



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

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RETURN RECEIPT REQUESTED

September 29, 2009

In Reply Refer To: CWA-309(a)-09-026

Ted Leiato, Power Plant Manager
American Samoa Power Authority
P.O. Box PPB
Pago Pago, Tutuila, American Samoa 96799

Dear Mr. Leiato:

This Administrative Order for the American Samoa Power Authority ("ASPA") Satala Power Plant requires the off-site disposal of process-related wastewaters and self-monitoring of storm water drainages. This Order is needed to address both the numerous past violations of the NPDES permit limits and the fact that the NPDES permit has now expired.

Specifically, the Order requires ASPA to (1) continue the best management practice of capturing Satala Power Plant process wastewaters and vault drainage for off-site disposal at the Tafuna Power Plant, (2) conduct monthly self-monitoring of the storm water drainages through the oil water separators, and (3) document and report the date and volume of all process wastewaters and vault drainage off-hauled for disposal. The key dates are as follows:

KEY DATES	ADMINISTRATIVE ORDER CWA-309(a)-09-026
Upon Receipt	1. Capture and haul off-site all process wastewaters and vault drainage.
11/01/09	2. Begin daily observations for sheen and foam at the outfall to the harbor.
11/01/09	3. Begin monthly self-monitoring and reporting of the oil water separators.
	Monthly summaries documenting wastewater off-hauling.
	Monthly sampling for oil and grease, total suspended solids, pH.
	Quarterly sampling for copper, lead, nickel, zinc.
* * *	Self-monitoring reports are due on the 28th day of each month for the samples, observations, and reports collected during the previous calendar month.

The enclosed Finding of Violation and Administrative Order is issued pursuant to Sections 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Clean Water Act ("the Act") as amended 33 U.S.C. Sections 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A). Section 309(a), (b), (d), and (g) of the Act, 33 U.S.C. Section 1319(a), (b), (d), and (g), provides administrative and/or civil judicial relief for failure to comply with the Act. In addition, Section 309(c) of the Act, 33 U.S.C. Section 1319(c), provides criminal sanctions for negligent or knowing violations of the Act, and for knowingly making false statements.

The request for information in the Administrative Order is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. Sections 3502(3). It is directed to fewer than ten persons and is an exempt investigation under 44 U.S.C. Section 3518(c)(1) and 5 CFR Section 1320.4(a)(2).

EPA has promulgated regulations to protect the confidentiality of the business information it receives at 40 CFR Part 2, Subpart B. A claim of business confidentiality may be asserted in the manner specified by 40 CFR Section 2.203(b) for all or part of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 CFR Part 2, Subpart B. If no claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice. ASPA may not withhold from EPA any information on the grounds that it is confidential business information.

If you have any questions regarding this matter, please contact Greg V. Arthur of my staff at (415) 972-3504 or at arthur.greg@epa.gov.

Sincerely,

Original signed by:
Alexis Strauss

Alexis Strauss
Director, Water Division

Enclosure

cc: Lt. Matt Vojic, AS EPA

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of)	
)	
American Samoa Power Authority)	FINDING OF VIOLATION
Satala Power Plant)	
)	AND ORDER
Proceedings under Section 308(a) and 309(a)(3),)	
(a)(4) and (a)(5)(A) of the Clean Water Act, as)	Docket No. CWA-309(a)-09-026
amended, 33 U.S.C. Section 1318(a) and)	
1319(a)(3), (a)(4) and (a)(5)(A))	

STATUTORY AUTHORITY

The following Finding of Violation and Order (Docket No. CWA-309(a)-09-026) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Sections 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Clean Water Act [33 U.S.C. Sections 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)] (hereinafter the Act). This authority has been delegated by the Administrator and the Regional Administrator of EPA Region 9 to the Director of the Water Division of EPA Region 9.

