

**US ENVIRONMENTAL PROTECTION AGENCY  
REGION 9**

**75 Hawthorne St., San Francisco, CA 94105**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**NPDES PERMIT NO. GU0110019**

In compliance with the provisions of the Clean Water Act (“CWA”) (Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.), the following permittee is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.<sup>1</sup>

Permittee Name	U.S. Naval Base Guam
Permittee Address	PSC 455 Box 152 FPO AP 96540
Facility Name	Apra Harbor Wastewater Treatment Plant and Collection System
Facility Location	Apra Harbor U.S. Naval Base Santa Rita, Guam 96915
Facility Rating	Major

Outfall Number	General Type Of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water(s)
001	Secondary-Treated Domestic Wastewater	13° 24' 48" N	144° 38' 30" E	Philippine Sea

This permit was issued on:	Date of signature below
This permit shall become effective on:	May 1, 2025
Permit reapplication due no later than:	November 30, 2029
This permit shall expire at midnight on:	April 30, 2030
In accordance with 40 CFR §122.21(d), the permittee shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.	

Signed for the Regional Administrator:

\_\_\_\_\_/s/\_\_\_\_\_  
Tomás Torres, Director  
Water Division

April 1, 2025  
Date

<sup>1</sup>Any discharges not expressly authorized in the Permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of the Permit via any means, including during an inspection.

Any wastestream or pollutant loading greater than or different than what the Permittee has proposed to discharge is not authorized by this Permit. The Permittee's proposed discharge is based on the chemical-specific data and the facility's design flow as described in the permit application, as well as other information provided to EPA during the permitting process.

To obtain authorization for a new or changed discharge, the Permittee must first submit a request to EPA and EPA will analyze whether additional controls or limitations are necessary. Permit modification or reissuance may be required before the proposed discharge would be authorized.

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## Part I. EFFLUENT LIMITS, OTHER LIMITATIONS, AND MONITORING REQUIREMENTS

### I.A. Effluent Limits and Monitoring Requirements—Outfall 001

1. Effluent Limits – Outfall Number 001

The permittee is authorized to discharge domestic wastewater in compliance with the final effluent limits and monitoring requirements specified in Table 1. The permittee shall monitor both the influent and the effluent to evaluate compliance.

2. The discharge of pollutants at any point other than Outfall 001, unless specifically authorized in this permit, is prohibited and constitutes a violation of the permit.
3. The discharge shall not contain:
  - a. Visible floating materials, debris, oils, grease, scum, foam, or other floating matter;
  - b. Visible turbidity;
  - c. Unnatural color, odor, or taste;
  - d. Trash, construction debris, garbage, or other solid waste; or
  - e. A detectable or visible film and/or sheen or iridescent appearance.

**Table 1. Discharge Limitations and Monitoring Requirements—Outfall 001**

Effluent Parameter <sup>(1)</sup>	Units	Monthly Average	Weekly Average	Daily Maximum	Monitoring Frequency	Sample Type
Flow rate	MGD	4.3	--	6.0	Continuous	Metered
Biochemical Oxygen Demand (5-day) <sup>(3)</sup>	mg/L	30	45	--	Weekly	24-hour Composite
	lbs/day	1,076	1,614	--		
	%	≥ 85 percent removal efficiency				
Total Suspended Solids <sup>(3)</sup>	mg/L	30	45	--	Weekly	24-hour Composite
	lbs/day	1,076	1,614	--		
	% Removal	≥ 85 percent removal efficiency				
Oil and grease, total recoverable	mg/L	10	--	15	Monthly	Grab
Enterococci <sup>(4)</sup>	CFU/100mL <sup>(4)</sup>	35	--	104	Weekly	Grab
Chlorine, total residual <sup>(5)</sup>	µg/L	7.5	--	12.3	Monthly	Grab
Ammonia, total (as N) <sup>(6)</sup>	mg/L	-- <sup>(2,6)</sup>	--	-- <sup>(2,6)</sup>	Quarterly	Grab
AIR <sup>(6)</sup>	--	1.0 <sup>(6)</sup>	--	--	Monthly	Grab
pH <sup>(6)</sup>	std. units	between 6.5 to 8.5 at all times			Weekly	Grab
Temperature <sup>(2,6)</sup>	°C	-- <sup>(2,6)</sup>	--	-- <sup>(2,6)</sup>	Weekly	Grab
Nitrate-Nitrogen	mg/L	--	--	0.20	Quarterly	24-hr Composite
Orthophosphate	mg/L	--	--	0.05	Quarterly	24-hr Composite
Arsenic <sup>(8)</sup>	µg/L	36	--	69	Monthly	24-hr Composite
Chromium (III) <sup>(8)</sup>	µg/L	--	--	50	Monthly	24-hr Composite
Lead <sup>(8)</sup>	µg/L	8.1	--	210	Monthly	24-hr Composite

<b>Effluent Parameter<sup>(1)</sup></b>	<b>Units</b>	<b>Monthly Average</b>	<b>Weekly Average</b>	<b>Daily Maximum</b>	<b>Monitoring Frequency</b>	<b>Sample Type</b>
Mercury <sup>(8)</sup>	µg/L	0.025	--	2.1	Monthly	24-hr Composite
Zinc <sup>(8)</sup>	µg/L	86	--	95	Monthly	24-hr Composite
Copper <sup>(2,7,8)</sup>	µg/L	--	--	-- <sup>(2,7,8)</sup>	Monthly	24-hr Composite
Nickel <sup>(2,7,8)</sup>	µg/L	--	--	-- <sup>(2,7,8)</sup>	Monthly	24-hr Composite
Aluminum <sup>(2,7,8)</sup>	µg/L	--	--	-- <sup>(2,7,8)</sup>	Monthly	24-hr Composite
Dioxin (2,3,7,8-TCDD)	µg/L	--	--	1.4 X 10 <sup>-8</sup>	Semi-Annually	24-hr Composite
Bromoform	µg/L	--	--	120	Semi-Annually	24-hr Composite
Chlorodibromomethane	µg/L	--	--	21	Semi-Annually	Grab
Chlordane	µg/L	0.09	--	0.004	Semi-Annually	24-hr Composite
Dichlorobromomethane	µg/L	-- <sup>(2)</sup>	--	-- <sup>(2)</sup>	Semi-Annually	Grab
Priority Pollutant Scan <sup>(9)</sup>	µg/L	--	--	-- <sup>(1,2)</sup>	Annually	24-hr Composite <sup>(9)</sup>

'MGD' indicates units of million gallons per day;

- (1) At minimum, at least one set of effluent samples per year must be taken concurrent with annual whole effluent toxicity monitoring.
- (2) No effluent limits are set at this time, other than what is identified in this table, but monitoring and reporting is required.
- (3) Both the influent and the effluent shall be monitored and reported. The average monthly effluent concentration of Biochemical Oxygen Demand (5-day) and Total Suspended Solids shall not exceed 15 percent of the average monthly influent concentration collected at the same time (no less than 85% removal).
- (4) Enterococcus effluent limitation units are set as 30-day geometric mean in lieu of average monthly, and instantaneous maximum in lieu of maximum daily. 'CFU' is Colony Forming Units.
- (5) "TRC" = Total Residual Chlorine. TRC effluent limitation and effluent monitoring requirement required only while permittee utilizes chlorine in the disinfection process.
- (6) The Ammonia Impact Ratio (AIR) is calculated as the ratio of the ammonia value in the effluent and the applicable ammonia standard from Section 5103.C.3. in the Guam WQS multiplied by the dilution factor, which EPA expects Guam EPA will approve. See Attachment D in this permit for a sample log to record and calculate AIR values, and Attachment E for pH-dependent, dilution-adjusted water quality standards. The AIR is the ammonia effluent limit and must be reported in the DMRs in addition to the ammonia and pH values. The criteria for ammonia are pH- and temperature-dependent; therefore, field measurements for ammonia, pH, and temperature shall be taken concurrently and reported on the Ammonia Impact Ratio ("AIR") worksheet. (See Attachments D and E in this permit).
- (7) Based on 39.2:1 dilution factor approved by Guam EPA.
- (8) All limits for metals are applied as total recoverable.
- (9) Priority Pollutants: No later than the end of the first full calendar quarter following the permit effective date of each year in the permit cycle (i.e., December 31, March 31, June 30, or September 30, whichever comes first after the first full calendar quarter following the permit effective date), and annually after that, the permittee shall monitor for the full list of priority pollutants in the Code of Federal Register (CFR) at 40 CFR Part 423, Appendix A. See Attachment F for the current list. Priority Pollutant Scan to be conducted concurrently with Chronic Toxicity Testing. Volatile and semi-volatile compounds shall be grab samples. No limits are set at this time, other than for those parameters identified in this table.

### ***I.B. Chronic Toxicity Effluent Limits and Monitoring Requirements–Outfall 001***

**Table 2. Chronic Toxicity (WET) Monitoring Requirements -Outfall 001**

Parameter	Maximum Allowable Discharge Limits			Monitoring Requirements	
	Concentration				
	Median Monthly <sup>(1)</sup>	Maximum Daily <sup>(2)</sup>	Units	Minimum Frequency	Sample Type
Chronic Toxicity <i>Strongylocentrotus purpuratus</i> fertilization, Method 1008.0 WI33L <sup>(3,4)</sup>	Monitoring Only	Monitoring Only	Pass (0) or Fail (1), and PE, in % effluent	Annually	24-hr Composite
Chronic Toxicity <i>Dendraster excentricus</i> fertilization, Method 1008.0 WI33N <sup>(3,4)</sup>	Monitoring Only	Monitoring Only	Pass (0) or Fail (1), and PE, in % effluent	Annually	24-hr Composite

- (1) Median Monthly Effluent result: An exceedance occurs if the median of **Pass–Fail** result is positive **(1)**, using **no more than three** chronic toxicity tests initiated during the calendar month. Pass–Fail results are coded as **Pass (0)** if the TST null hypothesis is rejected and the IWC is declared not toxic, or **Fail (1)** if the TST null hypothesis is not rejected and the IWC is declared toxic. For this discharge, the TST null hypothesis ( $H_0$ ) at the required discharge-specific IWC is: **IWC mean response (2.49% effluent)  $\leq 0.75 \times$  Control mean response**. Rejection of the TST null hypothesis is determined by following the step-by-step instructions in *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document*, Appendix B (EPA 833-R-10-004, 2010: "TST Technical Document").
- (2) Maximum Daily Effluent result: This is evaluated for each toxicity test conducted for determining the median monthly effluent result. PE (also called "Percent (%) Effect" or "% Effect") is calculated as: **PE in % effluent = [(Control mean response – IWC mean response)  $\div$  Control mean response]  $\times$  100**. If more than one toxicity test is initiated during the calendar month, then those results shall be reported attached to the DMR form, except that the one toxicity test with a **Fail (1)** and the highest PE shall be reported on the DMR form.
- (3) When the Priority Pollutant Scan monitoring is due, chronic toxicity monitoring shall be conducted concurrently with Priority Pollutant Scan.
- (4) Monitoring is conditional in that only one of these two test species must be monitored for chronic toxicity during the calendar month for DMR reporting. See "Chronic Test Species and WET Methods" condition of this permit (Section II.C.3).

