



AFHENSIAN PRUTEKSION LINĀLA GUĀHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA E. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

IN THE MATTER OF GRANTING A) WQC ORDER #1907-02
WATER QUALITY CERTIFICATION TO)
Guam Waterworks Authority for USEPA)
NPDES Permit No. GU0020087)
) Hagåtña Sewage Treatment Plant;
) USEPA NPDES Permit No. GU0020087
) Marine Corps Drive, Route 1
) Hagåtña, Guam 96932

TO: Miguel C. Bordallo, P.E.
General Manager
Guam Waterworks Authority
Ste. 200, GBNPSB, 688 Route 15
Mangilao, Guam 96913-6203

Contact Person(s): Paul Kemp, Assistant General Manager- Compliance
Vangie Lujan, Senior Regulatory Analyst

On, July 5, 2019, the United States Environmental Protection Agency (EPA) requested a Clean Water Act Section 401 Water Quality Certification, in support of the Guam Waterworks Authority's (GWA) application for the renewal of its National Pollutant Discharge Elimination System (NPDES) permit (#GU0020087) to the Hagåtña Sewage Treatment Plant (STP). This permit is currently expired but is being extended administratively until this renewal process is completed. EPA is conducting this permitting action to streamline regulatory requirements by combining all four of GWA's NPDES permits into the same permit time frame and to promote consistent regulatory requirements across all facilities. EPA further states that this will serve as the island's primary wastewater regulatory mechanism, while ensuring that treated wastewater that is discharged to the island's waters will be protective of beneficial uses.

A public notice regarding the request was distributed by Guam EPA for the above-referenced STP pursuant to the provisions of 22 Guam Administrative Rules and Regulations §5106(i) July 22 and 23, 2019.

FACILITY DESCRIPTION

Hagåtña STP is located on Marine Corps Drive/Route 1, Hagåtña, Guam. The facility sits on a 152.4 m by 213.4 m (500 ft. by 700 ft.) man-made island west of Hagåtña Bay, collecting and treating wastewater from the central regions of Guam. This includes the villages of Hagåtña, Agaña Heights, Asan-Piti, Sinajaña, Chalan Pago-Ordot, Mangilao, Mongmong-Toto, Yoña, Tamuning, and parts of Barrigada. Federal government installations including Naval Hospital facilities and personnel residences are serviced as well. Hagåtña STP provides wastewater treatment to approximately 82,645 residents of Guam.

The wastewater treatment provided by Hagåtña STP includes screening of raw sewage, grit removal, chemically enhanced primary treatment and primary sedimentation. Three (3) clarifiers are used to conduct the primary sedimentation. Sludge is separated and pumped to aerobic digesters and decanted prior to being moved off-site.

As per the application, the average daily and peak hourly design flow capacities of the facility are estimated at 12.0 and 34.1 million gallons per day (MGD), respectively. In 2017, the average and maximum daily flow discharge effluent flow was 6.11 MGD and 9.23 MGD, respectively.

The facility is classified as a “major discharger”.

DESCRIPTION OF RECEIVING WATER

Hagåtña STP discharges from Outfall 002 into the coastal waters of central Guam in the Philippine Sea. Outfall 002 discharges at 366 m (1,200 ft) from the reef line and at a depth of 84 m (275 ft). The outfall is made of a 107 cm (42 in) diameter pipe with a new single-port diffuser, according to GWA’s Basis of Design report. The coordinates for the outfall are 13°29’ 13.5” N and 144°44’ 51.36” E.

Guam Water Quality Standards (GWQS) classify the vicinity of the receiving water as “Category M-2 Good” marine waters. The beneficial uses for this category of waters are the propagation and survival of marine organisms, particularly shellfish and other similarly harvested aquatic organisms, corals and other reef-related resources, and whole body contact recreation. Other important and intended uses include maricultural activities, aesthetic enjoyment and related activities.

Beaches throughout Guam are listed as impaired for enterococcus. TMDLs for Guam’s northern and southern beaches were adopted in December 2013 and February 2015, respectively, and include waste load allocations (“WLAs”) for all permitted wastewater treatment facilities in Guam. For facilities discharging into M-2 waters, WLAs for Enterococcus are 35/100 mL (based upon the geometric mean of samples taken in any thirty day interval) and the Statistical Threshold Value (STV) of 130 CFU/100 (should not be exceeded more than 10 percent of the samples taken during the same thirty (30) day interval).

AUTHORITIES

Guam EPA has examined this application pursuant to its authority under 33 U.S.C. § 1341, 10 GCA §47109(a), 10 GCA §45106, and 22 GAR §5106, and the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1316, 1317, 1318, and 1343 (FWPCA §§ 301, 302, 303, 306, and 307)
2. Conformance with applicable area wide waste treatment management as provided under CWA Section 208(e)
3. Conformance with the state water quality standards contained in 22 GAR Chapter 5 and authorized by 33 U.S.C. § 1313 and by 10 GCA §45106, 10 GCA §47108, and with other applicable federal or territorial laws
4. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of territorial waters as required by 22 GAR Chapter 10 and 10 GCA Chapter 47.

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Guam EPA certifies it has reasonable assurance the activity under NPDES Permit #GU0020087 as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of territorial law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, 10 GCA Chapter 45, 10 GCA Chapter 47, and 22 GAR Chapter 5, water quality certification is granted to the Applicant, subject to the conditions within this Order.

Section 401 Water Quality Certification does not authorize the Applicant to exceed applicable territorial water quality standards as described in 22 GAR Chapter 5. Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments occurring as a result of project operations.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Guam Waterworks Authority (GWA) and its agents, assignees, and contractors.
- A2. All submittals required by this Order shall be sent to Guam Environmental Protection Agency's Main Office, Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to taryn.mesa@epa.guam.gov and cc: jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #1907-02 and include the Applicant name, project name, and the project contact's name and phone number.
- A3. Discharges authorized by this Order are limited to the discharges described in the following documents:
 - USEPA Region IX Draft Authorization to Discharge under: NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273.
 - GUAM EPA letter to the Applicant dated July 18, 2019 approving its request for receiving water mixing zone designation under NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273

The Applicant will be out of compliance with this Order and must reapply with an updated CWA §401 WQC form and an NPDES permit if the information contained in these documents is voided by subsequent changes not authorized by this Order.

- A4. Within 30 days of receipt of an updated §401 Application or EIA/EIS short form, Guam EPA will determine if the revision(s) require a new water quality certification and public notice or if a modification to this Order is required.
- A5. In accordance with 22 GAR, Chapter 5, Water Quality Standards, this Order shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are approved by USEPA and adopted by Guam EPA.
- A6. The applicant shall provide to Guam EPA a copy of all final and local permits within two weeks of receipt, per condition A2 above.
- A7. Copies of this Order shall be on file at the STP and readily available for reference by Guam EPA personnel, the facility superintendent, managers and lead workers, contractors, and federal and local government inspectors.

- A8. In accordance with 10 GCA Chapter 47 §47107, the Applicant shall provide prompt access to the facility and all mitigation sites, to the Administrator or his authorized representative for the purpose of inspecting the facility for compliance with this Order. The inspection may be conducted with or without advance notice to the Applicant, at the discretion of the Administrator, but shall be conducted at reasonable times unless an emergency dictates otherwise.
- A9. Guam EPA retains authority to issue additional orders if Guam EPA determines further actions are necessary to implement the water quality laws of the territory. Further, Guam EPA retains continuing jurisdiction to make modifications hereto through supplemental order if additional impacts are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
- A10. The Applicant shall provide to Guam EPA a signed statement (see Attachment A for an example) that s/he has read and understands the conditions of this Order and any permits, plans, documents, and approvals referenced herein. The signed statement shall be submitted to Guam EPA per Condition A2 at least seven (7) days after receiving this Order
- A11. The Applicant shall ensure all project engineers, contractors, and other workers at the facility with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.
- A12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the territory (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.

