

US EPA ARCHIVE DOCUMENT



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

CERTIFIED MAIL 7006 0810 0003 9306 3219
 RETURN RECEIPT REQUESTED

September 19, 2008

In Reply Refer To: CWA-309(a)-08-040

Bob Weihe, Owner
 MYD Samoa, Inc.
 P.O. Box 7684
 Pago Pago, Tutuila, American Samoa 96799

Dear Mr. Weihe:

This Administrative Order establishes corrective actions to control and limit the discharges of shipyard pollutants into the harbor. These corrective actions are needed to achieve consistent compliance with the Clean Water Act. The existing pollutant controls, especially for the dry docks, were found to be only partially effective. These corrective actions would be expected to be incorporated into the future NPDES permit.

Specifically, the Order requires MYD Samoa to (1) capture and control all discharges of process wastewaters, wastes, spent sandblasting grit, paint chips, paint overspray, and storm water drainages to the harbor from the dry docks, (2) minimize rainwater contact with all sources of contamination, and (3) capture contaminated wastewaters for alternative disposal. This Order specifies corrective actions but does not specify how to enact them. The key dates are as follows:

KEY DATES	ADMINISTRATIVE ORDER CWA-309(a)-08-040
11/30/08	1. Submit a short response to the May 29, 2008 EPA inspection report. 2. Submit a summary of past shipyard operations since August 1, 2007. 3. Submit past sampling results since August 1, 2007.
01/30/09	4. Submit preliminary engineering plans to better control dry dock discharges. 6. Submit preliminary engineering plans to better control shipyard and ship-board discharges.
04/30/09	5. Complete dry dock corrective actions - Submit a notice of completion. 7. Complete shipyard and shipboard corrective actions - Submit a notice of compliance.
10/01/08	8-13 Begin one year of self-monitoring and self-reporting under this Order. Daily visual observations for sheen and foam. Monthly sampling for oil and grease, total suspended solids, and pH. Monthly summaries of shipyard operations. Twice per year sampling for metals and tributyltin.
09/30/09	End self-monitoring under this Order.
* * *	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 Order and the findings that constitute the basis behind the Order are 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)]. Any violation of the terms of this Order or discharge standards could subject MYD Samoa to a civil action for appropriate relief pursuant to Section 309(b) of the Act [33 U.S.C. Section 1319(b)] and/or penalties under Section 309(d) of the Act [33 U.S.C. Section 1319(d)] of up to \$31,500 per day of violation. In addition, under Section 309(g) of the Act [33 U.S.C. Section 1319(g)], any violation of the discharge standards could also subject MYD Samoa to an administrative penalty action of up to \$12,000 per day of violation not to exceed \$157,500. Sections 309(c)(1), (c)(2) and (c)(4) of the Act [33 U.S.C. Section 1319(c)(1), (c)(2) and (c)(4)] also provide penalties for negligent violations, knowing violations and knowingly making false statements.

The request for information included in this Order is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. Sections 3502(4), 3502(11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons [44 U.S.C. Section 3502(4), 3502(11) and 5 CFR Section 1320.5(a)].

EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in 40 CFR Part 2, Subpart B and in the Federal Register at 41 F.R. 36902 (September 1, 1976) and 43 F.R. 40000 (September 8, 1978). A claim of business confidentiality may be asserted in the manner specified by 40 CFR Section 2.203(b) for part or all 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. MYD Samoa may not withhold from EPA any information on the grounds that it is confidential.

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)
)
MYD Samoa, Inc.) FINDING OF VIOLATION
Satala Shipyard, American Samoa)
) 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)-08-040
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)-08-040) 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 MYD Samoa, Inc. in Satala, American Samoa (“MYD Samoa”), 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. MYD Samoa operates the Satala Shipyard 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. MYD Samoa 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 both 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.AS0020036 for the Satala Shipyard to become effective on January 7, 2003 and set to expire on February 8, 2008. The NPDES permit was issued to Southwest Marine of Samoa, the shipyard operator at the time. The NPDES permit authorized the discharge of uncontaminated storm water run-off from the Satala Shipyard to Pago Pago Harbor through three catch basin sumps. The NPDES permit did not



authorize the discharge of pollutants from any other sources through any other points of discharge.