FINDING OF VIOLATION

The Director of the Water Division of EPA Region 9 finds that the American Samoa Power Authority ("ASPA") Satala Power Plant violated Section 301(a) of the Act [33 U.S.C. Section 1317(d)]. This Finding is made on the basis of the following facts:

1. ASPA operates the Satala Power Plant on the northern shore of inner Pago Pago Harbor, in the Village of Satala, American Samoa.
2. Section 301(a) of the Act [33 U.S.C. Section 1311(a)] prohibits the discharge of any pollutant by any person from a point source into waters of the United States except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued in accordance with Section 402(a) of the Act [33 U.S.C. Section 1342]:

- a. Section 502(5) of the Act [33 U.S.C. Section 1362(5)] defines “person” to mean an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body;
 - b. Section 502(6) of the Act [33 U.S.C. Section 1362(6)] defines “pollutant” to mean sewage, garbage, sewage sludge, rock, sand, chemical wastes, biological materials, dredged spoil, solid waste, incinerator residue, munitions, radioactive materials, heat, wrecked or discarded equipment, cellar dirt, and industrial, municipal, and agricultural waste discharged into water;
 - c. Section 502(12) defines the term “discharge of pollutants” to mean any addition of any pollutant to navigable waters from any point source;
 - d. Section 502(7) defines the term “navigable waters” to mean the waters of the United States, including the territorial seas;
 - e. Section 502(14) defines “point source” to mean any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel, or other floating craft, from which pollutants are or may be discharged.
3. ASPA is a corporation, and is therefore a person within the meaning of Section 502(5) of the Act [33 U.S.C. Section 1362(5)], and thus subject to the provisions of the Act, [33 U.S.C. Section 1251 et seq].
4. Pago Pago Harbor is a water of the United States.
5. EPA issued NPDES Permit No.AS0020044 to ASPA for the Satala Power Plant to become effective on May 8, 2004 and set to expire on May 7, 2009. The NPDES permit authorized the discharge of storm water run-off from the Satala Power Plant to Pago Pago Harbor through one of the two oil water separators. The NPDES permit did not authorize the discharge of pollutants from any other sources through any other points of discharge.

A previous version of the permit issued in 1997 authorized discharged through both oil water separators.

6. The Federal regulations in 40 CFR 122.21(d) allow the administrative extension of an NPDES permit if a permit application is submitted for renewal at least 180 days before it expires. The deadline for the Satala Power Plant was November 8, 2008. ASPA submitted the application for renewal of the NPDES permit six months late on June 3, 2009. Therefore NPDES Permit No.AS0020044 was not administratively extended.
7. ASPA has operated the Satala Power Plant without an NPDES permit in effect since the expiration of the permit on May 7, 2009.
8. NPDES Permit No.AS0020044, while in effect, established discharge limits, narrative receiving water limits, storm water pollution prevention best management practices, and self-monitoring requirements. In particular:
 - a. Section I.A authorized discharge of storm water run-off from the Satala Power Plant into Pago Pago Harbor from the eastern oil water separator (NPDES Sump #1) and the western oil water separator (NPDES Sump #2) in accordance with the following effluent limits:

Table 8.a
NPDES Permit Standards and Limits for the ASPA Satala Power Plant

NPDES Permit ① AS0020044 - §I.A(1)	Before May 8, 2004		After May 8, 2004		sample type ②
	d-max	mo-avg	d-max	mo-avg	
flow (mgd)	-	-	-	-	estimate
TSS (mg/l)	-	-	-	-	grab
oil and grease (mg/l)	20.0	-	20.0	-	grab
copper (µg/l)	-	-	5.8	-	grab
lead (µg/l)	-	-	220	-	grab
nickel (µg/l)	-	-	75	-	grab
zinc (µg/l)	-	-	95	-	grab
pH - min/max (s.u.)	6.0 - 8.6	-	6.0 - 8.6	-	grab

① NPDES permit limits applied to NPDES Sump #1 through the May 7, 2009 permit expiration, and to both NPDES Sumps #1 and #2 before May 8, 2004.

② Sampling of discharges from storm events over 0.1 inches and over 24 hours apart.