Antidegradation Review

- A13. This discharge has been determined to be consistent with the anti-degradation policy as stated in 22GAR §5101(b).

B. Water Quality Conditions:

- B1. Mitigation and/or additional monitoring may be required if site inspections indicate the water quality standards have not been met.

C. Project Conditions

General Conditions:

- C1. The applicant shall conduct daily inspections of the project area and take immediate corrective actions or engineering measures to address non-compliance with water quality standards and/or environmental protection requirements and notify the Guam EPA within 24 hours from the time the applicant becomes aware of the non-compliance.
- C2. The Applicant shall within 1 year after the issuance of the Hagåtña STP NPDES Permit meet with Guam EPA to review additional data collected to address compliance to applicable water quality standards.
- C3. The Applicant shall work closely with Guam EPA and the Department of Public Health and Social Services in the inspection and enforcement of grease control measures. Fats, Oils, and Grease (FOG) Program documentation shall be available to Guam EPA upon request.
- C4. The Applicant shall conduct a comprehensive assessment of all industrial and commercial activities generating wastewater discharged into the Publicly Owned Treatment Works (POTW) to determine if any requirement is needed to pre-treat such wastewater.

- C5. The Applicant shall submit for Guam EPA approval a Sampling and Analysis Plan identifying the coordinates and locations of the sampling points under (1) the Outfall 002 Effluent Limits and Monitoring Requirements and (2) the Receiving Water Monitoring Requirements.
- C6. The Applicant shall conduct receiving water quality monitoring, per NPDES Permit GU002073, Part IV.C., and submit results to Guam EPA quarterly as described in condition A2.
- C7. The Applicant shall implement Best Judgement and Best Management Practices to prevent or minimize water quality degradation.

In-Water Conditions:

- C8. Discharge shall meet all requirements listed below for the approved Mixing Zone dilution factor (DF) and Zone of Mixing (ZOM) distance.
- Outfall 002 – Located at 13° 29' 13.5" N, 144° 44' 51.36" E
 - The approved ZOM radius is 104 meters.
 - The approved DF is 100:1 dilution credit for all parameters listed in NPDES permit GU0020087.
 - Receiving water is the Philippine Sea
 - GWQS classification is M-2 Good
 - Receiving Water Monitoring will be conducted as outlined in the NPDES permit GU0020087.
- C9. This Order prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility. Guam EPA may take enforcement action against the Applicant for a bypass unless it adheres to the Bypass conditions as identified in the USEPA NPDES permit GU0020273.
- Any bypass of the treatment facility, which is not included in the effluent monitored above, is to be monitored for flow and all other parameters, except chronic whole effluent toxicity. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported to Guam EPA.
- C10. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- C11. The effluent shall not cause a visible sheen on the river or receiving water.

Emergency/Contingency Measures:

- C12. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- C13. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of effluent discharge or any other material into waters of the territory.
- C14. Overflow identification: The permittee shall identify all wastewater discharges, at locations not authorized as permitted outfalls that occur prior to the headworks of the wastewater treatment plant covered by this permit. The Applicant shall submit, the following information for each discharge event at each source that occurs during the reporting period covered by the Discharge Monitoring Report (DMR) Form:
- The cause of the discharge;
 - Duration and volume (estimate if unknown);

- Description of the source, e.g. manhole cover, pump station;
 - Type of collection system that overflowed, i.e. combined or separate;
 - Location by street address, or any other appropriate method;
 - Date and Time of event;
 - The ultimate destination of the flow, e.g. surface water body, land use location, via municipal separate storm sewer system to a surface water body, (show location on a USGS map or copy thereof); and
 - Corrective actions or plans to eliminate future discharges.
- C15. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Applicant shall immediately take the following actions:
- Cease operations at the location of the violation or spill.
 - Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:
 1. Guam's Emergency 911 system
 2. Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
 3. US Coast Guard Sector Guam (671) 355-4824
 4. National Response Center 1-800-424-8802
- C16. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- C17. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

D. Timing Requirements

- D1. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.

E. Reporting and Notification Requirement Conditions

- E1. Applicant shall provide notice to Guam EPA per Condition A2:
- Immediately upon discovery of noncompliance with the provisions of this Order.
- E2. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the applicant addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §477111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

APPLICANT RIGHT TO APPEAL

You have a right to appeal this Order to the Guam EPA Board of Directors, or request a within 30 days of the date of receipt of this Order. Failure to appeal this Order constitutes a waiver of your right to a hearing. Any appeal will proceed pursuant to the provisions of 5 GCA Chapter 9, as provided by 22 GAR §5106(i)(7). Unless a written request for a hearing signed by or on behalf of the person named as Applicant in the accompanying order, is delivered or mailed to the agency within 30 days after this order is signed, Guam EPA may proceed upon the Notice of Intent to Appeal without a hearing. The request for hearing may be made by delivering or mailing the enclosed form entitled Notice of Intent to Appeal (Appendix B) as provided in §9205 to the address below.

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the Guam EPA Board of Directors (see address below). Filing means actual receipt by the Guam EPA Board of Directors during regular business hours.
- Serve a copy of your appeal and this Order to the Administrator in paper form - by mail or in person at the address below. Email or facsimile is not accepted.

ADDRESS INFORMATION:

Guam EPA Board of Directors
3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913

GUAM EPA CONTACT INFORMATION

Please direct all questions about this Order to:

Taryn N. Mesa
Biologist I, EMAS Division
(671) 300-4784
Taryn.mesa@epa.guam.gov

OR

Jesse T. Cruz
EMAS Division Administrator
(671) 300-4795
Jesse.cruz@epa.guam.gov

SIGNATURE

WALTER S. LEON GUERRERO

ADMINISTRATOR

DATE

APPENDIX A

DRAFT

Statement of Understanding of Water Quality Certification Conditions

Hagåtña Sewage Treatment Plant NPDES PERMIT NO. GU0020087
Guam Waterworks Authority
§401 Water Quality Certification Order #1907-02

As the Applicant for the Hagåtña Sewage Treatment Plant NPDES PERMIT NO. GU0020087, I have read and understand the conditions of the Guam Environmental Protection Agency §401 WQC Order #1907-02, and any permits, plans, documents, and approvals referenced in the Order.

I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

Print Name

Signature

Date

Title

Phone Number

Company Name

APPENDIX B

DRAFT



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WALTER S. LEON GUERRERO, ADMINISTRATOR

NOTICE OF INTENT TO APPEAL

I, _____, have received WQC Order # _____ dated _____, listing the Water Quality Certification Conditions for my proposed project _____.

I request a hearing with the Guam EPA Board of Directors. The basis for this hearing and appeal are the following:

[Additional Sheets maybe attached if more space is required.]

