

US EPA ARCHIVE DOCUMENT



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

CERTIFIED MAIL 7003 2260 0007 5460 1010
 RETURN RECEIPT REQUESTED

June 14, 2011

In Reply Refer To: CWA-309(a)-11-011

Carlos Sanchez, Chairman
 American Samoa Shipyard Services Authority
 Office of the Governor
 A.P. Lutali Executive Office Building, Third Floor
 Pago Pago, American Samoa 96799

**Re: Transfer of the NPDES Permit for the Satala Shipyard
 And Issuance of an Administrative Order Requiring Corrective Actions**

Dear Mr. Sanchez:

Continuation of the operations at the Satala Shipyard in compliance with the October 2010 NPDES permit depends on (1) the transfer of the permit to the American Samoa Shipyard Services Authority, and (2) the implementation of several corrective actions. Today we have issued an Administrative Order to achieve both results. The key dates are as follows:

| KEY DATES | ADMINISTRATIVE ORDER CWA-309(a)-11-011 |
|-----------|--|
| 06/30/11 | 1. Submit an agreement to transfer the permit, or after June 30, cease the operations that generate the wastewater discharges authorized by the permit. 6. Remove drums, materials, etc. to secondary containment or under roofing. |
| 08/30/11 | 2. Submit a short response to the April 7, 2011 EPA inspection report. 3. Submit all past sampling results collected after October 1, 2010. 4. Install and begin use of dry dock perimeter curtains. 5. After August 30, cease sandblasting and painting unless curtains are in place. 7-9 Repair tsunami damaged catch basin curbing and remove tsunami debris. |
| 07/01/11 | 10-11 Begin one year of self-reporting on dry dock operations under this Order. |
| *** | Quarterly dry dock operation summaries are due two months after quarter's end. |

To transfer the permit from MYD Samoa and thereby continue authorization of wastewater discharges from the shipyard, this Administrative Order requires the American Samoa Shipyard Services Authority to submit a written agreement to assume the responsibility, coverage, and liability of the NPDES permit. A form for this agreement is enclosed.

This Administrative Order also establishes specific corrective actions to cause the American Samoa Shipyard Services Authority, as the operator of the shipyard, to (1) install perimeter dry dock curtains, (2) remove exposed materials off-site, into secondary containment, or under roofing, (3) repair catch basin curbing, and (4) report on dry dock operations for a year.

US EPA ARCHIVE DOCUMENT

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 the American Samoa Shipyard Services Authority 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 \$32,500 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 the American Samoa Shipyard Services Authority to an administrative penalty action of up to \$16,000 per day of violation not to exceed \$177,500. 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. The American Samoa Shipyard Services Authority 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: LCDR Matt Vojik, AS EPA
Toetasi Tuiteleapaga, Chief Legal Counsel, Office of the Governor

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

| | | |
|---|---|------------------------------|
| In the Matter of |) | |
| |) | |
| American Samoa Government |) | |
| American Samoa Shipyard Services Authority |) | 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)-11-011 |
| 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)-11-011) 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, Incorporated, as the operator of the Satala Shipyard (“MYD Samoa”), and the American Samoa Government, as the owner of the Satala Shipyard, 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. The American Samoa Government owns the Satala Shipyard on the northern shore of Pago Pago Harbor, in the Village of Satala, American Samoa. MYD Samoa operated the Satala Shipyard under sublease for four years, ending on May 31, 2011. Through



executive order, the American Samoa Government established the American Samoa Shipyard Services Authority as a governmental entity to assume all management and operational responsibilities of the shipyard.

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 subject to the provisions of the Act, [33 U.S.C. Section 1251 et seq].
4. The American Samoa Government is a State, 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].
5. The American Samoa Shipyard Services Authority is a political subdivision of the State, 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].
6. Pago Pago Harbor is a water of the United States.
7. On September 29, 2010, EPA conducted a compliance evaluation inspection of the Satala Shipyard, and determined the following:
 - a. Facility Description: MYD Samoa operates a shipyard owned by the American Samoa Government 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. The larger 3000-Ton Dry Dock was found to be functioning and in order. The smaller 800-Ton Dry Dock was decommissioned;
 - (3) The ship repair work on the 3000-Ton Dry Dock involves hydroblasting, vessel washing, sandblast depainting with copper-slag grit, painting, fitting and repair work, and fabrication;