- b. Section I.B applied American Samoa water quality standards as narrative receiving water limits for the discharge to the harbor, including the general receiving water prohibition against discharges that are not substantially free from visible floating materials, grease, oil, scum, foam, and other floating material attributable to sewage or industrial wastes.
9. On April 30, 2009, EPA conducted a compliance evaluation inspection of the ASPA Satala Power Plant, and determined the following:
- a. Facility Description: ASPA owns and operates the Satala Power Plant:
 - (1) The Satala Power Plant consists of a main building housing the administrative offices and the power plant engine room, a fuel tank farm, a waste oil tank containment area, a transformer containment area, and a series of outdoor cooling towers;
 - (2) The power plant is sited on the north shore of the inner Pago Pago Harbor, west of the canneries and shipyard;
 - (3) The power plant employs four main diesel engines, all installed since 1992, and four older and smaller engines on standby. Fuel arrives by tanker truck. The engines are water-jacket cooled. The alternators are air cooled. The shaft bearings are oil cooled;
 - (4) Twelve individual cooling towers, in use to water-jacket cool the engines, are located outside on the paved access road in front of the engine building between the highway and the building;
 - (5) Two diesel tanks are installed behind concrete block secondary containment walls. A lube oil tank is located outside of and adjacent to the fuel farm, without secondary containment, but housed within a steel framework superstructure. Two waste oil tanks are installed behind a second set of concrete block secondary containment walls;

- b. Wastewater Sources, Handling, Discharge, and Disposal: The ASPA Satala Power Plant generates oily water power plant drainage, lube oil centrifuge sludges, contact storm water run-off from processing areas, non-contact storm water run-off, fuel tank power wash down, and cooling tower spents. In addition, oily seepages, thought to be the result of historic spills and losses, also fill an underground vault under the highway and in front of the power plant:
- (1) Storm Water Drainage - Storm water in contact with the fuel tanks, the lube oil tank, the waste oil storage tanks, the cooling towers, the truck fueling station, and the east-side facility grounds all drain into the eastern oil water separator, identified in this report as NPDES Sump #1. Storm water in contact with the transformers, the building roof, and the west-side facility grounds all drain into the western oil water separator, identified as NPDES Sump #2;
 - (2) Engine Room Drainage – Oil spills, oily wastewaters, lube oil centrifuge sludges, and slop captured within the power plant are conveyed through floor drains to four blind pit sumps in the engine room. ASPA pumps the oily wastewaters directly from the pit sumps to a tanker truck for off-site disposal;
 - (3) Cooling Tower Spents - ASPA now directs overflow bleed from a roof-top fill sump for the cooling system to the pit sumps inside the engine room;
 - (4) Fuel Tank Farm Wash - The diesel tanks are power washed every three weeks. Drainage captured within the tank farm secondary containment drains to NPDES Sump #1;
 - (5) Waste Oil Storage Decant - Oily wastewaters collected from NPDES Sump #1 into the two waste oil storage tanks are now pumped to a tanker truck for off-site disposal.

- (6) Vault Seepage – ASPA periodically pumps out oily seepage collected in a cable and pipe vault located under the road either to the western oil water separator of NPDES Sump #2 or to a collection barrel, for hauling by tanker truck for off-site disposal;
- (7) NPDES Sump #1 – The eastern oil water separator provides solids settling and oil skimming in two chambers as well as trace free oil removal through a small contact oil film skimmer. Captured oils are pumped to the adjacent waste oil tanks for hauling by tanker truck for off-site disposal. NPDES Sump #1 discharges into a storm drainage ditch along the highway that empties through a culvert under the highway to the harbor. This sump is designated in this Order as the sample point NPDES-001;
- (8) NPDES Sump #2 – The western oil water separator provides solids settling and oil skimming in two chambers but does not have a small contact oil film skimmer to remove trace sheen. Captured oils are pumped to a small barrel for hauling by tanker truck for off-site disposal. NPDES Sump #2 discharges into the storm drainage ditch along the highway that empties through a culvert under the highway to the harbor. This sump is designated in this Order as the sample point NPDES-002;
- (9) Off-site Disposal - Collected oily wastewaters from the engine room pit sumps and the NPDES sumps are pumped to a 2,000 gallon tanker truck for off-site disposal at the Tafuna Power Plant.

