UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 9 75 Hawthorne Street San Francisco, CA 94105

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

DRAFT NPDES PERMIT NO. GUG000001

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. §§ 1251 et seq.), discharges to waters of the United States in Guam from bulk fuel facilities are authorized in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this general permit. The permit authorizes discharges from five bulk fuel facilities in Guam identified in Part I.A.

This permit only authorizes the discharge of those pollutants resulting from the following processes, waste streams, and operations: (1) tank bottom water draws, (2) treated storm water which may be discharged concurrently with tank bottom draws, (3) hydrostatic test water from integrity testing of piping and tankage, (4) service water flows associated with incidental leaks, system tests, and facility maintenance activities, and (5) firewater system testing. Discharges from operations, processes, and waste streams not specifically listed in this permit are not authorized. ¹

This permit was issued on:	
This permit shall become effective on:	
Permit reapplication due no later than:	
This permit shall expire at midnight on:	
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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:

Tomás Torres, Director Water Division

Date

¹ 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. COVERAGE UNDER THIS GENERAL PERMIT

A. Eligible Discharges

- 1. This permit authorizes discharges of treated water associated with tank bottom water draws, treated stormwater which may be discharged concurrently with tank bottom draws, equipment maintenance activities, hydrostatic test water from integrity testing of piping and tankage, service water flows associated with incidental leaks, system tests, facility maintenance activities, and firewater system testing from the following bulk fuel storage facilities operating in Guam:
- a. Mobil Oil Guam Inc. Cabras Terminal,
- b. Tristar Guam F-1 Pier Terminal,
- c. South Pacific Petroleum Corporation Cabras Island Terminal,
- d. Tristar Guam Agat Terminal, and
- e. Guam Power Authority Piti Terminal

Coverage under this permit is not available for any other discharges or facilities.

B. Permit Area

1. The permit coverage area is freshwater and marine surface water bodies in Guam that receive effluent from the five facilities listed in I.A.1. These water bodies are Apra Harbor, Piti Channel, and Big Guatali River. The outfalls for the five facilities above are described below in Table 1. All Outfalls authorize discharge of both treated effluent from the operations described above, as well as treated storm water which may be discharged concurrently. See also Attachment C for map of each facility and its outfall locations.

Table 1. Eligible Outfalls

Facility	Outfall(s) (latitude/longitude values)	Receiving Waters
Mobil Oil Guam Inc. Cabras Terminal	Outfall 002 (13.462222, 144.6625): Area C Tank Farm	Apra Harbor
The Tristar Guam F-1 Pier Terminal	Outfall 001 (13.458611, 144.659167): Drainage from bulk storage area and	Apra Harbor

	pipeline receipt and transfer manifold area	
South Pacific Petroleum Corporation Cabras Island Terminal	Outfall 001 (13.4628, 144.664): Drainage from bulk storage area and pipeline receipt ad transfer manifold area	Apra Harbor
	Outfall 002 (13.463381, 144.664956): Drainage from tank truck loading area	
Tristar Guam Agat Terminal	Outfall 001(13.420619, 144.685267): Drainage from bulk storage area and pipeline receipt ad transfer manifold area	Big Guatali River
Guam Power Authority Piti Terminal	Outfall 001 (13.4606,144.68680) Outfall 002 (13.46008,144.68547) and Outfall 003 (13.46015, 144.68454): Storm water or release from the tanks	Piti Channel

C. Obtaining Coverage

To obtain authorization and coverage under this permit, an applicant must:

- 1. Meet the eligibility requirements listed in Part I.A.
- 2. Submit a complete and accurate Notice of Intent (NOI) within 30 days of the effective date of this permit.

To submit an NOI the permittee shall set up an account using the Central Data Exchange (CDX) at https://cdx.epa.gov to access the NPDES electronic tools.

Within the CDX platform, NeT-Multiform will be used for submission of Notice of Intents (NOIs). All NOIs shall be signed in accordance with 40 CFR 122.22. Initiation of discharges authorized by this permit may not begin until EPA has reviewed the submitted information and notified the permittee that their NOI has been approved.

3. Submit, upon request, any additional information that EPA finds necessary to determine that the discharge meets the criteria for coverage under this General

Permit, and conduct any additional monitoring required by EPA to make such determination.

If EPA notifies an applicant that a discharge is ineligible for coverage under this General Permit, the applicant shall obtain an individual NPDES permit (or alternative general permit, if available) before discharging to a water of the U.S. Any discharge that occurs without obtaining such coverage is unauthorized.

If any of the information submitted in the NOI changes, including change in owner or operator, an updated NOI shall be submitted to EPA and the permittee shall not discharge until notified by EPA that the updated NOI is approved.

D. Coverage After Permit Expiration

- 1. If this permit is not reissued or replaced before the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect. All permittees authorized under this permit will automatically remain covered by this permit until the earliest of the following:
 - a. The permittee is authorized for coverage under a reissued permit or a replacement of this permit following the effective date of the new permit or the complete and timely submission of an NOI under the new permit, if required, and in compliance with the requirements of the NOI;
 - b. The permittee is authorized to discharge under an individual NPDES permit.
 - c. EPA issues a formal permit decision not to reissue this general permit, at which time EPA will identify a reasonable period for covered permittees to seek coverage under an alternative NPDES general permit or an NPDES individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
 - d. EPA has informed the permittee that its discharge is no longer covered under this permit.

E. Terminating Coverage

- 1. Permittees seeking to terminate coverage shall submit a complete and accurate Notice of Termination (NOT) letter to EPA. The NOT letter shall include the following information:
 - a. Facility name and locations
 - b. Legal name and address of the owner and operator
 - c. Type of facility and discharges

- d. Previous individual permits or permit coverage
- e. Map of facility and discharge location
- f. Receiving water(s)
- g. Date of first discharge under the permit and requested date of termination

All NOTs shall be signed in accordance with 40 CFR 122.22. A NOT may be submitted electronically to R9NPDES@epa.gov. Authorization to discharge under this General Permit terminates at midnight of the day that the permittee seeking termination is notified by EPA of termination of permit coverage.

- 2. A permittee or operator must submit a Notice of Termination (NOT) letter within 30 days after one or more of the following conditions have been met.
 - a. A new operator has taken over responsibility of discharge activities covered under an existing NOI and intends to seek a new NOI;
 - b. All discharge activities covered by the permit have ceased and no additional discharge during the remainder of the permit term is anticipated; or
 - c. Coverage was obtained under an individual permit or an alternative general permit for all discharges required to be covered by an NPDES permit.

F. Limitations on Coverage

- 1. Discharges of wastewater associated with facility operations other than specifically authorized. This permit does not authorize the discharge of any waste streams that are not specifically authorized in the permit.
- 2. Discharges that the Director determines to require coverage under an individual permit. The EPA Region 9 Water Division Director ("Director") may require any discharger requesting coverage under the General Permit to apply for and obtain an individual NPDES permit in accordance with 40 C.F.R. 122.28(b)(3). In this case, the permittee will be notified in writing that an individual permit is required and be given a brief explanation of the reasons for the decision. When an individual permit is issued to an operator otherwise subject to the General Permit, the applicability of the General Permit is automatically terminated on the effective date of the individual permit. Individual permits may be appropriate if:
 - a. The discharge(s) is a significant contributor of pollution;
 - b. The discharger is not in compliance with the conditions of this permit;

c. A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

- d. The point source(s) previously covered by this permit:
 - i. No longer involves the same or substantially similar types of operations;
 - ii. No longer discharges the same types of waste;
 - iii. No longer requires the same effluent limitations or operating conditions;
 - iv. No longer requires the same or similar monitoring; or
 - v. In the opinion of the Director, is more appropriately controlled under an individual permit rather than under the general permit.
- 3. Any permittee authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit by submitting an individual NPDES permit application together with the reasons supporting the request to the Director.

