam, then
26 Respondent prefers that the hearing be held by videoconference. Since the Covid-19 pandemic,
27 many hearings and even trials have been conducted via videoconference such as by zoom. See,

28 _____
¹ In the Order Granting Complainant’s Motion to Amend Complaint and Joint Motion for Extension dated
January 22, 2026, the deadline to submit Preliminary Statements was extended to March 2, 2026.

1 e.g., <https://www.thomsonreuters.com/en-us/posts/news-and-media/courts-remote-proceedings/>

2 Parties would be able to present witness testimony and evidence via videoconference. While
3 there are time differences that would need to be considered for scheduling purposes, a virtual
4 hearing would not require any party or witness to battle jet leg in adjusting to different time
5 zones. A virtual hearing is also the least expensive option for all parties, in that no one party is
6 required to spend more than the other party in order to make its case or his defense.
7

8 (2) In the event that the hearing is held in person, Respondent prefers that the location of
9 the hearing be in Guam. This is in accord with 40 C.F.R. §§ 22.19(d) and 22.21(d), which
10 provide that the hearing shall be held in the county where the respondent resides or conducts the
11 business which the hearing concerns, in the city in which the relevant Environmental Protection
12 Agency Regional Office is located, or in Washington, DC, unless the Presiding Officer
13 determines that there is good cause to hold it at another location or by telephone. Guam is where
14 Respondent resides and conducts business. Guam is also the site of the alleged Clean Water Act
15 violations (which Respondent disputes), and where EPA inspections were conducted. All of
16 Respondent's expected witnesses reside in and are located in Guam² and Respondent expects the
17 same is true of most, if not all, of Complainant's witnesses. Neither Washington, DC, San
18 Francisco, Hawaii, nor any other United States jurisdiction has any connection to the allegations
19 in this matter. Thus, Guam is the location with the greatest connection to this matter, and it is the
20 most convenient for the parties in that essentially all of the witnesses and evidence is in Guam.
21
22

23
24
25 ² At this time, the witnesses that Respondent intends to call all reside in or are located in
26 Guam. However, the deadline to submit witness lists has not expired and the parties have not yet
27 engaged in prehearing information/document exchanges. Thus, it is possible that Respondent
28 may later identify as a witness an individual who does not reside in or is not located in Guam, and
Respondent does not waive his right to do so.

1 For the reasons stated above, Respondent opposes the hearing being held in person in any
2 location other than Guam.

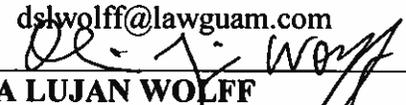
3 Furthermore, holding the hearing outside of Guam would impose a heavy financial burden
4 on Respondent, including to transport himself, his counsel, and his witnesses to Hawaii,
5 California, Washington, DC, or anywhere else in the United States mainland. For example, on
6 United Airlines, which is Guam's main airline to other parts of the United States, airfare for one
7 roundtrip economy ticket from Guam to Hawaii, departing May 15, 2026, and returning May 25,
8 2026, is at least \$1,489, (Ex. 1 at 2), airfare for one roundtrip economy ticket from Guam to San
9 Francisco is at least \$1,554, (Ex. 2 at 2), and airfare for one roundtrip economy ticket from Guam
10 to Washington, DC, is at least \$1,853, (Ex. 3 at 12). Expenses climb higher when adding hotel
11 costs and other transportation costs for each traveler. Given these burdens, Respondent requests
12 that any in person hearing only be held in Guam. If not in Guam, then Respondent requests that
13 the hearing be held by videoconference, which is the most economically feasible option for all
14 parties.
15

16
17 (3) Respondent is able to accept service of orders and decisions issued by the Tribunal
18 and service of documents filed by other parties at the following valid email address:
19 dslwolff@lawguam.com.

20
21 **RESPECTFULLY SUBMITTED** this 2nd day of March, 2026.