10. ASPA violated Section 301(a) of the Act [33 U.S.C. Section 1311(a)] in that:

- a. NPDES Permit No. AS0020044 expired on May 7, 2009;
- b. For the 109 days from June 1, 2009 through September 17, 2009, the National Weather Service station for Pago Pago recorded 10 days with over 1.00 inches of precipitation, and 35 days with between 0.10 and 1.00 inches of precipitation;

- c. Rainfall data from the National Weather Service station for Pago Pago was not available for May 2009;

Discharges of storm water drainage from the ASPA Satala Power Plant through NPDES Sump #1 and NPDES Sump #2 to the harbor constitute the discharge of pollutants from a point source without an NPDES permit, and result in at least ten days of violation for each discharge point.

11. ASPA violated Section 301(a) of the Act [33 U.S.C. Section 1311(a)] in that:

- a. While NPDES Permit No. AS0020044 was in effect, Section I.A of the permit required discharges from the Satala Power Plant through NPDES Sump #1 to comply with effluent limits for oil and grease, copper, and zinc;
- b. The samples collected and reported from May 2004 through May 2009 for the discharges from NPDES Sump #1 violated the permit effluent limits for NPDES-001 on at least the 14 occasions listed below.

Table 11.b
ASPA Satala Power Plant – Violations

NPDES Sump #1 – Eastern Oil Water Separator (NPDES-001)						
sample date	sampler	type	NPDES permit effluent limits		violation	days
12/08/08	ASPA	grab	copper d-max	5.8 µg/l	16.0	1
09/24/08	ASPA	grab	copper d-max	5.8 µg/l	17.0	1
06/14/08	ASPA	grab	zinc d-max	95 µg/l	270	1
06/14/08	ASPA	grab	copper d-max	5.8 µg/l	11.0	1
03/04/08	ASPA	grab	copper d-max	5.8 µg/l	8.3	1
09/24/07	ASPA	grab	copper d-max	5.8 µg/l	11.0	1
03/06/07	ASPA	grab	copper d-max	5.8 µg/l	14.1	1
12/26/06	ASPA	grab	zinc d-max	95 µg/l	108	1
08/20/06	ASPA	grab	copper d-max	5.8 µg/l	41.0	1
06/14/06	ASPA	grab	copper d-max	5.8 µg/l	15.3	1
06/14/06	ASPA	grab	zinc d-max	95 µg/l	128	1
04/08/06	ASPA	grab	oil and grease d-max	20 mg/l	32.0	1
01/02/06	ASPA	grab	copper d-max	5.8 µg/l	16.3	1
09/19/05	ASPA	grab	copper d-max	5.8 µg/l	17.9	1

12. The May 28, 2009 EPA report of the April 30, 2009 inspection of the ASPA Satala Power Plant is by reference made part of this Order.

ADMINISTRATIVE ORDER

Taking these Findings into consideration and considering the potential environmental and human health effects of the violations and all good faith efforts to comply, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to Section 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Act [33 U.S.C. Section 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)], IT IS HEREBY ORDERED that ASPA comply with the following requirements:

Satala Power Plant BMPs

1. **UPON RECEIPT OF THIS ORDER**, ASPA shall capture and haul off-site for proper disposal all process wastewaters generated at the Satala Power Plant and all vault drainage collected in the cable and pipe vault located under the highway in front of the power plant. Through implementation of this BMP, ASPA shall cease discharge of all process wastewaters and vault drainage, and thereby limit the discharges to the harbor to industrial storm water drainage through NPDES Sump #1 and NPDES Sump #2.