Mailing address:

Print Name

Signature

Date

Title

Phone Number

Company Name

GUAM EPA CASE NO.: _____

DRAFT



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WALTER S. LEON GUERRERO, ADMINISTRATOR

IN THE MATTER OF GRANTING A) WQC ORDER #1907-03
WATER QUALITY CERTIFICATION TO) Agat-Santa Rita Wastewater Treatment
Guam Waterworks Authority for USEPA) Plant; USEPA NPDES
NPDES PERMIT No. GU0020222) PERMIT No. GU0020222
) Route 2A, Tupalao
) Agat, Guam 96928

TO: Miguel C. Bordallo, P.E.
General Manager
Guam Waterworks Authority
Ste. 200, GBNPSB, 688 Route 15
Mangilao, Guam 96913-6203

Contact Person(s): Paul Kemp, Assistant General Manager- Compliance
Vangie Lujan, Senior Regulatory Analyst

On, July 5, 2019, the United States Environmental Protection Agency (EPA) requested a Clean Water Act Section 401 Water Quality Certification, in support of the Guam Waterworks Authority's (GWA) application for the renewal of its National Pollutant Discharge Elimination System (NPDES) permit (#GU0020222), to the Agat-Santa Rita Wastewater Treatment Plant (WWTP). This permit is currently active, but EPA is conducting this permitting action to streamline regulatory requirements by combining all four of GWA's wastewater NPDES permits into the same permit time frame and to promote consistent regulatory requirements across all facilities. EPA further states that this will serve as the island's primary wastewater regulatory mechanism, while ensuring that treated wastewater that is discharged to the island's waters will be protective of beneficial uses.

A public notice regarding the request was distributed by Guam EPA for the above-referenced WWTP pursuant to the provisions of 22 Guam Administrative Rules and Regulations §5106(i) on July 22 and 23, 2019.

FACILITY DESCRIPTION

The former Agat-Santa Rita WWTP was located at Ga'an Point and collected sanitary wastewater from approximately 19,800 residents in Agat and Santa Rita. A new WWTP was constructed that began operating in March 2017 and has a maximum daily inflow rate of 1.6 MGD during dry weather and 9.3 MGD during wet weather. The facility consists of a headworks, flow equalization tanks, oxidation ditches (2 anoxic/anaerobic basins and 2 aerobic basins), 2 secondary clarifiers, 2 ultraviolet disinfection channels, and 3 aerobic digesters, and 2 gravity belt thickeners. Solids are removed from the secondary clarifier and sent to aerobic digestion, then sludge drying beds before being trucked to Northern District WWTP (permit #GU0020141).

The effluent from this treatment facility is sent through a combined outfall shared with the U.S. Navy's Apra Harbor Wastewater Treatment Plant (permit #GU0110019) and discharged to the ocean through the Tupalao Bay outfall. The outfall terminates at a diffuser located approximately 1,600 feet from shore, at a depth of 125 feet. The Baza Gardens Treatment Plant shut down on December 31, 2018 and all flows were rerouted to the Agat-Santa Rita facility by September 2018. The permit for Baza Gardens has been terminated.

DESCRIPTION OF RECEIVING WATER

GWA's Agat-Santa Rita WWTP effluent is sent through a shared outfall with the U.S. Navy's Apra Harbor WWTP, and the combined effluent flow discharges from a joint deep ocean outfall into Tupalao Bay located in the Philippine Sea. Discharge from Apra Harbor WWTP is regulated under NPDES permit #GU0110019.

Guam Water Quality Standards (GWQS) classify the vicinity of the receiving water at Tupalao Bay as "Category M-2 Good" marine waters. The beneficial uses for this category of waters are the propagation and survival of marine organisms, particularly shellfish and other similarly harvested aquatic organisms, corals and other reef-related resources, and whole body contact recreation. Other important and intended uses include maricultural activities, aesthetic enjoyment and related activities. Tupalao Bay, assessment unit GUG-010A, is on Guam's 2018 303(d) List of Impaired Waters for PCBs in fish tissue and remains under a 1999 Fish Advisory. No TMDL has been developed for the marine bay.

Beaches throughout Guam are listed as impaired for enterococcus. TMDLs for Guam's northern and southern beaches were adopted in December 2013 and February 2015, respectively, and include waste load allocations ("WLAs") for all permitted wastewater treatment facilities in Guam. For facilities discharging into M-2 waters, WLAs for Enterococcus are 35/100 mL (based upon the geometric mean of samples taken in any thirty day interval) and the Statistical Threshold Value (STV) of 130 CFU/100 (should not be exceeded more than 10 percent of the samples taken during the same thirty (30) day interval).

AUTHORITIES

Guam EPA has examined this application pursuant to its authority under 33 U.S.C. § 1341, 10 GCA §47109(a), 10 GCA §45106, and 22 GAR §5106, and the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1316, and 1317, 1318, 1343 (FWPCA §§ 301, 302, 303, 306, and 307);
2. Conformance with applicable area wide waste treatment management as provided under CWA Section 208(e).
3. Conformance with the state water quality standards contained in 22 GAR Chapter 5 and authorized by 33 U.S.C. § 1313 and by 10 GCA §45106, 10 GCA §47108, and with other applicable federal or territorial laws.
4. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of territorial waters as required by 22 GAR Chapter 10 and 10 GCA Chapter 47.

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Guam EPA certifies it has reasonable assurance the activity under NPDES

PERMIT #GU0020222 as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of territorial law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, 10 GCA Chapter 45, 10 GCA Chapter 47, and 22 GAR Chapter 5, water quality certification is granted to the Applicant, subject to the conditions within this Order.

Section 401 water quality certification does not authorize the Applicant to exceed applicable territorial water quality standards as described in 22 GAR Chapter 5. Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments occurring as a result of project operations.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Guam Waterworks Authority (GWA) and its agents, assignees, and contractors.
- A2. All submittals required by this Order shall be sent to Guam Environmental Protection Agency's Main Office, Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to taryn.mesa@epa.guam.gov and cc: jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #1907-03 and include the Applicant name, project name, and the project contact's name and phone number.
- A3. Discharges authorized by this Order are limited to the discharges described in the following documents:
- USEPA REGION IX Draft Authorization to Discharge under: NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273
 - GUAM EPA letter to the Applicant dated July 18, 2019 approving its request for receiving water mixing zone designations under NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273

The Applicant will be out of compliance with this Order and must reapply with an updated CWA §401 WQC form and an NPDES permit if the information contained in these documents is voided by subsequent changes not authorized by this Order.

- A4. Within 30 days of receipt of an updated §401 Application or EIA/EIS short form, Guam EPA will determine if the revision(s) requires a new water quality certification and public notice or if a modification to this Order is required.
- A5. In accordance with 22 GAR, Chapter 5, Water Quality Standards, this Order shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are approved by USEPA and adopted by Guam EPA.
- A6. The applicant shall provide to Guam EPA a copy of all final and local permits within two weeks of receipt, per condition A2 above.
- A7. Copies of this Order shall be on file at the WWTP and readily available for reference by Guam EPA personnel, the facility superintendent, managers and lead workers, contractors, and federal and local government inspectors.

- A8. In accordance with 10 GCA Chapter 47 §47107, the Applicant shall provide prompt access to the facility and all mitigation sites, to the Administrator or his authorized representative for the purpose of inspecting the facility for compliance with this Order. The inspection may be conducted with or without advance notice to the Applicant, at the discretion of the Administrator, but shall be conducted at reasonable times unless an emergency dictates otherwise.
- A9. Guam EPA retains authority to issue additional orders if Guam EPA determines further actions are necessary to implement the water quality laws of the territory. Further, Guam EPA retains continuing jurisdiction to make modifications hereto through supplemental order if additional impacts are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
- A10. The Applicant shall provide to Guam EPA a signed statement (see Attachment A for an example) that s/he has read and understands the conditions of this Order and any permits, plans, documents, and approvals referenced herein. The signed statement shall be submitted to Guam EPA per Condition A2 at least seven (7) days after receiving this order.
- A11. The Applicant shall ensure all project engineers, contractors, and other workers at the facility with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.
- A12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the territory (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.