22 Henry Simpson, Respondent

23 By His Attorneys,
24 **LUJAN & WOLFF LLP**
25 238 Archbishop Flores Street, Suite 300
26 Hagåtña, Guam 96910
27 Telephone: (671) 477-8064/5
28 Facsimile: (671) 477-5297
Email: dslwolff@lawguam.com

By: 

DELIA LUJAN WOLFF
Attorneys for Respondent Henry Simpson

1 **CERTIFICATE OF SERVICE**

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

3 EPA Docket No. CWA-09-2026-0016

4
5 I certify that the foregoing Respondent Henry Simpson's Preliminary Statement was
6 served pursuant to the *Standing Order Authorizing Electronic Filing in Proceedings Before the*
7 *Administrative Law Judges Division, Order Urging Electronic Filing and Service*, and the Order
8 of Designation to the following parties in the manner indicated below:

8 **Original by ALJD E-Filing System to:**

9 Mary Angeles, Headquarters Hearing Clerk
10 Administrative Law Judges Division
11 U.S. Environmental Protection Agency
12 https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

11 **Copy by Electronic Mail to:**

12 Erin Brewer
13 Office of Regional Counsel
14 U.S. Environmental Protection Agency, Region 9
15 75 Hawthorne Street (mail code: ORC 2-3)
16 San Francisco, CA 94105
17 Phone: (415) 972-3362
18 brewer.erin@epa.gov

16 Dated this 2nd day of March, 2026.

19
20 By:

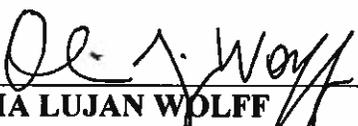

21 **DELIA LUJAN WOLFF**
22 *Attorneys for Respondent Henry Simpson*
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EXHIBIT 1

We've canceled flights between the U.S. and Tel Aviv and Dubai due to unrest in the Middle East.



Cancellations through Sunday, March 8, 2026, are now in place. For more information, see [united.com/MiddleEastAirspace](https://www.united.com/MiddleEastAirspace).

From

Guam, GU, US

To

Honolulu, HI, US



Dates



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- Refundable fares ▾
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DEPART ON: May 15

i All fares shown are the total price roundtrip, per person. [Additional bag charges may apply.](#) Fare attributes apply to flights operated by United and United Express[®]. United flights may be listed first.

Money

Money + Miles



Compare fare types



Show calendar

Basic Economy (most restrictive)

Economy

Economy (fully refundable)

Premium Economy

Business

NONSTOP

Arrives May 14

7:05 AM 6:10 PM

GUM ----- 7H, 5M ----- HNL

UA 200 (Boeing 777-300ER)

Details Seats 292 kg CO₂

Roundtrip \$1,359

United Economy (W)

Roundtrip \$1,489

United Economy (W)

Roundtrip \$5,811

United Economy (Y)

Roundtrip \$2,489

United Premium Plus (R)

Roundtrip \$3,195

United Business (P)

1 STOP

12:10 PM 8:30 AM

GUM ----- 16H, 20M ----- HNL

NRT - 5H

Includes Travel Operated by All Nippon Airways

Details Seats

Not available

Roundtrip \$7,071

Roundtrip \$7,071

Roundtrip \$7,795

Mixed cabin

Roundtrip \$11,053

Displaying 2 of:

Did you find what you were looking for?

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MileagePlus earnings



EXHIBIT 2

We've canceled flights between the U.S. and Tel Aviv and Dubai due to unrest in the Middle East.



Cancellations through Sunday, March 8, 2026, are now in place. For more information, see [united.com/MiddleEastAirspace](https://www.united.com/MiddleEastAirspace).



From

Guam, GU, US

To

San Francisco, CA, US



Travelers

Show price in:

Dates



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Aircraft ▾ Wheelchair ▾ [Reset all](#)

i We're showing nearby airports in San Francisco, CA, US (All Airports) to give you more flexible options within your search.

DEPART ON: May 15

i All fares shown are the total price roundtrip, per person. [Additional bag charges may apply.](#) Fare attributes apply to flights operated by United and United Express*. United flights may be listed first.

Money

Money + Miles

Compare fare types	Show calendar	Basic Economy (most restrictive)	Economy	Economy (fully refundable)	Premium Economy	Business
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1 STOP

12:10 PM 10:30 AM

GUM ----- 15H, 20M ----- SFO

NRT — 1H, 55M

[Details](#)
[Seats 732 kg CO₂](#)

Roundtrip	Roundtrip	Roundtrip	Roundtrip	Roundtrip
\$1,509	\$1,560	\$5,907	\$3,043	\$4,453
United Economy (S)	United Economy (S)	United Economy (Y)	Mixed cabin	

1 STOP

7:05 AM 6:16 AM

GUM ----- 16H, 11M ----- SFO

HNL — 4H

[Details](#)
[Seats 564 kg CO₂](#)

Roundtrip	Roundtrip	Roundtrip	Roundtrip	Roundtrip
\$1,522	\$1,573	\$5,904	\$2,573	\$3,705
United Economy (S)	United Economy (S)	United Economy (Y)	Mixed cabin	

