

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PROPOSED PERMIT FACT SHEET
August 2015

Permittee Name: Guam Waterworks Authority

Mailing Address: P.O. Box 3010
Hagatna, GU 96910

Facility Location: Route 2
Merizo, GU 96915

Contact Person(s): Paul Kemp, Assistant General Manager for Compliance and Safety
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NPDES Permit No.: GU0020273

I. STATUS OF PERMIT

The Guam Waterworks Authority (the “permittee”) has applied for a National Pollutant Discharge Elimination System (NPDES) permit to authorize the discharge of treated effluent from Umatac-Merizo Wastewater Treatment Plant to the Toguan River, the division between the towns of Umatac and Merizo in Guam. A complete application was submitted on April 9, 2014. EPA Region IX has developed this permit and fact sheet pursuant to Section 402 of the Clean Water Act, which requires point source dischargers to control the amount of pollutants that are discharged to waters of the United States through obtaining a NPDES permit.

The permittee was previously discharging under NPDES permit GU0020273 issued on January 13, 2009 and effective March 1, 2009.

This permittee has been classified as a minor discharger.

II. GENERAL DESCRIPTION OF FACILITY

The permittee owns and operates a waste water treatment facility (the “facility”) that is located in the town of Merizo, Guam. The facility discharges treated domestic wastewater from the facility to the Toguan River, which flows into the Toguan Bay, a part of the Pacific Ocean.

The facility was built in 1981 and is a Class II wastewater treatment plant as defined by the Guam Environmental Protection Agency (“GEPA”) and was designed to serve approximate 4,000 residents. The facility has a Waste Stabilization Pond Treatment System (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 disinfect its effluent.

Design flow for the facility is .39 million gallons per day (“MGD”). Although the average daily flow rate in recent years has been approximately .35 MGD, peak flow has been as high as 1.66 MGD. The facility discharges only in the winter (September through January), at a rate of about .04 MGD.

On June 5, 2014, the permittee submitted a plan and schedule to address EPA’s Order for Preliminary Relief under an ongoing Stipulated Order (Civil Case No. 02-00035) with GWA. On April 9, 2015, GWA provided an informal updated timeline reflected below.

-Interim improvements (Estimated completion date by GWA: 4/20/16). Includes new pumps, pipeline, and monitoring equipment, overhauling the flow terraces, and disinfection.

-WWTP upgrade complete (6/29/18). Includes pump station rehabilitation, new headworks, aerated lagoon improvements, yard piping, overland flow improvements, and electrical system replacement.

-Collection system improvements (12/31/18). Targeted reduction of I/I by 50%.

-Attain nutrient discharge requirements (12/31/18). Work with EPA and Guam EPA to develop a strategy of compliance with nutrient objectives.

-Implementation plan complete (12/31/18). Must be completed by this date per 2011 court order deadline.

III. DESCRIPTION OF RECEIVING WATER

The facility discharges to the Toguan River via a spillway downstream of the Wetland Treatment System and outfall 001. The discharge comingles with the Toguan River for less than half a mile before flowing into the Toguan Bay in the Pacific Ocean.

The Guam Water Quality Standards (“WQS”), last revised in 2001, classify the Toguan River in the vicinity of the discharge as “Category S-3 Low.” Surface water in this category is primarily used for commercial, agricultural, and industrial activities.

The Guam 2010 Integrated Report identified the Toguan River as not assessed for water quality impairments, while Toguan Bay is listed as impaired for Enterococcus. No TMDL has been established for bacteria for Guam’s southern watersheds.

IV. DESCRIPTION OF DISCHARGE

A. Application Discharge Data

As part of the application for permit renewal, the permittee provided data from an analysis of the facility’s treated wastewater discharge:

Table 1. Application Discharge Data.

Parameter	Units	Discharge Data ⁽¹⁾	
		Max Daily	Average
Flow	MGD	1.66	0.35
pH	Standard Units	5.47-5.73 (min-max)	
Biochemical Oxygen Demand, 5-day (BOD ₅)	mg/L	7.0	4.1
Total Suspended Solids (TSS)	mg/L	26.8	12.0
Temperature	°C	10.9-29.4 (min-max)	
Fecal Coliform	Cfu/ 100mL	4,950	2,540
Ammonia (as N)	mg/L	28.5	1.2
Dissolved Oxygen	mg/L	N/A	4.35
Total Kjeldahl Nitrogen	mg/L	19.8	3.19
Nitrate plus Nitrite	lb/day	1.9	0.20
Phosphorus	mg/L	1.8	0.44

⁽¹⁾ Based on permittee's NPDES renewal application.