Antidegradation Review

- A13. This discharge has been determined to be consistent with the anti-degradation policy as stated in 22GAR §5101(b).

B. Water Quality Conditions:

- B1. Mitigation and/or additional monitoring may be required if site inspections indicate water quality standards have not been met.

C. Project Conditions

General Conditions:

- C1. The applicant shall conduct daily inspections of the project area and take immediate corrective actions or engineering measures to address non-compliance with water quality standards and/or environmental protection requirements and notify the Guam EPA within 24 hours from the time the applicant becomes aware of the non-compliance.
- C2. The Applicant shall within 1 year after the issuance of the Agat-Santa Rita WWTP NPDES Permit meet with Guam EPA to review additional data collected to address compliance to applicable water quality standards.
- C3. The Applicant shall work closely with Guam EPA and the Department of Public Health and Social Services in the inspection and enforcement of grease control measures. Fats, Oils, and Grease (FOG) Program documentation shall be available to Guam EPA upon request.

- C4. The Applicant shall conduct a comprehensive assessment of all industrial and commercial activities generating wastewater discharged into the Publicly Owned Treatment Works (POTW) to determine if any requirement is needed to pre-treat such wastewater.
- C5. The Applicant shall submit for Guam EPA approval a Sampling and Analysis Plan identifying the coordinates and locations of the sampling points for (1) the Outfall 003 Effluent Limits and Monitoring Requirements and (2) the Receiving Water Monitoring Requirements.
- C6. The Applicant shall conduct receiving water quality monitoring, per NPDES Permit GU0020222, Part III.C., and submit results to Guam EPA quarterly as described in condition A2.
- C7. The Applicant shall implement Best Judgement and Best Management Practices to prevent or minimize water quality degradation.

In-Water Conditions:

- C8. Discharge shall meet all requirements listed below for the approved Mixing Zone dilution factor (DF) and Zone of Mixing (ZOM) distance.
- Outfall 003 – Located at 13° 29' 13.5" N, 144° 44' 51.36" E
 - The approved ZOM radius is 36 meters.
 - The approved DF is 167:1 dilution credit for all parameters listed in NPDES permit GU0020222.
 - Receiving water is the Philippine Sea
 - GWQS classification is M-2 Good
 - Receiving Water Monitoring will be conducted as outlined in the NPDES permit GU0020222.
- C9. This Order prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility. Guam EPA may take enforcement action against the Applicant for a bypass unless it adheres to the Bypass conditions as identified in the USEPA NPDES permit GU0020222.
- Any bypass of the treatment facility, which is not included in the effluent monitored above, is to be monitored for flow and all other parameters, except chronic whole effluent toxicity. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported to Guam EPA.
- C10. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- C11. The effluent shall not cause a visible sheen on the river or receiving water.

Emergency/Contingency Measures:

- C12. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- C13. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of effluent discharge or any other material into waters of the territory.
- C14. Overflow identification: The permittee shall identify all wastewater discharges, at locations not authorized as permitted outfalls that occur prior to the headworks of the wastewater treatment plant

covered by this permit. The Applicant shall submit, the following information for each discharge event at each source that occurs during the reporting period covered by the Discharge Monitoring Report (DMR) Form:

- The cause of the discharge;
- Duration and volume (estimate if unknown);
- Description of the source, e.g. manhole cover, pump station;
- Type of collection system that overflowed, i.e. combined or separate;
- Location by street address, or any other appropriate method;
- Date and Time of event;
- The ultimate destination of the flow, e.g. surface water body, land use location, via municipal separate storm sewer system to a surface water body, (show location on a USGS map or copy thereof); and
- Corrective actions or plans to eliminate future discharges.

C15. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Applicant shall immediately take the following actions:

- Cease operations at the location of the violation or spill.
- Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:
 1. Guam's Emergency 911 system
 2. Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
 3. US Coast Guard Sector Guam (671) 355-4824
 4. National Response Center 1-800-424-8802
- Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

C16. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

C17. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

D. Timing Requirements

D1. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.

E. Reporting and Notification Requirement Conditions

- E1. Applicant shall provide notice to Guam EPA per Condition A2:
- Immediately upon discovery of noncompliance with the provisions of this Order.
- E2 A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the applicant addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §477111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

APPLICANT RIGHT TO APPEAL

You have a right to appeal this Order to the Guam EPA Board of Directors, or request a hearing within 30 days of the date of receipt of this Order. Failure to appeal this Order constitutes a waiver of your right to a hearing. Any appeal will proceed pursuant to the provisions of 5 GCA Chapter 9, as provided by 22 GAR §5106(i)(7). Unless a written request for a hearing signed by or on behalf of the person named as Applicant in the accompanying order, is delivered or mailed to the agency within 30 days after this order is signed, Guam EPA may proceed upon the Notice of Intent to Appeal without a hearing. The request for hearing may be made by delivering or mailing the enclosed form entitled Notice of Intent to Appeal (Appendix B) as provided in §9205 to the address below.

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the Guam EPA Board of Directors (see address below). Filing means actual receipt by the Guam EPA Board of Directors during regular business hours.
- Serve a copy of your appeal and this Order to the Administrator in paper form - by mail or in person at the address below. Email or facsimile is not accepted.

ADDRESS INFORMATION:

Guam EPA Board of Directors
3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913

GUAM EPA CONTACT INFORMATION

Please direct all questions about this Order to:

Taryn N. Mesa

Biologist I, EMAS Division
(671) 300-4784

Taryn.mesa@epa.guam.gov

OR

Jesse T. Cruz

EMAS Division Administrator
(671) 300-4795

Jesse.cruz@epa.guam.gov

SIGNATURE

WALTER S. LEON GUERRERO
ADMINISTRATOR

DATE

DRAFT

APPENDIX A

DRAFT

Statement of Understanding of Water Quality Certification Conditions

Agat-Santa Rita WWTP NPDES PERMIT No. GU0020222
Guam Waterworks Authority
Water Quality Certification Order #1907-03

As the Applicant for the Agat-Santa Rita WWTP NPDES PERMIT No. GU0020222, I have read and understand the conditions of the Guam Environmental Protection Agency 401 WQC Order #1907-03, and any permits, plans, documents, and approvals referenced in the Order.

I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

Print Name

Signature

Date

Title

Phone Number

Company Name

APPENDIX B

DRAFT

NOTICE OF INTENT TO APPEAL

I, _____, have received WQC Order # _____ dated _____, listing the Water Quality Certification Conditions for my proposed project _____.

I request a hearing with the Guam EPA Board of Directors. The basis for this hearing and appeal are the following:

[Additional Sheets maybe attached if more space is required.]

Mailing address:

Print Name

Signature

Date

Title

Phone Number

Company Name

GUAM EPA CASE NO.: _____



AFHENSIAŃ PRUTEKSION LINĀLA GUĀHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA E. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

IN THE MATTER OF GRANTING A) **WQC ORDER #1907-01**
WATER QUALITY CERTIFICATION TO) Northern District Sewage Treatment
Guam Waterworks Authority for USEPA) Plant; USEPA NPDES
NPDES PERMIT No. GU0020141) PERMIT No. GU0020141
) Route 34, Harmon Annex
) Dededo, GU 96912

TO: Miguel C. Bordallo, P.E.
General Manager
Guam Waterworks Authority
Ste 200, GBNPSB, 688 Route 15
Mangilao, Guam 96913-6203

Contact Person(s): Paul Kemp, Assistant General Manager- Compliance
Vangie Lujan, Senior Regulatory Analyst

On, July 5, 2019, the United States Environmental Protection Agency (EPA) requested a Clean Water Act Section 401 Water Quality Certification, in support of the Guam Waterworks Authority's (GWA) application for the renewal of its National Pollutant Discharge Elimination System (NPDES) permit (#GU0020141) to the Northern District Sewage Treatment Plant (NDSTP). The terms of the existing NDSTP NPDES permit are beyond their expiration date and are administratively extended until the issuance of a new permit.

