

US EPA ARCHIVE DOCUMENT



# GUAM ENVIRONMENTAL PROTECTION AGENCY



EDDIE BAZA CALVO  
GOVERNOR OF GUAM

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921  
TEL: 475-1658/9 • FAX: 475-8007

RAY TENORIO  
LT. GOVERNOR OF GUAM

JUN 13 2012

Mr. Dave Smith  
USEPA, Region 9, WTR-5  
75 Hawthorne Street  
San Francisco, CA 94105

RE: 401 Water Quality Certification Guam Power Authority, Pruvient Energy Guam, Inc.,  
Tanguisson Power Plant, Dededo, NPDES GU0000027, 401WQC 12-06

Dear Mr. Smith,

The Guam Environmental Protection Agency has reviewed the NPDES permit and fact sheet to allow the discharge of effluent from the Tanguisson Power Plant located in Dededo, Guam. Out fall 001 is located at 13°32'25"N and 144°48'17"E. Out fall 001A is located at 13°32'25"N and 144°48'17"E into Philippine Sea.

#### Water Quality Designation

The water quality is "M-2" (Good) at the Tanguisson Beach. Marine water in this category must be of sufficient quality to allow for the propagation and survival of marine organisms, particularly shellfish and other similarly harvested aquatic organisms, coral and other reef-related resources, and whole body contact recreation. Other important and intended uses include mariculture activities, aesthetic enjoyment and related activities.

#### 401 Water Quality Certification

The Guam Environmental Protection Agency hereby issues a Clean Water Act Section 401 Water Quality Certification for the authorization to Discharge under the National Discharge Elimination System, NPDES GU0000027 with requirements listed below. Guam EPA strongly feels that the Guam Power Authority, Pruvient Energy Guam, Inc., has not collected sufficient and appropriate data to demonstrate that the water quality conditions exceeds standards prior to plant and that the receiving water also exceeds standards. Guam EPA will not issue a 401 WQC Certificate for a mixing zone. If data collected reflect exceedances from the source and that the receiving water's ambient conditions exceeds the water quality standards for nitrates, then Guam EPA would prefer to grant a site specific variance than approve a mixing zone. The variance will be based on the 2001 Guam Water Quality Standards on Anti-Degradation Policy (22 GAR-2 §5101.B.2) which states, *Water quality for those waters not attaining their uses due to impacts from pollution shall be improved so uses are attained. Where the natural conditions are lower quality than criteria assigned, the natural conditions shall constitute the water quality.*

"ALL LIVING THINGS OF THE EARTH ARE ONE"

In light of this, Guam EPA is issuing this 401 Water Quality Certification with the following requirements that the NPDES permittee shall execute in order for Guam EPA to grant the variance.

1. The Permittee shall submit for Guam EPA approval a Sampling and Analysis Plan identifying the sampling points upstream of the power Plant to ascertain the water quality from the water source and sampling points of seepages along the shoreline of the receiving waters to verify if the ambient conditions of the seepages are equal to the water quality of the water source and /or exceed the water standards for nitrates.
2. The Permittee shall implement Best Judgment and Best Management Practices to prevent or minimize water quality degradation.
3. The Permittee shall take immediate corrective actions or engineering measures to address significant non-compliance with water degradation and/or environmental problems and notify the Guam Environmental Protection Agency within 24 hours.
4. The Permittee shall within 1 year after the issuance of this NPDES Permit meet with Guam EPA to review additional data collected to address compliance to applicable water quality standards.

Based on the proposed permit narrative; monitoring requirements identified in the NPDES Permit; and the current Guam Water Quality Standards; and the 401 WQC requirements, the Guam Environmental Protection Agency believes that there is reasonable assurance that the discharged activity will not violate applicable water quality standards.

A Notice of Violation/Work Stop Order will be issued if above certification requirements are not adhered to or when significant or sustained water quality degradation occurs. Work 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 based on Water Pollution Control Act (Title 10 GCA §477111, penalties as amended by Public Law 17-87).

Sincerely,

  
**ERIC M. PALACIOS**  
Administrator

CC: ACOE, Guam Office  
USEPA Region 9, Mike Lee  
Dept. of Agriculture, DAWR  
Bureau of Statistics & Plans, GCMP  
Guam Power Authority/Pruvient Energy Guam, Inc.





## GUAM ENVIRONMENTAL PROTECTION AGENCY

### Section 401 Water Quality Certification:

Section 401 Water Quality Certification for NPDES (GU0000027 Discharge, Applicant: Guam Power Authority, Pruvient Energy Guam, Inc.)

The Guam Environmental Protection Agency hereby issues Section 401 Water Quality Certification: *401WQC 12-06* in accordance with the Clean Water Act, Public Law 95-127 and the Guam Water Quality Standards 2001 Revisions (GWQS), pursuant to the Guam Water Pollution Control Act, Chapter 47, Title 10 GCA. These discharge limits are authorized under Guam's anti-degradation policy GWQS 5101.B.

Section 401 Water Quality Certification permit is only valid until all permit conditions are met. 401WQC will be valid for 5 years or until the associated NPDES GU0000027 expires.

The issuance of Water Quality Certification does not exempt or waive any other local and federal requirements or allow the applicant to injure or damage surrounding properties. No person shall willfully deface, alter, forge, counterfeit, or falsify this certification.

  
ERIC M. PALACIOS  
Administrator

date: 06/13/19