

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

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

FINAL NPDES PERMIT NO. GU0020001

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

Discharger Name	Guam Power Authority
Discharger Address	P.O. Box 2977 Hagatna, GU 96932
Facility Name	Cabras Power Plant
Facility Location Address	Route 11 Cabras Island Municipality of Piti, GU 96915
Facility Rating	Major

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Non-contact once through cooling water (Units 1 & 2)	13° 27' 52.1" N	144° 41' 12.71" E	Piti Channel, Apra Harbor
101	Stormwater	13° 27' 52.1" N	144° 41' 12.71" E	Piti Channel, Apra Harbor

This permit was issued on:	December 9, 2019
This permit shall become effective on:	February 1, 2020
This permit shall expire at midnight on:	January 31, 2025

In accordance with 40 CFR 122.21(d), the discharger 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 this 9th day of December, 2019, for the Regional Administrator.

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Tomás Torres, Director
Water Division

TABLE OF CONTENTS

Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS3

- A. Effluent Limits and Monitoring Requirements 3**
- B. Table 1. Effluent Limits and Monitoring Requirements – Outfall 001 5**
- C. Table 2. Effluent Limits and Monitoring Requirements – Outfall 101 6**
- D. Sampling 7**
- E. General Monitoring and Reporting 7**
- F. Receiving Water Monitoring 10**

Part II. SPECIAL CONDITIONS10

- A. Permit Reopeners 10**
- B. Twenty-four Hour Reporting of Noncompliance 11**
- C. Whole Effluent Toxicity (WET) Requirements 12**
- D. Cooling Water Intake Requirements 16**
- E. Anti-Fouling Reporting Requirements 18**
- F. 401 Water Quality Certification 19**
- G. Coastal Zone Management Act Federal Consistency Certification 19**

Part III. POLLUTION PREVENTION PLAN REQUIREMENTS19

Part IV. STANDARD CONDITIONS27

- A. All NPDES Permits 27**
- B. Specific Categories of NPDES Permits 39**

Attachment A: Definitions41

Attachment B: Location Map and Site Plan43

Attachment C: Wastewater Flow Schematic45

Attachment D: List of Priority Pollutants46

Attachment E: 401 Water Quality Certification, October 10, 201948

Attachment F: Coastal Zone Management Act Federal Consistency Certification, November 21, 201956

Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS***A. Effluent Limits and Monitoring Requirements***

1. Effluent Limits – Outfall 001

The discharger is authorized to discharge non-contact once through cooling water from Steam Electric Units 1 and 2 in compliance with the effluent limits and monitoring requirements specified in Table 1. The discharger shall monitor the effluent to evaluate compliance. Compliance with these requirements is monitored at Monitoring Locations 001, ZOM-N-S, ZOM-N-M, ZOM-N-B, ZOM-S-S, ZOM-S-M, ZOM-S-B, Ambient-S, Ambient-M, and Ambient-B. If there is no discharge at this outfall during any one month period, then report “C” in the “No Discharge” box on the DMR form for that month.

2. Effluent Limits – Outfall 101

The discharger is authorized to discharge stormwater in compliance with the effluent limits and monitoring requirements specified in Table 2. The discharger shall monitor the effluent to evaluate compliance.

3. The discharge of pollutants at any point other than the outfall numbers specifically authorized in this permit is prohibited.

4. There shall be no discharge of pollutants to the receiving water that will:

- a. Cause visible floating materials, debris, oils, grease, scum, foam, or other floating matter which degrades water quality or use.
- b. Produce visible turbidity, settle to form deposits or otherwise adversely affect aquatic life.
- c. Produce objectionable color, odor or taste, directly or by chemical or biological action.
- d. Injure or be toxic or harmful to humans, animals, plants or aquatic life.
- e. Induce the growth of undesirable aquatic life.
- f. Cause a variation of pH greater than 0.2 s.u. from naturally occurring conditions.
- g. Cause the concentration of dissolved oxygen to decrease to less than seventy-five percent saturation at any time.
- h. Alter the salinity more than +10% of the ambient conditions.
- i. Cause concentration of suspended matter at any point to be increased more than twenty-five percent from ambient at any time or exceed 40 mg/L.

- j. Cause the turbidity values at any point to exceed 1.0 NTU over ambient conditions.
 - k. Contain any radioactive materials at any level.
 - l. Contain concentrations of oil or petroleum products that:
 - (i) Are detectable as a visible film or sheen, or result in visible discoloration of the surface with a corresponding oil or petroleum product odor;
 - (ii) Cause damage to fish, invertebrates, or objectionable degradation of drinking water quality; or
 - (iii) Form an oil deposit on the shores or bottom of the receiving water.
 - m. Produce contamination in harvestable aquatic life to the extent that it causes detrimental physiological acute or chronic responses in humans or protected wildlife, when consumed.
 - n. Cause the survival of aquatic life to be less than that for the same water body in areas unaffected by the waste discharge.
5. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
6. Neither free available chlorine nor total residual chlorine may be discharged from Outfall 001 for more than two hours in any one day.

B. Table 1. Effluent Limits and Monitoring Requirements – Outfall 001

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements ⁽¹⁾
	Concentration and Loading				
	Average Monthly	Maximum Daily	Units	Frequency	Sample Type
Flow	(2)	(2)	MGD	Continuous	Continuous / Calculated ⁽³⁾
Temperature (Receiving Water)	±1.0 ⁽⁴⁾	±1.0 ⁽⁴⁾	°C	Monthly	Grab
Temperature (Effluent)	(2)	(2)	°C	Continuous	Continuous
pH	Within 6.5 and 8.5 at all times.		S.U.	Weekly	Grab
Total Suspended Solids	--	40	mg/L	Monthly	Grab
Oil and grease, total recoverable	10	15	mg/L	Monthly	Grab
Orthophosphate	(2)	(2)	mg/L	Quarterly	Composite ⁽⁵⁾
Chlorine, Total Residual	--	200	µg/L	Monthly ⁽⁶⁾	Grab
Fluoride ⁽⁷⁾	--	1.50	mg/L	Monthly	Grab
Enterococci	35 ⁽⁸⁾	130 ⁽⁹⁾	CFU/100mL	Monthly	Grab
Phenol	--	8.2	µg/L	Monthly	Grab
Cadmium, total recoverable	9.3	42	µg/L	Monthly	Composite ⁽⁵⁾
Chromium, hexavalent (as Cr)	50	1100	µg/L	Monthly	Composite ⁽⁵⁾
Copper, total recoverable	3.1	4.8	µg/L	Monthly	Composite ⁽⁵⁾
Lead, total recoverable	8.1	210	µg/L	Monthly	Composite ⁽⁵⁾
Mercury, total recoverable	0.025	0.051	µg/L	Monthly	Composite ⁽⁵⁾
Nickel, total recoverable	8.2	74	µg/L	Monthly	Composite ⁽⁵⁾
Silver, total recoverable	--	2.3	µg/L	Monthly	Composite ⁽⁵⁾
Chronic Toxicity	--	Pass (0) ⁽¹⁰⁾	⁽¹⁰⁾	Annually	Composite ⁽⁵⁾
Full Priority Pollutant Scan ⁽¹¹⁾	(2)	(2)	µg/L	Once during fourth year of permit term	Grab

(1) At minimum, at least one sample per year must be taken concurrent with annual whole effluent toxicity monitoring.

- (2) No effluent limits are set at this time, but monitoring and reporting is required.
- (3) If the discharge flow rate is not measured using a flow meter, volume of discharge shall be calculated based on pump run times.
- (4) The water temperature shall not be changed more than 1.0°C from ambient conditions immediately outside the thermal zone of mixing as defined as the Piti Channel, from the point of discharge to a distance three hundred feet back from where the channel joins the harbor proper, and from there to a depth of one meter (3.28 feet) to a line from the GORCO Pier and the Navy Fuel Pier on Dry Dock Island. See section I.F for specific monitoring locations.
- (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) Monitoring for Total Residual Chlorine is required only if chlorine is applied to cooling water.
- (7) The permittee may monitor for fluoride at the intake in order to establish a baseline influent concentration. If fluoride is demonstrated to be consistently present in the influent at levels statistically equivalent to the concentration of fluoride in the effluent, the permittee shall be considered in compliance with their effluent limitation.
- (8) Limit is a geometric mean of samples taken in any thirty day interval.
- (9) Limit is a statistical threshold value that must not be exceeded by more than 10 percent of the samples taken during any thirty day interval.
- (10) All chronic WET tests must be “Pass” (0), and no test may be “Fail” (1). “Pass” (0) constitutes a rejection of the null hypothesis. See section II.C for specific requirements.
- (11) See Attachment D for list of priority pollutants. For most current listing of all priority toxic pollutants see 40 CFR Part 423, Appendix A. If the permittee applies antifoulants to the cooling water discharged through Outfall 001, the scan must be conducted during the antifoulants application in order to capture any pollutants contributed by the chemical addition.

