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**IN THE DISTRICT COURT OF GUAM**

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

GUAM WATERWORKS AUTHORITY  
and GOVERNMENT OF GUAM,  
Defendant.

CIVIL CASE NO. 02-00035

**ORDER RE: STATUS HEARING**

This matter came before the court on November 17, 2010, for a five hour quarterly status hearing. At that time, Guam Waterworks Authority (“GWA”) and the United States Environmental Protection Agency (“EPA”) reported on the status of the projects GWA is required to perform pursuant to the Stipulated Order. *See* Docket Nos. 40 and 41. The United States indicated that it remains concerned that GWA continues to violate both the Stipulated Order and the Clean Water Act. Accordingly, it has requested the court to order GWA to provide EPA with a proposed plan to complete the projects required by the Stipulated Order on an expedited basis. The court shares the United States’ concern.

The court has been conducting quarterly status hearings for almost a year. At each of the previous status hearings, the United States reported that GWA had not come into compliance with the Clean Water Act. In large part, GWA’s noncompliance has been because of financial constraints. However, GWA has now informed the court that the necessary financing has been secured which will enable GWA to complete most of the remaining work to be done under the Stipulated Order.

To ensure that GWA continues its efforts under the Stipulated Order, the parties are

1 ordered to work together to draft a proposed plan to complete the outstanding projects. In the  
2 proposed plan, GWA should commit to deadlines that are achievable. To that end, the parties are  
3 encouraged to work collaboratively in setting workable time lines.<sup>1</sup> The parties are ordered to file  
4 the proposed plan by December 15, 2010. In the event the parties are unable to reach an  
5 agreement on any of the particulars, the parties are ordered to file a separate brief setting forth  
6 the project (*e.g.*, Water Meter Improvement Program ) and what it believes should be done in  
7 terms of the scope of work and in setting deadlines.<sup>2</sup> The parties are ordered to file their  
8 respective briefs by December 15, 2010.

9 The next status hearing is scheduled for March 9, 2011 at 9:00 a.m. The United States  
10 shall file its status report by February 9, 2011. GWA shall file its status report by February 23,  
11 2011 and the United States shall file its reply, if any, by March 2, 2011. Should the court  
12 determine that it will conduct a site visit before the March 9, 2011 status hearing, the court will  
13 contact counsel to arrange the details.

14 **SO ORDERED.**



15 /s/ Frances M. Tydingco-Gatewood  
16 **Chief Judge**  
17 **Dated: Nov 18, 2010**

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21 <sup>1</sup> The court understands that there are other projects outside of the Stipulated Order that were  
22 discussed during the status hearing that the parties believe should be prioritized and included in the  
23 proposed plan. The parties should endeavor to include most of these projects, or at the very least  
24 those projects that require expeditious attention. The court is concerned that there may be threats  
25 to the public health that need more of an immediate response (*e.g.*, Southern Link Force Main Leak).  
26 Otherwise, the court expects the parties to continue their collective efforts in drafting a global  
27 agreement that will encompass all projects that need to be completed to improve GWA's  
28 infrastructure and operations.

<sup>2</sup> While the court will decide any issue of dispute, the court finds the parties are better able  
to project the amount of time GWA will need to complete a particular project. It is for this reason,  
that the court once again orders the parties to work together in setting realistic deadlines.