B. Recent Discharge Monitoring Report (DMR) Data (2011-2014)

Table 2 provides a summary of effluent limitations and monitoring data based on the facility's most recent 3 years of DMRs as reported into EPA's ICIS database.

Table 2. Discharge Monitoring Report Data for years 2011-2014.

Parameter	Units	Previous Permit Effluent Limitations			Discharge Monitoring Data
		Average Monthly	Average Weekly	Maximum Daily	Highest Reported Value
Flow Rate	MGD	Monitoring Only	--	Monitoring Only	.753
Biochemical Oxygen Demand (5-day)	mg/L	30	45	--	67
	Percent Removal	85%			67% (min)
Temperature	°C	--	--	Monitoring Only	24.8 - 34.7
pH	Standard Units	6.5-8.5			7.2 - 8.8
Total Suspended Solids	mg/L	30	45	--	947
	Percent Removal	85%			-132% (min)
E. coli	CFU/ 100mL	126	--	406	86,640
Fecal Coliform	CFU/ 100mL	200	400	--	31,700
Enterococcus	CFU/ 100mL	Monitoring Only		Monitoring Only	101,110
Total Chlorine Residual	ug/L	6.1	--	12	N/A ⁽¹⁾
Orthophosphate	mg/L	0.08	--	0.16	8.06
Nitrate-Nitrogen	mg/L	0.41	--	0.82	12.3

Ammonia	mg/L	0.31	--	0.61	28.3
Oil & Grease	mg/L	10	--	15	NR ⁽²⁾

(1) Discharger did not use chlorine for disinfection, therefore chlorine monitoring was not required.

(2) Oil & Grease data not reported into ICI

V. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

- Limits established for flow, settleable solids, and enterococcus.
- Mass limits removed for all pollutants except BOD and TSS.
- Fecal coliform limit removed; new limits for ammonia, nitrate, and orthophosphate.
- New mechanism for calculating compliance with ammonia limit (Ammonia Impact Ratio).
- Increased monitoring for oil & grease.
- Reduced monitoring frequency for E. coli, enterococcus, ammonia, nitrate, orthophosphate, heavy metals, pesticides and toxicity.
- Removal of monitoring requirement for hardness.
- Revised receiving water monitoring requirements including mixing zone study.
- Switch to electronic reporting.

VI. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

EPA has developed effluent limitations and monitoring requirements in the permit based on an evaluation of the technology used to treat the pollutant (e.g., “technology-based effluent limits”) and the water quality standards applicable to the receiving water (e.g., “water quality-based effluent limits”). EPA has established the most stringent of applicable technology-based or water quality-based standards in the proposed permit, as described below.

A. Applicable Technology-Based Effluent Limitations

EPA developed technology-based treatment standards for municipal wastewater treatment plants in accordance with Section 301(b)(1)(B) of the Clean Water Act. The minimum levels of effluent quality attainable by secondary treatment for Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and pH, as defined in 40 CFR 133.102, are listed below. Mass limits, as required by 40 CFR 122.45(f), are included for BOD₅ and TSS.

BOD₅ and TSS

Concentration-based Limits

30-day average – 30 mg/L

7-day average – 45 mg/L

Removal Efficiency – minimum of 85%

Mass-based Limits

30-day average – (30 mg/L)(0.39 MGD)(8.345 conversion factor) = 97.6 lbs/day

7-day average – (45 mg/L)(0.39 MGD)(8.345 conversion factor) = 146 lbs/day

pH

Instantaneous Measurement: 6.0 – 9.0 standard units (S.U.)

Technology-based treatment requirements may be imposed on a case by case basis under Section 402(a)(1) of the Act, to the extent that EPA promulgated effluent limitations are inapplicable (i.e., the regulation allows the permit writer to consider the appropriate technology for the category or class of point sources and any unique factors relating to the applicant) (40 CFR 125.3(c)(2)).

Therefore, effluent limits for BOD₅ and TSS are established in the permit as stated above.

B. Water Quality-Based Effluent Limitations

Water quality-based effluent limitations are required in NPDES permits when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above any water quality standard (40 CFR 122.44(d)(1)).