### ***I.C. Sampling***

1. Samples and measurements shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The permittee shall identify the effluent sampling location used for each sample.
2. Samples shall be taken at the following locations:
  - a. Influent samples shall be taken after the last addition to the collection system and prior to in-plant return flow and the first treatment process, where representative samples can be obtained.

- b. Effluent samples shall be taken after in-plant return flows and the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.
3. For intermittent discharges, the permittee shall monitor on the first day of discharge. The permittee is not required to monitor in excess of the minimum frequency required in Table 1. If there is no discharge, the permittee is not required to monitor either influent or effluent.

#### ***I.D. General Monitoring and Reporting***

1. All monitoring shall be conducted in accordance with 40 CFR §136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR §136 test methods with method detection limits (“MDLs”) and minimum levels (“MLs”) that are lower than the effluent limits in this permit. For parameters without an effluent limit, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Influent and effluent analyses for metals shall measure “total recoverable metal,” except as provided under 40 CFR §122.45(c).
2. As an attachment to the first discharge monitoring report (“DMR”), the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
  - a. The test method number or title and published MDL or ML;
  - b. The preparation procedure used by the laboratory;
  - c. The laboratory’s MDL for the test method computed in accordance with Appendix B of 40 CFR §136;
  - d. The standard deviation (S) from the laboratory’s MDL study;
  - e. The number of replicate analyses (n) used to compute the laboratory’s MDL; and
  - f. The laboratory’s lowest calibration standard.

As part of each DMR submittal, the permittee shall certify that there are no changes to the laboratory’s test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory’s test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

3. The permittee shall develop and keep updated a Quality Assurance (“QA”) Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be developed or updated within 90 days of the permit effective date, retained at the facility, and be available to regulatory authorities upon request. At a minimum, the QA Manual shall include the following:
  - a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or

- compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
- b. Description of sample collection procedures; equipment used; type and number of samples to be collected, including QA/Quality Control (“QC”) samples; preservatives and holding times for the samples (see 40 CFR §136.3); and chain of custody procedures;
  - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and,
  - d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee’s QA Manual shall be retained on the permittee’s premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate. Documentation shall include the names of those who reviewed the QA Manual and annual training dates for sample collection personnel.
  5. Samples collected during each month of the reporting period must be reported electronically, as follows:
    - a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:
      - The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
      - NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory’s MDL, but less than the ML; or
      - NODI (B)*, if the maximum value of all analytical results is less than the laboratory’s MDL.
    - b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:
      - The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
      - NODI (Q)*, if the maximum value of all analytical results is greater than or equal to the laboratory’s MDL, but less than the ML; or
      - NODI (B)*, if the maximum value of all analytical results is less than the laboratory’s MDL.



- c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:  
-The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)*, and the laboratory's MDL is substituted for *NODI (Q)*.
6. In addition to information requirements specified under 40 CFR §122.41(j)(3), records of monitoring information shall include: the laboratory that performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR §136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.
7. The permittee shall use CDX (<https://cdx.epa.gov/>) to access the appropriate NPDES Electronic Tool and electronically submit the following program reports:
  - a. NetDMR/Discharge Monitoring Report
  - b. NeT Sewer Overflow and Bypass
  - c. NeT Biosolids
8. DMRs shall be submitted by the 28<sup>th</sup> day of the month following the previous reporting period. For example, under quarterly submission, the three DMR forms for January, February, and March are due on April 28. Annual and quarterly monitoring must be conducted starting in the first complete quarter or calendar year following permit issuance. Reporting for annual monitoring is due on January 28 of the following year. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required.
9. The permittee shall submit an electronic DMR to Guam EPA. Paper forms shall be mailed to: Administrator, Guam EPA, 17-3304 Mariner Ave., Tiyan, Barrigada, Guam 96913.

## **Part II. SPECIAL CONDITIONS**

### ***II.A. Permit Reopeners***

1. In accordance with 40 CFR §122 and §124, EPA may modify this permit EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; 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; or new permit conditions for species pursuant to ESA requirements.
2. The permittee must conduct sampling and provide an analysis of the data to update the Discharge Characterization Report used to assess the effects of allowing dilution at the beginning of the 4<sup>th</sup> year of this permit. The monitoring plan to update the Discharge

Characterization Report should be provided to Guam EPA ([maricar.quezon@epa.guam.gov](mailto:maricar.quezon@epa.guam.gov)) for review and comment prior to initiating monitoring. The updated Discharge Characterization Report shall be submitted to EPA (at [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov)) and to Guam EPA no later than the 4<sup>th</sup> year after the permit reissuance. The analysis of the data and characterization of the dilution potential will also be used to assist Guam EPA in determining whether the dilution credit should be continued if the permittee wishes to apply for continued or new dilution allowances in a future reissued permit.

3. In accordance with 40 CFR §122.44(c), EPA may promptly modify or revoke and reissue any permit issued to a treatment works treating domestic sewage (including “biosolids only facilities”) to incorporate any applicable standard for biosolids use or disposal promulgated under §405(d) of the CWA, if the standard for biosolids use or disposal is more stringent than any requirements for biosolids use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

## ***II.B. Twenty-Four-Hour Reporting of Noncompliance and Follow-up***

1. The permittee shall report any noncompliance that may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA and a Guam EPA staff person within 24 hours from the time the permittee becomes aware of the noncompliance. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification no later than 9 a.m. local time on the first business day following the noncompliance. The permittee shall notify the EPA and the Guam EPA at the following telephone numbers:

Wastewater Enforcement Section Manager  
U.S. EPA Region 9  
(415) 947-4222

Maricar Quezon, Engineer  
Water Pollution Control Program, Guam EPA  
(671) 300-4781

The permittee shall follow up with a written submission within five days of the time the permittee becomes aware of the noncompliance. The electronic report submissions for sewer overflows and bypasses shall be submitted to EPA using NeT Sewer Overflow (see Section I.H. for more details). All other reports shall be emailed to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and the EPA staff person initially notified, and Guam EPA Water Pollution Control Program Engineer Maricar Quezon at [maricar.quezon@epa.guam.gov](mailto:maricar.quezon@epa.guam.gov). The submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected; the anticipated length of time the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
  - a. Any unanticipated bypass that exceeds any effluent limit in the permit (see 40 CFR §122.44(g)).
  - b. Any upset that exceeds any effluent limit in the permit.

- c. Any Sanitary Sewer Overflow (see Section II.G).
  - d. Violation of a maximum daily discharge limit for any of the pollutants listed in the permit (see 40 CFR §122.44(g)).
3. EPA may choose to waive the written report on a case-by-case basis for reports required under paragraph B.2 of this section, if the oral report has been received within 24 hours.

## ***II.C. Chronic Whole Effluent Toxicity (WET) Requirements***

### **1. Instream Waste Concentration (“IWC”) for Chronic Toxicity**

The chronic toxicity IWC required for the authorized discharge point is expressed as 100 percent (%) effluent.

With approved dilution of 39.2:1, the chronic toxicity IWC required for the authorized discharge point is expressed as **2.55 percent (%) effluent** (i.e.,  $1/S \times 100$ , also 1 part effluent to S–1 parts dilutant, where S is the volumetric dilution factor and S-1 is the authorized dilution). The toxicity laboratory making the IWC for chronic toxicity testing shall use 1 part effluent to S–1 parts dilutant for a total of S parts.

**Table 3. Facility-specific Chronic Toxicity IWC.**

<b>Authorized discharge point number</b>	<b>Required chronic toxicity instream waste concentration (IWC) in % effluent</b>	<b>S*</b>	<b>1 part effluent to S–1 parts dilutant</b>
Outfall 001	2.55%	40.2	1 to 39.2

\*Volumetric dilution factor.

### **2. Sampling and Monitoring Frequency**

Toxicity test samples shall be collected for the authorized discharge point at the designated NPDES sampling station for the effluent (i.e., downstream from the last treatment process and any in-plant return flows where a representative effluent sample can be obtained), in accordance with Section I.B. of this permit. The total sample volume shall be determined both by the WET method used (including, for non-continuous discharges, the additional sample volume necessary to complete the toxicity test) and the additional sample volume necessary for Toxicity Identification Evaluation (“TIE”) studies.

The permittee shall use the test species, WET method, monitoring frequency, and sample type specified in Part I, Table 2. A split of each effluent sample for toxicity testing shall be analyzed for all other monitored parameters (conventional, non-conventional, and priority toxic pollutants), at the minimum frequency of analysis specified during the reporting period for the month by the effluent monitoring program. All toxicity tests for the month shall be initiated during that calendar month.

3. Chronic Test Species and WET Methods

The permittee shall **conduct annual toxicity tests with the parameter for chronic toxicity required in Part I, Table 2** (i.e., static non-renewal test with sea urchin, *Strongylocentrotus purpuratus* or eccentric sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0)), found in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms* (EPA/821/R-02/014, 2002; Table IA, 40 CFR 136)). If supply cultures of purple sea urchin are not available for testing, then the permittee shall conduct static non-renewal toxicity tests with the eccentric sand dollar. The permittee shall follow this short-term WET method for this test species for estimating the chronic toxicity of NPDES effluents in the first edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136, 1995) and applicable water quality standards. (Also see 40 CFR 122.41(j)(4) and 122.44(d)(1)(iv), and 40 CFR 122.21(j)(5)(viii) for POTWs.)

4. “Pass” or “Fail” Determination

The permittee shall use an Instream Waste Concentration (IWC) of 2.55% effluent for chronic toxicity testing. This is based on the amount of dilution determined available in the receiving water (39.2:1). To calculate either “Pass” or “Fail,” the permittee shall follow the instructions in National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document, Appendix A (EPA 833-R-10-003, 2010). For any one toxicity test, the WET permit limit that must be met is rejection of the null hypothesis ( $H_0$ ): IWC (2.5 percent effluent) mean response  $\leq 0.75 \times$  Control mean response. A test result that rejects the null hypothesis is reported as “Pass” on the DMR form. A test result that does not reject this null hypothesis is reported as “Fail” on the DMR form. If a test result is reported as “Fail”, then the permittee shall follow the Accelerated Toxicity Testing and TRE/TIE Process, below, of this permit.

