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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
AND REQUEST FOR STATUS HEARING**

This matter came before the court on August 4, 2010, for a quarterly status hearing. At that time, Guam Waterworks Authority (“GWA”) and the United States Environmental Protection Agency (“USEPA”) reported on the status of the projects GWA is required to perform pursuant to the Stipulated Order. *See* Docket No. 40. Seven days after the hearing, on August 11, 2010, USEPA filed a Supplemental Status Report and Request for Status Hearing. *See* Docket No. 115. Therein, USEPA expressed concern that the Guam Department of Public Works (“DPW”) had apparently issued a building permit to the proposed Younex project known as the Ukudu Workforce housing. *Id.* Specifically, USEPA pointed out that the project could potentially increase the wastewater flow from the project to the Northern District Wastewater Treatment Plant (“WWTP”) which would adversely impact effluent quality from the WWTP, which is in violation of its permit limits. *Id.*

The USEPA requested, inter alia, this court to “(1) closely monitor permitting decisions by DPW, GWA and Guam EPA for both the Younex project and any other project described in a

1 building application as involving drinking water or wastewater issued that could impact GWA's
2 water supply or wastewater treatment capacity." See Docket No. 124, at p. 7. The court is not
3 inclined to grant this request as well as several others that USEPA proposes.

4 The court is confident that USEPA is capable of ensuring GWA's compliance with the
5 Clean Water Act ("CWA"). It is neither appropriate nor timely for this court to become
6 integrally involved in the day to day activities of Guam's governmental agencies. The court
7 understands that there will be construction projects in regard to the proposed military build up on
8 Guam, which are sure to impact the already fragile state of GWA's infrastructure and operations.
9 However, at this juncture the court finds that it is better for the parties to work collaboratively in
10 addressing these challenges.

11 The court remains committed to ensuring that the projects GWA is required to perform
12 pursuant to the Stipulated Order are completed. In the event GWA is found to have violated the
13 CWA, USEPA is charged with so notifying the court and the court will address those specific
14 violations as it has done in the past.

15 The court has previously scheduled the quarterly status hearing on November 10, 2010 at
16 9:00 a.m. but now will reschedule it to November 17, 2010 at 9:00 a.m. At that time, the court
17 will address the status of the projects as they relate to the Stipulated Order, and any violations
18 for which USEPA has support. In addition, the court has required the parties to each file its
19 respective status reports. GWA is ordered to coordinate with DPW to ensure that the
20 representations made in its status report to the court are accurate. USEPA has suggested, and
21 this court will order that the Directors of DPW and Guam EPA also attend the status hearing.

22 **SO ORDERED.**



/s/ **Frances M. Tydingco-Gatewood**
Chief Judge
Dated: Oct 13, 2010