Part II. EFFLUENT LIMITS, OTHER LIMITATIONS, AND MONITORING REQUIREMENTS

A. Effluent Limits, Other Limitations, and Monitoring Requirements

1. The discharger is authorized to discharge treated water associated with the following operations: tank bottom water draws, ship to shore transference spills and leaks, hydrostatic test water from integrity testing of piping and tankage, service water flows associated with incidental leaks, system tests, and facility maintenance activities, and firewater system testing. All discharges must be in compliance with the final effluent limits and monitoring requirements specified in Table 2. Compliance

with these requirements is based on monitoring at outfall locations described in I.B. above.

- 2. The discharge of pollutants at any point other than the outfall numbers specifically authorized in this permit is prohibited.
- 3. The discharge shall not contain:
 - a. visible floating materials, debris, oils, grease, scum, foam, or other floating matter;
 - b. unnatural color, odor or taste; a detectable or visible film, or sheen, or visible discoloration of the surface with a corresponding oil or petroleum product odor;

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	Maximum Allowable Discharge Limits ⁽⁴⁾				Monitoring Requirements ⁽²⁾	
Doromotor	Co	ncentration	and Loading	;	Monitoring Requirements	
ratainetei	Average	Average Average Maximum		Fraguanau	Sample	
	Monthly	Weekly	Daily	Units	riequency	Туре
Flow rate	(1)	(1)	(1)	MGD	Continuous	Meter or Calculation
pН	Within 6.	5 and 8.5 a	t all times.	S.U.	Monthly	Grab
Oil and grease, total recoverable	N/A	N/A	15	mg/L	Monthly	Grab
Ammonia Impact Ratio (AIR) ⁽⁵⁾	N/A	N/A	(1)	mg/L	Monthly	Grab
Lead, total recoverable	N/A	N/A	(1)	μg/L	Monthly	Grab
Benzene	N/A	N/A	(1)	μg/L	Monthly	Grab
Toluene	N/A	N/A	(1)	μg/L	Monthly	Grab
Ethylbenzene	N/A	N/A	(1)	μg/L	Monthly	Grab
Xylene	N/A	N/A	(1)	μg/L	Monthly	Grab
Priority Pollutant Scan ⁽³⁾	N/A	N/A	(1)	μg/L	Annually	Grab

(1) No effluent limits are set at this time, but monitoring and reporting is required. Effluent limits for specific facilities are listed in Table 3, below.

- (2) At minimum, at least one sample per permit term must be taken concurrent with whole effluent toxicity monitoring.
- (3) See Attachment F for a list of priority pollutants. For the most current listing of all priority toxic pollutants, see 40 CFR § 423, Appendix A. Priority pollutant scans shall be conducted concurrently with Whole Effluent Toxicity testing.
- (4) N/A indicates not applicable and is not required.
- (5) 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 in the Guam Water Quality Standards. See Attachment D for a sample log to help calculate and record the AIR values. The AIR is the ammonia effluent limit and must be reported in the DMRs in addition to the ammonia and pH values

Table 3. Effluent Limits and Monitoring Requirements Applicable to Specific Facilities

		Maximum Allowable Discharge Limits ⁽¹⁾				Monitoring	
Facility	Donomotor	(Concentrati	on and Loadi	ng	Requirements ⁽²⁾	
raciiity	1 afailicter	Average	Average	Maximum	Unita	Fraguanay	Sample
		Monthly	Weekly	Daily	Onits	requency	Туре
Couth Desifie	Lead, total recoverable	6.95	N/A	13.96	μg/L	Monthly	Grab
Potroloum	Benzene	N/A	N/A	71	μg/L	Monthly	Grab
I cuolcum	Total Suspended Solids	N/A	N/A	40	mg/L	Monthly	Grab
Mobil Oil	Benzene	N/A	N/A	71	μg/L	Monthly	Grab
Guam Inc.	Zinc, total recoverable	73	N/A	143	μg/L	Monthly	Grab
Cabras Terminal	Total Suspended Solids	N/A	N/A	100	mg/L	Monthly	Grab
Tristar Guam Agat Terminal	Total Suspended Solids	N/A	N/A	40	mg/L	Monthly	Grab
Guam Power Authority Piti Terminal	Total Suspended Solids	N/A	N/A	100	mg/L	Monthly	Grab
Tristar Guam F-1 Terminal	Total Suspended Solids	N/A	N/A	100	mg/L	Monthly	Grab

(1) N/A indicates not applicable and is not required.

(2) At minimum, at least one sample per permit term must be taken concurrent with whole effluent toxicity monitoring.

B. Chronic Toxicity Effluent Limits and Monitoring Requirements

Table 4. Effluent Limits and Monitoring Requirements for Chronic Toxicity for AllFacilities by Receiving Water Type

Tuna of		Maximum Allowable Discharge Limits			Monitoring Requirements		
Receiving	Parameter		Concentration			Monitoring Requirements	
Waters		Median Monthly	Maximum Daily	Units	Minimum Frequency	Sample Type ⁽⁵⁾	
	Chronic Toxicity Strongylocentrotus purpuratus fertilization, Method 1008.0 WI33L ⁽⁴⁾	Report (1, 2)	Report ^(1, 3)	Pass (0) or Fail (1), PE, in % effluent	Once per permit term (6)	24-hour composite	
Marine	Chronic Toxicity Dendraster excentricus fertilization, Method 1008.0 WI33N ⁽⁴⁾	Report (1, 2)	Report ^(1, 3)	Pass (0) or Fail (1), PE, in % effluent	Once per permit term (6)	24-hour composite	

Freshwater	Chronic Toxicity <i>Ceriodaphnia dubia</i> reproduction, Method 1002.0 WC13B	Report (1, 2)	Report ^(1, 3)	Pass (0) or Fail (1), PE, in % effluent	Once per permit term (6)	24-hour composite
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- (1) "Report" means there is no effluent limit for the coded parameter, chronic toxicity, but monitoring and DMR reporting is required. See Endnotes 2 and 3.
- (2) Median Monthly Effluent result: No more than three chronic toxicity tests may be initiated during the calendar month. Pass–Fail results are coded as Pass (0) (TST null hypothesis is rejected and the IWC is declared not toxic) and Fail (1) (TST null hypothesis is not rejected and the IWC is declared toxic). For this discharge, the TST null hypothesis (Ho) at the required discharge-specific IWC is: IWC mean response (100% effluent) ≤ 0.75 × 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).
- (3) Maximum Daily Effluent result: This is evaluated for each individual toxicity test, including every 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) ÷ Control mean response] × 100. If more than one toxicity test during the calendar month is coded as Fail (1) and the observed (estimated) PE ≥ 50, the toxicity test with a Fail (1) and the highest PE shall be reported on the DMR form. The results of all toxicity tests initiated during the calendar month shall be attached to the DMR form.
- (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.
- (5) Composites shall be taken over the course of a single discharge. If the discharge is less than 24 hours, composite samples shall be taken at regular intervals for the duration of the discharge.
- (6) Chronic toxicity testing results shall be submitted to EPA as an attachment to a DMR within four years of the permit effective date.