Self-Monitoring Schedules

2. **Storm Culvert Outfall**: From **NOVEMBER 1, 2009 THROUGH RECEIPT OF A NEW NPDES PERMIT**, ASPA shall self-monitor discharge from the storm culvert outfall to the harbor, in accordance with the following schedule:
 - a. **ONCE EVERY DAY**, ASPA shall visibly observe the discharge from storm culvert outfall to the harbor for visible oily sheen and foam;
 - b. If visible oily sheen or foam is observed, **ON THAT DAY**, ASPA shall determine whether the discharges from the Satala Power Plant caused or contributed to the observed sheen or foam.
3. **Oil Water Separators**: From **NOVEMBER 1, 2009 THROUGH RECEIPT OF A NEW NPDES PERMIT**, ASPA shall self-monitor the storm water discharges from the

Satala Power Plant at the outlets from NPDES Sump #1 and NPDES Sump #2, designated in this Order as NPDES-001 and NPDES-002, to the storm drainage ditch along the highway, in accordance with the following schedule:

- a. **ONCE EVERY DAY**, ASPA shall visibly observe the outlet chamber of each oil water separator (NPDES-001 and NPDES-002) for visible oily sheen and foam;
 - b. **ONCE EVERY MONTH**, ASPA shall summarize the date, source, and volume of all process wastewaters and vault drainages captured and hauled from the Satala Power Plant for off-site disposal during the month;
 - c. **ONCE EVERY MONTH**, ASPA shall self-monitor the storm water discharges from the Satala Power Plant through each oil water separator (NPDES-001 and NPDES-002) for oil and grease, total suspended solids, and pH;
 - d. **ONCE EVERY QUARTER**, ASPA shall self-monitor the storm water discharges from the Satala Power Plant through each oil water separator (NPDES-001 and NPDES-002) for copper, lead, nickel, and zinc;
4. Sampling and Analysis: ASPA shall self-monitor and analyze using the sampling protocols listed below, and the EPA approved analytical methods in 40 CFR 136 (or equivalent) necessary to achieve the detection limits indicated below:

parameters and pollutants	sampling method protocols	detection limits
oily sheen and foam	visual observation	-
total suspended solids	grab	1 mg/l
oil and grease – total	grab	1 mg/l
pH (s.u.)	field grab measurement	0.1 s.u.
total copper	grab	1 µg/l
total lead	grab	1 µg/l
total nickel	grab	1 µg/l
total zinc	grab	1 µg/l

Submittals

5. By the **TWENTY-EIGHTH (28th) DAY OF EACH MONTH**, ASPA shall submit all self-monitoring and self-reporting results for the previous month as required in Items 2, 3, and 4 of this Order. The first monthly report is due on November 28, 2009 for the October 2009 self-monitoring.
6. For each sample, ASPA shall record the following:
 - a. the sample results,
 - b. the EPA analytical methods used,
 - c. the date, and time of sampling, and sampling point,
 - d. the type of sample (ie. 24-hour composite, grab, or manual composite), and
 - e. the name of the laboratory used.
7. All reports submitted pursuant to this Order shall be signed by a principal executive officer of ASPA and shall include the following self-certifying statement:

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, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that all wastewater samples analyzed and reported herein are representative of the ordinary process wastewater flow from this facility. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
8. This Order is not and shall not be interpreted to be an NPDES permit under Section 402 of the Act [33 U.S.C. Section 1342], nor shall it in any way relieve ASPA of obligations imposed by the Act, or any other Federal, State or local law.
9. All submittals shall be mailed to the following addresses:

U.S. ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, California 94105
Attn: Greg V. Arthur (WTR-7)

AMERICAN SAMOA ENVIRONMENTAL PROTECTION AGENCY
P.O. Box PPA
Pago Pago, American Samoa 96799
Attn: Lt. Matt Vojik

10. This Order takes effect upon signature.

Original signed by:
Alexis Strauss

Alexis Strauss
Director, Water Division

September 29, 2009

Dated