When determining whether an effluent discharge causes, has the reasonable potential to cause, or contributes to an excursion above narrative or numeric criteria, the permitting authority shall use procedures which account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity) and where appropriate, the dilution of the effluent in the receiving water (40 CFR 122.44(d)(1)(ii)).

1. Applicable Standards, Designated Uses and Impairments of Receiving Water

The Guam WQS establish water quality criteria for “Category S-3 Low” surface waters which for the protection of designated beneficial uses.

The Toguan River is not listed as impaired according to the CWA Section 303(d) List of Water Quality Limited Segments.

2. Dilution in the Receiving Water

The applicant has not applied for a zone of mixing from GEPA. Therefore, no dilution of the effluent has been considered in the development of water quality-based effluent limits applicable to the discharge.

The permit requires the applicant to conduct monitoring and a mixing zone study in order to justify receiving dilution in subsequent permits.

3. Existing Data on Toxic Pollutants

For pollutants with effluent data available, EPA has conducted a reasonable potential analysis based on statistical procedures outlined in EPA’s *Technical Support Document for Water Quality-based Toxics Control* herein after referred to as EPA's TSD (EPA 1991). These statistical procedures result in the calculation of the projected maximum effluent concentration based on monitoring data to account for effluent variability and a limited data set. The projected maximum effluent concentrations were estimated assuming a coefficient of variation of 0.6 and the 99 percent confidence interval of the 99th percentile based on an assumed lognormal distribution of daily effluent values (sections 3.3.2 and 5.5.2 of EPA's TSD). EPA calculated the projected maximum effluent concentration for each pollutant using the following equation:

Projected maximum concentration = $C_e \times \text{reasonable potential multiplier factor}$.

Where, “ C_e ” is the reported maximum effluent value and the multiplier factor is obtained from Table 3-1 of the TSD.

Summary of Reasonable Potential Statistical Analysis:

Parameter ⁽¹⁾	Maximum Observed Concentration	<i>n</i>	RP Multiplier	Projected Maximum Effluent Concentration	Most Stringent Water Quality Criterion	Statistical Reasonable Potential?
E. coli	86,600 CFU/100mL	>20	2.3	199,000	126 CFU/100mL	Y
Enterococcus	101,000 CFU/100mL	>20	2.3	232,000	33 CFU/100mL	Y
Orthophosphate	8.06 mg/L	>20	2.3	18.5	0.1 mg/L	Y
Nitrate-Nitrogen	12.3 mg/L	>20	2.3	28.3	0.5 mg/L	Y
Ammonia	28.3 mg/L	>20	2.3	65.1	~0.57 mg/L	Y

⁽¹⁾ For purposes of RP analysis, parameters measured as Non-Detect are considered to be zeroes. Only parameters with Maximum Observed Concentration >0 are included in this analysis.

C. Rationale for Numeric Effluent Limits and Monitoring

EPA evaluated the typical pollutants expected to be present in the effluent and selected the most stringent of applicable technology-based standards or water quality-based effluent limitations. Where effluent concentrations of toxic parameters are unknown or are not reasonably expected to be discharged in concentration that have the reasonable potential to cause or contribute to water quality violations, EPA may establish monitoring requirements in the permit. Where monitoring is required, data will be re-evaluated and the permit may be re-opened to incorporate effluent limitations as necessary.

Flow

40 CFR 122.41(e) states that a permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by a permittee to achieve compliance with the conditions of a permit. Operating at design capacity is critical to ensuring that a treatment system functions properly. As stated in the application, the design capacity for Umatac is .39 MGD. Limits have been established for flow consistent with the design capacity of the facility.

BOD₅ and TSS

Limits for BOD₅ and TSS are established for POTWs as described in section A above and are incorporated into the permit. Under 40 CFR Section 122.45(f), mass limits are also required for BOD₅ and TSS. Based on the design flow, the mass-based limits are included in the proposed permit.

pH

Technology-based standards for POTWs require pH limits between 6.0 and 9.0 Standard Units. Guam WQS for S-3 waters limit pH to a range of 6.5 to 9.0, while current limits and performance dictate a range of 6.5 to 8.5. In accordance with anti-backsliding provisions in Section D below, a pH instantaneous minimum limitation of 6.5 and maximum of 8.5 have been retained in the permit.

Chlorine

The discharger do not currently disinfect their discharge, therefore they do not have a reasonable potential to exceed water quality standards for chlorine. However, once the facility does begin to disinfect, they will be required to meet applicable chlorine criteria. The permit has carried over previous limitations for chlorine effective upon initiation of disinfection.