C. Sampling

- 1. Samples 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 discharge.
- 2. Samples shall be taken at the following locations:
 - a. Effluent samples shall be taken after 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 2. If there is no discharge, the permittee is not required to monitor effluent.

D. General Monitoring and Reporting

- 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 MDLs and 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 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 notify EPA of any 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 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. 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; the 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.
- 5. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, 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 which 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 NPDES Electronic Tool (NeT) and electronically submit the following program reports:
 - a. NetDMR/Discharge Monitoring Report
 - b. NeT Multi Sector General Permit
 - c. Groundwater Remediation dewater & Hydrostatic Testing

If NeT reporting through CDX is not yet available for a particular program report, the permittee shall report in NeT as soon as reporting for that program is available in NeT and no later than December 21, 2025.

In accordance with the NPDES Electronic Reporting Rule, these program reports 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.

8. Monitoring and reporting shall be completed according to the schedule in Table 5. 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 or no numerical values to report for a parameter, the permittee shall submit the appropriate no data indicator (NODI) code in their DMR. For intermittent discharges, the permittee shall monitor required parameters on the first day of discharge. Monitoring for parameters required once per permit term shall occur during discharge unless there is no discharge throughout the permit term. Entering a DMR comment is recommended if submitting no data indicator code (NODI) other than "C" for no discharge.

Table 5. Monitoring and Reporting Schedule

Sampling Frequency	Monitoring Period Start Date	Monitoring Period	DMR Due Date
Continuous	Permit effective date	All	Quarterly on the 28 th day of first calendar month following the previous calendar quarter (January 28 th , April 28 th , July 28 th , October 28 th)
Daily	Permit effective date	Midnight through 11:59 PM or any 24-hour period that reasonably represents a calendar day for purposes of sampling	Quarterly on the 28 th day of first calendar month following the previous calendar quarter (January 28 th , April 28 th , July 28 th , October 28 th)
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	Quarterly on the 28 th day of first calendar month following the previous calendar quarter (January 28 th , April 28 th , July 28 th , October 28 th)
Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1st day of calendar month through last day of calendar month	Quarterly on the 28 th day of first calendar month following the previous calendar quarter (January 28 th , April 28 th , July 28 th , October 28 th)
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	Quarterly on the 28 th day of first calendar month following the previous calendar quarter (January 28 th , April 28 th , July 28 th , October 28 th)
Semiannually	Closest of January 1 or July 1 following (or on) permit effective date	January 1 through June 30 July 1 through December 31	July 28 th , each year January 28 th , each year
Annually	January 1 following (or on) permit effective date	January 1 through December 31	January 28 th of the following year
Once per permit term	Permit effective date	All	Last quarterly report before permit reapplication due date (January 28 ^{th,} April 28 th , July 28 th , or October 28 th)

9. The permittee shall submit an electronic or paper Discharge Monitoring Report, as well as any other report submittals required by this permit, to Guam EPA. The submittals shall be identified with the NPDES permit number and include the certifying representative's names, mailing address, and phone number. Electronic submissions shall be sent to <u>maricar.quezon@epa.guam.gov</u>. Paper submissions shall be mailed to:

Guam EPA Attn: 401 Federal Permit Manager, NPS Program, EMAS Division 3304 Mariner Avenue, Bldg. 17-3304 Barrigada, Guam 96913

Part III. SPECIAL CONDITIONS

A. Permit Reopener(s)

- 1. In accordance with 40 CFR §§ 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.
- 2. In accordance with 40 CFR 122 and 124, this permit may be modified to include effluent limits or permit conditions to address toxicity (acute and/or chronic) in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to toxicity.
- 3. This permit may be modified or revoked and reissued based on the results of Magnuson-Stevens Fishery Conservation and Management Act and/or Endangered Species Act Section 7 consultation(s) with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.

B. Twenty-four Hour Reporting of Noncompliance

- 1. The permittee shall report any noncompliance which may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA and Guam EPA enforcement 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 by 9 a.m. on the first business day following the noncompliance to the attention of EPA Region 9 Enforcement and Compliance Assurance Division at (415) 947-4222 and to the Guam EPA Administrator at 671-300- 4751.
- 2. The permittee shall follow up with an electronic written submission within five days of the time the permittee becomes aware of the noncompliance. Sanitary sewer overflow and bypass reports shall be submitted electronically to EPA using NeT-Sewer Overflow. See Section II.E. and <u>NeT-Sewer Overflow User's Guide</u> for more details. All other reports shall be emailed to R9NPDES@epa.gov and the EPA staff person initially notified. 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 time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent

reoccurrence of the noncompliance.

3. The following shall be included as information which must be reported within 24 hours under this paragraph.

a. Any overflow, anticipated bypass and/or unanticipated bypass which exceeds any effluent limit in the permit (see Table 1. Effluent Limits and Monitoring Requirements).

- b. Any upset which exceeds any effluent limit in the permit.
- c. Any discharge that has a visible sheen.
- d. Any sanitary sewer overflow (see Section II.G).

e. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see Table 2 Effluent Limits and Monitoring Requirements).

4. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

C. Whole Effluent Toxicity 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** (i.e., $1/S \times 100$, also 1 part effluent to S-1 parts dilutant). 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 6. Facility-specific Chronic Toxicity IWC.

Facility	Required chronic toxicity instream waste concentration (IWC) in % effluent	S	1 part effluent to S–1 parts dilutant
All facilities	100%	1	1 to 0

2. Sampling and Monitoring Frequency

Toxicity test samples shall be collected for the authorized discharge point in accordance with Section II.C.2 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 II, Table 4. 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

Permittees discharging to freshwater shall **conduct toxicity tests with the parameter for chronic toxicity required for freshwater receiving waters in Part II, Table 4**: static renewal test with daphnid, Ceriodaphnia dubia (Survival and Reproduction Test Method 1002.0). The permittee shall follow this short-term WET method for this test species for estimating the chronic toxicity of NPDES effluents found in the fourth edition of Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA/821/R-02/013, 2002; Table IA, 40 CFR 136).

Permittees discharging to marine waters shall **conduct toxicity tests with the parameter for chronic toxicity required for marine receiving waters in Part II, Table 4:** static non-renewal test with purple sea urchin, *Strongylocentrotus purpuratus* or eccentric sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0). 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.)

Conditional Species Sensitivity Screening Report. The permitting authority may require by letter—signed by the NPDES Permits Section Manager—the permittee to conduct and submit the results of species sensitivity screening for the discharge at the chronic toxicity IWC. Screening is defined as one round of concurrent chronic toxicity tests conducted each month, repeated over no more than three consecutive months. The total number of monthly rounds is specified by the permitting authority (i.e., 1 to 3). A round shall consist of one test using a fish, one test using an invertebrate, and one test using an alga and the applicable WET methods listed under this condition. The permittee shall conduct the screening and a final report is due to EPA no more than 12 months after the permittee is notified by letter of the requirement to conduct species sensitivity screening (e.g., if letter date is during January 2020, then the final report is due January 31, 2021). The permittee shall report **Pass (0)** or **Fail (1)** and the <u>associated</u> value for **PE** for each chronic toxicity

test conducted for species sensitivity screening. For the TST statistical approach used by this permit, the most sensitive test species is the species which demonstrates the most number of Fail (1) results for routine monitoring tests <u>and</u> species sensitivity screening tests. If no test results are Fail (1), then the most sensitive test species is the species which demonstrates the highest $PE \ge 10$ at the IWC for routine monitoring tests <u>and</u> species sensitivity screening tests. The duration of the discharge would be considered when determining species sensitivity screening requirements.