EPA is streamlining regulatory requirements by combining all four of GWA's wastewater NPDES permits into the same permit time frame to promote consistent regulatory requirements across all facilities. EPA further states that this will serve as the island's primary wastewater regulatory mechanism, while ensuring that treated wastewater that is discharged to the island's waters will be protective of beneficial uses.

A public notice regarding the request was distributed by Guam EPA for the above-referenced WWTP pursuant to the provisions of 22 Guam Administrative Rules and Regulations §5106(i) July 22 and 23, 2019.

FACILITY DESCRIPTION

The Northern District Sewage Treatment Plant (NDSTP) is located at Route 34, Harmon Annex, Dededo, Guam, on the northwestern coast of the island. The facility is situated on a plateau that is 91 m (300 ft.)

above the Philippine Sea. The NDSTP collects and treats wastewater from the regions of Dededo, Latte Heights, Perez Acres, Ypaopao, and Marianas Terrace, the Yigo Collector System, and other unincorporated subdivisions throughout Yigo and Dededo municipalities. The service area also includes U.S. military facilities (Air Force and Navy) within the areas of Dededo and Harmon Annex, and Anderson Air Force Base. The NDSTP currently provides Chemically Enhanced Primary Treatment (CEPT) for a population of approximately 76,000 people.

The Department of Defense (DoD) is planning an expansion of military operations in Guam with the construction of a new Marine base that will neighbor the NDSTP facility. Based on information from DoD, EPA understands that DoD is considering the installation of a new sewage connection system from the new base to the NDSTP. Present expectation is that the new DoD base will be occupied in 2022. The DoD expansion may increase future flows at Northern District.

According to the permit application, the average daily and peak hourly design flow capacities of the facility are 12.0 and 28.6 million gallons per day (“MGD”), respectively. The average and maximum daily flow discharge effluent flow was 6.04 MGD and 8.1 MGD, respectively, in 2017.

Current treatment at NDSTP includes chemically enhanced primary treatment. Design treatment includes screening of raw sewage, pre-aeration for odor control and mixing of coagulant and flocculation aid, (CEPT) and primary sedimentation. GWA installed a new outfall in January 2009, extending the point of discharge approximately 500 feet further offshore, but GWA has not yet installed the multi-port diffuser which would extend the terminus of the outfall to 7,972 feet into the Philippine Sea and 140 feet deep. EPA’s 2013 Final Decision Document on Northern District’s CWA 301(h) waiver from secondary treatment standards presumed full installation of the multi-port diffuser.

DESCRIPTION OF RECEIVING WATER

The NDSTP discharges into coastal waters that are located south of Tanguisson Point on the northern shoreline of Guam. There are no embayments in this area, but long, shallow indentations exist to the north and south of Tanguisson Point.

Guam Water Quality Standards (GWQS) classify the vicinity of the receiving water as “Category M-2 Good” marine waters. The beneficial uses for this category of waters are the propagation and survival of marine organisms, particularly shellfish and other similarly harvested aquatic organisms, corals and other reef-related resources, and whole body contact recreation. Other important and intended uses include maricultural activities, aesthetic enjoyment and related activities.

Guam’s 2018 303(d) List of Impaired Waters identifies this marine bay as Tanguisson Beach 2, assessment unit GUG-001B-2 with an area of 0.40 square miles. It is impaired for “toxic substance in seaweed” and remains under a Seafood Consumption Advisory. No TMDL has been developed for this M-2 waterbody.

Beaches throughout Guam are listed as impaired for enterococcus. TMDLs for Guam’s northern and southern beaches were adopted in December 2013 and February 2015, respectively, and include waste load allocations (“WLAs”) for all permitted wastewater treatment facilities in Guam. For facilities discharging into M-2 waters, WLAs for Enterococcus are 35/100 mL (based upon the geometric mean of samples taken in any thirty day interval) and the Statistical Threshold Value (STV) of 130 CFU/100 (should not be exceeded more than 10 percent of the samples taken during the same thirty (30) day interval).

AUTHORITIES

Guam EPA has examined this application pursuant to its authority under 33 U.S.C. § 1341, 10 GCA §47109(a), 10 GCA §45106, and 22 GAR §5106, and the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1316, and 1317, 1318, 1343 (FWPCA §§ 301, 302, 303, 306, and 307)
2. Conformance with applicable area wide waste treatment management as provided under CWA Section 208(e)
3. Conformance with the state water quality standards contained in 22 GAR Chapter 5 and authorized by 33 U.S.C. § 1313 and by 10 GCA §45106, 10 GCA §47108, and with other applicable federal or territorial laws
4. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of territorial waters as required by 22 GAR Chapter 10 and 10 GCA Chapter 47

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Guam EPA certifies it has reasonable assurance the activity under NPDES Permit #GU0020141 as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of territorial law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, 10 GCA Chapter 45, 10 GCA Chapter 47, and 22 GAR Chapter 5, water quality certification is granted to the Applicant, subject to the conditions within this Order.

Section 401 Water Quality Certification does not authorize the Applicant to exceed applicable territorial water quality standards as described in 22 GAR Chapter 5. Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments occurring as a result of project operations.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Guam Waterworks Authority (GWA) and its agents, assignees, and contractors.
- A2. All submittals required by this Order shall be sent to Guam Environmental Protection Agency's Main Office, Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to taryn.mesa@epa.guam.gov and cc: jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #1907-01 and include the Applicant name, project name, and the project contact's name and phone number.
- A3. Discharges authorized by this Order are limited to the discharges described in the following documents:

- USEPA Region IX Draft Authorization to Discharge under: NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273
- GUAM EPA letter to the Applicant dated July 18, 2019, approving its request for receiving water mixing zone designations under NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273

The Applicant will be out of compliance with this Order and must reapply with an updated CWA §401 WQC form and an NPDES permit if the information contained in these documents is voided by subsequent changes not authorized by this Order.

- A4. Within 30 days of receipt of an updated §401 Application or EIA/EIS short form, Guam EPA will determine if the revision(s) requires a new water quality certification and public notice or if a modification to this Order is required.
- A5. In accordance with 22 GAR, Chapter 5, Water Quality Standards, this Order shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are approved by USEPA and adopted by Guam EPA.
- A6. The applicant shall provide to Guam EPA a copy of all final and local permits within two weeks of receipt, per condition A2 above.
- A7. Copies of this Order shall be on file at the WWTP and readily available for reference by Guam EPA personnel, the facility superintendent, managers and lead workers, contractors, and federal and local government inspectors.
- A8. In accordance with 10 GCA Chapter 47 §47107, the Applicant shall provide prompt access to the facility and all mitigation sites, to the Administrator or his authorized representative for the purpose of inspecting the facility for compliance with this Order. The inspection may be conducted with or without advance notice to the Applicant, at the discretion of the Administrator, but shall be conducted at reasonable times unless an emergency dictates otherwise.
- A9. Guam EPA retains authority to issue additional orders if Guam EPA determines further actions are necessary to implement the water quality laws of the territory. Further, Guam EPA retains continuing jurisdiction to make modifications hereto through supplemental order if additional impacts are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
- A10. The Applicant shall provide to Guam EPA a signed statement (see Attachment A for an example) that s/he has read and understands the conditions of this Order and any permits, plans, documents, and approvals referenced herein. The signed statement shall be submitted to Guam EPA per Condition A2 at least seven (7) days after receiving this order.
- A11. The Applicant shall ensure all project engineers, contractors, and other workers at the facility with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

- A12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the territory (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.

