

NOTICE OF PROPOSED ACTION

by the

U. S. Environmental Protection Agency
Region IX, WTR-5
75 Hawthorne Street
San Francisco, CA 94105-3901
Telephone: (415) 972-3768

Public Notice #: AS-09-W-12

Public Notice Date: July 7, 2009

Comment Period Closes: August 14, 2009

The U.S. Environmental Protection Agency, Region IX (EPA) is issuing the following notice of a public hearing regarding proposed actions under the Clean Water Act (CWA) and EPA regulations. EPA is extending the comment period and announcing a public workshop and hearing regarding the tentative decisions to deny renewal of variances from secondary treatment requirements of the Clean Water Act pursuant to CWA section 301(h) from the following dischargers:

American Samoa Power Authority
Tafuna Sewage Treatment Plant
Fogagogo, Tualauta,
Tutuila Island, AS 96799

AND

American Samoa Power Authority
Utulei Sewage Treatment Plant
Utulei, Ma'Oputasi,
Tutuila Island, AS 96799

Comment Period: The public comment period on these tentative decisions is extended through August 14, 2009 in accordance with 40 CFR 125.59(i)(4)(i) and 124.14.

EPA issued a notice of proposed action under the Clean Water Act for the above referenced action on January 22, 2009. However, due to significant limitations on the ability of interested parties in the Territory of American Samoa to prepare and submit comments within the original timeframe, EPA decided to re-open the comment period until July 30, 2009, pending input on the need for a formal public hearing on the decisions. The desire for a public information workshop and formal hearing has since been expressed and both events have now been scheduled for August 6, 2009. In order to allow for the preparation and submission of public comments following the workshop and hearing, the public comment period is being further extended until August 14, 2009. All written comments received during the initial comment period, January 22 to March 6, 2009, and during the re-opened comment period through August 14, 2009, will be accepted for inclusion in the public record and consideration by EPA.

Public Workshop and Public Hearing: EPA has decided to hold a public workshop followed by a public hearing on EPA's tentative decisions to deny renewal of 301(h) variances for the Tafuna and Utulei facilities. During the workshop, EPA will explain the basis for the tentative decisions and respond to questions but will not accept oral comments to the administrative record. At the public hearing immediately thereafter, a court reporter will be present and any person may submit oral or written statements and data concerning the tentative decisions for inclusion in the public record. Reasonable limits may be set upon the time allowed for oral statements. The public workshop will be held on August 6, 2009 beginning at 5:00 PM and the public hearing will follow immediately at 6:00 PM. Both events will be held in the Naumati Rooms (1&2) at the Tradewinds Hotel, located on Ottoville Road in Pago Pago, American Samoa 96799.

Tafuna Sewage Treatment Plant

For the Tafuna Sewage Treatment Plant, the American Samoa Power Authority (ASPA) has applied for renewal of its 301(h) variance, which allows the facility to discharge sewage receiving less than secondary treatment to marine waters of the South Pacific Ocean southeast of Pago Pago International Airport, through an outfall that ends approximately 1,562 feet offshore and 94.5 feet below the surface. The daily flow through the outfall averaged 1.83 million gallons per day (MGD) in 2003 and roughly 2 MGD in 2005, though flow is projected to increase to an average of 3 MGD by 2011. The Regional Administrator of EPA, pursuant to CWA section 301(h) and 40 CFR Part 125, Subpart G, has tentatively concluded that this treatment plant does not qualify for a renewed variance and has tentatively decided to deny the variance request.

Utulei Sewage Treatment Plant

For the Utulei Sewage Treatment Plant, ASPA has applied for renewal of its 301(h) variance, which allows the facility to discharge sewage receiving less than secondary treatment to marine waters of the outer Pago Pago Harbor off Tulutulu Point, through an outfall that ends approximately 954 feet offshore and 150 feet below the surface. The daily flow through the outfall averaged 1.47 million gallons per day (MGD) in 2005, though this is projected to increase to an average of 3 MGD by 2011. The Regional Administrator of EPA, pursuant to CWA section 301(h) and 40 CFR Part 125, Subpart G, has tentatively concluded that this treatment plant does not qualify for a renewed variance and has tentatively decided to deny the variance request.

For additional information, or to obtain a copy of the tentative decision documents and administrative record, please visit our website or contact:

Pascal Mues at:

(415) 972-3768 or at mues.pascal@epa.gov

Or by mail at

EPA Region IX (WTR-5)

75 Hawthorne Street

San Francisco, CA 94105

Website: <http://www.epa.gov/region09/water/npdes/pubnotices.html>