6. The NPDES Permit No.AS0020036 expired on February 8, 2008. 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 permit application deadline for the Satala Shipyard was August 12, 2007. Operation of the Satala Shipyard transferred from Southwest Marine of Samoa to MYD Samoa on August 1, 2007. MYD Samoa, and not Southwest Marine of Samoa, submitted the application for renewal of the NPDES permit 26 days late on September 19, 2007. NPDES Permit No.AS0020036 therefore was not administratively extended.
7. MYD Samoa has operated the Satala Shipyard without an NPDES permit in effect since the expiration of the permit on February 8, 2008.
8. On April 1, 2008, EPA conducted a compliance evaluation inspection of the Satala Shipyard, and determined the following:
 - a. Facility Description: MYD Samoa operates a shipyard for the repair of tuna finishing and fish processing ships, as well as smaller non-military vessels:
 - (1) The ship repair operations on-site involve two cradle dry docks, berthing piers, repair shops, and warehousing;
 - (2) Each cradle dry dock consists of a long platform mounted on rolling stock that travels down a marine railway extending into the harbor. Ships are positioned over and affixed on hauling blocks to the cradle which is then winched up the railway out of the water. The larger 3000-ton dry dock was found to be functioning and in order. The smaller 800-ton dry dock was found to be decommissioned and awaiting repair;
 - (3) The ship repair work in the dry docks involves hydroblasting, sandblast depainting with copper-slag grit, painting, fitting and repair work, and



fabrication. Vessels under repair have hulls made of fiberglass, aluminum, or steel;

- (4) The dry dock decks consist of plywood and planking without perimeter curbing and with numerous gaps between the planks directly over the harbor water. The dry docks also have framing and rigging that allows the unfurling of portable curtains around and over the dry dock to capture painting overspray and windborne blasting debris;
- (5) Sheet metal fabrication and welding work is performed in shop building next to the larger dry dock. The metal fabrication work includes sheet metal shearing, welding, rolling, and bending. Materials were found stored exposed to the rain along the outside of the building;
- (6) Machining operations are conducted in a second shop building also next to the larger dry dock. The metal machining operations include lathe turning, sawing, milling, and drilling, using synthetic cutting fluids;
- (7) Ships are berthed along the piers south of the larger dry dock.

b. Wastewater Discharges to the Harbor: The Satala Shipyard is partitioned into five run-off basins: Catch Basin #1, Catch Basin #2, Catch Basin #3, the 3000-Ton Dry Dock, and the 800-Ton Dry Dock:

- (1) The NPDES permit, while in effect, (1) authorized the discharge only of uncontaminated storm water run-off from the three Catch Basins, and only through three sumps to the harbor, (2) required the implementation of best management practices ("BMPs") to prevent the discharge of spent blasting grit and paint overspray entering the harbor from the dry docks, (3) required the implementation of BMPs to prevent contact of pollutants with storm water in order to ensure that storm water run-off discharges entering the harbor comply with water quality standards in the harbor, and (4)



required the implementation of BMPs to prohibit the discharge of any wastewater from any vessel;

- (2) The 3000-Ton Dry Dock generates spent depainting and grinding grit, paint overspray, storm water run-off in contact with the decking, and hydroblasting tail water;
- (3) The 800-Ton Dry Dock generates only non-contact storm water run-off;
- (4) Catch Basin #1 generates storm water run-off in contact with trash piles, barrels, spent materials, equipment, and oil contaminated ground;
- (5) Catch Basin #2 generates storm water run-off in contact with spent blasting grit from the dry dock deposited on the pier side landings;
- (6) Catch Basin #3 generates storm water run-off in contact with materials both stored outside of the buildings, and involved in the light boat repair work performed by ships crews on the dock, as well as with spent blasting grit from the dry dock deposited on the pier side landings;
- (7) The wastewaters generated by the 3000-Ton and 800-Ton Dry Docks drain in the harbor, either through the gaps in the dry dock decking, or into the open gap between the uncurbed dry docks and the uncurbed piers;
- (8) Most wastewaters generated by Catch Basin #1, Catch Basin #2, and Catch Basin #3 discharge through three catch basin sumps each outfitted with siphon overflows to the harbor. However, some drainage in Catch Basin #3 discharges into the open gap to the harbor because the uncurbed pier landings on the south side of the dry dock slant toward the gap;
- (9) There is no disposal method to handle wastewaters generated by vessels berthed or in repair, such as oily bilge, ballast water, and ships sanitary;
- (10) Oily drainage into and out of the sump for Catch Basin #1 was found to result in an oily sheen on the harbor.