Antidegradation Review

- A13. This discharge has been determined to be consistent with the anti-degradation policy as stated in 22GAR §5101(b).

B. Water Quality Conditions:

- B1. Mitigation and/or additional monitoring may be required if site inspections indicate the water quality standards have not been met.

C. Project Conditions

General Conditions:

- C1. The applicant shall conduct daily inspections of the project area and take immediate corrective actions or engineering measures to address non-compliance with water quality standards and/or environmental protection requirements and notify the Guam EPA within 24 hours from the time the applicant becomes aware of the non-compliance.
- C2. The Applicant shall within 1 year after the issuance of the Northern District STP NPDES Permit meet with Guam EPA to review additional data collected to address compliance to applicable water quality standards.
- C3. The Applicant shall work closely with Guam EPA and the Department of Public Health and Social Services in the inspection and enforcement of grease control measures. Fats, Oils, and Grease (FOG) Program documentation shall be available to Guam EPA upon request.
- C4. The Applicant shall conduct a comprehensive assessment of all industrial and commercial activities generating wastewater discharged into the Publicly Owned Treatment Works (POTW) to determine if any requirement is needed to pre-treat such wastewater.
- C5. The Applicant shall submit for Guam EPA approval a Sampling and Analysis Plan identifying the coordinates and locations of the sampling points under (1) the Outfall 001 Effluent Limits and Monitoring Requirements and (2) the Receiving Water Monitoring Requirements.
- C6. The Applicant shall conduct receiving water quality monitoring, per NPDES Permit GU0020141, Part I.C., and submit results to Guam EPA quarterly as described in condition A2.
- C7. The Applicant shall implement Best Judgement and Best Management Practices to prevent or minimize water quality degradation.

In-Water Conditions:

- C8. Discharge shall meet all requirements listed below for the approved Mixing Zone dilution factor (DF) and Zone of Mixing (ZOM) distance.
- Outfall 001 – Located at 13° 33' 8.34" N, 144° 48' 25.98" E
 - The approved Zone of Mixing (ZOM) radius is 104 meters.
 - The approved dilution factor (DF) is 200:1 dilution credit for all parameters listed in NPDES permit GU0020141.

- DF is based upon no diffuser currently installed on the outfall.
 - The expected completion date for the Diffuser installation is July 31, 2021.
 - Receiving water is the Philippine Sea
 - GWQS classification is M-2 Good
 - Receiving Water Monitoring will be conducted as outlined in the NPDES permit GU0020141.
- C9. This Order prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility. Guam EPA may take enforcement action against the Applicant for a bypass unless it adheres to the Bypass conditions as identified in the USEPA NPDES permit GU0020273.
- Any bypass of the treatment facility, which is not included in the effluent monitored above, is to be monitored for flow and all other parameters, except chronic whole effluent toxicity. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported to Guam EPA.
- C10. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- C11. The effluent shall not cause a visible sheen on the river or receiving water.

Emergency/Contingency Measures:

- C12. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- C13. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of effluent discharge or any other material into waters of the territory.
- C14. Overflow identification: The permittee shall identify all wastewater discharges, at locations not authorized as permitted outfalls that occur prior to the headworks of the wastewater treatment plant covered by this permit. The Applicant shall submit, the following information for each discharge event at each source that occurs during the reporting period covered by the Discharge Monitoring Report (DMR) Form:
- The cause of the discharge;
 - Duration and volume (estimate if unknown);
 - Description of the source, e.g. manhole cover, pump station;
 - Type of collection system that overflowed, i.e. combined or separate;
 - Location by street address, or any other appropriate method;
 - Date and Time of event;
 - The ultimate destination of the flow, e.g. surface water body, land use location, via municipal separate storm sewer system to a surface water body, (show location on a USGS map or copy thereof); and
 - Corrective actions or plans to eliminate future discharges.
- C15. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Applicant shall immediately take the following actions:
- Cease operations at the location of the violation or spill.

- Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:
 1. Guam's Emergency 911 system
 2. Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
 3. US Coast Guard Sector Guam (671) 355-4824
 4. National Response Center 1-800-424-8802
 - Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
- C16. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- C17. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

D. Timing Requirements

- D1. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.

E. Reporting and Notification Requirement Conditions

- E1. Applicant shall provide notice to Guam EPA per Condition A2:
- Immediately upon discovery of noncompliance with the provisions of this Order.
- E2. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the applicant addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §477111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

APPLICANT RIGHT TO APPEAL

You have a right to appeal this Order to the Guam EPA Board of Directors, or request a hearing within 30 days of the date of receipt of this Order. Failure to appeal this Order constitutes a waiver of your right to a hearing. Any appeal will proceed pursuant to the provisions of 5 GCA Chapter 9, as provided by 22 GAR §5106(i)(7). Unless a written request for a hearing signed by or on behalf of the person named as Applicant in the accompanying order, is delivered or mailed to the agency within 30 days after this order is signed, Guam EPA may proceed upon the Notice of Intent to Appeal without a hearing. The request for hearing may be made by delivering or mailing the enclosed form entitled Notice of Intent to Appeal (Appendix B) as provided in §9205 to the address below.

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the Guam EPA Board of Directors (see address below). Filing means actual receipt by the Guam EPA Board of Directors during regular business hours.
- Serve a copy of your appeal and this Order to the Administrator in paper form - by mail or in person at the address below. Email or facsimile is not accepted.

ADDRESS INFORMATION:

Guam EPA Board of Directors
3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913

GUAM EPA CONTACT INFORMATION

Please direct all questions about this Order to:

Taryn N. Mesa
Biologist I, EMAS Division
(671) 300-4784

Taryn.mesa@epa.guam.gov

OR

Jesse T. Cruz
EMAS Division Administrator
(671) 300-4795

Jesse.cruz@epa.guam.gov

SIGNATURE

WALTER S. LEON GUERRERO

ADMINISTRATOR

DATE

APPENDIX A

DRAFT

Statement of Understanding of Water Quality Certification Conditions

Northern District STP NPDES PERMIT NO. GU0020141
Guam Waterworks Authority
§401 Water Quality Certification Order #1907-01

As the Applicant for the Northern District STP NPDES PERMIT NO. GU0020141, I have read and understand the conditions of the Guam Environmental Protection Agency §401 WQC Order #1907-01, and any permits, plans, documents, and approvals referenced in the Order.

I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

Print Name

Signature

Date

Title

Phone Number

Company Name

APPENDIX B

DRAFT

NOTICE OF INTENT TO APPEAL

I, _____, have received WQC Order # _____ dated _____, listing the Water Quality Certification Conditions for my proposed project _____.

I request a hearing with the Guam EPA Board of Directors. The basis for this hearing and appeal are the following:

[Additional Sheets maybe attached if more space is required.]