5. Quality Assurance

- a. The permittee shall follow all Quality Assurance specifications listed in each paragraph below in this section.
- b. Quality assurance measures, instructions, and other recommendations and requirements are found in the WET methods manual(s) specified in paragraph I.C.3, above, in this section. Additional requirements are specified below.
- c. **Pacific Island Territory NPDES permittees and WET sample hold time.** The WET methods manual hold time for NPDES samples used for toxicity testing begins when the 24-hour composite sampling period is completed, or the last grab sample in a series of grab samples is taken. It ends at the first time of sample use (initiation of toxicity test). 40 CFR 136.3(e) states that the WET method’s 36-hour hold time cannot be exceeded unless a variance of up to 72-hours is authorized by EPA. In a June 29, 2015 inter-office memorandum, EPA Region 9 has authorized a hold time variance of up to 72-hours applicable only to Pacific Island Territory permittees **which ship the NPDES sample to the continental U.S. for toxicity testing**, with conditions.

- d. The discharge is subject to a determination of rejection or non-rejection of the TST null hypothesis ( $H_0$ ) from a chronic toxicity test at the required IWC. For statistical flowchart and procedures using the TST statistical approach see Appendix B of *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document* (EPA 833-R-10-004, 2010 (TST Technical Document)). For the TST statistical approach, the associated value for “Percent (%) Effect” (also called “% Effect” or “PE”) at the required IWC is calculated as:

$$\% \text{ Effect} = [(Control \text{ mean response} - IWC \text{ mean response}) \div Control \text{ mean response}] \times 100$$

- e. **Controls.** Effluent dilution water and control water should be prepared and used as specified in the applicable WET methods manual (see Section I.C.3). If the dilution water is different from test organism culture water, then a second control using culture water shall also be used. If the effluent sample at the IWC is adjusted using artificial sea salts or a saltwater brine, a “salting up/brine” control shall be prepared and used as specified in the applicable WET methods manual (see Section I.C.3).
- f. If organisms are not cultured in-house in the testing laboratory, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
- g. If the effluent toxicity test during the reporting period for the month does not meet the Test Acceptability Criteria (TAC) described in the WET method specified in Section I.C.3, then the permittee shall resample and retest within 14 days. The results of this retest shall only replace that effluent toxicity test that did not meet TAC during the reporting period for the month.
- h. **Removed Toxicants (chlorine, ammonia).** If the discharged effluent is chlorinated, then chlorine shall not be removed from the effluent sample prior to toxicity testing without written approval by EPA. Ammonia shall not be removed from the effluent sample prior to toxicity testing without written approval by EPA.

6. Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan

Within 90 days of the permit effective date, the permittee shall prepare its Initial Investigation TRE Work Plan (1-2 pages). A copy of the permittee’s Initial Investigation TRE Work Plan shall be retained on the permittee’s premises and available for review by regulatory authorities upon request. This plan shall include steps the permittee intends to follow if a Median Monthly Effluent result for chronic toxicity is reported as Fail (1) for the reporting month (see Part I, Table 2, Footnote 1), and should include the following, at minimum:

- a. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency;

- b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the facility; and
- c. If a TRE and Toxicity Identification Evaluation (TIE) are necessary, an indication of who would conduct these studies (i.e., an in-house expert or outside contractor).

7. Chronic Toxicity Median Monthly Effluent Result of **Fail (1)** Proceeding to TRE

- a. If the chronic toxicity Median Monthly Effluent result is reported as **Fail (1)** for the calendar month (see Part I, Table 2, Footnote 1), then—regardless of the minimum monitoring frequency in Part I, Table 2—the permittee shall conduct effluent monitoring using no more than three chronic toxicity tests **during the next consecutive calendar month** and implement its Initial Investigation TRE Work Plan.
- b. If the chronic toxicity Median Monthly Effluent result **during this next consecutive calendar month** is **Pass (0)**, then the permittee shall return to the minimum monitoring frequency in Part I, Table 2. However, if this result is **Fail (1)**, then the permittee shall immediately initiate a TRE using—according to the type of treatment facility—EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA/833/B-99/002, 1999), or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989)—and return to the monitoring frequency in Part I, Table 2.
- c. In conjunction with TRE initiation, the permittee shall immediately develop and implement a Detailed TRE Work Plan, which shall include the following: further actions undertaken by the permittee to investigate, identify, and correct the causes of toxicity; actions the permittee will take to mitigate the effects of the discharge and prevent the recurrence of toxicity; and a schedule for these actions. This work plan shall be submitted to EPA as an attachment to the permittee's next toxicity DMR submittal and to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov).

The permittee may initiate a TIE as part of a TRE to identify the causes of toxicity using, as guidance, EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).

During a TRE, the chronic toxicity effluent monitoring results conducted for the TRE/TIE that meet the WET method's Test Acceptability Criteria at the IWC shall be reported on the DMR following the footnotes in Section I.B., Table 2.

8. Reporting of Chronic Toxicity Monitoring Results on DMR (see Section I.B.)

- a. **Report no effluent monitoring result for Chronic Toxicity.** If no toxicity test monitoring for the calendar month is required and toxicity monitoring is not conducted, then the permittee shall report “NODI(9)” (i.e., Conditional Monitoring–Not Required for This Period) on the DMR form.

**Report Median Monthly Effluent result for Chronic Toxicity.** See Part I, Table 2, Footnote 1.

**Report Maximum Daily Effluent result(s) for Chronic Toxicity.** See Part I, Table 2, Footnote 2.

- b. The permittee shall submit the full toxicity laboratory report for all toxicity testing as an attachment to the DMR for the month in which the toxicity tests are initiated. The laboratory report shall contain: all toxicity test results (raw data and statistical analyses) for each effluent and related reference toxicant tested; chain-of custody; the dates of sample collection and initiation of each toxicity test; control performance; all results for other effluent parameters monitored concurrently with the effluent toxicity tests; and schedule and progress reports on TRE/TIE studies.

**Quality-control reporting for toxicity laboratory control group.** To assist in reviewing within-test variability, the toxicity laboratory report must include, for each test species/WET method: quality-control charts for the mean, standard deviation and coefficient of variation of the control group. Each toxicity laboratory report attached to the DMR shall include both a graphical control chart (with a long-term average printed below the chart) and a table of control-group data for the WET method/test species. The following data shall be listed in the table: sample date, type of dilution water, number of replicates (n), control mean (cM), control standard deviation (cS), and control coefficient of variation (cK). The quality-control chart and the table shall report data for the last 50 toxicity tests conducted by the laboratory. If there are more than 30 tests with a different number of replicates (e.g., 20 tests of n=10 and 30 tests of n=20), then the permittee shall use separate control charts and tables. The table shall also report the following summary statistics separately for cM, cS, and cK: number of observations, average, standard deviation, and percentiles (minimum, 10<sup>th</sup>, 25<sup>th</sup>, 50<sup>th</sup>, 60<sup>th</sup>, 65<sup>th</sup>, 70<sup>th</sup>, 75<sup>th</sup>, 80<sup>th</sup>, 90<sup>th</sup>, and maximum). This information is required for review of toxicity test results and the toxicity laboratory’s performance of the test species/WET method by the permittee and permitting authority. Also, see test species/WET method-specific percentiles for the mean, coefficient of variation, and standard deviation of control-group data in section 3 tables of the TST Technical Document.

- c. **Notification reporting.** The permittee shall notify EPA within 14 days of a **Median Monthly Effluent result of Fail (1)** for chronic toxicity. The permittee shall notify EPA in writing within 14 days of a **Maximum Daily Effluent result of Fail (1) and  $\geq 50$  PE**. The permittee shall notify EPA in writing within 14 days of **two consecutive Median Monthly Effluent results of Fail (1)** for chronic toxicity. Such notification shall describe actions the permittee has taken (or will take) to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions

not yet completed; or reason(s) that no action has been taken. At minimum, notification should be made to [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov).

#### ***II.D. Priority Pollutant Scan***

No later than the end of the first full calendar quarter following the permit effective date of each year in the permit cycle (i.e., December 31, March 31, June 30, or September 30, whichever comes first after the first full calendar quarter following the permit effective date), and annually after that, the permittee shall monitor and test for the full list of priority pollutants at 40 CFR §423, Appendix A. The testing shall be conducted using approved standard EPA methodology by a qualified independent laboratory, on 24-hour composite samples of the effluent, except for volatile and semi-volatile compounds, which should be collected as grab samples. WET testing is to be conducted concurrently with the priority pollutant scan. No limits are set at this time, other than for those parameters identified in Table 1.

#### ***II.E. Best Management Practices and Pollution Prevention***

Pursuant to CWA §304(e) and 40 CFR §122.44(k), the permittee shall develop and implement Best Management Practices (BMPs) designed to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the facility that may contribute significant amounts of such pollutants to surface waters. This includes, but is not limited to:

- a. Good housekeeping: the permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water and non-storm water discharges,
- b. Minimizing exposure: where practicable, industrial materials and activities should be protected to prevent exposure to rain or runoff,
- c. Preventive inspections and maintenance: timely inspections and maintenance of storm water and non-storm water management devices, (e.g., cleaning oil/water separators) as well as inspecting, testing, maintaining, and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters,
- d. BMPs for seagoing vessels:
  - (1) No trash or other debris should be disposed of or otherwise allowed to enter the Pacific Ocean. The permittee shall ensure that trash receptacles with lids are available onboard vessels. If debris does enter the ocean from the vessel, then the permittee shall remove it using means that do not cause additional damage to aquatic organisms, including corals,
  - (2) Minimize contamination due to fueling or vessel engine fluids, including fueling at an approved location,
  - (3) Minimize direct physical impact by anchors or anchor deployment to coral or essential fish habitat in the outfall area,
  - (4) Avoidance with and/or special attention to any ESA or EFH-listed marine species during transit to receiving water locations and sample collection.



## ***II.F. Biosolids***

“Biosolids” means non-hazardous sewage sludge, as defined in 40 CFR §503.9. Sewage sludge that is hazardous, as defined in 40 CFR §261, must be disposed of in accordance with the Resource Conservation and Recovery Act.