4. 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 III.C.3., above. 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 72hours 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_o) 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: % Effect = [(Control mean response – IWC mean response) \div Control mean response] × 100.

e. **Controls.** Effluent dilution water and control water shall be prepared and used as specified in the applicable WET methods manual in III.C.3., above. 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 in III.C.3., above.

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 in the testing laboratory, 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 III.C.3., above, 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. In addition to Total Alkalinity, Conductivity, and Total Hardness, when preparing effluent samples for toxicity testing using *Ceriodaphnia dubia* reproduction Method 1002.0, the Major Ions (Na⁺, K⁺, Ca²⁺, Mg²⁺, Cl⁻, SO4²⁻, and HCO³⁻/CO3²⁻) shall be well characterized (and available for DMR reporting when requested by the permitting authority) for the effluent IWC, dilution water, and culture water used for toxicity testing. See Mount DR, Erickson RJ, Forsman BB, and Norberg-King TJ. 2019. Chronic toxicity of major ion salts and their mixtures to *Ceriodaphnia dubia. Environ Toxicol Chem* 38:769-783.

i. **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 the permitting authority. Ammonia shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority.

5. 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 II, Table 4, Endnote 2), 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.

c. If a TRE and Toxicity Identification Evaluation (TIE) are conducted, an indication of who would conduct these studies (i.e., an in-house expert or outside contractor).

6. 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 II, Table 4, Endnote 2), then—regardless of the minimum monitoring frequency in Part II, Table 4—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 II, Table 4. 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 Evaluation Feaduction Evaluations (EPA/600/2-88/070, 1989)—and return to the monitoring frequency in Part II, Table 4.

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. The Detailed TRE Work Plan shall be submitted to the permitting authority as an attachment to the permittee's next toxicity DMR submittal.

d. 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 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).

e. 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 Endnotes in Part II, Table 4.

- 7. Reporting of Toxicity Monitoring Results on DMR
 - 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 II, Table 4, Endnote 2.

Report Maximum Daily Effluent result(s) for Chronic Toxicity. See Part II, Table 4, Endnote 3.

b. The permittee shall <u>email to R9NPDES@epa.gov and</u> <u>maricar.quezon@epa.guam.gov</u> each full toxicity laboratory report for all toxicity testing by the due date for submitting the corresponding toxicity test results on DMRs. The email subject shall include the permit number (GUG000001). 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. These 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 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, 10th, 25th, 50th, 60th, 65th, 70th, 75th, 80th, 90th, 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 submit an electronic report to R9NPDES@epa.gov and to maricar.quezon@epa.guam.gov within 14 days of each of the following occurrences: a Median Monthly Effluent result of Fail (1) for chronic toxicity, or a Maximum Daily Effluent result of Fail (1) combined with $PE \ge 50$. If the permittee is reporting a Median Monthly Effluent result of

Fail (1), the permittee shall follow required steps listed in Part II.C.6 of this permit.

D. Pollution Minimization Program

To maintain the discharge at or below WQBELs, the permittee shall conduct a
pollutant minimization program for each pollutant with a WQBEL below the ML (or
Territory quantitation level), with the goal to reduce all potential sources of the
pollutant in internal and indirect wastewater streams contributing to the discharge.
The permittee shall report on this program in addition to reporting under the
Pollution Prevention Plan for storm water discharges outlined in Section III, below.

The pollutant minimization program shall include:

- a. Review and monitoring of pollutant sources;
- b. Monitor pollutant in effluent and influent;
- c. Develop control strategy for reducing pollutant loadings to the treatment facility;
- d. Implement appropriate control measures consistent with the control strategy, as pollutant sources are discovered; and
- e. Develop annual status report of activities. The annual status reports shall be retained on-site and be made available, upon request by EPA or Guam EPA.

E. Receiving Water Monitoring

The permittee shall conduct receiving water monitoring quarterly in the form of photo documentation of the discharged effluent. Photos shall be taken of the effluent as it enters the receiving water and must be of suitable quality to adequately assess visible sheening, discoloration, and turbidity of the effluent and receiving water. Each photo must be labeled with the outfall number, date and time and be submitted to EPA quarterly as an electronic attachment to the respective DMR through NetDMR and to Guam EPA, as described above.

F. PFAS Site Study

The permittee shall complete a Per- and Polyfluoroalkyl Substances (PFAS) site study to identify PFAS-containing materials and potential pathways for discharge of PFAS from the facility. The site study report shall be submitted to EPA within 1 year of the effective date of the permit and shall:

a. Identify PFAS-containing materials at the facility;

- b. Identify areas where PFAS-containing materials are stored, used, and/or disposed;
- c. Detail the various potential pathways (current and historic) for discharge of PFAS from the facility and the nature of potential PFAS contamination in the surface and subsurface soil, groundwater, stormwater, influent and effluent;
- d. Describe a proposed sampling plan for environmental matrices with potential PFAS contamination; and
- e. Include a site map showing the following:
 - i. Facility map;
 - ii. Locations where potential PFAS-containing materials are stored, used, and/or released;
 - iii. Locations of sensitive receptors such as municipal supply wells, domestic wells, and/or surface water bodies within a one-mile radius of any suspected or known release areas; and
 - iv. Proposed sampling locations for surface and subsurface soil, influent, effluent, groundwater, and/or stormwater samples described in proposed sampling plan.

G. Tiered Outfall Habitat Assessment and Reporting

Each permittee shall create a habitat assessment plan to assess the condition of the benthic habitat directly below each permitted outfall. The permittee shall first create a plan to determine the type of ocean or stream floor (e.g., sand, hard bottom, reef) and benthic habitat below each outfall, and subsequently implement this plan.

The plan and assessment should follow a tiered approach as described below:

- **Tier I:** Each outfall area shall be visually inspected for presence of corals and percent area for corals, seagrass, and endangered species that may exist within a 50 ft. radius of the outfall terminus. If there is evidence of corals, seagrass, or endangered species within the 50 ft. radius then Tier II requirements must be followed.
- **Tier II:** Each outfall that has evidence of corals, habitat for corals, seagrass, or endangered species within the 50 ft. radius shall determine if these species or habitat are being affected by the effluent from the outfall by the most appropriate method, depending on the likely pathway for pollutants in the effluent discharge. Example methods might include sediment sampling (chemistry and/or acute toxicity) within the 50 ft. radius area near the outfall. If discharge pollutants are associated with bioaccumulation then fish tissue sampling may also be appropriate. Sampling should also include reference

stations that are farther than the 50 ft. radius of the outfall to assist with evaluation of influence by other pollutant sources.

The assessment shall include still photographs or video of the habitat within a 50 ft. radius of the outfall terminus. The assessment may be conducted by remotely operated vehicle, diver, or manned submarine. This assessment must be conducted within three years of the effective date of this permit.

Within each habitat assessment plan, EPA recommends including information on minimizing potential introduction of toxicopathological agents to corals (e.g., sunscreens containing oxybenzone, butylparaben, octinoxate, and 4-methylbenzylidene camphor).

The permittee shall share a draft habitat assessment plan with EPA at R9NPDES@epa.gov and NMFS Pacific Islands Regional Office (PIRO) at efhesaconsult@noaa.gov for review and recommendations at least 60 days prior to the planned date of the habitat assessment.