Mailing address:

Print Name

Signature

Date

Title

Phone Number

Company Name

GUAM EPA CASE NO.: _____



AFHENSIAN PRUTEKSION LINĀLA GUĀHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA E. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

IN THE MATTER OF GRANTING A) WQC ORDER #1907-04
WATER QUALITY CERTIFICATION TO) Umatac-Merizo Wastewater Treatment
Guam Waterworks Authority for USEPA) Plant; USEPA NPDES
NPDES Permit No. GU0020273) Permit No. GU0020273
) Route 2
) Merizo, GU 96915

TO: Miguel C. Bordallo, P.E.
General Manager
Guam Waterworks Authority
Ste. 200, GBNPSB, 688 Route 15
Mangilao, Guam 96913-6203

Contact Person(s): Paul Kemp, Assistant General Manager- Compliance
Vangie Lujan, Senior Regulatory Analyst

On, July 5, 2019, the United States Environmental Protection Agency (EPA) requested a Clean Water Act Section 401 Water Quality Certification, in support of the Guam Waterworks Authority's (GWA) application for the renewal of its National Pollutant Discharge Elimination System (NPDES) permit (#GU0020273) to the Umatac-Merizo Wastewater Treatment Plant (WWTP). This permit is currently active, but EPA is conducting this permitting action to streamline regulatory requirements by combining all four of GWA's wastewater NPDES permits into the same permit time frame and to promote consistent regulatory requirements across all facilities. EPA further states that this will serve as the island's primary wastewater regulatory mechanism, while ensuring that treated wastewater that is discharged to the island's waters will be protective of beneficial uses.

A public notice regarding the request was distributed by Guam EPA for the above-referenced WWTP pursuant to the provisions of 22 Guam Administrative Rules and Regulations §5106(i) July 22 and 23, 2019.

FACILITY DESCRIPTION

Umatac-Merizo WWTP is located in the village of Merizo, Guam. The facility discharges treated domestic wastewater to the Toguan River, which flows into the Toguan Bay, a part of the Philippine Sea.

The facility was built in 1981 and is a Class II wastewater treatment plant, as defined by the Guam EPA and was designed to serve approximately 4,000 residents. The facility has a Waste Stabilization Pond Treatment System ("WSPTS"; a mechanically aerated, facultative treatment lagoon) and Wetlands

Treatment System (“WTS”). The WTS consists of six constructed wetland ponds where evapotranspiration and percolation treat effluent from the stabilization pond. The facility does not currently disinfect its effluent. Facility upgrades to include an Ultra-violet disinfection system, are currently being installed as part of a Federal Court order for preliminary relief that was filed by the Guam District Court in November 2011 against the permittee. The expected completion date is August 2019.

Design flow for the facility is 0.39 million gallons per day (MGD), however discharge is intermittent and correlates to rainfall. The facility is classified as a "minor discharger".

DESCRIPTION OF RECEIVING WATER

Umatac-Merizo WWTP discharges to the Toguan River via a spillway downstream of the Wetland Treatment System and outfall 004. The discharge comingles with the Toguan River for less than half a mile before flowing into the Toguan Bay in the Philippine Sea.

The Guam Water Quality Standards (“WQS”) classify the Toguan River in the vicinity of the Umatac-Merizo discharge as “Category S-3 Low.” Surface water in this category is primarily used for commercial, agricultural, and industrial activities. The beneficial uses for this category of waters are aesthetic enjoyment and limited body contact recreation, as well as maintenance of aquatic life. Guam’s 2018 305(b) Report includes assessment data for the island’s rivers and streams. Two assessment units representing 1.41 assessable miles of the Toguan River are listed (GUMZRT-1/GUMZRT-2). No impairment to Toguan River is recorded.

Beaches throughout Guam are listed as impaired for enterococcus. TMDLs for Guam’s northern and southern beaches were adopted in December 2013 and February 2015, respectively, and include waste load allocations (“WLAs”) for all permitted wastewater treatment facilities in Guam. For facilities discharging into S-3 waters, WLAs for Enterococcus are 35/100 mL (based upon the geometric mean of samples taken in any thirty day interval) and the Statistical Threshold Value (STV) of 130 CFU/100 (should not be exceeded more than 10 percent of the samples taken during the same thirty (30) day interval).

AUTHORITIES

Guam EPA has examined this application pursuant to its authority under 33 U.S.C. § 1341, 10 GCA §47109(a), 10 GCA §45106, and 22 GAR §5106, and the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1316, and 1317, 1318, 1343 (FWPCA §§ 301, 302, 303, 306, and 307)
2. Conformance with applicable area wide waste treatment management as provided under CWA Section 208(e).
3. Conformance with the state water quality standards contained in 22 GAR Chapter 5 and authorized by 33 U.S.C. § 1313 and by 10 GCA §45106, 10 GCA §47108, and with other applicable federal or territorial laws
4. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of territorial waters as required by 22 GAR Chapter 10 and 10 GCA Chapter 47.

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Guam EPA certifies it has reasonable assurance the activity under NPDES Permit #GU0020273 as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of territorial law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, 10 GCA Chapter 45, 10 GCA Chapter 47, and 22 GAR Chapter 5, water quality certification is granted to the Applicant, subject to the conditions within this Order.

Section 401 Water Quality Certification does not authorize the Applicant to exceed applicable territorial water quality standards as described in 22 GAR Chapter 5. Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments occurring as a result of project operations.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Guam Waterworks Authority (GWA) and its agents, assignees, and contractors.
- A2. All submittals required by this Order shall be sent to Guam Environmental Protection Agency's Main Office, Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to taryn.mesa@epa.guam.gov and cc: jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #1907-04 and include the Applicant name, project name, and the project contact's name and phone number.
- A3. Discharges authorized by this Order are limited to the discharges described in the following documents:
 - USEPA Region IX Draft Authorization to Discharge under: NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273
 - GUAM EPA letter to the Applicant dated July 18, 2019, approving its request for receiving water mixing zone designations under NPDES Permit Nos. GU0020141, GU0020087, GU0020222, and GU0020273

The Applicant will be out of compliance with this Order and must reapply with an updated CWA §401 WQC form and an NPDES permit if the information contained in these documents is voided by subsequent changes not authorized by this Order.

- A4. Within 30 days of receipt of an updated §401 Application or EIA/EIS short form, Guam EPA will determine if the revision(s) requires a new water quality certification and public notice or if a modification to this Order is required.
- A5. In accordance with 22 GAR, Chapter 5, Water Quality Standards, this Order shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are approved by USEPA and adopted by Guam EPA.
- A6. The applicant shall provide to Guam EPA a copy of all final and local permits within two weeks of receipt, per condition A2 above.
- A7. Copies of this Order shall be on file at the WWTP and readily available for reference by Guam EPA personnel, the facility superintendent, managers and lead workers, contractors, and federal and local government inspectors.

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- A8. In accordance with 10 GCA Chapter 47 §47107, the Applicant shall provide prompt access to the facility and all mitigation sites, to the Administrator or his authorized representative for the purpose of inspecting the facility for compliance with this Order. The inspection may be conducted with or without advance notice to the Applicant, at the discretion of the Administrator, but shall be conducted at reasonable times unless an emergency dictates otherwise.
- A9. Guam EPA retains authority to issue additional orders if Guam EPA determines further actions are necessary to implement the water quality laws of the territory. Further, Guam EPA retains continuing jurisdiction to make modifications hereto through supplemental order if additional impacts are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
- A10. The Applicant shall provide to Guam EPA a signed statement (see Attachment A for an example) that s/he has read and understands the conditions of this Order and any permits, plans, documents, and approvals referenced herein. The signed statement shall be submitted to Guam EPA per Condition A2 at least seven (7) days after receiving this order.
- A11. The Applicant shall ensure all project engineers, contractors, and other workers at the facility with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.
- A12. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the territory (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.

Antidegradation Review

- A13. This discharge has been determined to be consistent with the anti-degradation policy as stated in 22GAR §5101(b).

B. Water Quality Conditions:

- B1. Mitigation and/or additional monitoring may be required if site inspections indicate the water quality standards have not been met.