### **1. General Requirements**

- a. All biosolids generated by the permittee shall be used or disposed of in compliance with the applicable portions of 40 CFR §§ 258 and 503, and the applicable portions of Guam EPA Water Quality Standards. The permittee is responsible for assuring that all biosolids produced at the facility are used or disposed of in accordance with these rules, whether the Permittee uses or disposes of the biosolids itself or transfers them to another party for further treatment and use or disposal. The permittee is responsible for informing subsequent preparers, applicers, and disposers of the requirements that they must meet under these rules, and any monitoring requirements, including required frequencies of monitoring and maximum hold times for pathogen and indicator organism samples.
- b. Duty to mitigate: The permittee shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.
- c. No biosolids shall be allowed to enter wetlands or other waters of the United States.
- d. Biosolids treatment, storage, and use or disposal shall not contaminate groundwater.
- e. Biosolids treatment, storage, and use or disposal shall be performed in a manner to minimize nuisances such as objectionable odors or flies.
- f. The Permittee shall assure that haulers transporting biosolids off site for further treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. The Permittee shall maintain and have haulers adhere to a spill clean-up plan. Any spills shall be reported to EPA by email ([R9NPDES@epa.gov](mailto:R9NPDES@epa.gov)) and the Guam EPA ([maricar.quezon@epa.guam.gov](mailto:maricar.quezon@epa.guam.gov)) within 24 hours from the time the Permittee becomes aware of the spill. Report shall include tons of biosolids spilled, location, detailed description of the spill, and actions taken to address the spill. All trucks hauling biosolids shall be thoroughly washed after unloading at the field or at the receiving facility.
- g. Biosolids shall not be stored for over two years from the time they are generated unless the Permittee submits a written notification to EPA, demonstrating a need for longer temporary storage and plan for removal in accordance with 40 CFR §503.20(b).
- h. Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials in the site to escape

from the site. Adequate protection is defined as protection from at least a 100-year storm and from the highest tidal stage that may occur.

## 2. Requirements for Land Application

“Land application” is the placement of biosolids on the land for the specific purpose of growing a crop or other vegetation. Land application requirements are addressed in 40 CFR §503 Subpart B. The following monitoring requirements are applicable to land application:

- a. A representative sample shall be collected and analyzed for the pollutants required under 40 CFR §503.13 and for Total Kjeldahl nitrogen, and ammonium nitrogen, at the following frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis:

Volume Generated (dry metric tons per year)	Monitoring Frequency *
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year
≥15,000	12 times per year

\* If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage.

All results shall be reported on a 100% dry weight basis.

- b. The permittee shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR §503.32.
- c. If Class B is demonstrated by testing fecal coliform, during each sampling event, 7 grab samples must be collected and analyzed, and the geometric mean of these samples calculated to determine the fecal coliform level for the sampling period.
- d. When using fecal coliforms to demonstrate Class A, in conjunction with operational parameters or in conjunction with testing of enteric viruses and helminth ova, four grab samples of fecal coliform shall be collected and analyzed each sampling period. Each of these samples must have levels of < 1,000 MPN/gram, dry weight basis.
- e. If Class A or B pathogen requirements are met by monitoring pathogens and/or indicator organisms, samples must be collected in sterile containers, immediately cooled, and analysis started within the EPA-specified holding times for these analyses: 8 hours for fecal coliform (24 hours for fecal coliform if the biosolids have been digested or composted), 24 hours for salmonella, 2 weeks for enteric viruses when frozen, 1 month for helminth ova when cooled to 4 °C).

- f. If pathogen reduction is demonstrated using a Process to Significantly/Further Reduce Pathogens, the permittee shall maintain daily records of the operating parameters used to achieve this reduction.
- g. The permittee shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction (VAR) requirements in 40 CFR §503.33(b). If VAR is met at the application site by incorporation or covering, the Permittee must obtain certification that these requirements have been met from the land applier or surface disposal site operator and maintain these with their records.

### 3. Requirements for Surface Disposal

“Surface disposal” is the placement of biosolids on the land in a sludge-only dedicated land disposal site or monofill for the purpose of disposal. Surface disposal requirements are addressed in 40 CFR § 503 Subpart C.

- a. If the surface disposal site is unlined, a representative sample shall be collected and analyzed for the pollutants required under 40 CFR § 503.23, at the following frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis:

Volume Generated (dry metric tons per year)	Monitoring Frequency *
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year
≥15,000	12 times per year

\* If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage.

All results shall be reported on a 100% dry weight basis.

- b. The permittee shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR §503.32 or cover the site at the end of each operating day.
- c. If Class B is demonstrated by testing fecal coliform, during each sampling event, 7 grab samples must be collected and analyzed, and the geometric mean of these samples calculated to determine the fecal coliform level for the sampling period.
- d. If Class A or B pathogen requirements are met by monitoring pathogens and/or indicator organisms, samples must be collected in sterile containers, immediately cooled, and analysis started within the EPA-specified holding times for these analyses: 8 hours for fecal coliform (24 hours for fecal coliform if the biosolids have been digested or

composted), 24 hours for salmonella, 2 weeks for enteric viruses when frozen, 1 month for helminth ova when cooled to 4 °C).

- e. If pathogen reduction is demonstrated using a Process to Significantly / Further Reduce Pathogens, the Permittee shall maintain daily records of the operating parameters used to achieve this reduction.
- f. The permittee shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction (VAR) requirements in 40 CFR §503.33(b). If VAR is met at the surface disposal site by incorporation or covering, the Permittee must obtain certification that these requirements have been met from the land applier or surface disposal site operator and maintain these with their records.

#### 4. Requirements for Disposal in a Municipal Landfill

“Disposal in a municipal landfill” is the placement of biosolids in a landfill subject to the requirements in 40 CFR § 258 where it is mixed with other materials being placed in the landfill or used as alternative daily or final cover at the landfill.

- a. The permittee shall ensure that the landfill used is in compliance with 40 CFR §258 requirements and applicable state or tribal requirements.
- b. If the biosolids are less than 15% solids, the permittee shall run a paint filter test on an as-needed basis to demonstrate that the biosolids does not contain free liquids.

#### 5. Notification Requirements

The permittee, either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements:

- a. Notification of non-compliance: The permittee shall notify EPA Region 9 and Guam EPA of any non-compliance within 24 hours by phone or e-mail if the non-compliance may seriously endanger public health or the environment. A written report shall also be submitted within 5 working days of knowing the non-compliance. For other instances of non-compliance, the Discharger shall notify EPA Region 9 Guam EPA of the non-compliance in writing within 5 working days of becoming aware of the non-compliance. The permittee shall require their biosolids management contractors to notify EPA Region 9 and Guam EPA of any non-compliance within the same time-frames.

EPA Region 9, Wastewater Enforcement Section Manager  
Phone: (415) 947-4222  
Email: [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and

Guam EPA, Engineer, Water Pollution Control Program, Maricar Quezon  
Phone: (671) 300-4781  
Email: [maricar.quezon@epa.guam.gov](mailto:maricar.quezon@epa.guam.gov)

- b. If biosolids are shipped to another state, Territory, or to Tribal Lands, the Permittee shall send 30 days prior notice of the shipment to the EPA [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and to the Biosolids Coordinator) and permitting authorities in the receiving State/Territorial/Tribal authority.
- c. The permittee shall notify EPA at least 60 days prior to starting a new biosolids use or disposal practice.

6. Reporting requirements

- a. The permittee shall submit an annual biosolids report into EPA's CDX electronic reporting system (see Section I.F.7), by February 19 of each year for the period covering the previous calendar year. The report shall include the tonnages of biosolids (reported in dry metric tons, 100% dry weight) that were land applied (without further treatment by another party), land applied after further treatment by another preparer, disposed in a sludge-only surface disposal site, sent to a landfill for alternative cover or fill, stored on site or off site, or used for another purpose. The report shall include the following attachments:

Copies of the original monitoring reports from laboratories (results only, QA/QC pages not required). The lab reports must indicate whether the results are on a 100% dry weight basis. Lab reports for fecal coliforms must show the time the samples were collected and the time analysis was started.

- (1) If operational parameters were used to demonstrate compliance with pathogen reduction and vector attraction reduction, the ranges of these parameters for each sampling period (i.e., ranges of times and temperatures).
  - (2) If biosolids are stored on-site or off-site for more than 2 years, the information required in 40 CFR § 503.20(b) to demonstrate that the storage is temporary.
- b. If biosolids were land applied, the permittee shall have the person applying the biosolids submit a pdf report to U.S. EPA Region 9 and <State/Tribal/Territory agency> showing the name of each field; location, ownership, size in acres; the dates of applications, seedings and crop seeded, harvesting and crop yield; the tonnage applied to field, in actual and dry weight; the calculated Plant Available Nitrogen; and copies of applicator's certifications of management practices and site restrictions.
- c. Biosolids shall be monitored for the following constituents, once per permit term: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, zinc, organic nitrogen, ammonia-nitrogen, and total solids. This monitoring shall be conducted using the methods in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (EPA publication SW-846), as required in 40 CFR § 503.8(b)(4). All results must be reported on a 100% dry weight basis. Records of all analyses must state on each page of the laboratory report whether the results are expressed in "100% dry weight" or

“as is.”

- d. Biosolids shall be monitored for percent solids once per permit term.
- e. If biosolids were land-applied, the permittee shall have the person or company applying the biosolids submit a report in pdf form to EPA Region 9 and Guam EPA showing (see Section II.B for contact information): the name of each field; location, ownership, size in acres; the dates of applications, seedings and crop seeded, harvesting and crop yield; the tonnage applied to field, in actual and dry weight; the calculated plant available nitrogen; and copies of the applier’s certifications of management practices and site restrictions.

## **7. Inspection and Entry**

- a. The EPA, Guam EPA, or an authorized representative thereof, upon presentation of credentials, shall be allowed by the permittee, directly or through contractual arrangements with their biosolids management contractors, to:
- b. Enter upon all premises where biosolids produced by the permittee are treated, stored, used, or disposed of, either by the permittee or another party to whom the permittee transfers the biosolids for treatment, storage, use, or disposal;
- c. Have access to and copy any records that must be kept under the conditions of this permit or 40 CFR Part 503, by the permittee or another party to whom the permittee transfers the biosolids for further treatment, storage, use, or disposal; and,
- d. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations used in biosolids treatment, storage, use, or disposal by the permittee or another party to whom the permittee transfers the biosolids for treatment, use, or disposal.