Within 180 days of completion of the habitat assessment, including visual inspection of the ocean/stream floor and benthic habitat, the permittee shall provide a summary report of the assessment, including video recording (with audio) and/or photographic images to EPA and NMFS PIRO.

H. Emergency Response Plan

Within the permit term, the permittee shall review and update their existing plan to address emergencies (e.g., power outages, typhoons) that may negatively affect the treatment system efficiency and result in (untreated or partially treated) discharges which are likely to degrade water quality in receiving waters. The updated emergency response plan shall be submitted to EPA for review before the end of the permit term and then retained on site and available upon request by EPA or Guam EPA.

In the emergency response plan, the permittee shall describe how to keep the treatment system operational during an emergency, including maintenance activities and frequency of testing.

I. Summary of Special Reports

The permittee is required to submit special reports in this permit by the dates listed below in Table 7. For reports that are required to be submitted to "R9NPDES", the permittee shall email reports to R9NPDES@epa.gov and include the following information in the subject line:

- 1. The permit number (GUG000001)
- 2. The name of the report as written in the table below.
- 3. The word "submittal"

Special Report Name	Due Date	Section of Permit	Submit Report to:				
PFAS Site Study	One year after	Part III.F.	R9NPDES@epa.gov				
Report	effective date of		efhesaconsult@noaa.gov				
	permit						

Table 7. Special Reports to Submit to EPA.

Tiered Outfall Habitat	Within three years	Part III.G.	R9NPDES@epa.gov
Assessment and	of effective date of		efhesaconsult@noaa.gov
Reporting	permit		
Emergency Response		Part III.H.	R9NPDES@epa.gov
Plan			

J. 401 Water Quality Certification

The permittee shall comply with all requirements set forth in Guam EPA's 401 Water Quality Certification issued on July 17, 2024. See Attachment G.

Part IV. BEST MANAGEMENT PRACTICES AND POLLUTION PREVENTION PLAN REQUIREMENTS

A. Best Management Practices

- In accordance with section 304(e) of the CWA and 40 CFR § 122.44(k), prior to operation of the treatment facility and prior to any discharge, the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices ("BMPs"). Appropriate BMPs are those pollution prevention measures necessary to control site runoff, spillage and leaks, sludge and 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 measurable or observable amounts of such pollutants to surface waters.
- 2. The permittee must implement the BMPs that include, but are not limited to:
 - a. Discharge flow controls, including methods for measuring discharge flow, and control measures to prevent discharge exceeding the treatment capacity of the facility;
 - b. Engineering controls to prevent the discharge of untreated effluent or free product including:
 - i. A containment boom that fully surrounds the point of discharge; and removal of any free product from within the boom;
 - ii. If free product or a sheen is observed inside the containment boom, dewatering will be suspended, the treatment system will be inspected, and repairs (or modifications to the system) will be made, as needed to prevent discharge of free product or oil, prior to resuming water processing; and
 - iii. If oil is identified in the harbor within the discharge zone, a fuel fingerprinting sample will be collected and submitted for laboratory analysis within 24 hours, and results shall be compared with fuel fingerprint results from the 2021 removal action to determine if the source is the water treatment plant effluent within 48 hours of receiving the

results. If the source is the water treatment plant effluent, the permittee shall follow the procedures in paragraph IV.A.2.(2)(ii) to suspend and remedy discharge of free product or oil.

- c. 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 discharges;
 - i. Vehicle and equipment storage areas must be regularly inspected and cleaned for spills and leaks (including storm inlets); and have spill response equipment (e.g., drip pans, sorbent pads) to respond immediately to spills or leaks;
 - Vehicle and equipment fueling areas must have measures that prevent or minimize contamination of discharges from these areas such as covering the fueling area, using spill/overflow protection and cleanup equipment, using proper cleaning methods instead of hosing down area, minimizing run-on/runoff to fueling areas, and treating and/or recycling collected effluent;
 - iii. Materials (e.g., greases, used oil/oil filters, cleaning solvents, hydraulic and transmission fluids, petroleum and oil-related products) must be stored in designated storage areas with appropriate storage vessels to contain the materials and prevent contamination of effluent; examples include storing the materials indoors and installing berms/dikes around area(s); proper storage of all materials shall comply with local and federal laws;
 - iv. Vehicle and equipment (e.g., tank, fuel lines) cleaning areas must have measures to prevent or minimize contamination of effluent from all areas used for vehicle and equipment cleaning; these areas must have appropriate containment and/or diversionary structures or equipment to ensure wash water is filtered and recycled where feasible; and
 - v. Vehicle and equipment maintenance areas must have measures that prevent or minimize contamination of effluent from all areas used for vehicle and equipment maintenance such as performing maintenance activities indoor; using drip pans, and treating and/or recycling collected effluent.
- d. Minimizing exposure: where practicable, industrial materials and activities must be protected to prevent exposure to rain or runoff.
- e. Preventive maintenance program, which includes timely inspections and maintenance of 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; all BMPs must be maintained in effective operating condition to control source runoff.

- f. Spill prevention and response procedures: the permittee is required to develop and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with 40 CFR § 112; the SPCC Plan must describe the procedures that will be followed for cleaning up spills or leaks and for disposal of oil and hazardous waste; measures for cleaning up spills or leaks and disposal of such materials must be consistent with applicable RCRA regulations at 40 CFR §§ 264 and 265 and CWA regulations at 40 CFR § 112.
- g. Routine facility inspections: qualified personnel must inspect all areas of the facility where industrial materials or activities are exposed to water (i.e., storage areas for vehicles/equipment awaiting maintenance, fueling areas, vehicle/equipment maintenance areas, material storage areas, line-flushing area, vehicle/equipment cleaning areas, and loading/unloading area, location(s) of oil/water separators, storm drains, etc.); inspections must include an evaluation of existing BMPs; and inspections shall occur at least once per week.
- h. Pollution prevention training program for the facility; Prior to operating in areas where industrial materials or activities generate effluent, all employees and contractors shall be trained in spill response, good housekeeping and material management practices, proper fueling practices, and proper painting or sandblasting procedures for the removal of paint. All employees and contractors shall be re-trained at least once per year. A log of training dates, the topics covered, and participants in each training must be maintained onsite.
- i. Sediment and erosion control: structural, vegetative, and/or stabilization BMPs to limit erosion must be implemented in areas of the facility that have a potential for significant soil erosion.
- 3. Control measures, including BMPs, must be designed to meet the following nonnumeric technology-based limitations:
 - a. Minimize the potential for violations of the terms of this permit, taking corrective actions, when necessary;
 - b. Minimize the number and quantity of pollutants and/or the toxicity generated, discharged, or potentially discharged at the site;
 - c. Minimize discharges of pollutants from the dewatering activities, by preventing contamination of groundwater from material storage areas, treatment and material handling areas, loading and unloading operations, and accidental leaks or spills, and minimizing contamination of groundwater by stormwater on the

site through use of on-site control measures and implementation of material compatibility and good housekeeping practices; and

- d. Use pollution control technologies to meet the discharge limitations and requirements in this permit, including the proper operation and maintenance of the treatment system.
- 4. Per- and Polyfluoroalkyl Substances
 - a. Spills of Per- and Polyfluoroalkyl Substances (PFAS), including but not exclusive to PFAS-containing aqueous film-forming foam (AFFF), must be treated as oil spills and segregated from discharge water. Cleanup must use dry methods (e.g., absorbents) and must be carried out promptly after a spill of PFAS is detected.
 - b. The permittee must implement measures to minimize or eliminate discharges of PFAS from all firefighting and emergency response activities. The permittee is not expected to deploy control measures during an emergency.
 - c. The permittee must implement measures to minimize discharges of PFAS during post-emergency activities, including clean-up. Determination of cessation of the emergency is at the discretion of the emergency on-scene coordinator.