9. MYD Samoa violated Section 301(a) of the Act [33 U.S.C. Section 1311(a)] on April 1, 2008, in that:
- a. Spent sandblasting grit and paint chip debris was found widely deposited on the deck of the 3000-Ton Dry Dock and on the adjacent piers and landings, all exposed to rainfall and contact with storm water drainage;
 - b. There were many uncontrolled drainage entry points into the harbor through the numerous gaps in the deck of the 3000-Ton Dry Dock, and into the open gap between the uncurbed dry dock and the uncurbed piers;
 - c. There was no complete coverage of the flooring to prevent spent sandblasting materials, abrasives, paint chips, and paint overspray from falling through gaps in the deck of the 3000-Ton Dry Dock;
 - d. There was no curbing around the perimeter of the 3000-Ton Dry Dock to prevent spent sandblasting materials, abrasives, paint chips, and paint overspray from washing overboard into the harbor;
 - e. There was no effective use of curtains to keep spent sandblasting materials, abrasives, paint chips, and paint overspray within the 3000-Ton Dry Dock on the deck, and out of the harbor;
 - f. There was no curbing on the pier side landings around the 3000-Ton Dry Dock to prevent spent sandblasting materials, abrasives, paint chips, and paint overspray from washing off the pier into the harbor;
 - g. Rainfall records for Pago Pago, American Samoa indicate that on April 1, 2008 there was 0.51 inches of precipitation.

The loss of spent sandblasting materials and paint chips from the 3000-Ton Dry Dock to the harbor constitutes the discharge of pollutants from a point source without an NPDES permit, and results in at least one day of violation.



10. MYD Samoa violated Section 301(a) of the Act [33 U.S.C. Section 1311(a)] on April 1, 2008, in that:
 - a. On April 1, 2008, oily drainage was found to be running off from outdoor storage areas for trash and barrels into the Catch Basin #1 sump, and then discharging out of the sump into the harbor;
 - b. Oily drainage into and out of the Catch Basin #1 sump, and the discharge of oil drainage to the harbor was found to have deposited an oily sheen on the harbor.

The discharge of oily drainage from the Catch Basin #1 sump to the harbor constitutes the discharge of pollutants from a point source without an NPDES permit, and results in at least one day of violation.
11. The May 29, 2008 EPA report of the April 1 inspection of MYD Samoa 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 MYD Samoa comply with the following requirements:

Submission of Information

1. By **NOVEMBER 30, 2008**, MYD Samoa shall submit short responses to the findings in Sections 2.0, 2.1, 3.0, 3.1, 3.2, 3.3, and 4.0 of the May 29, 2008 EPA inspection report.
2. By **NOVEMBER 30, 2008**, MYD Samoa shall submit a summary of past operations since August 1, 2007 that lists the following:
 - a. The dates when MYD Samoa performed sandblast depainting in a dry dock;
 - b. The dates when MYD Samoa performed hull hydroblasting in a dry dock;
 - c. The dates when MYD Samoa performed exterior spray painting in a dry dock;
 - d. Any dates when MYD Samoa performed the chemical soaking of parts, chemical cleaning of parts, hose flushing, or hydrotesting anywhere on site.
3. By **NOVEMBER 30, 2008**, MYD Samoa shall submit all sampling results for all wastewater monitoring conducted at the Satala Shipyard since August 1, 2007.