## ***II. G. Sewer Discharge Certification Program***

- 1. The permittee shall continue to fully implement and maintain its sewer discharge certification that was initially established program under the Federal Facilities Compliance Agreement (FFCA) of March 25, 2011. While the FFCA ended May 11, 2023, the sewer discharge certification program shall continue. This shall include, at a minimum:
  - a. The authority to implement the instruction throughout the sewer service area;
  - b. A survey identifying the inventory of non-domestic sewer discharges;
  - c. Procedures to annually update the inventory of non-domestic sewer discharges;
  - d. Procedures to issue, modify, reissue, and rescind certificates for non-domestic discharges into the sewers;
  - e. Determinations of pollutant limits for non-domestic discharges into the sewers;

- f. Determinations of the best available treatment technology (BAT) or equivalence for each sewer discharge certificate discharge;
  - g. Determinations of any necessary best management practices, including the use of drain covers at sources of inflow into the sewers during storm events;
  - h. Identification of certificate sampling points;
  - i. Procedures to inspect each certificate non-domestic source at least annually; and
  - j. Procedures to prepare an annual report.
- 2. The permittee shall enforce the non-domestic discharge requirements established under the sewer discharge certification program with timely, appropriate, and effective enforcement actions.
- 3. At least quarterly, the permittee shall monitor the non-domestic wastewater discharges in and into the sewers for pH, Oil & Grease, copper, nickel, zinc, aluminum, lead, arsenic, mercury, and discharge flow rate.
- 4. At least quarterly, the permittee shall monitor the following treatment plant locations for pH, Oil & Grease, copper, nickel, zinc, aluminum, lead, arsenic, mercury, and flow rate:
  - a. Apra Harbor wastewater treatment plant influent;
  - b. Apra Harbor wastewater treatment plant effluent;
- 5. The permittee shall submit annually a report to EPA, no later than February 1 of each year for the previous calendar year's activities, describing its sewer discharge certification program activities over the previous year. In the event the permittee is not in compliance with any conditions or requirements of this permit, then the permittee shall also include the reasons for noncompliance and state how and when the permittee shall comply with such conditions and requirements. This annual report shall be submitted to EPA at [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and to Guam EPA at [Maricar.quezon@epa.guam.gov](mailto:Maricar.quezon@epa.guam.gov). The report shall contain, but not be limited to, the following information:
  - a. Monitoring results for the non-domestic discharges as required under item 3;
  - b. Monitoring results for the sewer system locations as required under item 4;
  - c. Current inventory of certificate discharges into the sewer system;
  - d. The pretreatment in place and discharge flow rate for each certificate discharge;
  - e. A copy or summary of each sewer discharge certificate;
  - f. Any self-monitoring results generated by the sewer discharge certificates;
  - g. Inspections conducted of the certificate discharges.
- 6. The first annual report shall also include, in addition to the information required under item 5, written technical evaluation of the need to revise or develop new sewer pollutant limits as

necessary to ensure that non-domestic discharges do not cause or contribute to a violation of any requirement of this permit (including an increase in the magnitude or duration of a violation).

## ***II.H. Sanitary Sewer Overflows***

1. A Sanitary Sewer Overflow (SSO) is an overflow, spill, release, or diversion of wastewater from a sanitary sewer collection system that occurs prior to a treatment plant. Sanitary sewer overflows include a) overflows or releases of wastewater that reach waters of the US, b) overflows or releases of wastewater that do not reach waters of the US, and c) wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral. SSOs are generally caused by high volumes of infiltration and inflow (I/I), pipe blockages, pipe breaks, power failure, and insufficient system capacity.
2. All Sanitary Sewer Overflows are prohibited.
3. The permittee shall identify all SSOs. The permittee shall include, in its Net SewerOverflow submission, the following information for each SSO that occurs during the reporting period covered by the DMR:
  - a. The cause of the SSO;
  - b. Duration and volume (estimate, if unknown);
  - c. Description of the source (e.g., manhole cover, pump station, etc.);
  - d. Location by street address, or any other appropriate method providing a location;
  - e. Date(s) and time(s) of SSO, and date and time responded and corrected spill;
  - f. The ultimate destination of the overflow, 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,
  - g. Any corrective action and steps taken or planned to eliminate reoccurrence of SSOs, and explanation of cause of spill.
4. The permittee shall refer to Section II.B (Twenty-four Hour Reporting of Noncompliance), which contains information about reporting any noncompliance that may endanger human health or the environment. Section II.B applies to SSOs. 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.

## ***II.I. Asset Management Plan***

The permittee shall develop an asset management program (AMP) to cover the treatment plant and collection system.

1. The permittee shall procure, populate, and utilize asset management and/or work order management software within two years of permit issuance. The software shall:



- a. Inventory all critical assets and assets valued over \$5,000 into a single database. Assets may include, but are not limited to, sewer lines, manholes, outfalls, pump stations, force mains, catch basins, and wastewater treatment facility assets. Each entry shall include:
    - (1) Name and identification number.
    - (2) Location (GPS coordinate or equivalent identifier).
    - (3) Current performance/condition.
    - (4) Purchase and installation date.
    - (5) Purchase price.
    - (6) Replacement cost.
    - (7) Quantitative consequence of failure.
    - (8) Quantitative likelihood of failure.
  - b. Automate work order production and tracking.
  - c. Catalogue and all daily, weekly, monthly, annual, and other regular maintenance tasks, and prioritize system maintenance and rehabilitation projects.
2. The permittee shall create an AMP document that contains a description of its selected AMP system and status of its implementation within three years of permit issuance. The AMP shall be updated and reevaluated every five years. A copy of the permittee's AMP document shall be retained on the permittee's premises and be made available for review by regulatory authorities upon request. The components of the AMP shall include:
- a. Rehabilitation and Replacement Plan. The plan shall identify and prioritize upcoming asset rehabilitation and replacement projects costing greater than \$5,000 and outline a proposed schedule for completion of each project.
  - b. Maintenance Plan. The plan shall identify individual or categories of maintenance activities and frequency with which they are performed. The plan shall estimate ongoing and projected cost of maintenance activities.
  - c. System Map. A sewer collection system map shall incorporate assets from the asset management inventory. The map shall be color-coded to identify maintenance and rehabilitation priorities.
  - d. Funding. The plan shall create an accounting of current and projected funding sources, relevant expenses, and financial reserves. Expenses may include operational, administrative, interest, or capital expenses. Funding sources may include federal, state, local or private grants, loans, or bonds, as well as connection and user fees.
  - e. System Projections. Evaluate growth projections of population and service area and potential vulnerabilities resulting from climate change over the next 30 years.
  - f. Vulnerability Assessment. The AMP shall include a vulnerability assessment to evaluate and manage changing weather patterns that may impact:

1. Facility operation
2. Water supplies
3. Collection systems
4. Water quality, including any projected changes to the influent water temperature and pollutant concentrations, and beneficial uses.

The permittee shall also identify new or increased threats to the sewer system resulting from near and longer-term weather variability that may impact desired levels of service in the next 50 years. The concerns shall include but are not limited to flooding risks, volatile rain period impacts (both dry and wet weather), and financing.

- g. Sea Level Rise. For facilities that discharge to the ocean, the AMP shall consider impacts from sea level rise. The permittee shall update contingency, emergency response, or hazard mitigation plans to incorporate projected sea level rise or associated groundwater rise

## ***II.J. Capacity Attainment and Planning***

The permittee shall file a written report by email ([R9NPDES@epa.gov](mailto:R9NPDES@epa.gov)) within ninety (90) days if the average dry weather wastewater treatment flow for any month exceeds 90 percent of the annual dry weather design capacity of the waste treatment and/or disposal facilities.

## ***II.K. Summary of Special Reports***

The permittee is required to submit special reports in this permit by the dates listed below in Table 4. The permittee shall submit all reports to EPA at: [R9NPDES@epa.gov](mailto:R9NPDES@epa.gov) and include the following information in the subject line:

1. The permit number (GU0110019).
2. The name of the report, as identified in the table below.
3. The word “submittal.”

**Table 4: Special Reports**

Report Name	Due Date	Permit Section
Updated Discharge Characterization Report	Beginning of 4 <sup>th</sup> year of permit, if dilution is requested for future permit. Monitoring Plan to Guam EPA prior to sampling; updated Discharge Characterization Report to Guam EPA and to <a href="mailto:R9NPDES@epa.gov">R9NPDES@epa.gov</a>	II.A
24-Hour Reporting of Noncompliance, Follow-up	Within 24 hours of noncompliance: phone call to EPA and Guam EPA; written submission within five days to EPA and Guam EPA; sewer overflows and bypasses reported using NeT Sewer Overflow	II.B I.H II.F II.H
Initial Investigation TRE/TIE Work Plan	90 days after effective date of permit. To <a href="mailto:R9NPDES@epa.gov">R9NPDES@epa.gov</a>	II.C.6
Detailed TRE Work Plan, Toxicity Monitoring Results	Determined by toxicity monitoring results; attached to DMRs and to <a href="mailto:R9NPDES@epa.gov">R9NPDES@epa.gov</a>	II.C.7 II.C.8
Priority Pollutant Scan	No later than the end of the first full calendar quarter following permit effective date, each year in the permit cycle; reported in DMRs	II.D.

Report Name	Due Date	Permit Section
Biosolids shipped to another state, Territory, or Tribal lands	30 days prior notice to EPA and to permitting authorities in receiving State/Territorial/Tribal authority	II.F
New/changed biosolids use or disposal practice	Notify EPA at least 60 days prior to starting new practice	II.F
Biosolids Annual Report	February 19 of each year, covering previous calendar year, at <a href="https://cdx.epa.gov">https://cdx.epa.gov</a> (NeT Biosolids).	II.F
Biosolids (Sludge) Removal Plan	120 days prior to removal. To <a href="mailto:R9NPDES@epa.gov">R9NPDES@epa.gov</a>	II.F
Sewer Discharge Certification Program Report	Annually, no later than February 1, covering previous calendar year, to <a href="mailto:R9NPDES@epa.gov">R9NPDES@epa.gov</a> , and to Guam EPA	II.G
Asset Management Plan Program	Procure, populate, and utilize within two years of permit issuance	II.I
Asset Management Plan	Three years after effective date of permit, to be updated every five years; kept on site and available on demand	II.I
Capacity Attainment and Planning	Within 90 days if average dry weather for any month exceeds 90% of annual dry weather design capacity. To <a href="mailto:R9NPDES@epa.gov">R9NPDES@epa.gov</a>	Section II.J

### ***II.L. CWA §401 Water Quality Certification***

The permittee shall comply with all requirements set forth in Guam EPA's §401 Water Quality Certification issued on October 23, 2023. See Attachment G.

## **Part III. STANDARD CONDITIONS**

The permittee shall comply with all EPA Region 9 Standard Conditions below.