1 STOP

7:05 AM 11:10 AM

GUM ----- 21H, 5M ----- SFO

KIX — 6H, 50M

[Details](#)
[Seats 1046 kg CO₂](#)

Roundtrip	Roundtrip	Roundtrip	Roundtrip	Roundtrip
\$1,503	\$1,554	\$5,901	\$3,037	\$4,447
United Economy (S)	United Economy (S)	United Economy (Y)	Mixed cabin	

1 STOP

EXHIBIT 3

We've canceled flights between the U.S. and Tel Aviv and Dubai due to unrest in the Middle East.



Cancellations through Sunday, March 8, 2026, are now in place. For more information, see [united.com/MiddleEastAirspace](https://www.united.com/MiddleEastAirspace).

From

Guam, GU, US

To

Washington, DC, US



Travelers

Show price in:

Dates



Update

Advanced Search



\$400 STATEMENT CREDIT **+ 25K** BONUS MILES

after first purchase after qualifying purchases

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Sort ▾ Stops ▾ Fare Type ▾ Duration ▾ Connections ▾ Refundable fares ▾ Arrival Airports ▾

Aircraft ▾ Wheelchair ▾ [Reset all](#)

Site Feedback

i We're showing nearby airports in Washington, DC, US (All Airports) to give you more flexible options within your search.

DEPART ON: May 15

i All fares shown are the total price roundtrip, per person. [Additional bag charges may apply.](#) Fare attributes apply to flights operated by United and United Express*. United flights may be listed first.

Money

Money + Miles

	Roundtrip	Roundtrip	Roundtrip	Roundtrip
1 STOP Arrives May 16 7:30 PM 3:40 PM GUM ----- 34H, 10M ----- IAD HND — 17H, 15M Details Seats 859 kg i CO ₂	\$1,946 United Economy (W)	\$6,154 United Economy (Y)	\$2,955 Mixed cabin	\$7,527
2 STOPS 7:05 AM 1:21 PM GUM ----- 20H, 16M ----- IAD HNL — 1H, 45M DEN — 1H, 6M	\$1,962 United Economy (W)	\$6,170 United Economy (Y)	\$2,773 Mixed cabin	\$6,407

[Details](#) [Seats 776](#)
 kg 
 CO₂

2 STOPS

7:05 1:35
 AM PM

GUM ---- 20H, 30M ---- DCA

HNL — 1H, 30M

IAH — 1H, 20M

Roundtrip
\$1,941

United
 Economy
 (W)

Roundtrip
\$6,170

United
 Economy
 (Y)

Not available

Roundtrip
\$6,471

[Details](#) [Seats 862](#)
 kg 
 CO₂

2 STOPS

12:10 7:00
 PM PM

GUM ---- 20H, 50M ---- IAD

NRT — 1H, 20M

DEN — 1H, 25M

Roundtrip
\$1,953

United
 Economy
 (W)

Roundtrip
\$6,211

United
 Economy
 (Y)

Roundtrip
\$4,473

Mixed
 cabin

Roundtrip
\$6,074

[Details](#) [Seats 759](#)
 kg 
 CO₂

2 STOPS

7:05 2:59
 AM PM

GUM ---- 21H, 54M ---- DCA

HNL — 1H, 45M

DEN — 2H, 51M

Roundtrip
\$1,941

United
 Economy
 (W)

Roundtrip
\$6,170

United
 Economy
 (Y)

Roundtrip
\$2,773

Mixed
 cabin

Roundtrip
\$6,276

Details Seats 771 kg ?

2 STOPS
7:05 AM GUM
2:59 PM DCA
21H, 54M
HNL — 3H, 30M
DEN — 1H, 6M

Roundtrip
\$1,941

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,773

Mixed
cabin

Roundtrip
\$6,276

Details Seats 771 kg CO₂ ?

2 STOPS
7:05 AM GUM
3:06 PM BWI
22H, 1M
HNL — 1H, 45M
DEN — 2H, 51M

Roundtrip
\$1,862

United
Economy
(S)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,573

Mixed
cabin

Roundtrip
\$6,138

Details Seats 782 kg CO₂ ?

2 STOPS
7:05 AM GUM
3:06 PM BWI
22H, 1M
HNL — 3H, 30M
DEN — 1H, 6M

Roundtrip
\$1,862

United
Economy
(S)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,573

Mixed
cabin

Roundtrip
\$6,138

Details Seats 782 kg CO₂ ?