Oil & Grease

EPA considers Oil & Grease as a conventional pollutant pursuant to 304(a)(4) of the CWA and 40 CFR 401.16. The Guam WQS indicates that waters shall not contain detectable as a visible film, or sheen of oil or petroleum. No effluent data was collected for Oil & Grease in the previous permit term. Therefore, EPA is carrying over effluent limitations of 15 mg/l maximum daily and 10 mg/l average monthly from the previous permit.

Ammonia

Data shows that the discharger has the ability to exceed applicable ammonia standards. The Guam WQS contain ammonia criteria which are pH-dependent.

The Guam WQS include a Criteria Maximum Concentration (“CMC”) and a Criteria Chronic Concentration (“CCC”). Since both are necessary to protect beneficial uses and the CCC is more stringent, effluent limitations have been set using CCC criteria.

Because ammonia criteria are pH-dependent, the permittee is required to calculate an Ammonia Impact Ratio (“AIR”). The AIR is calculated as the ratio of the ammonia value in the effluent and the applicable ammonia standards as determined by using pH data to derive an appropriate value from the ammonia criteria table in Attachment E of the permit. The AIR limitation has been established as a monthly average of 1.0, equivalent to the standard.

The permittee is required to report maximum daily and average monthly ammonia (as N) concentrations in addition to an average monthly AIR.

Nitrate and Orthophosphate

The Guam WQS establish criteria for S-3 waters for nitrate-nitrogen and orthophosphate. Nutrient are not acutely toxic to wildlife and therefore criteria can be met over chronic averaging periods. Therefore, limitations have been established consistent with the standards on an average monthly basis.

Enterococcus

The Guam WQS establish criteria for S-3 waters for E.coli and enterococcus. The standards state that, for all surface waters, microbiological analysis may include the use of E.coli indicator and/or enterococci indicator. The reasonable potential analysis demonstrated a potential to exceed water quality standards for both these bacteria. Additionally, downstream Toguan Bay is

listed as impaired for enterococcus. Therefore, limitations have been established consistent with water quality objectives for enterococcus as the representative indicator pathogen.

D. Anti-Backsliding

Section 402(o) of the CWA prohibits the renewal or reissuance of an NPDES permit that contains effluent limits less stringent than those established in the previous permit, except as provided in the statute.

The permit removes mass-based limitation for most pollutants by incorporating a flow limit. The flow limit effectively replaces the loading requirements since, in combination with concentration-based limits, ensures equal stringency. Additionally, this permit establishes less stringent effluent limitations for orthophosphate, nitrate, and ammonia. 40 CFR 122.44(l)(1) allows for backsliding in cases where limits were not previously established appropriately or where new information is available to support a separate limit derivation. New limits have been calculated using a different methodology and updated information to assure effluent limitations are consistent with the intent of the Guam WQS. A limit for fecal coliform has also been removed since Guam WQS do not include criteria for fecal coliform in the vicinity of discharge. Alternatively, appropriate enterococcus limitations have been established.

E. Antidegradation Policy

EPA's antidegradation policy at 40 CFR 131.12 and Guam WQS Section 5101.B. require that existing water uses and the level of water quality necessary to protect the existing uses be maintained.

As described in this document, the permit establishes effluent limits and monitoring requirements to ensure that all applicable water quality standards are met. The permit does not include a mixing zone, therefore these limits will apply at the end of pipe without consideration of dilution in the receiving water.

Therefore, due to the low levels of toxic pollutants present in the effluent and water quality-based effluent limitations, the discharge is not expected to adversely affect receiving water bodies or result in any degradation of water quality.

VII. NARRATIVE WATER QUALITY-BASED EFFLUENT LIMITS

The Guam WQS contains narrative water quality standards applicable to the receiving water. Therefore, the permit incorporates applicable narrative water quality standards.

VIII. MONITORING AND REPORTING REQUIREMENTS

The permit requires the permittee to conduct monitoring for all pollutants or parameters where effluent limits have been established, at the minimum frequency specified. Additionally, where effluent concentrations of toxic parameters are unknown or where data are insufficient to determine reasonable potential, monitoring may be required for pollutants or parameters where effluent limits have not been established.

A. Effluent Monitoring and Reporting

The permittee shall conduct effluent monitoring to evaluate compliance with the proposed permit conditions. The permittee shall perform all monitoring, sampling and analyses in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit. All monitoring data shall be reported on monthly DMR forms and submitted quarterly as specified in the proposed permit.