C. Table 2. Effluent Limits and Monitoring Requirements – Outfall 101

Part II. Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements
	Concentration and Loading				
	Average Monthly	Maximum Daily	Units	Frequency	Sample Type
Flow	(1)	(1)	MGD	Continuous	Continuous
pH	Within 6.5 and 8.5 at all times.		S.U.	Monthly	Grab
Total Suspended Solids	--	40	mg/L	Monthly	Grab
Oil and grease, total recoverable	10	15	mg/L	Monthly	Grab
Nitrate nitrogen (as N)	--	0.50	mg/L	Annually	Grab
Orthophosphate	(1)	(1)	mg/L	Quarterly	Grab
Fluoride	--	1.50	mg/L	Annually	Grab

Copper, total recoverable	--	3.1	µg/L	Annually	Grab
Iron, total recoverable	--	50	µg/L	Annually	Grab
Nickel, total recoverable	--	8.2	µg/L	Annually	Grab
Full Priority Pollutant Scan ⁽²⁾	(1)	(1)	µg/L	Once during fourth year of permit term	Grab

(1) No effluent limits are set at this time, but monitoring and reporting is required.

(2) See Attachment D for list of priority pollutants. For most current listing of all priority toxic pollutants see 40 CFR Part 423, Appendix A.

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

E. General Monitoring and Reporting

1. All monitoring shall be conducted in accordance with 40 CFR 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR 136 test methods with 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 or the amount of the pollutant is high enough that the method detects and quantifies the level of pollutant in the discharge. 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 permit issuance. 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 electronically submit Discharge Monitoring Reports using NetDMR (<http://www.epa.gov/netdmr>).
8. DMRs shall be submitted by the 28th day of the month following the previous reporting period. For example, under quarterly submission, the three DMR forms for January, February, and March are due on April 28th. Annual and quarterly monitoring must be conducted starting in the first complete quarter or calendar year following permit issuance. Reporting for annual monitoring is due on January 28th of the following year. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required.
9. The permittee shall submit an electronic or paper Discharge Monitoring Report to Guam EPA. DMR forms shall be mailed and emailed to the addresses specified on p.3 of the 401 Water Quality Certification (Attachment E).

F. Receiving Water Monitoring

The permittee shall conduct monthly monitoring of the receiving water temperature at two receiving water reference stations at the edge of the “thermal zone of mixing” established in section 5104.E.2.c. of the Guam Water Quality Standards, and at a third ambient location. The two receiving water monitoring stations shall be located on the Northern half and Southern half of Piti Channel. The ambient reference station shall be located at the outlet of Apra Harbor where the harbor meets the Philippine Sea. Three discrete samples shall be taken at each location: one at the surface, one at mid-depth, and one at the bottom. The nine sample points are described in the table 3 below:

Table 3. Receiving Water Temperature Monitoring Points

Depth	Edge of Zone of Mixing, North Piti Channel	Edge of Zone of Mixing, South Piti Channel	Ambient
Surface	ZOM-N-S	ZOM-S-S	Ambient-S
Mid-Depth	ZOM-N-M	ZOM-S-M	Ambient-M
Bottom	ZOM-N-B	ZOM-S-B	Ambient-B

Temperatures from both ZOM-N and ZOM-S shall not be greater than 1.0°C above the comparable ambient reference temperature.

The permittee shall submit the coordinates (latitude and longitude) of the three locations and depth of each monitoring point in Table 3, above, to EPA along with the first submittal of quarterly DMRs as described in Section I.E.8., above.

Part II. SPECIAL CONDITIONS

A. Permit Reopeners

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. This permit may be modified or terminated by EPA if the facility closes or ceases operations before the expiration date.

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 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. The permittee shall notify EPA and Guam EPA at the following telephone numbers:

U.S. Environmental Protection Agency
Wastewater Enforcement Section (ENF-3-1)
(415) 972-3577

Guam Environmental Protection Agency
Administrator
(671) 475-1658

- The permittee shall follow up with a written submission within five days of the time the permittee becomes aware of the noncompliance. The written 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.
2. 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 limit in the permit (see 40 CFR 122.44(g)).
 - b. Any upset which exceeds any effluent limit in the permit.
 - c. 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 40 CFR 122.44(g)).
 3. 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 (WET) Requirements*

1. Monitoring Frequency

The permittee shall conduct annual chronic toxicity tests on 24-hour composite effluent samples. Chronic toxicity test samples shall be collected for each point of discharge at the designated NPDES sampling station for the effluent (i.e., downstream from the last treatment process and any in-plant return flows where a representative effluent sample can be obtained). During each year of the permit, a split of each sample shall be analyzed for all other monitored parameters at the minimum frequency of analysis specified by the effluent monitoring program.

2. Marine and Estuarine Species and Test Methods

The permittee shall conduct chronic toxicity tests with the purple sea urchin, *Strongylocentrotus purpuratus* (fertilization test method 1008.0) or the tropical collector sea urchin, *Tripneustes gratilla* (Adapted by Amy Wagner, U.S. EPA Region 9 Laboratory, Richmond, CA from a method developed by George Morrison, U.S. EPA Narragansett, RI and Diane Nacci, Science Applications International Corporation, ORD Narragansett RI, 1998).

3. Explanation of Chronic WET Permit Limit (Part I.B Table 1)

There is a chronic toxicity effluent limit for this discharge because there is reasonable potential for the discharge to exceed the water quality standard for chronic toxicity. For this discharge, the determination of “Pass” (0) or “Fail” (1) from a single-effluent concentration chronic toxicity test at the IWC of 100 percent effluent is determined using the Test of Significant Toxicity (TST) approach described in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document* (EPA 833-R-10-003, 2010). For any one chronic toxicity test, the chronic WET permit limit that must be met is rejection of the null hypothesis (H_0):

IWC (100 percent effluent) mean response $\leq 0.75 \times$ Control mean response.

A test result that rejects this null hypothesis is reported as “Pass” (0) on the DMR form. A test result that does not reject this null hypothesis is reported as “Fail” (1) on the DMR form. To calculate either “Pass” (0) or “Fail” (1), the permittee shall follow the instructions in *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document*, Appendix A. If a test result is reported as “Fail” (1), then the permittee shall follow Section 6 (Accelerated Toxicity Testing and TRE/TIE Process) of this permit.

4. Quality Assurance

- a. Quality assurance measures, instructions, and other recommendations and requirements are found in the chronic test methods manual previously referenced. Additional requirements are specified below.