### ***III.A. All NPDES Permits***

In accordance with 40 CFR §122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

#### **1. Duty to comply; at 40 CFR §122.41(a).**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under §307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under §405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge

use or disposal, even if the permit has not yet been modified to incorporate the requirement.

- b. The CWA provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under §402, or any requirement imposed in a pretreatment program approved under Sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under §402 of the Act, or any requirement imposed in a pretreatment program approved under §402(a)(3) or §402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under §402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in §309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.<sup>1</sup>
- c. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.<sup>1</sup>

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<sup>1</sup> The civil and administrative penalty amounts are adjusted annually for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the current penalty amounts are set forth in 40 CFR §19.4.

2. Duty to reapply; at 40 CFR §122.41(b).

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. Any permittee with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit unless permission for a later date has been granted by the Director.

3. Need to halt or reduce activity not a defense; at 40 CFR §122.41(c).

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate; at 40 CFR §122.41(d).

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper operation and maintenance; at 40 CFR §122.41(e).

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

6. Permit actions; at 40 CFR §122.41(f).

This permit may be modified, revoked, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property rights; at 40 CFR §122.41(g).

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to provide information; at 40 CFR §122.41(h).

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The

permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

9. Inspection and entry; at 40 CFR §122.41(i).

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

10. Monitoring and records; at 40 CFR §122.41(j).

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR §503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individuals(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.

- d. Monitoring must be conducted according to test procedures approved under 40 CFR §136 or, in the case of sludge use or disposal, approved under 40 CFR §136 unless otherwise specified in 40 CFR §503, unless other test procedures have been specified in the permit.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

11. Signatory requirement; at 40 CFR §122.41(k).

- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR §122.22.) All permit applications shall be signed as follows:
  - (1) For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR §122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR §122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
- (3) For a municipality, or a State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall

operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described in paragraph (a) of this section;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and,
  - (3) The written authorization is submitted to the Director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were 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 the person or persons who manage the system, or those persons directly responsible for gathering the information, 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.”
- e. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting requirements; at 40 CFR §122.41(l).



- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- b. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)
  - (1) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR § 122.62(b)(2)), or a minor modification made (under 40 CFR § 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
  - (2) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:
    - (A) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (c)(2) of this section;
    - (B) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

- (C) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR §122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) All reports and forms submitted in compliance with this section must be submitted electronically by the permittee through the CDX (<https://cdx.epa.gov>), or if specified in this permit, to [NPDES@epa.gov](mailto:NPDES@epa.gov), by the permittee to the Director or initial recipient, as defined in 40 CFR §127.2(b), in compliance with this section and 40 CFR §3 (including, in all cases, subpart D to part 3), 40 CFR §122.22, and 40 CFR §127.
- (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR §136 or, in the case of sludge use or disposal, approved under 40 CFR §503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four-hour reporting.
- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types

of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As soon as the NPDES Electronic Tool (NeT-Sewer Overflow) tool becomes available, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically via NeT, by the permittee to the Director or initial recipient, as defined in 40 CFR §127.2(b), in compliance with this section and 40 CFR §3 (including, in all cases, subpart D to Part 3), 40 CFR §122.22, and 40 CFR §127. The permittee shall electronically submit all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events using CDX (NeT-Sewer Overflow) in accordance with the reported requirements specified in this permit. The permittee must also sign and certify all electronic submissions in accordance with the signatory requirements specified at 40 CFR §122.41(k).

- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
    - (i) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
    - (ii) Any upset which exceeds any effluent limitation in the permit.
    - (iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)
  - (3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR §122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.
- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR §122.41(l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.
- h. Other information. Where the permittee becomes aware that it has failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
13. Bypass; at 40 CFR §122.41(m).
- a. Definitions.
- (1) “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

- (2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 40 CFR §122.41(m)(3) and (m)(4) of this section.
  - c. Notice.
    - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice through Net SewerOverflow and to Guam EPA, if possible, at least ten days before the date of the bypass.
    - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).
    - (3) All notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.
  - d. Prohibition of bypass.
    - (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
      - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
      - (iii) The permittee submitted notices as required under paragraph (m)(3) of this section.

- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

14. Upset; at 40 CFR §122.41(n).

- a. Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated; and
  - (3) The permittee submitted notice of the upset as required in 40 CFR §122.41 (l)(6)(ii)(B) (24-hour notice of non-compliance).
  - (4) The permittee complied with any remedial measures required under paragraph (d) of this section.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Reopener Clause; at 40 CFR §122.44(c).

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

16. Minor modifications of permits; at 40 CFR §122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR §124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR §124 draft permit and public notice as required in 40 CFR §122.62. Minor modifications may only:

- a. Correct typographical errors.
- b. Require more frequent monitoring or reporting by the permittee.
- c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement.
- d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.
- e. Change the construction schedule for a permittee which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR §122.29.
- f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR §403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR §403.18) as enforceable conditions of the POTW's permits.

17. Termination of permits; at 40 CFR §122.64.

- a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:
  - (1) Noncompliance by the permittee with any conditions of the permit;
  - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
  - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

- (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of reports; pursuant to CWA §308

Except for data determined to be confidential under 40 CFR §2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator or on the EPA website. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

19. Removed substances; pursuant to CWA §301

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.

20. Severability; pursuant to CWA §512

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of this permit, shall not be affected thereby.

21. Civil and Criminal Liability; pursuant to CWA §309

Except as provided in permit conditions on “Bypass” and “Upset”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

22. Oil and Hazardous Substances Liability; pursuant to CWA §311

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §311 of the CWA.

23. State, Tribe, or Territory Law; pursuant to CWA §510

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA §510.

***III.B. Specific Categories of NPDES Permits***

In accordance with 40 CFR §122.42, the following conditions, in addition to those set forth at 40 CFR §122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

1. Publicly-Owned Treatment Works (“POTWs”); at 40 CFR §122.42(b).

a. All POTWs must provide adequate notice to the Director of the following:

- (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to §301 and §306 of the CWA if it were directly discharging those pollutants.
- (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

b. Publicly-owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR §270. Hazardous wastes are defined at 40 CFR §261 and include any mixture containing any waste listed under 40 CFR §261.31 through §261.33. The Domestic Sewage Exclusion (40 CFR §261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.



## Part IV. ATTACHMENTS

### Attachment A: Definitions

1. **“Average monthly discharge limitation”** means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. **“Average weekly discharge limitation”** means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. The **“Ammonia impact ratio (AIR)”** is the ratio of the concentration of ammonia in the effluent and the calculated ammonia standard using the equation in Guam EPA’s water quality standards (see Attachments D and E).
4. **“Best Management Practices (BMPs)”** are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, identification of necessary training, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
5. A **“composite”** sample means a time-proportioned mixture of not less than eight (8) discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR §136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR §136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
6. A **“daily discharge”** means the **“discharge of a pollutant”** measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
7. A **“daily maximum allowable effluent limitation”** means the highest allowable “daily discharge” measured during a calendar day or 24-hour period representing a calendar day.
8. A **“DMR”** is a **“Discharge Monitoring Report”** that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.

9. **“Facility”** means the wastewater treatment facility, associated collection system, and all other assets that either transport or treat water.
10. A **“grab”** sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR §136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR §136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
11. The **“method detection limit”** or **“MDL”** is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR §136. The procedure for determination of a laboratory MDL is in 40 CFR §136, Appendix B.
12. The **“minimum level”** or **“ML”** is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/ Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR Part 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals than non-metals:
  - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
  - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of  $(1, 2, \text{ or } 5) \times 10^n$ , where  $n$  is zero or an integer. (For example, if an MDL is  $2.5 \mu\text{g/L}$ , then the calculated ML is:  $2.5 \mu\text{g/L} \times 3.18 = 7.95 \mu\text{g/L}$ . The multiple of  $(1, 2, \text{ or } 5) \times 10^n$  nearest to 7.95 is  $1 \times 10^1 = 10 \mu\text{g/L}$ , so the calculated ML, rounded to the nearest whole number, is  $10 \mu\text{g/L}$ .)
13. A **“NODI(B)”** means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
14. A **“NODI(Q)”** means that the concentration of the pollutant in a sample is detected but not quantifiable. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.

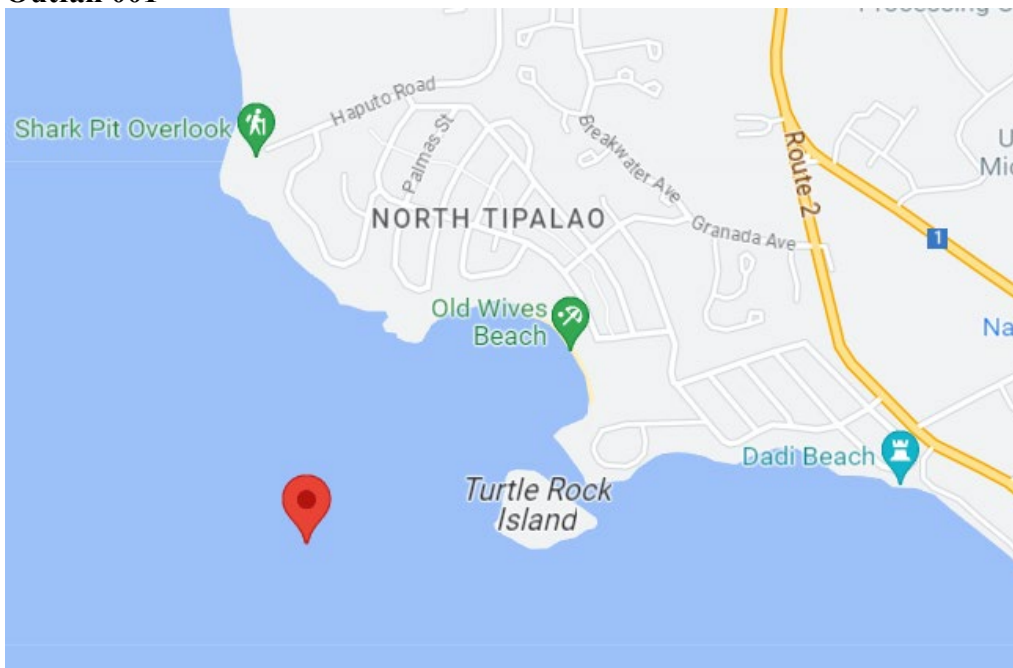
## Attachment B: Location of WWTP Facility and Outfall 001