B. Pollution Prevention Plan

- 1. The permittee shall prepare a Pollution Prevention Plan ("Plan") that describes the pollution prevention measures or BMPs that shall be implemented at the facility, which must meet the minimum requirements detailed under Part IV.A. of this permit. The Plan must be implemented by 90 days from effective date of permit.
- 2. The Plan must identify the potential sources of pollution that may reasonably be expected to affect the quality of the effluent discharges from the facility and describe the design specifications and implementation practices that will be used to reduce the pollutants in effluent discharges from the facility and assure compliance with the terms and conditions of this permit. The Plan must be retained onsite.
- 3. The Plan shall include at a minimum the following contents:
 - a. The identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility

organization responsible for developing, implementing and maintaining the Plan.

- b. A description of the facility that includes:
 - i. a description of the nature of the industrial activity(ies) at the facility;
 - ii. a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility;
 - iii. treatment system schematics, drawings, and/or maps, including up-to-date facility site plans;
 - a drainage site map identifying the directions (using arrows) of water flow; locations of all existing structural BMPs and all surface water bodies; locations of potential pollutant sources and locations of significant materials and activities (e.g., fueling stations, vehicle and equipment cleaning areas, loading/unloading areas, locations used for treatment, storage and disposal of wastes, processing and storage areas, liquid storage tanks, location of transfer of substance in bulk, etc.) that exposed to precipitation; and locations of outfalls.
 - v. the name of the nearest receiving water(s) that receives or may receive effluent discharges from the facility.
 - vi. a summary of potential pollutant sources that includes: a description of each separate area of the facility where industrial materials or activities that generate effluent and those that are exposed to stormwater (e.g., on-site waste storage or disposal, dirt/gravel parking areas for vehicles for vehicles awaiting maintenance, fueling areas, bulk storage areas) are located and a list of associate pollutant(s) or parameters (e.g., pH, BOD, etc.) for each material or activity.
 - vii. a plan for compliance with the terms of this permit documenting how control measures will be implemented, including BMPs, to meet the technology-based limitations.
 - viii. a description of existing and planned BMPs for discharge controls; the Plan shall describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are

exposed to stormwater or generate non-stormwater discharges.

- ix. a copy of this permit.
- 4. The Plan must have management approval and shall display the date of the most recent management approval.
- 5. The Plan shall be updated whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility.
- 6. The Plan shall be updated whenever there is indication of pollutants in the effluent discharge that may impact water quality standards; indication of pollutants requires the permittee to evaluate potential pollutant sources and corresponding BMPs and make appropriate Plan revisions; the permittee shall implement timely corrective actions and revise BMPs, as necessary.
- 7. The most current version of the Plan must be retained on-site and be made available, upon request by EPA or Guam EPA.

Attachment A: STANDARD CONDITIONS

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

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 an 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 section 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 Clean Water Act 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 section 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 section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 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 section 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 section 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.¹

- 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 of 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 10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.¹
- 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).

¹ 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.

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:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;

(iii)The date(s) analyses were performed

- (iv)The individuals(s) who performed the analyses;
- (v) The analytical techniques or methods used; and
- (vi)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:
 - (i) 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.

- (ii) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
- (iii)For a municipality, 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 40 CFR § 122.22(a), or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (i) The authorization is made in writing by a person described in 40 CFR § 122.22(a);
 - (ii) 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,

(iii) The written authorization is submitted to the Director.

- c. Changes to authorization. If an authorization under 40 CFR § 122.22 (b) 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 40 CFR § 122.22(b) 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 40 CFR § 122.22 (a) or (b) 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(1).
 - 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:
 - (i) 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
 - (ii) 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).
 - (iii)The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, an 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.)
 - (i) Transfers by modification. Except as provided in 40 CFR § 122.61(b), 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.

- (ii) Automatic transfers. As an alternative to transfers under 40 CFR § 122.61(a), 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 40 CFR § 122.62(b)(2);
 - (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 40 CFR § 122.63(b)(2).
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016 all reports and forms 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.
 - (ii) 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.
 - (iii)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.
 - (i) 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, combine 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 of December 21, 2025 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events 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. The permittee shall electronically submit all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events using CDX (https://cdx.epa.gov/) in accordance with the reporting 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).
 - (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g).)

- (B) Any upset which exceeds any effluent limitation in the permit.
- (C) 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).)
- (iii)The Director may waive the written report on a case-by-case basis for reports under 40 CFR § 122.41(1)(6)(ii) 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), at the time monitoring reports are submitted. The reports shall contain the information listed in 40 CFR § 122.4(l)(6).
- h. Other information. Where the permittee becomes aware that it 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.
 - (i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - (ii) "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 40 CFR § 122.41(m)(3) and (m)(4).
 - c. Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in 40 CFR § 122.41(1)(6) (24-hour notice).
- (iii)As of December 21, 2025 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.
 - i. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) 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
 - (C) The permittee submitted notices as required under paragraph 40 CFR § 122.41(m)(3).
 - ii. 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 40 CFR § 122.41(m)(4)(i).

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 cause 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 40 CFR § 122.41(n)(3) 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:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii)The permittee submitted notice of the upset as required in 40 CFR § 122.41(l)(6)(ii)(B) (24 hour notice).
 - (iv)The permittee complied with any remedial measures required under 40 CFR § 122.41(d).
- 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; or
- 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 discharger 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:
 - (i) Noncompliance by the permittee with any conditions of the permit;
 - (ii) 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;
 - (iii)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
 - (iv)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. 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 section 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.

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.

- Existing manufacturing, commercial, mining, and silviculture dischargers; at 40 CFR § 122.42 (a). All existing manufacturing, commercial, mining, and silviculture dischargers must notify the Director as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) One hundred micrograms per liter (100 μ g/l);
 - (ii) Two hundred micrograms per liter (200 μg/l) for acrolein and acrylonitrile;
 five hundred micrograms per liter (500 μg/l) for 2,4-dinitrophenol and for 2 methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii)Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - (iv)The level established by the Director in accordance with 40 CFR § 122.44(f).
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) Five hundred micrograms per liter (500 μ g/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii)Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - (iv)The level established by the Director in accordance with 40 CFR § 122.44(f).

Attachment B: 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. "Best Management Practices" or "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, 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.
- 4. A "composite" sample means a time-proportioned mixture of not less than eight 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.
- 5. 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.
- 6. A "daily maximum allowable effluent limitation" means the highest allowable "daily discharge."
- 7. 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.
- 8. 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.

- 9. 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.
- 10. 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 § 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 $(1, 2, \text{ or } 5) \times 10n$, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: $2.5 µg/l \times 3.18 = 7.95 µg/l$). The multiple of $(1, 2, \text{ or } 5) \times 10n$ nearest to 7.95 is $1 \times 101 = 10 µg/l$, so the calculated ML, rounded to the nearest whole number, is 10 µg/l.)

- 11. 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.
- 12. A "NODI(Q)" means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory's MDL, but less than the ML.