Due to the intermittent nature of the discharge, the permit incorporates 8-hour composite samples instead of 24-hour composites.

B. Priority Toxic Pollutants Scan

A Priority Toxic Pollutants scan shall be conducted during the fourth year of the five-year permit term to ensure that the discharge does not contain toxic pollutants in concentrations that may cause a violation of water quality standards. The permittee shall perform all effluent sampling and analyses for the priority pollutants scan in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit or by EPA. 40 CFR 131.36 provides a complete list of Priority Toxic Pollutants.

C. Whole Effluent Toxicity Testing

The permit establishes tests for chronic toxicity. Chronic toxicity testing evaluates reduced growth/reproduction at 100 percent effluent. Chronic toxicity is to be reported based on the Test of Significant Toxicity (“TST”).

D. Receiving Water Monitoring and Mixing Zone Study

The permit incorporates receiving water monitoring requirements for nutrients as well as the development of a mixing zone study. The discharger can use data gathered during the permit term to request a mixing zone from Guam EPA prior to requesting a permit revision or applying for their next permit.

IX. SPECIAL CONDITIONS

A. Biosolids

Standard requirements for the monitoring, reporting, recordkeeping, and handling of biosolids in accordance with 40 CFR Part 503 are incorporated into the permit.

B. Pretreatment

As described above, there are no industrial facilities discharging to the facility. Therefore, there are no pretreatment requirements in this permit.

X. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. Impact to Threatened and Endangered Species

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1536) requires federal agencies to ensure that any action authorized, funded, or carried out by the federal agency does not jeopardize the continued existence of a listed or candidate species, or result in the destruction or adverse modification of its habitat.

The following species are listed as endangered or threatened in Guam by the Pacific Islands

Fish and Wildlife Services (“FWS”) Office:

Mammals:

- Little Mariana Fruit Bat (*Pteropus tokudae*)
- Mariana Fruit Bat (*Pteropus mariannus*)

Birds:

- Mariana Crow (aga) (*Corvus kubaryi*)
- Guam Micronesian Kingfisher (*Halcyon cinnamomina cinnamomina*)
- Mariana Common Moorhen (*Gallinula chloropus guami*)
- Rail, Guam except Rota (*Rallus owstoni*)
- Mariana Gray Swiftlet (*Aerodramus vanikornsis bartschi*)
- Birdled White-eye (*Zosterops conspicillatus conspicillatus*)
- Micronesian Megapode (*Megapodius laperouse*)
- Nightingale Reed Warbler (*Acrocephalus luscini*)

Sea Turtles:

- Green Sea Turtle (*Chelonia mydas*)
- Hawksbill Sea Turtle (*Eretmochelys imbricata*)

Plants:

- Iagu, Hayun (*Serianthes nelsonii*)

In addition, the National Marine Fisheries Service (“NMFS”) provided a list of threatened and endangered species in Guam as of January 2015. The list includes:

Marine Mammals:

- Blue Whale (*Balaenoptera musculus*)
- Fin Whale (*Balaenoptera physcalus*)
- Humpback Whale (*Megaptera novaeangliae*)
- Sei Whale (*Balaenoptera borealis*)
- Sperm Whale (*Physeter macrocephalus*)
- Dugong (*Dugong dugon*)

Sea Turtles:

- Green Turtle (*Chelonia mydas*)
- Hawksbill Turtle (*Eretmochelys imbricata*)
- Leatherback Turtle (*Caretta caretta*)
- Olive Ridley Turtle (*Lepidochelys olivacea*)

Fish:

- Scalloped Hammerhead Shark (*Sphyrna lewini*)

Corals:

- Seriatopora aculeate*
- Acropora globiceps*
- Acropora retusa*

Effluent from the facility is discharged to Toguan River and flows into Toguan Bay. The discharge is expected to have no effect on species beyond the outlet of the River into the Bay. Of the species listed above, only Mariana common moorhen is known to use wetland and river habitats in the Toguan River and Bay areas.

The effluent discharged from this facility is characterized as secondary-treated sanitary wastewater. The permittee is considered a minor discharger that discharges less than 0.4 MGD into the Toguan River approximately 1,100 feet upstream of the Toguan Bay estuary. There are no known industrial discharges to the treatment plant.