Corrective Actions for the Dry Docks

4. By **JANUARY 30, 2009**, MYD Samoa shall submit a preliminary engineering plan of the steps to be taken in order to capture and control all discharges of process wastewaters, wastes, spent sandblasting grit, paint chips, paint overspray, and storm water drainages to the harbor from the dry docks. This preliminary engineering plan shall include:



- a. A detailed description of all plant, equipment, upgrades, materiel, hardware, piping, best management plans, standard operating procedures, and inspection schedules, and to be used to implement each of the corrective actions listed below:

#1	The dry dock decks shall be sealed and curbed in order to capture and better control all discharges of process wastewaters, wastes, and storm water drainage from the dry dock to the harbor.
#2	The dry docks shall be outfitted with drainage controls which provide (1) more than 20 minutes of impoundment, (2) settling of solids, (3) skimming of oils and trash, (4) visual inspection for sheen and floating solids prior to discharge, and (5) controlled discharge through an EPA-approved sample point or point(s).
#3	The dry dock drainage controls shall be operated normally closed to impound all process wastewaters and storm water drainage for visual inspection prior to controlled discharge through an EPA-approved sample point or point(s).
#4	The dry dock deck shall not be rinsed off with water, nor shall water be used to collect spent blasting grit or remove solids from vessel exteriors.
#5	At the end of each shift, the physical capture of solids (<i>blasting grit, removed scale, trash, rust</i>), the removal of these solids from the dry dock deck, and broom or vacuum cleaning shall be done in order to prevent solids entrainment in storm water runoff.
#6	Hull hydroblasting shall occur only after the dry dock is broom or vacuum cleaned and the drainage controls are closed to prevent the wash down of contaminants (<i>solids, spills, oils, etc.</i>) with hydroblast tailwaters to the harbor.
#7	Hydrotest and pump test tailwaters shall discharge to dry dock drainage controls by hose or hard pipe in order to prevent the wash down of contaminants to the harbor.
#8	Chemical cleaning wastewaters, wet sandblasting tail waiters, and hydro-blasting waters of heat exchangers or ballast tanks shall be collected for discharge to the ASPA domestic sewers or disposal by an alternate method.
#9	ASEPA shall be notified the day before any planned submergence of a dry dock; and the submergence shall not proceed until ASEPA has approved the condition of the dry dock and authorized its submergence in writing.
#10	The use of corrosion inhibitors (nitric-acid bearing) in wet sandblasting and the accumulation of hazardous wastes shall be prohibited.

- b. A schedule of all corrective actions to be made in order to capture and control all discharges of process wastewaters, wastes, spent sandblasting grit, paint chips, paint overspray, and storm water drainages to the harbor from the dry docks, not to extend beyond the deadline specified in Item 5 of this Order.



5. By **APRIL 30, 2009**, MYD Samoa shall complete the steps necessary to capture and control all discharges of process wastewaters, wastes, spent sandblasting grit, paint chips, paint overspray, and storm water drainages to the harbor from the dry docks, **and** submit a notice of completion.

Corrective Actions for Shipyard and Shipboard Operations

6. By **JANUARY 30, 2009**, MYD Samoa shall submit a preliminary engineering plan of the steps to be taken in order to minimize rainwater contact with all sources of contamination and capture contaminated wastewaters for alternative disposal. This preliminary engineering plan shall include:
- a. A detailed description of all plant, equipment, upgrades, materiel, hardware, piping, best management plans, standard operating procedures, and inspection schedules, and to be used to implement each of the corrective actions listed below:

#11	Secondary containment always shall be deployed around all materials, paints, fuel, containers, drums, trash heaps, hazardous materials storage, tooling and mechanized equipment exposed to rainfall on the dry docks or on shore.
#12	New zinc or aluminum anodes and lead ballast shall be covered or wrapped in plastic to prevent contact with rain and storm water runoff, and spent anodes and ballast shall be contained within drums or sealed crates.
#13	Collected spent blasting grit shall be stored in a way that prevents contact with rainfall or storm water run-off.
#14	All captured runoff from contact with contamination sources either shall be treated through settling and oil skimming prior to discharge to the harbor or shall be directed into the domestic ASPA sewers.
#15	Pierside curbs surrounding the dry docks and along the harbor shall be built.
#16	There shall be daily self-certifications of no discharge to the harbor of fuel oil, oil sludge, oil refuse, bilge water, ballast waters, ships sanitary, or any other wastewaters from any vessel berthed at the shipyard or in dry dock.