- b. This discharge is subject to a determination of “Pass” (0) or “Fail” (1) from a single-effluent concentration chronic toxicity test at the IWC (for statistical flowchart and procedures, see *National Pollutant Discharge Elimination System Test of Significant Toxicity Implementation Document*, Appendix A, Figure A-1). The chronic IWC for this discharge is 100 percent effluent.
- c. Effluent dilution water and control water should be prepared and used as specified in the test methods manual *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, for the inland silverside, *Menidia beryllina*, *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms* (EPA/821/R-02/014, 2002). If the dilution water is different from test organism culture water, then a second control using culture water shall also be used. If the use of artificial sea salts is considered provisional in the test method, then artificial sea salts shall not be used to increase the salinity of the effluent sample prior to toxicity testing without written approval by the permitting authority.
- d. If organisms are not cultured in-house, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
- e. All multi-concentration reference toxicant test results must be reviewed and reported according to EPA guidance on the evaluation of concentration-response relationships found in *Method Guidance and Recommendations for Whole Effluent Toxicity (WET) Testing (40 CFR 136)* (EPA 821-B-00-004, 2000).
- f. If either the reference toxicant or effluent toxicity tests do not meet all test acceptability criteria in the test methods manual, then the permittee shall resample and retest within 14 days.
- g. 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.
- h. pH drift during a toxicity test may contribute to artifactual toxicity when pH-dependent toxicants (e.g., ammonia, metals) are present in the effluent. To determine whether or not pH drift is contributing to artifactual toxicity, the permittee shall conduct three sets of side-by-side toxicity tests in which the pH of one treatment is controlled at the pH of the effluent while the pH of the other treatment is not controlled, as described in Section 11.3.6.1 of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/821/R-02/013, 2002). Toxicity is confirmed to be artifactual and due to pH drift when no toxicity above the chronic WET permit limit is observed in the treatments controlled at the pH of the effluent. Upon this

confirmation and following written approval by the permitting authority, the permittee may use the procedures outlined in Section 11.3.6.2 of the chronic freshwater test methods manual to control effluent sample pH during the toxicity test.

5. Initial Investigation TRE Work Plan

Within 90 days of the permit effective date, the permittee shall prepare and submit to the permitting authority a copy of its Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan (1-2 pages) for review. This plan shall include steps the permittee intends to follow if toxicity is measured above the chronic WET permit limit 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 Toxicity Identification Evaluation (TIE) is necessary, an indication of who would conduct the TIEs (i.e., an in-house expert or outside contractor).

6. Accelerated Toxicity Testing and TRE/TIE Process

- a. If the chronic WET permit limit is exceeded and the source of toxicity is known (e.g., a temporary plant upset), then the permittee shall conduct one additional toxicity test using the same species and test method. This toxicity test shall begin within 14 days of receipt of a test result exceeding the chronic WET permit limit. If the additional toxicity test does not exceed the chronic WET permit limit, then the permittee may return to the regular testing frequency.
- b. If the chronic WET permit limit is exceeded and the source of toxicity is not known, then the permittee shall conduct six additional toxicity tests using the same species and test method, approximately every two weeks, over a 12-week period. This testing shall begin within 14 days of receipt of a test result exceeding the chronic WET permit limit. If none of the additional toxicity tests exceed the chronic WET permit limit, then the permittee may return to the regular testing frequency.
- c. If one of the additional toxicity tests (in paragraphs 6.a or 6.b) exceeds the chronic WET permit limit, then, within 14 days of receipt of this test result, the permittee shall initiate a TRE using, according to the type of treatment facility, EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA/833/B-99/002, 1999) or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989). In conjunction, the permittee shall 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.

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

7. Reporting of Chronic Toxicity Monitoring Results

- a. The permittee shall report on the DMR for the month in which the toxicity test was conducted: “Pass” (0) or “Fail” (1) (based on the Welch’s t-test result) and the calculated “percent mean response at IWC”, where:

$$\text{percent mean response at IWC} = ((\text{Control mean response} - \text{IWC mean response}) \div \text{Control mean response}) \times 100$$

- b. The permittee shall submit a full laboratory report for all toxicity testing as an attachment to the DMR for the month in which the toxicity test was conducted. The laboratory report shall contain: the toxicity test results; the dates of sample collection and initiation of each toxicity test; all results for effluent parameters monitored concurrently with the toxicity test(s); and progress reports on TRE/TIE investigations.
- c. The permittee shall notify the permitting authority in writing within 14 days of exceedance of the chronic WET permit limit. This notification shall describe actions the permittee has taken or will take to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions not yet completed; or reason(s) that no action has been taken.

8. Permit Reopener for Chronic Toxicity

In accordance with 40 CFR Parts 122 and 124, this permit may be modified to include effluent limitations or permit conditions to address chronic toxicity 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 chronic toxicity.

D. Cooling Water Intake Requirements

The design, location, construction, and capacity of the permittee's cooling water intake structure (CWIS) shall reflect the best technology available (BTA) for minimizing adverse environmental impacts from the impingement and entrainment of various life stages of fish (e.g., eggs, larvae, juveniles, adults) by the CWIS.

Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.

1. EPA has determined the following requirements as final BTA as required by 40 CFR 125.98(b)(2).
 - a. By December 31, 2021, actual intake velocity shall be no greater than 0.5 feet per second. Closure of the permitted facility may constitute compliance with this BTA for impingement mortality.
 - b. By December 31, 2021, the facility shall reduce cooling water intake commensurate with closed-cycle recirculation. Closure of the permitted facility may constitute compliance with this BTA for entrainment.
 - c. During the period beginning on the effective date of this permit and ending on December 31, 2021, the discharger is authorized to intake cooling water in compliance with the interim effluent limits, interim and final compliance dates, and monitoring requirements specified in Table 4. During this time period, these interim requirements shall apply in lieu of the corresponding final effluent limits and monitoring requirements specified in Section II.D.1.a-b above.

In accordance with 40 CFR 122.47, no later than 14 days following each interim and final compliance date, the discharger shall notify EPA in writing of its compliance or noncompliance with the interim and final requirements, and submit reports of progress toward completion of the interim and final requirements.

Table 4. Compliance Schedule for Final BTA.

Interim Requirement	Submittal to EPA and GEPA	Compliance Date
1. Minimize intake flow volume to only that which is necessary to satisfy electrical demand.	Submit statement of compliance with this requirement as part of each annual certification report described in Section II.D.3.b.	Effective date of this permit

2. Minimize through-screen intake velocity. Comply with the following instantaneous interim limit:		Submit results for maximum intake velocity on DMR forms, as described in Section I.E of this permit, and evaluate compliance with interim limit.	Effective date of this permit	
<i>Instantaneous Interim Limit</i>	<i>Interim Monitoring Requirements</i>			
	<i>Frequency</i>			<i>Sample Type</i>
Intake velocity shall be no greater than 2.0 feet per second.	Continuous	Continuous/ Calculated ⁽¹⁾		
3. Regularly maintain traveling screens and other equipment and areas associated with the CWIS to ensure design performance. The permittee shall develop, regularly update, and implement a CWIS maintenance manual. The manual shall include:		The manual shall be kept onsite and available upon request by EPA or Guam EPA.	Effective date of this permit	
A. All standard operating procedures associated with CWIS maintenance.				
B. A schedule of procedures necessary to ensure design performance.				
C. A running log of maintenance activities performed on the CWIS during this permit term.				
4. Enter into a contract to construct and operate a replacement power plant designed to cover the electricity needs currently covered by Cabras Power Plant Units 1 and 2, or submit alternative plan for meeting final BTA by December 31, 2021.		Submit report documenting compliance with this interim milestone as part of annual certification report described in Section II.D.3.b.	April 28, 2020	
5. Complete engineering report for the replacement power plant designed to cover the electricity needs currently covered by Cabras Power Plant Units 1 and 2, or complete 50% of alternative plan for meeting final BTA by December 31, 2021.		Submit report documenting compliance with this interim milestone as part of annual certification report described in Section II.D.3.b.	April 28, 2021	

6. Comply with final impingement BTA, as specified in Section II.D.1.a above. Actual intake velocity shall be no greater than 0.5 feet per second.	Submit report documenting compliance with final BTA.	December 31, 2021
7. Comply with final entrainment BTA, as specified in Section II.D.1.b above. The facility shall reduce cooling water intake commensurate with closed-cycle recirculation.		

(1) If the intake velocity is not measured using a flow meter, intake velocity may be calculated based on pump run times.

2. The permittee must properly operate and maintain the technologies identified above as described in the permit application and represented as BTA. No change in the location, design, construction or capacity of the present CWIS, unless specified by this permit, can be made without prior approval by EPA.

3. Monitoring and Reporting

- a. The permittee must conduct weekly visual inspections or employ remote monitoring devices to ensure that any technologies established as the BTA are maintained and operated to function as designed.
- b. The permittee must submit the annual certification statement required by 40 CFR 125.97(c) that BTA has been properly operated and maintained and that no changes to the facility have been made unless documented. The annual certification shall be submitted with the annual DMR submissions due January 28th of each year, as described under Section 1.E.8.
- c. Permittee must keep records for the duration of this permit, consistent with 40 CFR 125.97(d).