- (4) The 3000-Ton Dry Dock deck consists of plywood and planking without perimeter curbing. The dry dock also has framing and rigging that allows the unfurling of portable curtains around the perimeter to capture onto the deck painting overspray and blasting debris;
 - (5) Machining, sheet metal fabrication and welding work are performed in two shop buildings next to the 3000-Ton Dry Dock;
 - (6) Ships are berthed along the piers south of the 3000-Ton 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 3000-Ton Dry Dock generates spent depainting and grinding grit, paint overspray, storm water run-off in contact with both the dry dock deck and vessels in dock, and tail waters from hydroblasting and cleaning;
 - (2) The 800-Ton Dry Dock generates only non-contact storm water run-off;
 - (3) Catch Basin #1 generates storm water drainage in contact with any exposed debris, materials, or equipment, from the piers and landings around the 800-ton dry dock and the compressor building;
 - (4) Catch Basin #2 generates storm water drainage in contact with any exposed debris, materials, or equipment, from the property around the buildings and pier side landings north and east of the 3000-Ton Dry Dock;
 - (5) Catch Basin #3 generates storm water drainage in contact with any exposed debris, materials, or equipment, from the South Dock and the pier side landings between the fabrication and machining buildings and the 3000-Ton Dry Dock;



- (6) The wastewaters generated by the 3000-Ton and 800-Ton Dry Docks drain into the harbor, either through the gaps in the decking, or into the open gap between the uncurbed dry dock perimeters and the uncurbed piers;
- (7) Most wastewaters generated by Catch Basin #1, Catch Basin #2, and Catch Basin #3 discharge into the harbor through three catch basin sumps each outfitted with siphon overflows;
- (8) Some drainage in Catch Basin #3 discharges to the harbor from the uncurbed pier landing on the south side of the 3000-Ton Dry Dock into the open gap between the uncurbed dry dock and the uncurbed pier.

8. EPA issued NPDES Permit No.AS0020036 to MYD Samoa for the Satala Shipyard to become effective on October 1, 2010 and set to expire on September 30, 2015:

a. Transfer of Permit Responsibilities: Under Part C.4(d) of Attachment A of the NPDES permit, a permit may be modified to allow a change in ownership or operational control of a facility, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to EPA.

b. Dry Dock BMPs: The NPDES permit allows the discharge of storm water drainage, vessel hydroblast tail water, and vessel wash tail waters into the harbor from the 3000-Ton Dry Dock with the implementation of the following BMPs to control the entrainment of spent blasting grit, paint chips, and paint overspray:

- (1) Parts III.B.2(D1) and III.B.3(b)(4) of the NPDES permit requires the dry dock to be sealed to the greatest extent practical through complete covering of the deck during sandblasting and painting;
- (2) Part III.B.3(b)(4) of the NPDES permit requires curtains to be unfurled on the sides of the dry dock during sandblasting and painting;



- (3) Part III.B.2(D2) of the NPDES permit prohibits dry dock deck rinsing;
 - (4) Parts III.B.2(D3) and III.B.3(b)(4) of the NPDES permit requires the dry dock deck to be dry broomed or vacuumed cleaned at the end of each shift;
 - (5) Part III.B.2(D4) of the NPDES permit requires the dry dock deck to be cleaned prior to any vessel hydroblasting or vessel washing;
 - (6) Part III.B.2(D5) of the NPDES permit requires hose cleaning and parts hydrotesting to be done pier side and not on the dry dock;
 - (7) Part III.B.2(D7) of the NPDES permit prohibits the use of corrosion inhibitors such as nitric acid in wet sandblasting;
 - (8) Part III.B.3(b)(4) of the NPDES permit requires paint wastes to be separated from the spent blasting grit, and blasting grit to be properly disposed.
 - (9) Part III.B.2(D6) of the NPDES permit requires notification of American Samoa Environmental Protection Agency (“ASEPA”) and approval from ASEPA of the dry dock condition before submergence;
- c. Shipyard BMPs: The NPDES permit authorizes the discharge of uncontaminated storm water run-off from the shipyard into the harbor through three catch basin sumps, with the implementation of the following BMPs meant to prevent rainwater contact with contamination sources, and thereby result in compliance with water quality standards:
- (1) Part III.B.1(S1) of the NPDES permit requires secondary containment around all materials, paints, fuel, containers, drums, trash heaps, hazardous materials storage, tooling and equipment exposed to rainfall;
 - (2) Part III.B.1(S2,S3) of the NPDES permit requires anodes, ballast, and spent blasting grit to be covered, and spent anodes and ballast to be contained in drums or sealed crates;



