



David Manning <dmanninggbb@gmail.com>

Mr. Palacios' Declaration to the Court

1 message

Ueno, Karen <Ueno.Karen@epa.gov>

Fri, Feb 13, 2015 at 11:41 AM

To: David Manning <dmanninggbb@gmail.com>

Cc: "Mullaney, Robert (ENRD)" <Robert.Mullaney@usdoj.gov>, "Williams, Laurie" <Williams.Laurie@epa.gov>

Dear David,

I am in receipt of Mr. Eric Palacios' Declaration (DN#1490) filed on 1/15/15, which stated his view on the delay in issuing the Harmon permit. Mr. Palacios stated in Paragraph 14 of his Declaration that the delay in issuing the Harmon permit was attributable to "belated comments" received from U.S. EPA. We disagree with this characterization. Guam EPA is the permitting authority with the responsibility to prepare, draft, respond to comments, correct, and issue the final permit for the Harmon residential transfer station and HHW facility. On December 16, 2014, our technical Ordot meeting in San Francisco was interrupted by a message that Mr. Palacios was demanding that the final Harmon permit be on his desk by 10:00 am (December 17 Guam time) so that he could sign it. In an effort to assist Guam EPA staff, and in order to resume our technical Ordot meeting, U.S. EPA helped Guam EPA perform a final administrative check on the permit to enable Mr. Palacios to sign the permit by his 10:00 am deadline. In his Declaration, Mr. Palacios has chosen to portray U.S. EPA's effort to assist Guam EPA as "belated comments," which we regard as an unfortunate mischaracterization of the facts.

14. On December 17, 2014, I asked a member of my staff about the status on the issuance of the permit and he informed me that USEPA "still has comments." At that point, I instructed my staff member to provide me with a draft permit to review, and I informed him that I "am ready to sign the permit if everything is good." Recently, I confirmed that the draft permit I was given to review had finally incorporated USEPA's belated comments.