E. Anti-Fouling Reporting Requirements

The permittee shall keep a log of any and all biocides, chemicals, and chlorine usage for anti-fouling purposes for their once-through cooling system. The log shall identify:

- 1. Date, time and duration of application.
- 2. List and volume of chemicals used in anti-fouling.
- 3. Whether an NPDES effluent sample was taken during chemical application.

The permittee shall submit an annual summary of the log and chemicals applied to the cooling water to EPA along with their fourth quarter of DMRs as described in Section I.E.8 above. Additionally, the permittee shall retain copies of the log for up to five years which shall be made available to EPA upon request or inspection.

F. 401 Water Quality Certification

The permittee shall comply with all requirements set forth in Guam EPA's 401 Water Quality Certification issued on October 10, 2019. See Attachment E.

G. Coastal Zone Management Act Federal Consistency Certification

The permittee shall comply with all requirements set forth in Guam Bureau of Statistics and Plans' Coastal Zone Management Act Federal Consistency Certification issued on November 21, 2019. See Attachment F.

Part III. POLLUTION PREVENTION PLAN REQUIREMENTS

The permittee shall comply with requirements set forth under the 2015 U.S. EPA Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) (https://www.epa.gov/sites/production/files/2015-10/documents/msgp2015_finalpermit.pdf). These requirements include Control Measures (Section 2.1), Inspections (Section 3), Corrective Actions (Section 4), Stormwater Pollution Prevention Plan (Section 5 and below) and Sector-Specific Requirements (Section 8, Subpart O).

The permittee shall update and implement their updated storm water pollution prevention plan (SWPPP) within 90 days of the permit effective date. The SWPPP shall include the following elements in order to prevent the contamination of storm water originating at the facility.

A. Contents of the SWPPP.

The SWPPP must contain the following elements:

1. Stormwater Pollution Prevention Team

The permittee shall identify staff members (by name or title) that comprise the stormwater pollution prevention team ("the team") as well as their individual responsibilities. The team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining control measures and taking corrective actions when required. Each member of the team shall have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of the facility's SWPPP, and other relevant documents or information that must be kept with the SWPPP.

2. Site Description

The SWPPP shall include the following:

- a. *Activities at the facility*: a description of the nature of the industrial activities at the facility.
- b. *General location map*: a general location map (e.g., U.S. Geological Survey quadrangle map) with enough detail to identify the location of the facility and receiving waters for all stormwater discharges.
- c. *Site map*: a map showing:
 - i. Boundaries of the property and the size of the property in acres;
 - ii. Location and extent of significant structures and impervious surfaces;
 - iii. Directions of stormwater flow (using arrows);
 - iv. Locations of all stormwater control measures;
 - v. Locations of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
 - vi. Locations of all stormwater conveyances including ditches, pipes, and swales;
 - vii. Locations of potential pollutant sources identified under 3.b., below.
 - viii. Locations where significant spills or leaks identified under 3.c., below, have occurred;
 - ix. Locations of all stormwater monitoring points;
 - x. Locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g. Outfall 101), indicating if you are treating one or more outfalls as “substantially identical,” and an approximate outline of the areas draining to each outfall;
 - xi. If applicable, municipal separate storm sewer systems and where your stormwater discharges to them;
 - xii. Areas of designated critical habitat for endangered or threatened species, if applicable;
 - xiii. Locations of the following activities where such activities are exposed to precipitation:
 - Fueling stations;

- Vehicle and equipment maintenance and/or cleaning areas;
- Loading/unloading areas;
- Locations used for the treatment, storage, or disposal of wastes;
- Liquid storage tanks;
- Processing and storage areas;
- Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.
- Transfer areas for substances in bulk;
- Machinery;
- Locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

3. Summary of Potential Pollutant Sources

The permittee shall document areas at the facility where industrial materials or activities are exposed to stormwater or from which allowable non-stormwater discharges originate. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, the structures themselves are potential sources of pollutants. For each area identified, the description must include:

- a. *Activities in the area.* A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).
- b. *Pollutants.* A list of all the pollutant(s) or pollutant constituents (e.g. crankcase oil, zinc, sulfuric acid, cleaning solvents) associated with each identified activity, which could be exposed to rainfall and could be discharged from your facility. The pollutant list shall include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the three years prior to the date the permittee prepares or amends the SWPPP.
- c. *Spills and Leaks.* The permittee shall document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. The permittee shall document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date the permittee prepares or amends the SWPPP.

- d. *Unauthorized non-stormwater discharges.* The permittee shall document that they have evaluated for the presence of unauthorized non-stormwater discharges. Documentation of the evaluation shall include:
 - i. The date of the evaluation;
 - ii. A description of the evaluation criteria used;
 - iii. A list of the outfall(s) or onsite drainage points that were directly observed during the evaluation.
 - iv. The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate NPDES permit was obtained.
 - e. *Salt Storage.* The permittee shall document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.
 - f. *Sampling Data.* The permittee shall summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollutant sources at your facility.
4. Description of Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits

The permittee shall document the location and type of control measures installed and implemented at the facility to achieve the non-numeric effluent limits in Part I.A.4. and the numeric effluent limits in Part I.B and I.C of this permit, as well as the applicable requirements in the MSGP.

5. Schedules and Procedures

- a. *Pertaining to Control Measures Used to Comply with Effluent Limits.* The following shall be documented in your SWPPP:
 - i. **Good Housekeeping:** A schedule or the convention used determining when pickup and disposal of waste materials occurs, along with a schedule for routine inspections for leaks and conditions of drums, tanks and containers;
 - ii. **Maintenance:** Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all control measures to avoid situations that may result in leaks, spills, and other releases; any back-up practices in place should a runoff event occur while a control measure is off-

line; and the schedule or frequency for maintaining all control measures used to comply with effluent limits;

- iii. **Spill Prevention and Response Procedures:** Procedures for preventing and responding to spills and leaks, including notification procedures; control measures for material handling and storage; procedures for preventing spills that can contaminate stormwater; and cleanup equipment, procedures, and spill logs, as appropriate, in the event of spills. The permittee may reference the existence of other plans for Spill Prevention Control and Countermeasure developed for the facility under Section 311 of the CWA provided that the permittee keeps a copy of that other plan onsite and make it available for review.
- iv. **Erosion and Sediment Controls:** If polymers and/or other chemical treatments are used as controls, the permittee shall identify the polymers and/or chemicals used and the purpose.
- v. **Employee Training:** The elements of the facility's employee training plan shall include:
 - 1. The requirements under MSGP Part 2.1.2.8;
 - 2. The content of the training;
 - 3. The frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit;
 - 4. A log of the dates on which specific employees received training.
- b. *Pertaining to Inspections and Assessments.* The permittee shall document in the SWPPP procedures for performing, as appropriate, the following types of inspections, including (refer to Part 3 of the MSGP for further details):
 - i. Routine facility inspections and
 - ii. Quarterly visual assessment of stormwater discharge.

For each type of inspection performed, the SWPPP shall identify:

- i. Person(s) or positions of person(s) responsible for inspection;
- ii. Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges; and

- iii. Specific items to be covered by the inspection, including schedules for specific outfalls.
6. *Pertaining to Monitoring.* The permittee shall document in the SWPPP procedures for conducting the five types of analytical monitoring specified under Section 6 of the MSGP, as applicable, including:
- i. Benchmark monitoring;
 - ii. Effluent limitations guidelines monitoring;
 - iii. Guam-specific monitoring;
 - iv. Impaired waters monitoring;
 - v. Other monitoring as required.

For each type of monitoring, the SWPPP shall document:

- i. Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
 - ii. Parameters for sampling and the frequency of sampling for each parameter;
 - iii. Schedules for monitoring at the facility, including schedule for alternate monitoring periods for climates with irregular stormwater runoff;
 - iv. Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall;
 - v. Procedures (e.g. responsible staff, logistics, laboratory to be used) for gathering storm event data.
7. Signature Requirements

The permittee shall have the SWPPP signed and dated by either a principal executive officer or ranking elected official.