Moorhens feed on both plants and animals in and near floodplains and wetlands. Although the Toguan River contributes to nearby wetlands, it is one of many contributors including the Pacific Ocean. Because the facility's discharge is a very small proportion of the Toguan River's flow and the river's flow is further diluted once reaching nearby wetlands, the facility's contribution to the wetlands may be considered *de minimis*. Additionally, this permit was written to protect the beneficial uses of the river which include propagation and preservation of aquatic wildlife. This permit incorporates effluent limitations and narrative conditions to ensure that the discharge meets Guam WQS without any additional mixing zones.

In consideration of the above, EPA believed that the proposed discharge is not likely to affect endangered species in Guam.

EPA provided FWS and NMFS with copies of this fact sheet and the draft permit for review.

B. Impact to Coastal Zones

The Coastal Zone Management Act (CZMA) requires that Federal activities and licenses, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CZMA Sections 307(c)(1) through (3)). Section 307(c) of the CZMA and implementing regulations at 40 CFR 930 prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State (or Territory) Coastal Zone Management program, and the State (or Territory) or its designated agency concurs with the certification.

On August 10, 2015, the applicant received a concurrence on their consistency determination from the Guam Bureau of Statistics and Plans.

C. Impact to Essential Fish Habitat

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act (MSA) set forth a number of new mandates for the National Marine Fisheries Service, regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish species and habitat. The MSA requires Federal agencies to make a determination on Federal actions that may adversely impact Essential Fish Habitat (EFH).

The proposed permit contains technology-based effluent limits and numerical and narrative water quality-based effluent limits as necessary for the protection of applicable aquatic life uses. The proposed permit does not directly discharge to areas of essential fish habitat. Therefore, EPA has determined that the proposed permit will not adversely affect essential fish habitat.

A copy of the draft permit was sent to the National Marine Fisheries Service for review.

D. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. Pursuant to the NHPA and 36 CFR §800.3(a)(1), EPA is making a determination that issuing this proposed NPDES permit does not have the potential to affect any historic properties or cultural properties. As a result, Section 106 does not require EPA to undertake additional consulting on this permit issuance.

XI. STANDARD CONDITIONS

A. Reopener Provision

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

B. Standard Provisions

The permit requires the permittee to comply with EPA Region IX Standard Federal NPDES Permit Conditions, dated July 1, 2001.

XII. ADMINISTRATIVE INFORMATION

A. Public Notice (40 CFR 124.10)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft NPDES permit or other significant action with respect to an NPDES permit or application.

B. Public Comment Period (40 CFR 124.10)

Notice of the draft permit will be placed in a daily or weekly newspaper within the area affected by the facility or activity, with a minimum of 30 days provided for interested parties to respond in writing to EPA. After the closing of the public comment period, EPA is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is actually issued.

C. Public Hearing (40 CFR 124.12(c))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if EPA determines there is a significant amount of interest expressed during the 30-day public comment period or when it is necessary to clarify the issues involved in the permit decision.

D. Water Quality Certification Requirements (40 CFR 124.53 and 124.54)

For States, Territories, or Tribes with EPA approved water quality standards, EPA is requesting certification from the affected State, Territory, or Tribe that the proposed permit will meet all applicable water quality standards. Certification under section 401 of the CWA shall be in writing and shall include the conditions necessary to assure compliance with referenced applicable provisions of sections 208(e), 301, 302, 303, 306, and 307 of the CWA and appropriate requirements of Territory law.

On July 6, 2015, Guam EPA issued a conditional 401 Water Quality Certification for the permit. Conditions of the certification have been incorporated into the permit.

XIII. CONTACT INFORMATION

Comments, submittals, and additional information relating to this proposal may be directed to:

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XIV. REFERENCES

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control*. Office of Water, EPA. EPA/505/2-90-001.

EPA. 1996. *Regions IX & X Guidance for Implementing Whole Effluent Toxicity Testing Programs*, Interim Final, May 31, 1996.

EPA. 2002a. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms - Fifth Edition*. Office of Water, EPA. EPA-821-R-02-012.

EPA. 2002b. *National Recommended Water Quality Criteria*. Office of Water, EPA. EPA-822-R-02-047.

EPA. 2010. *U.S. EPA NPDES Permit Writers' Manual*. Office of Water, EPA. EPA-833-K-10-001.

GEPA. 2001. *Guam Water Quality Standards*. Guam Environmental Protection Agency.