Attachment C: Facility Locations

Guam Bulk Fuel NPDES Permit Outfalls



0.6mi

Attachment D: Ammonia Data Log

Α	В	С	D	Ε	F
Date of Sample	Ammonia Concentration in Effluent (mg/L N)	Effluent pH (s.u.)	Effluent Temperature (°C)	Ammonia Objective (From Attachment E)	Ammonia Impact Ratio (AIR) (Column B /Column E)

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.

Attachment E: pH-Dependent Ammonia (as N) Objectives

For freshwater discharges, including discharges to S-1, S-2, and S-3 designated waters, permittees shall use Table 1 to determine their Ammonia Impact Ratio. For all marine dischargers, permittees shall use Table 2 to determine their Ammonia Impact Ratio.

Tau	IC 1.	
pН	Objective	
6.5	3.48	
6.6	3.43	
6.7	3.36	
6.8	3.29	
6.9	3.19	
7	3.08	
7.1	2.96	
7.2	2.81	
7.3	2.65	
7.4	2.47	
7.5	2.28	
7.6	2.08	
7.7	1.87	
7.8	1.66	
7.9	1.46	
8	1.27	
8.1	1.09	
8.2	0.94	
8.3	0.80	
8.4	0.67	
8.5	0.57	

Table 1:

Crite	iteria Continuous Concentrations of Total Ammonia Nitrogen for Protection								
	of Saltwater Aquatic Life (mg/L of Nitrogen)								
		Salinity = 30 g/kg							
	Temperature in degrees Celsius								
		0	5	10	15	20	25	30	35
	7.0	47	31	22	15	11	7.2	5.0	3.4
	7.2	29	20	14	9.7	6.6	4.7	3.1	2.2
	7.4	19	13	8.7	5.9	4.1	2.9	2.0	1.4
	7.6	12	8.1	5.6	3.7	3.1	1.8	1.3	0.90
	7.8	7.5	5.0	3.4	2.4	1.7	1.2	0.81	0.56
Ηd	8	4.7	3.1	2.2	1.6	1.1	0.75	0.53	0.37
	8.2	3.0	2.1	1.4	1.0	0.69	0.50	0.34	0.25
	8.4	1.9	1.3	0.90	0.62	0.44	0.31	0.23	0.17
	8.6	1.2	0.84	0.59	0.41	0.30	0.22	0.16	0.12
	8.8	0.78	0.53	0.37	0.27	0.20	0.15	0.11	0.09
	9	0.50	0.34	0.26	0.19	0.14	0.11	0.08	0.07

Table 2:

Attachment F: List of Priority Pollutants

Priority Pollutants are a set of chemical pollutants for which EPA has developed analytical methods. The permittee shall test for all priority pollutants listed in 40 CFR § 423, Appendix A. Certain priority pollutants (in **BOLD**) are volatile compounds and should be collected using grab samples; whereas, the remaining priority pollutants are recommended to be collected via composite samples. For reference, the 126 priority pollutants at time of issuance include:

- 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-trichloreothane
- 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 90. Dieldrin 91. Chlordane 92. 4,4-DDT 93. 4,4-DDE 94. 4,4-DDD 95. Alpha-endosulfan 96. Beta-endosulfan 97. Endosulfan sulfate 98. Endrin 99. Endrin aldehyde 100. Heptachlor 101. Heptachlor epoxide 102. Alpha-BHC 103. Beta-BHC 104. Gamma-BHC

105. Delta-BHC 106. PCB-1242 (Arochlor 1242) 107. PCB-1254 (Arochlor 1254) 108. PCB-1221 (Arochlor 1221) 109. PCB-1232 (Arochlor 1232) 110. PCB-1248 (Arochlor 1248) 111. PCB-1260 (Arochlor 1260) 112. PCB-1016 (Arochlor 1016) 113. Toxaphene 114. Antimony 115. Arsenic 116. Asbestos 117. Beryllium 118. Cadmium 119. Chromium 120. Copper 121. Cyanide, Total 122. Lead 123. Mercury 124. Nickel 125. Selenium 126. Silver 127. Thallium 128. Zinc 129. 2,3,7,8-TCDD

Attachment G: Guam EPA 401 Water Quality Certification, July 17, 2024



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

)

JUL 17 2024

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) R-9 WQC ORDER #2024-04 NPDES PERMIT NO. GUG000001; GENERAL PERMIT FOR GUAM BULK FUEL STORAGE FACILITIES

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

The Regional Administrator has determined that bulk fuel storage facilities operating in the areas described in the proposed general NPDES permit continue to be more appropriately and effectively controlled by a general permit than by individual permits. This decision is based on 40 CFR 122.28, 40 CFR 125 (Subpart M) and EPA's previous permit decisions on the Guam bulk fuel storage facilities. These facilities and their operational and discharge characteristics are very similar, and EPA has determined that it will be more efficient to continue to regulate their discharges with a general permit.

The Guam Environmental Protection Agency (Guam EPA) received a copy of the draft U.S. EPA Region 9—National Pollutant Discharge Elimination System—(NPDES) General Permit (GUG000001) and the correlating NPDES general permit draft Fact Sheet for the discharge of pollutants from the following Guam bulk fuel storage facilities:

- Mobil Oil Guam Inc. Cabras Terminal
- Tristar Guam F-1 Pier Terminal
- Tristar Guam Agat Terminal
- South Pacific Petroleum Corporation Cabras Island Terminal
- Guam Power Authority Piti Terminal

Per 40 CFR Part 121, EPA requested a pre-filing meeting (February 21, 2024) and a request for certification (March 27, 2024) under Section 401 of the Clean Water Act (CWA) from Guam EPA, the certifying authority.



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLÁLA'LA' 2 | Page WQC Order #2024-04 General NPDES Permit No. GU000001 for Guam Bulk Fuel Storage Facilities

EPA and Guam EPA initially agreed and set the reasonable period for CWA certification at 90 days or June 24, 2024. This date was mutually extended to July 24, 2024. (40 CFR Section 121.6)

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 respective draft Guam General NPDES Permit. Furthermore, the Guam EPA Administrator makes this written determination, by means of WQC Order No. 2024-04 granting CWA Section 401 Certification, with conditions.

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.

FACILITY DESCRIPTION

Facility	Outfall(s)* (latitude/longitude values)	Receiving Waters
Mobil Oil Guam Inc. Cabras Terminal	Outfall 002 (13.462222, 144.6625): Area C Tank Farm	Apra Harbor M-3 Water
Tristar Guam F-1 Pier Terminal	Outfall 001 (13.458611, 144.659167): Drainage from bulk storage area and pipeline receipt and transfer manifold area	Apra Harbor M-3 Water
South Pacific Petroleum Corporation Cabras Island Terminal	Outfall 001 (13.4628, 144.664): Drainage from bulk storage area and pipeline receipt and transfer manifold area Outfall 002 (13.463381, 144.664956): Drainage from tank truck loading area	Apra Harbor M-3 Water
Tristar Guam Agat Terminal	Outfall 001 (13.420619, 144.685267): Drainage from bulk storage area and pipeline receipt and transfer manifold area	Big Guatali River S-3 Water
Guam Power Authority Piti Terminal	Outfall 001 (13.4606,144.68680) Outfall 002 (13.46008,144.68547) Outfall 003 (13.46015, 144.68454): Storm water or release from the tanks	Piti Channel S-3 Water

TABLE I. NPDES Permitted Bulk Fuel Storage Facilities

*All outfalls are authorized to discharge both treated effluent from respective facility operations as well as treated stormwater which may be discharged concurrently.