B. Required SWPPP Modifications.

The permittee shall modify the SWPPP whenever necessary to address any instances of violation to this permit due to storm water to ensure that they do not reoccur. SWPPP modifications shall be signed and dated in accordance with Section III.A.7 of this permit.

C. *SWPPP Availability.*

The permittee shall retain a copy of the current SWPPP at the facility, and it shall be immediately available to EPA, Guam EPA, the operator of a municipal separate storm sewer system receiving discharges from the facility, and representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) at the time of an onsite inspection. The permittee shall also make the SWPPP available to the public. Confidential Business Information (CBI) may be withheld from the public, but only in accordance with Section 5.4 of the MSGP.

EPA encourages the permittee to post its SWPPP online.

D. *Additional Documentation Requirements.*

The permittee shall keep the following inspection, monitoring and certification records with the SWPPP that together keep records complete and up-to-date, and demonstrate full compliance with the conditions of this permit:

1. A copy of this NPDES permit;
2. Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules;
3. All inspection reports, including the Routine Facility Inspection Reports and Quarterly Visual Assessment Reports;
4. Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g. adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event);
5. Corrective action documentation, within 14 days from the time of discovery of conditions needing corrective action, including dates when each corrective action was initiated and completed (or expected to be completed). If applicable, documentation shall include why it was infeasible to complete the necessary installations or repairs within the 14-day timeframe and the schedule for installing the controls and making them operational as soon as practicable after the 14-day timeframe;
6. Documentation of any benchmark exceedances and the type of response to the exceedance employed, including:

- i. The corrective action taken;
 - ii. A finding that the exceedance was due to natural background pollutant levels;
 - iii. A determination from EPA that benchmark monitoring can be discontinued because the exceedance was due to run-on; or
 - iv. A finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice.
7. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if discharge is directly to impaired waters, and that such pollutants were not detected in the discharge or were solely attributable to natural background sources; and
8. Documentation to support the claim that the facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections, quarterly visual assessments, benchmark monitoring, and/or impaired waters monitoring.

Part IV. 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 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 CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under 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 CWA 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 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 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, such 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.

- c. Any person may be assessed an administrative civil penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$53,484. Penalties for Class II violations are not to exceed \$21,393 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$267,415. Values are subject to change in accordance with federal rules.
2. Duty to reapply; at 40 CFR 122.41(b).

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

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

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

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

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

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

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

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

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

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

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

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

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

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

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

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

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

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for

a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.

- c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed
 - (4) The individuals(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.
- e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

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

- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22.) All permit applications shall be signed as follows:
 - (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which

govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this section;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (3) The written authorization is submitted to the Director.

- c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- e. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

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

- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
 - (3) The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, 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.)
 - (1) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.
 - (2) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - (A) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;
 - (B) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - (C) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) 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.

- (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.
- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, 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, 2020 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 part 127.

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

13. Bypass; at 40 CFR 122.41(m).

- a. Definitions.
 - (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 40 CFR 122.41(m)(3) and (m)(4) of this section.
- c. Notice.

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (1)(6) of this section (24-hour notice).
- (3) As of December 21, 2020 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 part 3 (including, in all cases, subpart D to part 3), 40 CFR 122.22, and 40 CFR part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

d. Prohibition of bypass.

- (1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (m)(3) of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

14. Upset; at 40 CFR 122.41(n).

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

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

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

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

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

- a. Correct typographical errors;

- b. Require more frequent monitoring or reporting by the permittee;
 - c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
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:
 - (1) Noncompliance by the permittee with any conditions of the permit;
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of Reports; pursuant to CWA section 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 section 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 section 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 section 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 section 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 section 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 section 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.

1. 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”:
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) 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;
 - (3) 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
 - (4) 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”:
 - (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - (4) The level established by the Director in accordance with 40 CFR 122.44(f).

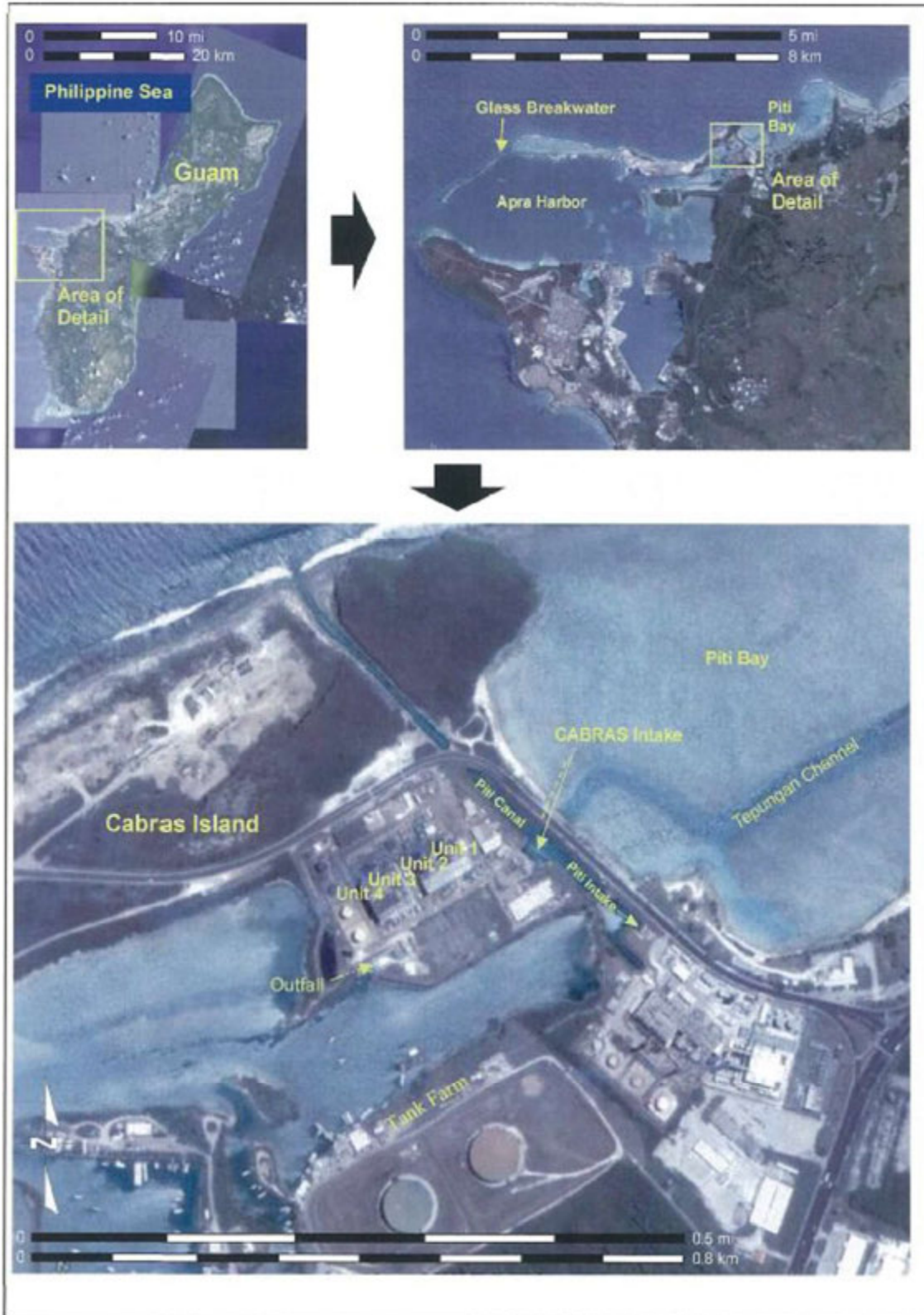
Attachment A: Definitions

1. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. “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.