- (3) Part III.B.1(S4) of the NPDES permit requires all drainage from the three catchment basins to be discharged through the settling and oil skimming provided by the permitted siphon sumps;
 - (4) Part III.B.1(S5) of the NPDES permit requires curbing along the harbor to be maintained;
 - (5) Part III.B.1(S5) of the NPDES permit requires the landings around the dry docks to be maintained swept, cleaned, and in order;
 - (6) Part III.B.1(S7) of the NPDES permit requires the tsunami related debris to be removed or covered and contained to prevent contact with rainfall;
 - (7) Part III.B.3(b)(3,5) of the NPDES permit requires used oils to be stored in secondary contained containers on impervious pads, and paint and solvents to be mixed in a designated secondary contained mixing area;
 - (8) Part III.B.1(S6) of the NPDES permit requires self-certification of no discharge to the harbor of fuel oil, oil sludge, oil refuse, bilge water, ballast waters, or ships sanitary;
 - (9) Part III.B.3(b)(3) of the NPDES permit requires oil containment booms to be deployed across the entrance to the dry dock when ships are in dock;
 - (10) Part III.C.3(p) of the NPDES permit requires regular removal of scrap metal, wood, plastic, trash, and other debris.
- d. Perimeter Curbing: With the successful implementation of the shipyard BMPs, Part III.B.1(S5) of the NPDES permit allows the discharge of storm water drainage from the uncurbed pier side landings next to the dry dock into the gap to the harbor between the dock and pier. However, if the shipyard BMPs are not successfully implemented, Part III.B.1(S5) of the permit requires the installation of curbing on the landings around the dry dock.



- e. Discharge Limits and Self-Monitoring: Part I.B establishes the following discharge limits, and self-monitoring requirements for the discharges from the three catch basin sumps.

| Table 6.d | | | | | |
|--|-------------------------------|-----------|-----------|-------------------------|------------------|
| Discharge Standards and Limits, for the Satala Shipyard | | | | | |
| NPDES Permit AS0020036 § I.B | Catch Basins #1, #2, and #3 ① | | | monitoring frequency | sample type ② |
| | inst-max | daily-max | month-avg | | |
| flow (mgd) | - | - | - | continuous | n/a |
| visible sheen/foam | - | - | - | daily | visual |
| pH min/max (s.u.) | 6.5 to 8.6 | - | - | monthly | grab |
| TSS (mg/l) | - | - | - | monthly | grab |
| turbidity (NTU) | - | 0.75 | - | monthly | grab |
| oil & grease (mg/l) | - | 20 | 10 | monthly | grab |
| total arsenic (µg/l) | - | 0.37 | 0.14 | quarterly | grab |
| total mercury (µg/l) | - | - | 0.0425 | quarterly | grab |
| PCBs (µg/l) | - | - | 0.0000544 | quarterly | grab |
| hex chrome (µg/l) | - | 82 | 41 | quarterly | grab |
| total copper (µg/l) | - | 2.9 | 2.4 | quarterly | grab |
| total lead (µg/l) | - | 13.3 | 6.6 | quarterly | grab |
| total zinc (µg/l) | - | 90 | 45 | quarterly | grab |
| tributyltin (µg/l) | - | 0.012 | 0.006 | quarterly | grab |
| benzene (µg/l) | - | 103 | 51 | quarterly | grab |
| ethylbenzene (µg/l) | - | 4221 | 2100 | quarterly | grab |
| toluene (µg/l) | - | 30150 | 15000 | quarterly | grab |
| xylene (µg/l) | - | 20100 | 10000 | quarterly | grab |

① At sample points designated in this Order as NPDES-001, NPDES-002, NPDES-003.
 ② Samples collected during the first 30 minutes of a storm event greater than 0.1 in.

