UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

NOV 24 2008

RADM William D. French, Commander
U.S. Naval Forces Marianas
PSC 455 Box 152
FPO AP 96540

CAPT Scott Galbreaith, Commanding Officer
Naval Base Guam
PSC 455 Box 152
FPO AP 96540-0152

CAPT Paul T. Fuligni, Commanding Officer
Naval Facilities Engineering Command - Marianas
PSC 455, Box 195
FPO AP 96540-2937

Subject: Issuance of Findings of Violations for Clean Water Act Violations at Naval Base Guam, Docket No. CWA 309(a)-09-002

Dear Messrs. French, Galbreaith, and Fuligni:

On 16-17 July 2008 a team of inspectors from EPA Region 9 conducted multi-media compliance inspections at Naval Base Guam. The multi-media inspection reports are being transmitted to you separately. The purpose of this letter is to transmit Findings of Violation under the Clean Water Act (CWA) for violations determined as a result of these inspections.

The July compliance inspections included the following conducted under the CWA:

- of the Apra Harbor Wastewater Treatment Plant;
- of Naval Base Guam's industrial stormwater management; and
- of stormwater controls at three Navy-owned construction projects at Naval Base Guam subject to EPA's Construction General Permit.

These inspections each identified several deficiencies which, based upon my determination, constitute violations of the applicable NPDES permits and, therefore, also of the CWA. Accordingly, pursuant to my authority under Sections 308(a) and 309(a) of the CWA, I have issued the enclosed Findings of Violation which specify the violations and their underlying bases. Reports from each of the inspections are either enclosed with this letter or may be found as exhibits to the Findings of Violation.

Please respond within 30 days to each specified violation with a proposed corrective action plan to achieve compliance with each applicable permit requirement as soon as possible. Your corrective action plan should include proposed interim milestones and target dates. We will work with you to formalize these plans for corrective action via a negotiated Federal Facility Compliance Agreement, or FFCA.

Please see and respond to Enclosure 3 of this letter, which requests that the Navy provide specific information pertaining to the sanitary sewage collection system at Naval Base Guam. We ask that you submit this information within 60 days.

Please ensure that all submittals made pursuant to this letter, the Findings of Violation and/or the enclosed Information Request include the following certification signed by your duly authorized representative:

> "I certify under penalty of law that this submission was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of those who manage the system or are directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations under the Clean Water Act and 18 U.S.C. § 1001."

We will be in Honolulu in early December and would like to extend the invitation of a courtesy meeting to discuss these matters on the morning of Friday December 12th. Ms. Nancy Woo, Associate Director of the Water Division and Mr. Jeremy Johnstone of our Clean Water Act Compliance Office will be available to meet with appropriate and available Navy personnel at EPA's Pacific Islands Contact Office, which is located at the PJKK Federal Building, 300 Ala Moana Blvd., Room 5-152. Please let us know if your representatives plan to meet with us.

Thank you in advance for your cooperation in this matter. If you have any questions please call me at 415-972-3572, or refer staff to Mr. Johnstone at 415-972-3499 or johnstone.jeremy@epa.gov.

Sincerely yours,

Alexis Strauss 24 Nov. 2008
Alexis Strauss
Director, Water Division

Enclosures:
1) Findings of Violation
2) Apra Harbor WWTP Inspection report
3) Information Request

cc (with enclosures):
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