C. Project Conditions

General Conditions:

- C1. The applicant shall conduct daily inspections of the project area and take immediate corrective actions or engineering measures to address non-compliance with water quality standards and/or environmental protection requirements and notify the Guam EPA within 24 hours from the time the applicant becomes aware of the non-compliance.
- C2. The Applicant shall within 1 year after the issuance of the Umatac-Merizo WWTP NPDES Permit meet with Guam EPA to review additional data collected to address compliance to applicable water quality standards.
- C3. The Applicant shall work closely with Guam EPA and the Department of Public Health and Social Services in the inspection and enforcement of grease control measures. Fats, Oils, and Grease (FOG) Program documentation shall be available to Guam EPA upon request.
- C4. The Applicant shall conduct a comprehensive assessment of all industrial and commercial activities generating wastewater discharged into the Publicly Owned Treatment Works (POTW) to determine if any requirement is needed to pre-treat such wastewater.

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- C5. The Applicant shall submit for Guam EPA approval a Sampling and Analysis Plan identifying the coordinates and locations of the sampling points under (1) the Outfall 004 and Outfall 004A Effluent Limits and Monitoring Requirements and (2) the Receiving Water Monitoring Requirements.
- C6. The Applicant shall conduct receiving water quality monitoring, per NPDES Permit GU002073, Part IV.C., and submit results to Guam EPA quarterly as described in condition A2.
- C7. The Applicant shall implement Best Judgement and Best Management Practices to prevent or minimize water quality degradation.

In-Water Conditions:

- C8. Discharge shall meet all requirements listed below for the approved Mixing Zone dilution factor (DF) and Zone of Mixing (ZOM) distance.
- Outfall 004 – Located at 13° 17' 8.5" N, 144° 39' 57.5" E
 - The approved ZOM distance is equal to five times the river width, (15 feet), which equates to 75 feet.
 - The approved DF for pollutants with an acute impact is a 6:1 dilution credit. Acute Pollutants are listed in NPDES permit GU002073.
 - The approved DF for pollutants with a chronic impact is a 9:1 dilution credit. Chronic Pollutants are listed in NPDES permit GU002073.
 - The discharge of effluent from outfall 004 is prohibited during dry weather.
 - dry weather conditions are defined as when the Toguan River flow is less than 1.5 cubic feet per second (cfs)
 - Receiving water is the Toguan River
 - GWQS classification is S-3 Low
 - Receiving Water Monitoring will be conducted as outlined in the NPDES permit GU002073.
 - Outfall 004A – Located at 13° 17' 11" N, 144° 39' 49" E
 - The approved ZOM distance is equal to five times the river width.
 - The approved DF for pollutants with an acute impact is a 6:1 dilution credit. Acute Pollutants are listed in NPDES permit GU002073.
 - The approved DF for pollutants with a chronic impact is a 9:1 dilution credit. Chronic Pollutants are listed in NPDES permit GU002073.
 - The Discharge from internal compliance monitoring point 004A is not impacted by the dry weather prohibition of Outfall 004.
 - Receiving water is the Toguan River
 - GWQS classification is S-3 Low
 - Receiving Water Monitoring will be conducted as outlined in the NPDES permit GU002073.
- C9. This Order prohibits a bypass, which is the intentional diversion of waste streams from any portion of a treatment facility. Guam EPA may take enforcement action against the Applicant for a bypass unless it adheres to the Bypass conditions as identified in the USEPA NPDES permit GU002073.
- Any bypass of the treatment facility, which is not included in the effluent monitored above, is to be monitored for flow and all other parameters, except chronic whole effluent toxicity.

For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported to Guam EPA.

C10. There shall be no discharge of floating solids or visible foam in other than trace amounts.

C11. The effluent shall not cause a visible sheen on the river or receiving water.

Emergency/Contingency Measures:

C12. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.

C13. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of effluent discharge or any other material into waters of the territory.

C14. Overflow identification: The permittee shall identify all wastewater discharges, at locations not authorized as permitted outfalls that occur prior to the headworks of the wastewater treatment plant covered by this permit. The Applicant shall submit, the following information for each discharge event at each source that occurs during the reporting period covered by the Discharge Monitoring Report (DMR) Form:

- The cause of the discharge;
- Duration and volume (estimate if unknown);
- Description of the source, e.g. manhole cover, pump station;
- Type of collection system that overflowed, i.e. combined or separate;
- Location by street address, or any other appropriate method;
- Date and Time of event;
- The ultimate destination of the flow, e.g. surface water body, land use location, via municipal separate storm sewer system to a surface water body, (show location on a USGS map or copy thereof); and
- Corrective actions or plans to eliminate future discharges.

C15. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Applicant shall immediately take the following actions:

- Cease operations at the location of the violation or spill.
- Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:
 1. Guam's Emergency 911 system
 2. Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
 3. US Coast Guard Sector Guam (671) 355-4824
 4. National Response Center 1-800-424-8802

- Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
- C16. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- C17. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

D. Timing Requirements

- D1. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.

E. Reporting and Notification Requirement Conditions

- E1. Applicant shall provide notice to Guam EPA per Condition A2:
- Immediately upon discovery of noncompliance with the provisions of this Order.
- E2. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the applicant addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §477111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

APPLICANT RIGHT TO APPEAL

You have a right to appeal this Order to the Guam EPA Board of Directors, or request a hearing within 30 days of the date of receipt of this Order. Failure to appeal this Order constitutes a waiver of your right to a hearing. Any appeal will proceed pursuant to the provisions of 5 GCA Chapter 9, as provided by 22 GAR §5106(i)(7). Unless a written request for a hearing signed by or on behalf of the person named as Applicant in the accompanying order, is delivered or mailed to the agency within 30 days after this order is signed, Guam EPA may proceed upon the Notice of Intent to Appeal without a hearing. The request for hearing may be made by delivering or mailing the enclosed form entitled Notice of Intent to Appeal (Appendix B) as provided in §9205 to the address below.

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the Guam EPA Board of Directors (see address below). Filing means actual receipt by the Guam EPA Board of Directors during regular business hours.

- Serve a copy of your appeal and this Order to the Administrator in paper form - by mail or in person at the address below. Email or facsimile is not accepted.

ADDRESS INFORMATION:

Guam EPA Board of Directors
3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913

GUAM EPA CONTACT INFORMATION

Please direct all questions about this Order to:

Taryn N. Mesa
Biologist I, EMAS Division
(671) 300-4784

Taryn.mesa@epa.guam.gov

OR

Jesse T. Cruz
EMAS Division Administrator
(671) 300-4795

Jesse.cruz@epa.guam.gov

SIGNATURE

WALTER S. LEON GUERRERO
ADMINISTRATOR

DATE

APPENDIX A

DRAFT

Statement of Understanding of Water Quality Certification Conditions

Umatac-Merizo WWTP NPDES PERMIT NO. GU0020273
Guam Waterworks Authority
§401 Water Quality Certification Order #1907-04

As the Applicant for the Umatac-Merizo WWTP NPDES PERMIT NO. GU0020273, I have read and understand the conditions of the Guam Environmental Protection Agency §401 WQC Order #1907-04, and any permits, plans, documents, and approvals referenced in the Order.

I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

Print Name

Signature

Date

Title

Phone Number

Company Name

APPENDIX B

DRAFT

NOTICE OF INTENT TO APPEAL

I, _____, have received WQC Order # _____ dated _____, listing the Water Quality Certification Conditions for my proposed project _____.

I request a hearing with the Guam EPA Board of Directors. The basis for this hearing and appeal are the following:

[Additional Sheets may be attached if more space is required.]

Mailing address:

Print Name

Signature

Date

Title

Phone Number

Company Name

GUAM EPA CASE NO. _____