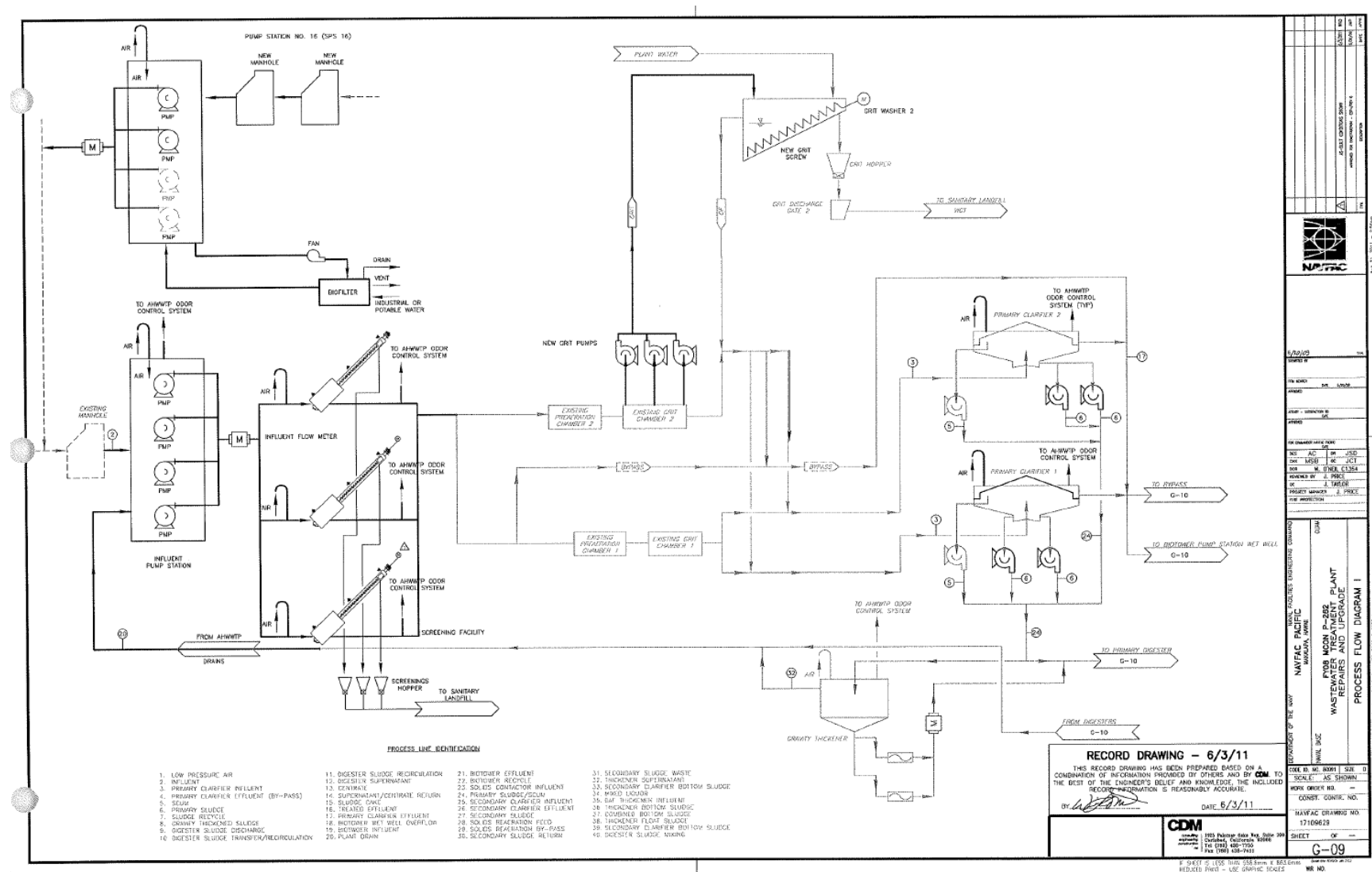
**Outfall 001**

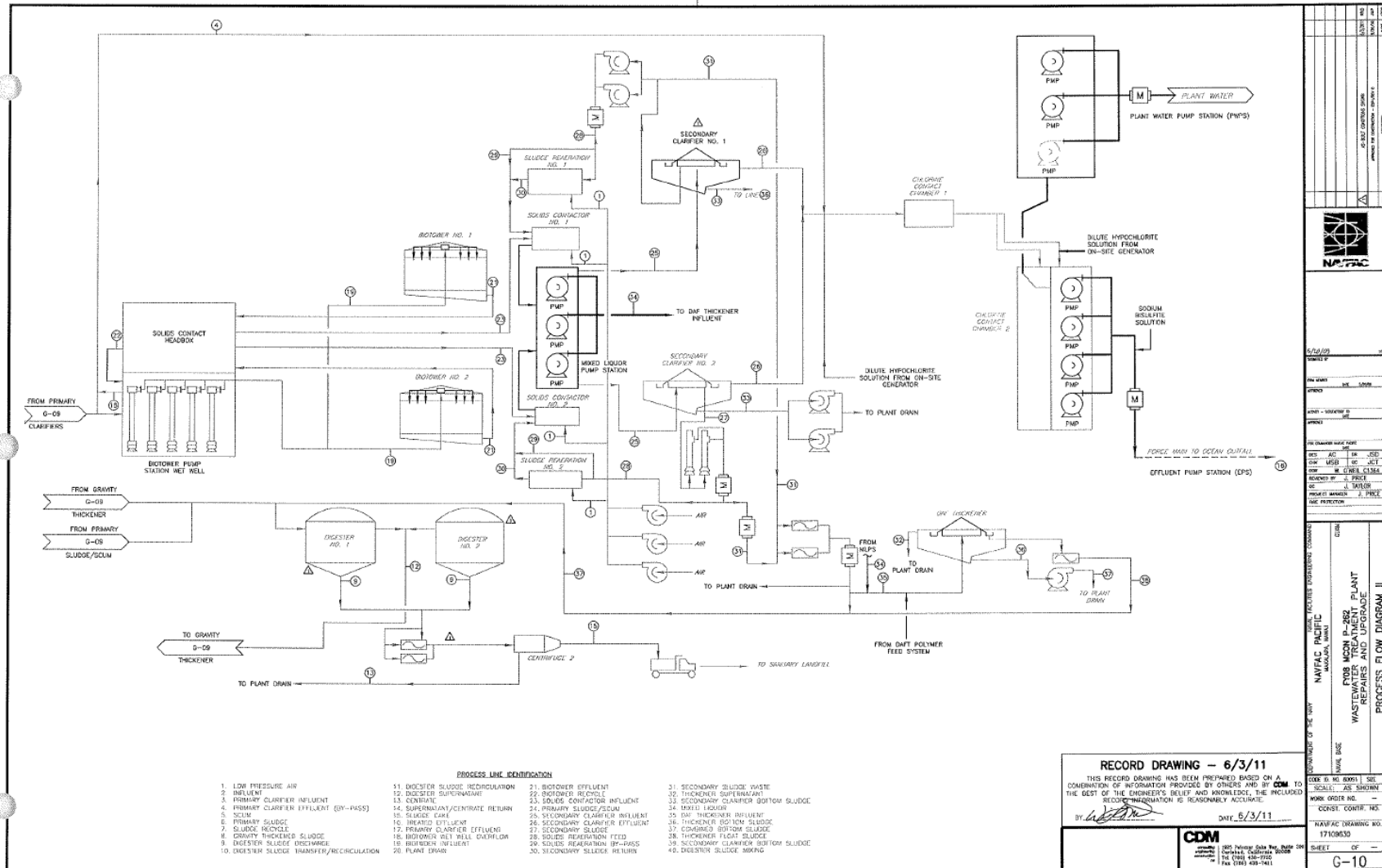


**Outfall 001**



## Attachment C: Wastewater Flow Schematics





## Attachment D. pH-Dependent Ammonia Objectives with Dilution

pH	Objective	Objective with 39.2:1 Dilution (applies to Aluminum, Copper, Zinc)
6.5	3.48	140
6.6	3.43	138
6.7	3.36	135
6.8	3.29	132
6.9	3.19	128
7.0	3.08	124
7.1	2.96	119
7.2	2.81	113
7.3	2.65	107
7.4	2.47	99.3
7.5	2.28	91.6
7.6	2.08	83.4
7.7	1.87	75.1
7.8	1.66	66.8
7.9	1.46	58.7
8.0	1.27	51.1
8.1	1.09	44.0
8.2	0.94	37.6
8.3	0.80	32.0
8.4	0.67	27.1
8.5	0.57	22.9

## Attachment E. Ammonia Impact Ratio (AIR) Sample Data Log

[illegible]

Please copy and complete for each quarter of each year for the permit term. Permittee may sample more frequently and record any additional results. Attach any additional pages as necessary.

**Signature of Authorized Representative:** \_\_\_\_\_



## Attachment F. List of Priority Pollutants

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon tetrachloride
7. Chlorobenzene
8. 1,2,4-trichlorobenzene
9. Hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. Hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. Chloroethane
17. REMOVED
18. Bis(2-chloroethyl) ether
19. 2-chloroethyl vinyl ethers
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. Parachlorometa cresol
23. Chloroform
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3-dichlorobenzidine
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. Ethylbenzene
39. Fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. Bis(2-chloroisopropyl) ether
43. Bis(2-chloroethoxy) methane
44. Methylene chloride
45. Methyl chloride
46. Methyl bromide
47. Bromoform
48. Dichlorobromomethane
49. REMOVED
50. REMOVED
51. Chlorodibromomethane
52. Hexachlorobutadiene
53. Hexachlorocyclopentadiene
54. Isophorone
55. Naphthalene
56. Nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. Pentachlorophenol
65. Phenol
66. Bis(2-ethylhexyl) phthalate
67. Butyl benzyl phthalate
68. Di-N-Butyl Phthalate
69. Di-n-octyl phthalate
70. Diethyl Phthalate
71. Dimethyl phthalate
72. benzo(a) anthracene
73. Benzo(a)pyrene
74. Benzo(b) fluoranthene
75. Benzo(k) fluoranthene
76. Chrysene
77. Acenaphthylene
78. Anthracene
79. Benzo(ghi) perylene
80. Fluorene
81. Phenanthrene
82. Dibenzo(h) anthracene
83. Indeno (1,2,3-cd) pyrene
84. Pyrene
85. Tetrachloroethylene
86. Toluene
87. Trichloroethylene
88. Vinyl chloride

89.	Aldrin	110.	PCB-1248 (Arochlor 1248)
90.	Dieldrin	111.	PCB-1260 (Arochlor 1260)
91.	Chlordane	112.	PCB-1016 (Arochlor 1016)
92.	4,4-DDT	113.	Toxaphene
93.	4,4-DDE	114.	Antimony
94.	4,4-DDD	115.	Arsenic
95.	Alpha-endosulfan	116.	Asbestos
96.	Beta-endosulfan	117.	Beryllium
97.	Endosulfan sulfate	118.	Cadmium
98.	Endrin	119.	Chromium
99.	Endrin aldehyde	120.	Copper
100.	Heptachlor	121.	Cyanide, Total
101.	Heptachlor epoxide	122.	Lead
102.	Alpha-BHC	123.	Mercury
103.	Beta-BHC	124.	Nickel
104.	Gamma-BHC	125.	Selenium
105.	Delta-BHC	126.	Silver
106.	PCB-1242 (Arochlor 1242)	127.	Thallium
107.	PCB-1254 (Arochlor 1254)	128.	Zinc
108.	PCB-1221 (Arochlor 1221)	129.	2,3,7,8-TCD <sup>1</sup>
109.	PCB-1232 (Arochlor 1232)		

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<sup>1</sup> Although there are 126 entries, the last number on the list is 129 because entry numbers 17, 49, and 50 were removed.

