

NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency, Region 9
CWA Standards and Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, CA 94015
(415) 972-3510

The Environmental Protection Agency (EPA), Region 9, San Francisco, California has made a preliminary determination to designate stormwater discharges from the municipal separate storm sewer system (MS4) on the Island of Guam for National Pollutant Discharge Elimination System (NPDES) permit coverage. Pursuant to sections 402(p)(2)(E) and (6) of the Clean Water Act, and 40 CFR § 122.26(a)(9)(i)(D), the EPA Regional Administrator may designate stormwater discharges as requiring NPDES permits where he determines that “the discharge, or category of discharges within a geographic area, contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.” The term “MS4” refers to the system of conveyances in a given area, including roads with drainage systems, catch basins, curbs, gutters, ditches, manmade channels and storm drains which are designed and used for collecting and conveying stormwater.

The Regional Administrator has made a preliminary determination that stormwater discharges from the MS4s operated by the Guam Department of Public Works (DPW) and the Department of Defense (DoD) contribute to violations of water quality standards and are a significant contributor of pollutants to waters of the United States. As such, the discharges are being preliminarily designated for regulation under the NPDES permit program.

EPA is requesting NPDES permit applications from the Guam DPW and the DoD which are due within 180 days of this designation. After receipt of the applications, EPA intends to propose NPDES permits for the discharges, and EPA will separately public notice and seek public comment on the draft permits. The public comment period for the designation begins today and will remain open until the close of the public comment period for any NPDES permit related to this designation. However, EPA encourages all interested parties to submit their comments concerning the designation as soon as possible after the commencement of the comment period, after which EPA intends to review this designation and to decide whether to make any changes to it. Comments should be submitted to the following address:

Lisa Honor
NPDES Permits Office (WTR-5)
EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

Additional information regarding the designation and related documents in the administrative record are on file and may be inspected any time between 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays, at the Region 9 address shown above. Many of the documents are also available on Region 9's website at:
<http://www.epa.gov/region9/water/npdes/pubnotices.html>.

A final decision on the proposed designation shall be made after all comments have been considered. Notice of the final decision shall be sent to each person who has sent or delivered written comments or requested notice of the final decision. Please bring this notice to the attention of all persons who would be interested in this matter.