2 STOPS

7:05 3:45

AM PM

GUM ---- 22H, 40M ---- IAD

HNL — 1H, 45M

DEN — 3H, 30M

[Details](#) [Seats826](#)

kg 
CO₂

Roundtrip
\$1,962

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,773

Mixed
cabin

Roundtrip
\$6,207

2 STOPS

7:05 3:45

AM PM

GUM ---- 22H, 40M ---- IAD

HNL — 3H, 30M

DEN — 1H, 45M

[Details](#) [Seats826](#)

kg 
CO₂

Roundtrip
\$1,962

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,773

Mixed
cabin

Roundtrip
\$6,207

2 STOPS

12:10 8:56

PM PM

GUM ---- 22H, 46M ---- IAD

NRT — 1H, 50M

IAH — 1H, 55M

[Details](#) [Seats870](#)

kg 
CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,161

United
Economy
(Y)

Roundtrip
\$4,473

Mixed
cabin

Roundtrip
\$6,268

2 STOPS

12:10 8:58

PM PM

GUM ----- 22H, 48M ----- IAD

NRT — 1H, 35M

LAX — 2H, 10M

[Details](#) [Seats 849](#)

kg 
CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,211

United
Economy
(Y)

Roundtrip
\$2,764

Mixed
cabin

Roundtrip
\$5,738

2 STOPS

12:10 9:04

PM PM

GUM ----- 22H, 54M ----- IAD

NRT — 1H, 55M

SFO — 2H, 15M

[Details](#) [Seats 986](#)

kg 
CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,211

United
Economy
(Y)

Roundtrip
\$2,962

Mixed
cabin

Roundtrip
\$7,245

2 STOPS

12:10 9:05

PM PM

GUM ----- 22H, 55M ----- DCA

NRT — 1H, 50M

IAH — 2H, 5M

[Details](#) [Seats 918](#)

kg 
CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,161

United
Economy
(Y)

Roundtrip
\$4,473

Mixed
cabin

Roundtrip
\$6,137

2 STOPS

7:05 4:04

AM PM

GUM ---- 22H, 59M ---- DCA

HNL -- 1H, 30M

IAH -- 3H, 50M

[Details](#) [Seats861](#)

kg 
CO₂

Roundtrip
\$1,941

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Not available

Roundtrip
\$6,471

2 STOPS

12:10 9:11

PM PM

GUM ----- 23H, 1M ----- IAD

NRT -- 2H, 15M

EWR -- 2H, 35M

[Details](#) [Seats857](#)

kg 
CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,161

United
Economy
(Y)

Roundtrip
\$2,962

Mixed
cabin

Roundtrip
\$6,224

2 STOPS

12:10 9:20

PM PM

GUM ----- 23H, 10M ----- IAD

NRT -- 1H, 20M

DEN -- 3H, 47M

[Details](#) [Seats807](#)

kg 
CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,211

United
Economy
(Y)

Roundtrip
\$4,473

Mixed
cabin

Roundtrip
\$5,944

2 STOPS

7:05 4:24

AM PM

GUM ----- 23H, 19M ----- IAD

HNL — 3H, 30M

LAX — 2H, 18M

[Details](#) [Seats 832](#)

kg

CO₂



Roundtrip
\$1,962

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,773

Mixed
cabin

Roundtrip
\$6,048

2 STOPS

7:05 4:24

AM PM

GUM ----- 23H, 19M ----- IAD

HNL — 1H, 30M

IAH — 4H, 2M

[Details](#) [Seats 837](#)

kg

CO₂



Roundtrip
\$1,962

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Not available

Roundtrip
\$10,687

2 STOPS

7:05 4:25

AM PM

GUM ----- 23H, 20M ----- IAD

HNL — 4H

SFO — 1H, 54M

[Details](#) [Seats 806](#)

kg

CO₂



Roundtrip
\$2,022

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,773

Mixed
cabin

Roundtrip
\$5,747

2 STOPS

12:10 9:31

PM PM

GUM ---- 23H, 21M ---- DCA

NRT — 2H, 15M

EWR — 2H, 50M

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,161

United
Economy
(Y)

Roundtrip
\$2,962

Mixed
cabin

Roundtrip
\$6,193



Details Seats 981

kg CO₂

2 STOPS

7:05 4:33

AM PM

GUM ---- 23H, 28M ---- BWI

HNL — 1H, 30M

IAH — 4H, 15M

Roundtrip
\$1,862

United
Economy
(S)