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RECEIVING WATER

The permit coverage area consists of the following receiving surface and marine waters in the Territory of Guam. "Surface" and "marine" categories of water are established under Section 5102 of Guam's Water Quality Standards, GWQS, (2017 Revision).

Surface Waters (Categories: S-1 High; S-2 Medium; S-3 Low)

This category includes all of surface freshwater and includes waters that flow continuously over land surfaces in a defined channel or bed, such as streams and rivers; standing water in basins, such as lakes, wetlands, marshes, swamps, ponds, sinkholes, ponding basins, impoundments, and reservoirs, either natural or man-made; and all waters flowing over the land as runoff, or as runoff confined to channels with intermittent flow.

Piti Channel (S-3). Three permitted outfalls for the GPA facility will discharge into the Piti Channel, a Category S-3 fresh waterbody. The Piti Channel discharges to Apra Harbor. S-3 surface water is primarily used for commercial, agricultural, and industrial activities. Aesthetic enjoyment and limited body contact recreation are acceptable in this zone, as well as maintenance of aquatic life.

Big Guatali River (S-3). One permitted outfall for the Tristar Agat facility will discharge into the Big Guatali River, also a Category S-3 fresh waterbody located in Agat, Guam.

Marine Waters (Categories M-1 Excellent; M-2 Good; M-3 Fair)

This category of water includes all coastal waters offshore from the mean high-water mark, including estuarine waters, lagoons and bays, brackish areas, wetlands and other inland waters that are subject to the ebb and flow of the tides.

Apra Harbor (M-3). Four permitted outfalls discharge into Apra Harbor's category M-3 waters.

- Outfall #002 permitted outfall for Mobil Oil Guam's Cabras facility
- Outfalls #001 & #002 permitted outfalls for SPPC's Cabras Island facility
 - Outfall #001 permitted outfall for Tristar's F-1 Pier facility

Water in this category is intended for general, commercial and industrial use, while allowing for protection of aquatic life, aesthetic enjoyment and compatible recreation with limited body contact.



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Specific intended uses include shipping, boating and berthing, industrial cooling water, and marinas.

303(d) Impaired Waters

Apra Harbor. Apra Harbor is the only deep-water harbor on the island of Guam and is the primary berthing facility on the island. Apra Harbor is generally divided into two parts: Outer Apra Harbor which supports Navy, commercial, and recreational activities, and Inner Apra Harbor where Naval Base Guam is located. Guam EPA has identified three waterbodies in Apra Harbor based on their marine water classification: Apra Harbor 1 (M-1 waters), Apra Harbor 2 (M-2 waters), and Apra Harbor 3 (M-3 waters).

Apra Harbor 1 and Apra Harbor 2 waterbodies are on Guam's 2020 EPA approved 303(d) List of Impaired Waters due to a 1999 Fish Advisory for exceedances of PCBs in fish tissue. This Advisory remains in effect for this waterbody.

Piti Channel, Big Guatali River and Apra Harbor 3, receiving waters for the facilities under this NPDES General Permit, are not impaired waterbodies.

ELIGIBLE DISCHARGES

This permit authorizes discharges of treated water associated with tank bottom water draws, treated stormwater which may be discharged concurrently with tank bottom draws, equipment maintenance activities, hydrostatic test water from integrity testing of piping and tankage, service water flows associated with incidental leaks, system tests, facility maintenance activities, and firewater system testing from the aforementioned bulk fuel storage facilities operating in Guam.

Coverage under this permit is not available for any other discharges or facilities.

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. **2024-04** ("Order") specifies conditions necessary to assuring that discharge(s) to waters of the United States in Guam from authorized bulk fuel facilities 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 bulk fuel facilities General 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 General 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. 40 CFR Section 121.1
- A2. For the five bulk fuel storage facilities (listed in Table I.) written Notices of Intent ("NOIs") to be covered under this permit shall be submitted to EPA no later than 30 days after the effective date of this permit. For any additional bulk fuel storage facilities seeking coverage under this general permit, NOIs shall be submitted prior to initiation of any discharges. Initiation of discharges authorized by this permit may not begin until EPA has reviewed the submitted information and notified the **permittee** in writing that their NOI has been approved. Facility coverage is not effective until NOIs are received and EPA notifies the permittee, as described in Part I.C.2. of the draft permit. 40 CFR Section 122.28
- A3. All discharges must be in in compliance with the final effluent limits and monitoring requirements specified in the general NPDES permit. Compliance with these requirements is based on monitoring and outfall locations described in the general permit. GWQS 5104(a)(2)
- A4. 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 and maricar.quezon@epa.guam.gov. The submittals shall be identified with WQC Order #2024-04 and include the NPDES Permit Number, the certifying representative's name, title, mailing address and phone number. 22 GAR 2 - §5106(j)(4).
- A5. The permittee shall submit an electronic or paper Discharge Monitoring Report (DMR), as well as any other report submittal required by General NPDES Permit No. GUG000001, to Guam EPA consistent with provision A4. above. 22 GAR 2- §5104(a)(12)



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 Quality Certification Conditions. (See Attachment A for an example) per condition A4.
 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 122, 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302

- C1. All bulk fuel storage facility permittees shall develop and implement a Spill Prevention and Containment Plan.
- C2. All bulk fuel storage facility permittees 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. The permittee shall report any noncompliance which may endanger human health or the environment. 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 noncompliance and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - Provide an oral report directly to EPA and Guam EPA 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 by 9 am on the first business day following the noncompliance to the attention of EPA Region 9 Enforcement and Compliance Assurance Division at (415) 947-4222 and to the Guam EPA Administrator at (671) 300-4751. 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
 - Follow up with a detailed written submission to Guam EPA (per provision A3.) within five days of the time the permittee becomes aware of the noncompliance. 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 time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.



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- C4. Compliance with this condition does not relieve the permittee 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. GUG000001 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.



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

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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

SIGNATURE

Makeples

MICHELLE C.R. LASTIMOZA ADMINISTRATOR

JUL 17 2024

DATE

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9 | Page WQC Order #2024-04 General NPDES Permit No. GU000001 for Guam Bulk Fuel Storage Facilities

APPENDIX A



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Statement of Understanding of Water Quality Certification Conditions

U.S. ENVIRONMENTAL PROTECTION AGENCY R-9 Water Quality Certification Order #2024-04

As the Project Proponent for the Guam Bulk Fuel Storage Facilities General NPDES Permit No. GUG000001, I have read and understand the conditions of the Guam Environmental Protection Agency WQC Order #2024-04.

I have and will continue to ensure that the permittees have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

Print Name
Signature Date
Title Phone Number



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APPENDIX B



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NOTICE OF INTENT TO APPEAL

I,		, have received WQC Order #2024-0	4
dated Fuel Storage Faci	, listing the Water Quality Certification Conditions for the Guam Bulk lities General NPDES Permit No. GUG000001.		
l request a hearin are the following	g with the Guam EPA Board o :	of Directors. The basis for this hearing an	d appea
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[Additional Shee	ts maybe attached if more spac	e is required.]	
Mailing address:			
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	Print Name		
	Signature	Date	
	Title	Phone Number	
GUAM E	PA CASE NO.		
GUAM EPA 17-	-3304 Mariner Avenue Tiyan Barrigada, Guan -11NGS OF THE EARTH ARE ONE • MANU	96913-1617 Tel: (671) 300.4751/2 Fax: (671) 300.4531 ер: NU TODU I MANLÁLA'LA'	a guam.gov

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