- f. Discharge Monitoring Reports: Part II.A.3(b) on page 8 of the NPDES permit requires all monitoring results to be reported quarterly and submitted by the 28th day of the month following the previously quarterly reporting period.
9. MYD Samoa, as the shipyard operator, and the American Samoa Government, as owner of the Satala Shipyard violated Section 301(a) of the Act [33 U.S.C. Section 1311(a)] on April 7, 2011, in that:



- a. On April 7, 2011, the American Samoa Environmental Protection Agency (“ASEPA”) inspected the Satala Shipyard and documented the findings in an April 8, 2011 memorandum to the record;
 - b. The April 8, 2011 ASEPA memorandum documents in Photographs #7 through #13 that curtains were not unfurled on all sides of the dry dock during sandblasting on April 7, 2011 as required by Part III.B.3(b)(4) of the NPDES permit;
 - c. The April 8, 2011 ASEPA memorandum documents in Photographs # 40 and #41 that curbing along the harbor west of catch basing sump for Catch Basin #1 was not maintained on April 7, 2011 as required by Part III.B.1.(S5) of the NPDES permit;
 - d. The April 8, 2011 ASEPA memorandum documents in Photograph #5 that tsunami related debris was not removed nor covered and contained on April 7, 2011 as required by Part III.B.1(S7) of the NPDES permit;
 - e. The April 8, 2011 ASEPA memorandum documents in Photographs #16, #17, #18, #26, #27, and #29 that drums and mechanized equipment were not within secondary containment or under roofing on April 7, 2011 as required by Part III.B.1(S1) of the NPDES permit.
10. MYD Samoa violated Section 301(a) of the Act [33 U.S.C. Section 1311(a)], in that:
- a. Quarterly Discharge Monitoring Reports (“DMRs”) are required to contain the self-monitoring results for continuous flow, daily visual sheen, and monthly pH, TSS, turbidity, oil and grease, arsenic, mercury, PCBs, hexavalent chromium, copper, lead, zinc, tributyltin, benzene, ethylbenzene, toluene, and xylene;
 - b. MYD Samoa did not submit the quarterly DMRs for October-December 2010;
 - c. MYD Samoa did not submit the quarterly DMRs for January-March 2011.



11. EPA recognizes that MYD Samoa ceased operations of the Satala Shipyard under sublease on May 31, 2011, and that the American Samoa Government, as owner of the shipyard, established the American Samoa Shipyard Services Authority as the shipyard operator, with full authority to assume all of the responsibilities for shipyard operations after May 31, 2011.
12. The April 7, 2011 EPA report of the September 29, 2010 inspection of the Satala Shipyard 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 the American Samoa Shipyard Services Authority comply with the following requirements:

Transfer of the Permit and Submission of Information

1. By **JUNE 30, 2011**, the American Samoa Shipyard Services Authority shall submit a written agreement with MYD Samoa stating the Authority's assumption of the responsibility, coverage, and liability of the NPDES permit, *or* after June 30, 2011, cease all of the operations that generate the wastewater discharges authorized by the NPDES permit, including the sandblasting and painting operations on the dry dock.
2. By **AUGUST 30, 2011**, the American Samoa Shipyard Services Authority shall submit short responses to the findings in Sections 3.0, 3.1, 3.2, 3.3, and 4.0 of the April 7, 2011 EPA inspection report issued to MYD Samoa for the Satala Shipyard.



3. By **AUGUST 30, 2011**, the American Samoa Shipyard Services Authority shall submit all sampling results for all wastewater monitoring and self-monitoring conducted at the Satala Shipyard since October 1, 2010.

Corrective Actions for the Dry Dock

4. By **AUGUST 30, 2011**, the American Samoa Shipyard Services Authority shall procure, install, and begin the use of curtains around the perimeter of the 3000-Ton Dry Dock, **and** submit a Notice of Completion upon installation of the curtains.
5. After August 30, 2011, the American Samoa Shipyard Services Authority shall cease vessel sandblasting and vessel painting within the dry dock until the perimeter curtains are installed and in use as required in Item 4 of this Order.