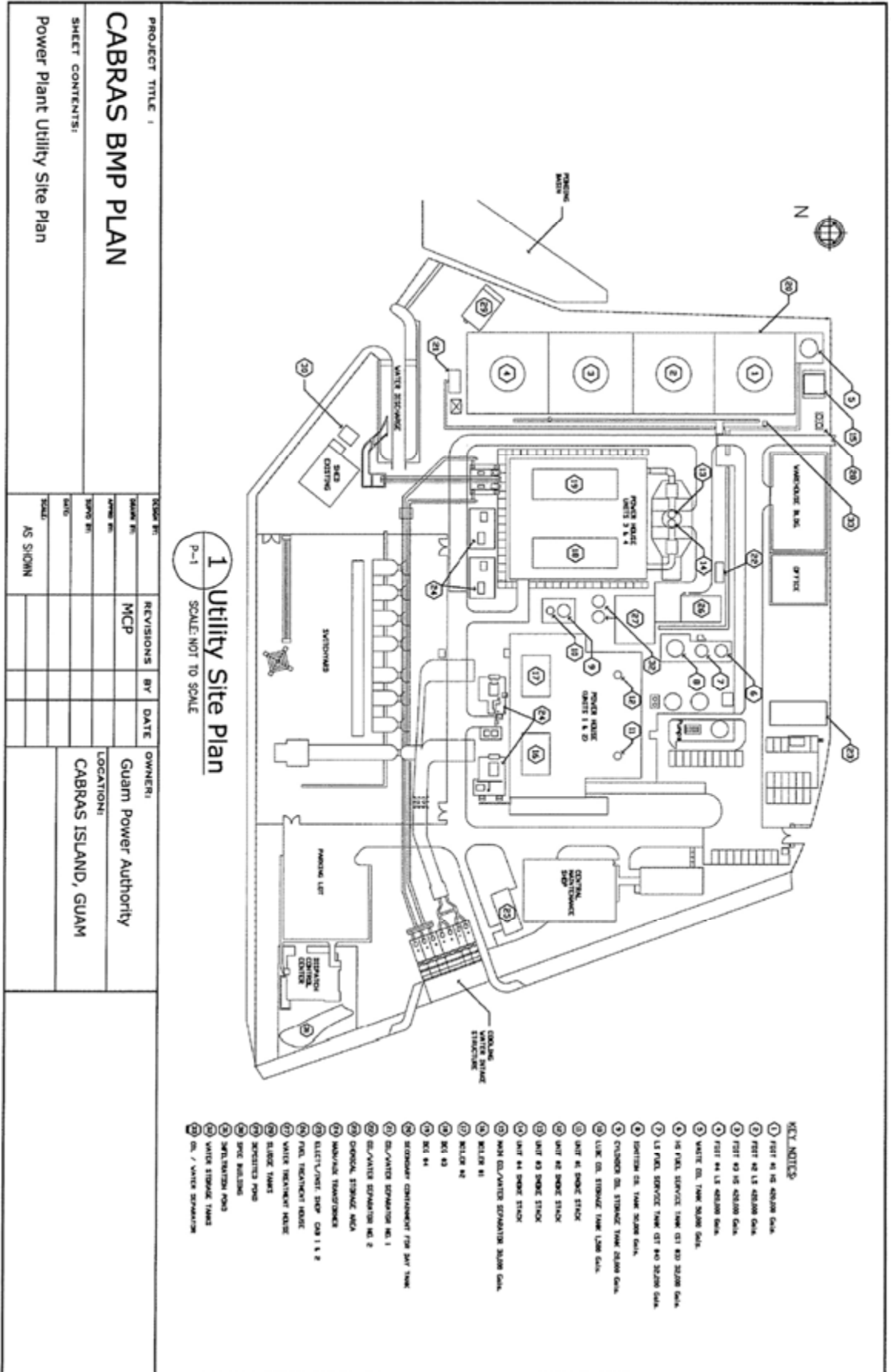
9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR 136. The procedure for determination of a 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 $(1, 2, \text{ or } 5) \times 10^n$, where n is zero or an integer. (For example, if an MDL is $2.5 \mu\text{g/l}$, then the calculated ML is: $2.5 \mu\text{g/l} \times 3.18 = 7.95 \mu\text{g/l}$. The multiple of $(1, 2, \text{ or } 5) \times 10^n$ nearest to 7.95 is $1 \times 10^1 = 10 \mu\text{g/l}$, so the calculated ML, rounded to the nearest whole number, is $10 \mu\text{g/l}$.)
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 B: Location Map and Site Plan

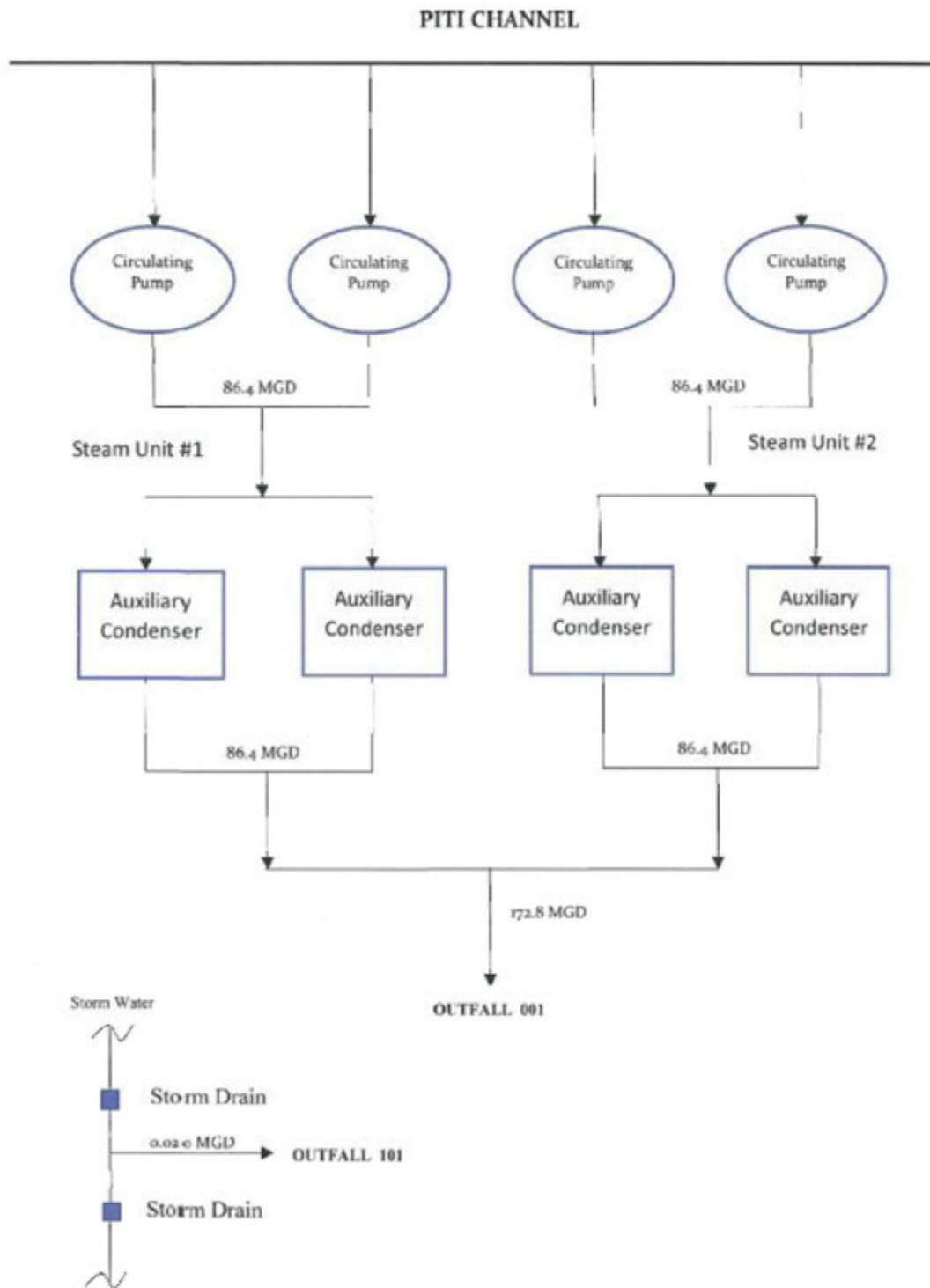


Location of Cabras Power Plant

Figure 1



Attachment C: Wastewater Flow Schematic



**Schematic Water Flow Diagram
Cabras Power Plant
Cabras Island, Piti, Guam**


Attachment D: 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 in: 40 CFR Part 423, Appendix A. 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-trichloroethane
12. Hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. Chloroethane
17. (Removed)
18. Bis(2-chloroethyl) ether
19. 2-chloroethyl vinyl ethers
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. Parachlorometa cresol
23. Chloroform
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3-dichlorobenzidine
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. Ethylbenzene
39. Fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. Bis(2-chloroisopropyl) ether
43. Bis(2-chloroethoxy) methane
44. Methylene chloride
45. Methyl chloride
46. Methyl bromide
47. Bromoform
48. Dichlorobromomethane
49. (Removed)
50. (Removed)
51. Chlorodibromomethane
52. Hexachlorobutadiene
53. Hexachlorocyclopentadiene
54. Isophorone
55. Naphthalene
56. Nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. Pentachlorophenol
65. Phenol
66. Bis(2-ethylhexyl) phthalate
67. Butyl benzyl phthalate
68. Di-N-Butyl Phthalate
69. Di-n-octyl phthalate
70. Diethyl Phthalate
71. Dimethyl phthalate
72. Benzo(a) anthracene
73. Benzo(a) pyrene
74. Benzo(b) fluoranthene
75. Benzo(k) fluoranthene
76. Chrysene
77. Acenaphthylene
78. Anthracene