- b. A schedule of corrective actions to be made in order to minimize rainwater contact with all sources of contamination and capture contaminated drainage for alternative disposal, not to extend beyond the deadline specified in Item 7 of this Order.



7. By **APRIL 30, 2009**, MYD Samoa shall complete the steps necessary to minimize rain-water contact with all sources of contamination and to capture contaminated wastewaters for alternative disposal, *and* submit a notice of completion.

Self-Monitoring Schedules

8. Sampling Schedule: For a year, from **OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009**, MYD Samoa shall self-monitor the non-domestic wastewater discharges at the designated compliance sampling points for the three catch basin sumps (NPDES-001, NPDES-002, NPDES-003), and at any representative compliance point(s) established in accordance with Item 4(a) of this Order (corrective action #2), with written EPA approval, in accordance with the following schedule:
 - a. **ONCE EVERY WORKDAY**, MYD Samoa shall visibly observe each wastewater discharge to the harbor for visible oily sheen and foam;
 - b. **ONCE EVERY MONTH**, MYD Samoa shall self-monitor each wastewater discharge to the harbor for oil and grease, total suspended solids, and pH;
 - c. **ONCE EVERY SIX MONTHS** (before December 28, and June 28, 2009), MYD Samoa shall self-monitor each wastewater discharge to the harbor for hexavalent chromium, copper, mercury, tributyltin, zinc, and arsenic.
9. Process Operations: For a year, from **OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009**, MYD Samoa shall compile monthly summaries of shipyard operations that list the following:
 - a. The dates when MYD Samoa performs sandblast depainting in a dry dock;
 - b. The dates when MYD Samoa performs hull hydroblasting in the dry dock;
 - c. The dates when MYD Samoa performs exterior spray painting in a dry dock
 - d. The dates when the portable curtains are unfurled around and over a dry dock;
 - e. The dates when MYD Samoa performs the chemical soaking of parts, chemical



cleaning of parts, hose flushing, or hydrotesting anywhere on site.

10. Sampling and Analysis: MYD Samoa shall self-monitor and analyze using the sampling protocols listed below, and the EPA approved analytical methods (or equivalent) necessary to achieve the detection limits indicated below:

parameters and pollutants	sampling method protocols	detection limits
oily sheen and foam	visual observation	-
hexavalent chromium	grab	10 µg/l
copper	grab	1 µg/l
mercury	grab	1 µg/l
tributyltin	grab	0.2 µg/l
zinc	grab	10 µg/l
arsenic	grab	10 µg/l
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.

Submittals

11. By the **TWENTY-EIGHTH (28th) DAY OF EACH MONTH**, MYD Samoa shall submit all self-monitoring and self-reporting results for the previous month as required in Items 8, 9, and 10 of this Order. The first monthly report is due on November 28, 2008 for the October 2008 self-monitoring. The 12th-and-last monthly report is due on October 28, 2009 for the September 2009 self-monitoring.
12. For each sample, MYD Samoa shall record the following:
- The sample results;
 - The EPA analytical methods used;
 - The date, time, location of sampling, and sampling point;
 - The type of sample (ie. 24-hour composite, grab, or manual composite);
 - The name of the laboratory used.
13. All reports submitted pursuant to this Order shall be signed by a principal executive officer of MYD Samoa 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.

14. 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 MYD Samoa of obligations imposed by the Act, or any other Federal, State or local law.

15. 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

16. This Order takes effect upon signature.

Original signed by:
Alexis Strauss

Alexis Strauss
Director, Water Division

September 19, 2008

Dated