**Attachment G. Guam EPA CWA §401 Water Quality Certification  
October 23, 2023**



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAN PRUTEKSIÓN LINA'LA' GUÁHAN  
LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM  
MICHELLE C. R. LASTIMOZA • ADMINISTRATOR

OCT 23 2023

<b>IN THE MATTER OF GRANTING A</b>	)	<b>WQC ORDER #2024-01</b>
<b>WATER QUALITY CERTIFICATION</b>	)	<b>NPDES Permit No. GU0110019;</b>
<b>TO THE U.S. ENVIRONMENTAL</b>	)	<b>Apra Harbor Wastewater</b>
<b>PROTECTION AGENCY R-9</b>	)	<b>Treatment Plant (AHHWTP)</b>

**TO:** UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 9  
Attn: Elizabeth Sablad  
Manager  
NPDES Permits Section  
75 Hawthorne Street  
San Francisco, CA 94105-3901

The Guam Environmental Protection Agency (Guam EPA) received a copy of the U.S. EPA Region 9 draft National Pollutant Discharge Elimination System (NPDES) Permit (GU0110019) for the discharge of pollutants from the Navy Apra Harbor Wastewater Treatment Plant and collection system (the "facility") located in Santa Rita, Guam. Accordingly per 40 CFR Part 121, EPA requested a pre-filing meeting (July 12, 2023) and a request for certification (August 31, 2023) under Section 401 of the Clean Water Act from Guam EPA, the certifying authority.


EPA set the reasonable period for CWA certification at 60 days or October 30, 2023.

The procedure for application and issuance of a §401 Water Quality Certification (WQC) include Guam EPA's review, preliminary determination, possible public noticing and public hearing, and a final decision. (22 GAR 2 - §5106(i)) Accordingly, the Agency reviewed and exempted from public noticing the draft Navy AHHWTP NPDES Permit. Furthermore, the Guam EPA Administrator makes this written determination, by means of WQC Order No. **2024-01** granting CWA Section 401 Certification of the draft facility NPDES Permit.

Following review of comments received during EPA's public comment period and receipt of Guam's certification, EPA will issue the final NPDES permit containing conditions specified in Guam EPA's 401 water quality certification.



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | [epa.guam.gov](http://epa.guam.gov)  
ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLÁLA'

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## **FACILITY DESCRIPTION**

The U.S. Navy owns and operates the Apra Harbor Wastewater Treatment Plant which collects domestic and nondomestic wastewaters from Naval Base Guam. The AHWWTNP is a secondary sewage treatment plant with rated design and peak capacities of 4.3 MGD (million gallons per day) and 6.0 MGD, respectively. According to the operators, flows are typically about 1.8 MGD during the dry season and 2.5 MGD the rest of the year, with a typical maximum of 3.0 MGD.

Two parallel treatment trains provide pre-aeration, grit removal, primary sedimentation, trickling filter biotreatment, dissolved air flotation, activated sludge solids contact, and secondary clarification. Each treatment train has a 4.3 MGD design capacity.

The final effluent is disinfected with chlorine and is dechlorinated prior to discharge through a combined outfall shared with the Guam Waterworks Authority's Agat-Santa Rita WWTP (NPDES Permit GU0020222). Effluent is discharged to the ocean through the submerged Tipalao Bay outfall. The outfall terminates at a diffuser located approximately 1,845 feet from shore, at a depth of 120 feet. The diffuser is a single riser/dual port configuration with two ports parallel to the ocean. The coordinates for discharge Outfall 001 are: 13° 24' 48" N, 144° 38' 30" E.

Waste activated sludge and gravity-thickened primary sludge feed two anaerobic digesters. Digested sludge is centrifuged or dried in sludge drying beds. Grit and dewatered sludge are trucked offsite for disposal at the Navy landfill.

## **RECEIVING WATER**

The facility discharges out a joint deep ocean outfall (Outfall 001) to Category M-2 (Good) marine receiving waters in Tipalao Bay of the Philippine Sea.

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. Tipalao Bay, assessment unit GUG-010A, is on Guam's 2020 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.

## **DISCHARGE**

The U.S. Navy is authorized to discharge domestic wastewater in compliance with the final effluent limits and monitoring requirements specified in **Table 1** for Outfall 001, located in Part I.A of NPDES Permit No. GU0110019.

## **AUTHORITIES**

The Guam EPA Administrator is the designated issuing authority for §401 Water Quality Certifications. 22 GAR 2 - §5106.





Applicable are provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 pursuant to 33 U.S.C. 1341(d); 40 CFR 124.53(e)(1).

Appropriate requirements of Territorial law including Guam Water Quality Standards (GWQS) contained in 22 GAR 2- Chapter 5, authorized by 33 U.S.C. § 1313, 10 GCA §45106, 10 GCA §47108 and 10 GCA Chapter 47, Water Pollution Control Act.

### **WATER QUALITY CERTIFICATION CONDITIONS**

WQC Order No. **2024-01** ("Order") specifies conditions necessary to assuring that discharge(s) from the Navy AHWWTNP to Tupalao Bay will comply with water quality requirements. This water quality certification is subject to the conditions within this Order and is based on the terms and conditions contained in the final facility NPDES Permit.

This Order does not constitute authorization of the permitted activities by any other local or federal agency or private person or entity. This Order does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

In accordance with 40 CFR 124.53(e)(3), Guam EPA has determined that no condition in the draft facility NPDES permit may be made less stringent without violating requirements in Guam territorial law, including water quality standards.

#### **A. GENERAL CONDITIONS**

- A1. For purposes of this Order, the term "project proponent" shall mean the U.S. Environmental Protection Agency, the entity seeking certification.
- A2. For purposes of this Order, the "permittee" or the United States Navy ("Navy") shall mean the applicant for an NPDES permit to authorize the discharge of treated effluent from the facility to Tupalao Bay.
- A3. All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to [margaret.aguilar@epa.guam.gov](mailto:margaret.aguilar@epa.guam.gov) and [maricar.quezon@epa.guam.gov](mailto:maricar.quezon@epa.guam.gov). The submittals shall be identified with **WQC Order #2024-01** and include the NPDES Permit Number, the certifying representative's name, title, mailing address and phone number. 22 GAR 2 - §5106(j)(4).
- A4. Receiving water monitoring is required to ensure compliance with applicable Guam water quality standards designated uses and to apply for new and existing dilution credit in future permit issuances. The permittee shall collect quarterly monitoring samples at Tupalao Bay in accordance with its monitoring plan to update the Discharge Characterization Report. The monitoring plan should be provided to Guam EPA ([maricar.quezon@epa.guam.gov](mailto:maricar.quezon@epa.guam.gov))





for review and comment prior to initiating monitoring per NPDES permit Part II.A.3. , Special Conditions. The permittee may conduct receiving water monitoring in conjunction with Guam Waterworks Authority. 22 GAR 2- §5104(a)(12)

- A5. Consistent with provision A3. above, and per the facility's NPDES Permit (Part I.D.9.), the Navy shall submit a quarterly electronic or paper Discharge Monitoring Report (DMR) to Guam EPA (Attention: Maricar Quezon). 22 GAR 2 - §5106(j)(4).
- A6. U.S. EPA R-9 shall submit to Guam EPA a signed **Statement of Understanding of Water Quality Certification Conditions**. (See Attachment A for an example) per condition A3. 22 GAR 2 - §5106(j)(4).

#### **B. WATER QUALITY CONDITIONS**

- B1. Discharges have been determined to be consistent with the anti-degradation policy as stated in 22GAR §5101(b).

#### **C. EMERGENCY/CONTINGENCY MEASURES:**

40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302

- C1. The Navy shall develop and implement a Spill Prevention and Containment Plan.
- C2. The Navy shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.
- C3. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the permittee 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.



- C4. Compliance with this condition does not relieve the Navy from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- C5. 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 or waters of Guam.

**D. Timing Requirements**

- D1. This Order is valid for the term the (renewed) NPDES Permit No. GU0110019 remains effective and enforceable.

**E. Notice of Violation/Work Stop Order**

- E1. 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(s) shall be suspended or halted until the permittee addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

## 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 2 - §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 5 GCA §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

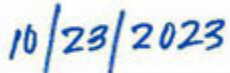
GUAM EPA Board of Directors  
3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913

### GUAM EPA CONTACT INFORMATION

Please direct all questions about this Order to: **Margaret P. Aguilar**  
Program Coordinator, EMAS Division  
(671) 300-4787; [margaret.aguilar@epa.guam.gov](mailto:margaret.aguilar@epa.guam.gov)

### SIGNATURE

  
MICHELLE C.R. LASTIMOZA  
ADMINISTRATOR

  
DATE



## APPENDIX A



## Statement of Understanding of Water Quality Certification Conditions

### U.S. ENVIRONMENTAL PROTECTION AGENCY R-9 Water Quality Certification Order #2024-01

As the Project Proponent for the Navy Apra Harbor Wastewater Treatment Plant NPDES Permit No. GU0110019, I have read and understand the conditions of the Guam Environmental Protection Agency **WQC Order #2024-01**.

I have and will continue to ensure that the permittee, the U.S. Navy, has read and understands the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

---

Print Name

---

Signature

---

Date

---

Title

---

Phone Number



## APPENDIX B



## NOTICE OF INTENT TO APPEAL

I, \_\_\_\_\_, have received WQC Order #2024-01  
dated \_\_\_\_\_, listing the Water Quality Certification Conditions for the Navy Apra  
Harbor Wastewater Water Treatment Plant NPDES Permit No. GU0110019.

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

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

Mailing address:

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\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

**GUAM EPA CASE NO.** \_\_\_\_\_