79. Benzo(ghi) perylene
80. Fluorene
81. Phenanthrene
82. Dibenzo(h) anthracene
83. Indeno (1,2,3-cd) pyrene
84. Pyrene
85. Tetrachloroethylene
86. Toluene
87. Trichloroethylene
88. Vinyl chloride
89. Aldrin
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 E: 401 Water Quality Certification, October 10, 2019



GUAM ENVIRONMENTAL PROTECTION AGENCY
1973

AHENSIAN PRUTEKSION LINA'LA GUÅHAN
 LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
 WALTER S. LEON GUERRERO, ADMINISTRATOR

<p>IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Guam Power Authority for USEPA NPDES PERMIT No. GU0020001</p>	<p>)))))</p>	<p>WQC ORDER #1907-05 Cabras Power Plant; USEPA NPDES PERMIT No. GU0020001 Route 11 Cabras Island, Piti, Guam 96915</p>
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TO: John M. Benavente, P.E.
General Manager
Guam Power Authority
Ste. 100, GBNPSB, 688 Route 15
Mangilao, Guam 96913-6203

Contact Person: Norbert Madrazo, Engineering Supervisor – Planning and Regulatory Section

On, August 13, 2019, the United States Environmental Protection Agency (EPA) requested a Clean Water Act Section 401 Water Quality Certification (WQC), in support of the Guam Power Authority's (GPA) application for the renewal of its National Pollutant Discharge Elimination System (NPDES) permit (#GU0020001), to authorize the discharge of effluent from the Cabras Power Plant. The terms of the existing NPDES permit (issued on December 19, 2012) are beyond their expiration date and are administratively extended until the issuance of a new permit.


A public notice regarding the preliminary decision to issue a Section 401 WQC was distributed by Guam EPA pursuant to the provisions of 22 Guam Administrative Rules and Regulations §5106(i) on August 30 and 31, 2019.

FACILITY DESCRIPTION

The Cabras Power Plant (the "facility") is located on Cabras Island on the west side of Guam, facing the Philippine Sea. The facility historically had four fossil-fueled electrical generating units: two steam turbine generators (Units 1 and 2), with rated output of 66 megawatts (MW) each, and two diesel engine generators (Units 3 and 4), with rated output of 39.3 MW each. In August 2015, an explosion and fire at Unit 4 resulted in damages to the unit rendering it beyond repair. Significant damage was also done to Unit 3 that rendered it inoperable. Neither Unit 3 nor Unit 4 has operated since that time. The current combined cooling water design intake flow (DIF) for Units 1 and 2 is 172.8 million gallons per day (MGD), with an actual intake flow (AIF) of 154 MGD.

All units share a common intake structure located on the Piti Canal. Cooling water for the facility is withdrawn from the open ocean and Piti Bay through the Tepungan Channel and Piti Canal. Seawater entering the cooling water intake structure passes through traveling water screen assemblies with mesh size of 3/8

GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
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inches. The design intake velocity across the traveling screens for Units 1 and 2 is approximately 2.5 feet per second.

The facility discharges into Piti Channel, which empties into Apra Harbor, which is connected to the Philippine Sea.

The permittee stated in an October 27, 2016 letter to EPA that the facility will shut down all units by December 2021. The proposed NPDES permit term coverage is five years, in case closure of the facility is delayed. However, the proposed permit also includes a reopener stating that the permit may be modified or terminated if the facility closes or ceases power generation operations.

DESCRIPTION OF RECEIVING WATER

Piti Channel is designated as category M-3 ("Fair"). 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. Specific intended uses include the following: shipping, boating and berthing, industrial cooling water, and marinas. Piti Channel was listed as assessed and not impaired in Guam EPA's 2018 Integrated Report.

Piti Channel empties into Apra Harbor 3, a marine bay and category M-3 water body, about 0.42 square miles in size. According to the 2018 305(b) Assessment Report, available data for Apra Harbor 3 indicate that some, but not all of the designated uses are supported.

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

AUTHORITIES

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

Guam EPA has examined NPDES Permit No. GU0020001 pursuant to applicable laws, statutes and regulations under 33 U.S.C. § 1341, 10 GCA §47109(a), 10 GCA §45106, 22 GAR §5106, and the following:

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

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Guam EPA certifies it has reasonable assurance the activity under NPDES PERMIT #GU0020001 as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of territorial law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, 10 GCA Chapter 45, 10 GCA Chapter 47, and 22 GAR Chapter 5, water quality certification is granted to the Applicant, subject to the conditions within this Order.

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

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Guam Power Authority (GPA) and its agents, assignees, and contractors.
- A2. All submittals required by this Order shall be sent to Guam Environmental Protection Agency's Main Office, Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to taryn.mesa@epa.guam.gov and cc: jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #1907-05 and include the Applicant name, project name, and the project contact's name and phone number.
- A3. Discharges authorized by this Order are limited to the discharges described in the following document:
- USEPA REGION IX Draft Authorization to Discharge under: NPDES Permit No. GU0020001
- The Applicant will be out of compliance with this Order and must reapply with an updated CWA §401 WQC form and an NPDES permit if the information contained in this document is voided by subsequent changes not authorized by this Order.
- A4. Within 30 days of receipt of an updated §401 Application or EIA/EIS short form, Guam EPA will determine if the revision(s) requires a new water quality certification and public notice or if a modification to this Order is required.
- A5. This Order shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are approved by USEPA and adopted by Guam EPA.
- A6. The applicant shall provide to Guam EPA a copy of all final and local permits within two weeks of receipt, per condition A2 above.
- A7. Copies of this Order shall be on file at the facility and readily available for reference by Guam EPA personnel, the facility superintendent, managers and lead workers, contractors, and federal and local government inspectors.

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

Antidegradation Review

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

B. Water Quality Conditions:

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

C. Project Conditions**General Conditions:**

- C1. The applicant shall conduct daily inspections of facility operations and take immediate corrective actions or engineering measures to address non-compliance with water quality standards and/or environmental protection requirements and notify the Guam EPA within 24 hours from the time the applicant becomes aware of the non-compliance.
- C2. The Applicant shall within 1 year after the issuance of the Cabras Power Plant NPDES Permit meet with Guam EPA to review additional data collected to address compliance to applicable water quality standards.
- C3. The Applicant shall submit for Guam EPA approval a Sampling and Analysis Plan identifying the coordinates and locations of the sampling points for (1) the Outfall 001 Effluent Limits and

Monitoring Requirements (2) the Outfall 101 Effluent Limits and Monitoring Requirements and (3) the Monthly Receiving Water Temperature Monitoring Requirements.

- C4. The Applicant shall conduct receiving water quality monitoring, per NPDES Permit GU0020001 Part I.F., and submit quarterly results to Guam EPA as described in condition A2.
- C5. The Applicant shall implement Best Judgement and Best Management Practices to prevent or minimize water quality degradation.