Corrective Actions for Shipyard and Shipboard Operations

6. By **JUNE 30, 2011**, the American Samoa Shipyard Services Authority shall remove all drums, materials, and equipment exposed to rainfall into either secondary containment or under roofing, **and** submit a Notice of Completion.
7. By **AUGUST 30, 2011**, the American Samoa Shipyard Services Authority shall repair tsunami damaged curbing along the harbor west of the catch basin sump for Catch Basin #1, and along the South Dock for Catch Basin #3, **and** submit a Notice of Completion.
8. If the tsunami damaged piers cannot be repaired by August 30, 2011 as required by Item 7 above, then by **AUGUST 30, 2011**, the American Samoa Shipyard Services Authority may instead install temporary curbs, berms, trenches, or drains in order to direct all shipyard drainage to the three catch basin sumps, **and** submit an Alternate Notice of Completion.



9. By **AUGUST 30, 2011**, the American Samoa Shipyard Services Authority shall remove or cover and contain the tsunami related debris on the South Dock, **and** submit a Notice of Completion.

Self-Reporting of Dry Dock Operations

10. For a year, from **JULY 1, 2011 THROUGH JUNE 30, 2012**, the American Samoa Shipyard Services Authority shall compile quarterly summaries of dry dock operations that list the following:
 - a. The dates when a vessel is sandblast depainted in the dry dock;
 - b. The dates when a vessel is hydroblasted in the dry dock;
 - c. The dates when a vessel exterior is spray painted in the dry dock
 - d. The dates when the portable curtains are unfurled around the dry dock;
 - e. The dates when the dry dock deck is swept,
 - f. The dates when the dry dock is raised from the harbor with a vessel in dock,
 - g. The dates when the dry dock is submerged to refloat a vessel in dock.
11. **WITHIN TWO MONTHS** after the end of a quarter, the American Samoa Shipyard Services Authority shall submit a written quarterly status report that documents by date the dry dock operations listed above in Item 10(a-g). The reports will be due as follows:
 - a. On November 30, 2011, the status report for July to September 2011 is due;
 - b. On February 28, 2012, the status report for October to December 2011 is due;
 - c. On May 30, 2012, the status report for January to March 2012 is due;
 - d. On August 30, 2012, the final status report for April to June 2012 is due.
12. All submittals pursuant to this Order shall be signed by a principal executive officer of the American Samoa Shipyard Services Authority or by a representative of the American Samoa Office of the Governor, 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.

13. 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 the American Samoa Government of obligations imposed by the Act, or any other Federal, State or local law.

14. 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: LCDR Matt Vojik

15. This Order takes effect upon signature.

Original signed by:
Alexis Strauss

Alexis Strauss
Director, Water Division

June 14, 2011

Dated

**Transfer of Permit to a New Owner/Operator
for Individual National Pollutant Discharge
Elimination System (NPDES) Permits**

This form, when completed and signed by both parties, and approved by EPA by a minor modification to the NPDES permit, automatically transfers the permit as specified in the table below, in accordance with 40 CFR 122.61. By signing this form, the new owner/operator agrees to assume all responsibility, coverage, and liability of the permit, as of the effective date of the sale or lease. The permit transfer for any facility shall not be valid if there is or will be any significant change from the existing permit in facility operations, discharge volume, or discharge characteristics, as determined by the EPA. If such changes are or will be present, the new owner/operator shall immediately notify EPA at the following address: NPDES Permits Office (WTR-5), EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

| | | | |
|--|------|-------|-------|
| Reason for transfer (check one) | SALE | LEASE | OTHER |
| Permit number to be transferred | | | |
| Facility name | | | |
| Facility address | | | |
| Effective date of sale/ lease/ transfer: | | | |

| | Old | New |
|----------------------|-----|-----|
| Company Name: | | |
| Facility Name: | | |
| Mailing Address: | | |
| Contact Person | | |
| Contact Phone number | | |
| Contact email | | |

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, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations.

| | | |
|---|--|--|
| Owner/President/Operator/Mgr: (print name) | | |
| Owner/President/Operator/Mgr: (signature) | | |
| Date signed | | |