Roundtrip
\$6,170

United
Economy
(Y)

Not available

Roundtrip
\$6,464

Details Seats 842

kg CO₂



Compare fare types



Show calendar

Economy

Economy
(fully
refundable)

Premium
Economy

Business

7:05 4:46

AM PM

GUM ---- 23H, 41M ---- DCA

HNL — 4H

SFO — 2H, 4M

United
Economy
(Q)

United
Economy
(Y)

Mixed
cabin

Details Seats 792

kg CO₂

2 STOPS

7:05 5:08

AM PM

GUM ----- 24H, 3M ----- BWI

HNL — 3H, 30M

LAX — 2H, 53M

[Details](#) [Seats792](#)

kg 
CO₂

Roundtrip
\$1,862

United
Economy
(S)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,573

Mixed
cabin

Roundtrip
\$5,879

2 STOPS

12:10 10:15

PM PM

GUM ----- 24H, 5M ----- DCA

NRT — 1H, 50M

IAH — 3H, 15M

[Details](#) [Seats918](#)

kg 
CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,161

United
Economy
(Y)

Roundtrip
\$4,473

Mixed
cabin

Roundtrip
\$6,137

2 STOPS

7:05 5:18

AM PM

GUM ----- 24H, 13M ----- BWI

HNL — 4H

SFO — 2H, 29M

[Details](#) [Seats780](#)

kg 
CO₂

Roundtrip
\$1,938

United
Economy
(S)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,573

Mixed
cabin

Roundtrip
\$5,758

<p>2 STOPS</p> <p>12:10 PM GUM ----- 24H, 17M ----- IAD</p> <p>NRT — 1H, 55M SFO — 3H, 35M</p> <p>▼ Details ▼ Seats963</p> <p>kg </p> <p>CO₂</p>	<p>Roundtrip \$1,953</p> <p>United Economy (W)</p>	<p>Roundtrip \$6,211</p> <p>United Economy (Y)</p>	<p>Roundtrip \$2,962</p> <p>Mixed cabin</p>	<p>Roundtrip \$7,235</p>
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<p>2 STOPS</p> <p>12:10 PM GUM ---- 24H, 20M ---- DCA</p> <p>NRT — 1H, 55M SFO — 3H, 33M</p> <p>▼ Details ▼ Seats961</p> <p>kg </p> <p>CO₂</p>	<p>Roundtrip \$1,953</p> <p>United Economy (W)</p>	<p>Roundtrip \$6,211</p> <p>United Economy (Y)</p>	<p>Roundtrip \$2,962</p> <p>Mixed cabin</p>	<p>Roundtrip \$7,218</p>
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<p>2 STOPS</p> <p>7:05 AM GUM ----- 24H, 21M ----- IAD</p> <p>HNL — 3H, 30M DEN — 3H, 30M</p> <p>▼ Details ▼ Seats780</p> <p>kg </p> <p>CO₂</p>	<p>Roundtrip \$1,962</p> <p>United Economy (W)</p>	<p>Roundtrip \$6,170</p> <p>United Economy (Y)</p>	<p>Roundtrip \$2,773</p> <p>Mixed cabin</p>	<p>Roundtrip \$6,307</p>
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2 STOPS

7:05 5:26

AM PM

GUM ----- 24H, 21M ----- IAD

HNL — 1H, 45M

DEN — 5H, 15M

Details Seats780

kg CO₂

Roundtrip
\$1,962

United
Economy
(W)

Roundtrip
\$6,170

United
Economy
(Y)

Roundtrip
\$2,773

Mixed
cabin

Roundtrip
\$7,987

2 STOPS

12:10 10:44

PM PM

GUM ---- 24H, 34M ---- BWI

NRT — 1H, 50M

IAH — 3H, 40M

Details Seats859

kg CO₂

Roundtrip
\$1,853

United
Economy
(S)

Roundtrip
\$6,161

United
Economy
(Y)

Roundtrip
\$4,373

Mixed
cabin

Roundtrip
\$6,211

2 STOPS

12:10 10:49

PM PM

GUM ----- 24H, 39M ----- IAD

NRT — 1H, 50M

IAH — 3H, 49M

Details Seats847

kg CO₂

Roundtrip
\$1,953

United
Economy
(W)

Roundtrip
\$6,161

United
Economy
(Y)

Roundtrip
\$4,473

Mixed
cabin

Roundtrip
\$6,168