In-Water Conditions:

- C6. The zone of mixing for the Piti/Cabras Power Plant combined is the Piti Channel, from the power plants to a distance three hundred (300) feet back from where the channel joins the harbor proper, and from there to a depth of about one (1) meter or 3.28 feet to a line from the GORCO Pier and the Navy Fuel Pier on Dry Dock Island. [22 GAR §5104(e)(2)(C); GWQS]
- Outfall 001 – Located at 13° 27' 52.1" N, 144° 41' 12.71" E
 - Receiving water is the Piti Channel, Apra Harbor
 - GWQS classification is M-3 Fair
 - Receiving Water Monitoring will be conducted as outlined in the NPDES permit GU0020001
- C7. This Order prohibits a bypass, which is the intentional diversion of waste streams from any portion of the facility. Guam EPA may take enforcement action against the Applicant for a bypass unless it adheres to the Bypass conditions as identified in the USEPA NPDES Permit GU0020001.
- Any bypass of the treatment facility, which is not included in the effluent monitored above, is to be monitored for flow and all other parameters, except chronic whole effluent toxicity. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported to Guam EPA.
- C8. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- C9. The effluent shall not cause a visible sheen in receiving water.

Emergency/Contingency Measures:

- C10. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- C11. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of effluent discharge or any other material into waters of the territory.
- C12. Overflow identification: The permittee shall identify all effluent or stormwater discharges, at locations not authorized as permitted outfalls covered by this permit. The Applicant shall submit, the following information for each discharge event at each source that occurs during the reporting period covered by the Discharge Monitoring Report (DMR):
- The cause of the discharge;
 - Duration and volume (estimate if unknown);

- Description of the source, e.g. manhole cover, pump station;
 - Type of collection system that overflowed, i.e. combined or separate;
 - Location by street address, or any other appropriate method;
 - Date and Time of event;
 - The ultimate destination of the flow, e.g. surface water body, land use location, via municipal separate storm sewer system to a surface water body, (show location on a USGS map or copy thereof); and
 - Corrective actions or plans to eliminate future discharges.
- C13. Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Applicant shall immediately take the following actions:
- Cease operations at the location of the violation or spill.
 - Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:
 1. Guam's Emergency 911 system
 2. Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
 3. US Coast Guard Sector Guam (671) 355-4824
 4. National Response Center 1-800-424-8802
 - Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
- C14. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- C15. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

D. Timing Requirements

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

E. Reporting and Notification Requirement Conditions

- E1. Applicant shall provide notice to Guam EPA per Condition A2:
- Immediately upon discovery of noncompliance with the provisions of this Order.

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



APPLICANT RIGHT TO APPEAL

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

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

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

ADDRESS INFORMATION

Guam EPA Board of Directors

3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913

GUAM EPA CONTACT INFORMATION

Please direct all questions about this Order to:

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

Taryn.mesa@epa.guam.gov

OR

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

Jesse.cruz@epa.guam.gov



SIGNATURE

WALTER S. LEON GUERRERO
ADMINISTRATOR

OCT 10 2019

DATE

Attachment F: Coastal Zone Management Act Federal Consistency Certification, November 21, 2019

<p>Lourdes A. Leon Guerrero Governor of Guam</p> <p>Joshua F. Tenorio Lieutenant Governor</p>	 <p>BUREAU OF STATISTICS & PLANS SAGAN PLANU SIHA YAN EMFOTMASION Government of Guam P.O. Box 2950 Hagåtña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812</p>	 <p>Tyrone J. Taitano Director Matthew Santos Deputy Director</p>
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NOV 21 2019

John M. Benavente, P.E.
General Manager
Guam Power Authority
Gloria B. Nelson Public Service Building
688 Route 15
Mangilao, Guam 96923

RE: Coastal Zone Management Act (CZMA) Federal Consistency Review for Guam Power Authority's renewal of National Pollution Discharge Elimination System Permit No. GU00200001 (GCMP FC No. 2019-0022)

Hafa adai! The Guam Coastal Management Program of the Bureau of Statistics and Plans (Bureau) has completed its review of the Federal Consistency Certification by Guam Power Authority received on October 2, 2019. The Guam Power Authority ("the applicant") is an applicant for a renewal of National Pollution Discharge Elimination System Permit No. GU00200001 from the U.S. Environmental Protection Agency for its Cabras Power Plant in Piti.

The Bureau coordinated this review with partnering agencies, provided Public Notice, and received a CWA Section 401 Water Quality Certification from the Guam Environmental Protection Agency, comments from the Guam Waterworks Authority. Furthermore, the Bureau hereby concurs with the applicant's certification that the proposal is consistent with the enforceable policies of the Bureau's Guam Coastal Management Program (GCMP) based upon the following comments and conditions:

Resource Policy 2. Water Quality. *Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuarine, reef and aquifer areas.*

Pursuant to Resource Policy 2, Water Quality, the applicant shall:

- (a) incorporate preventative measures and best management practices into Standard Operating Procedures to ensure that contaminants such as total petroleum hydrocarbons (oil and fuel), and other chemicals, do not enter into Guam Waterworks Authority's (GWA) wastewater collection system.
- (b) incorporate preventative measures and best management practices into Standard Operating Procedures to ensure that contaminate stormwater do

Guam Coastal Management Program-Land Use Planning-Socio-Economic Planning-Planning Information-Business & Economic Statistics Program

GCMP FC No. 2019-0022

RE: GPA renewal of National Pollution Discharge Elimination System Permit No. GU00200001
Cabras Power Plant, Piti

Page 2 of 3

- not enter into GWA's wastewater collection system. Stormwater systems must be adequate and covered by such permits as are necessary to provide appropriate stormwater control so that contaminants are properly monitored and managed on site and not released to the environment.
- (c) comply with GWA's Pretreatment Permit conditions as an Industrial User, once a Waste Water Pretreatment Program is adopted.
 - (d) notify GWA immediately if an accidental discharge of oil and/or fuel into GWA's wastewater system occurs.
 - (e) properly address the concerns identified in the USEPA Clean Water Act Pretreatment Inspection Report dated August 22, 2018.
 - (f) comply with the Water Pollution Control Act.

Therefore, based on the conditional concurrence stated above and the Bureau's review of all other information submitted, we find the application to be consistent with the approved development and resource policies of the Guam Coastal Management Program (GCMP), in accordance with the Coastal Zone Management Act of 1972, (P.L. 92-583) as amended, (P.L. 94-370). The Federal Consistency concurrence, however, does not preclude the need for securing other federal and Government of Guam permits, clearances and approvals prior to the start of this project.

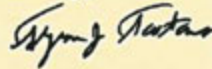
Per 15 CFR §930.4(b), if the requirements for conditional concurrences specified in 15 CFR §930.4(a), (1) through (3), are not met, then all parties shall treat this conditional concurrence letter as an objection pursuant to 15 CFR Part 930 subpart D. Furthermore, if an objection is determined, you are hereby notified that, pursuant to 15 CFR §930.63(e) and 15 CFR Part 930, subpart H, you have the opportunity to appeal an objection resulting from not meeting the requirements of 15 CFR §930.4(a), (1) through (3), to the Secretary of Commerce within 30 days after receiving this conditional concurrence letter, or 30 days after receiving notice from the Federal agency that your application will not be approved as amended by the conditions required by this concurrence.

The proposed action shall be operated and completed as represented in the Coastal Zone Management (CZM) federal consistency certification. Significant changes to the subject proposal shall be submitted to the Bureau for review and approval and may require a full CZM federal consistency review, including publication of a public notice and provision for public review and comment. This condition is necessary to ensure that the proposed actions are implemented as reviewed for consistency with the enforceable policies of GCMP. Guam Land Use policies (E.O. 78-37), are the federally approved enforceable policies of GCMP that applies to this condition.

GCMP FC No. 2019-0022
RE: GPA renewal of National Pollution Discharge Elimination System Permit No. GU00200001
Cabras Power Plant, Piti
Page 3 of 3

Please do not hesitate to contact Mr. Julian Janssen, Federal Consistency Coordinator at 475-9664 or email julian.janssen@bsp.guam.gov or Mr. Edwin Reyes, Coastal Program Administrator at 475-9672 or email edwin.reyes@bsp.guam.gov. *Si Yu'os Ma'ase'*.

Sincerely,



TYRONE TAITANO
Director

Cc: EPA
DoAgr-DAWR
DLM
DPR-SHPO
GEPA
GWA
NOAA-OCM