

US EPA ARCHIVE DOCUMENT

Notice of Final Decisions on Guam Waterworks Authority  
Agana Sewage Treatment Plant  
and  
Northern District Sewage Treatment Plant  
Application for Modified NPDES Permits under Section 301(h) of the Clean Water Act  
September 30, 2009

On September 30, 2009, the Environmental Protection Agency (EPA) Acting Regional Administrator signed final decisions denying Guam Waterworks Authority's requests for variances from secondary treatment requirements of the Clean Water Act pursuant to section 301(h) of the Act for the Agana Sewage Treatment Plant and the Northern District Sewage Treatment Plant.

Notice of these decisions is being served today, October 1, 2009, on the applicant and on all persons who submitted written comments during the public comment period or requested notice of the final decision. Notice is being sent to every person who provided an address to EPA. Persons who provided both U.S. mail and electronic addresses are being notified by electronic mail. EPA is also posting this notice on the Region 9 website at:

<http://www.epa.gov/region09/water/npdes/pubnotices.html>

EPA is posting the following documents on the Region 9 website:

- Final Decision on Guam Waterworks Authority's Agana Sewage Treatment Plant Application for a Modified NPDES Permit under Section 301(h) of the Clean Water Act;
- Final Decision on Guam Waterworks Authority's Northern District Sewage Treatment Plant Application for a Modified NPDES Permit under Section 301(h) of the Clean Water Act;
- Response to Comments Document regarding the Environmental Protection Agency's January 5, 2009, Tentative Decisions to Deny applications for modified NPDES permits under section 301(h) of the Clean Water Act for Guam Waterworks Authority's Agana Sewage Treatment Plant and Guam Waterworks Authority's Northern District Sewage Treatment Plant;
- Final Decision Administrative Record Index for the Guam Waterworks Authority's Agana Sewage Treatment Plant Application for a Modified NPDES Permit under Section 301(h) of the Clean Water Act; and
- Final Decision Administrative Record Index for the Guam Waterworks Authority's Northern District Sewage Treatment Plant Application for a Modified NPDES Permit under Section 301(h) of the Clean Water Act.

Copies of these documents may be made from the website. Additionally, if anyone would like either an electronic or a paper copy of any of these documents, they may be obtained from John Tinger, Water Division (WTR-5), U.S. EPA Region 9, telephone (415) 972-3518 or email [Tinger.John@epa.gov](mailto:Tinger.John@epa.gov).

As provided in EPA regulations at 40 CFR 124.15(b), this decision shall become effective 30 days after service of this notice, unless a later date is specified in the decision or review is requested under 40 CFR 124.19. In this case, the decisions will be effective on November 2, 2009. If review is requested under 40 CFR 124.19, the decisions will be stayed pursuant to 40 CFR 124.14(b)(2) and 124.16.

EPA regulations at 40 CFR 124.19 provide that requests for review must be filed within 30 days after service of notice of the decision, subject to the provisions of 40 CFR 124.20. In calculating the time during which a request for review must be filed, 40 CFR 124.20(d) provides that if service is made by mail, three (3) days shall be added to the prescribed time. Since some of the interested persons are receiving notice by mail, those persons have thirty days from the date of service (October 1, 2009), plus three days pursuant to 124.20(d), to file a request for review, which would be November 5, 2009. Thus, under 124.20(c), these persons have until Thursday, November 5, 2009, to file a request for review with the Environmental Appeals Board (EAB). Although the regulations do not specifically provide that three days shall be added to the prescribed time when a person is served by electronic mail, EPA considers it appropriate to apply a similar time calculation for those persons as to this specific action. Therefore, persons served by electronic mail also have until Thursday, November 5, 2009, to file a request for review with the EAB. To the extent the regulations do not specifically require adding three days for persons served by email, setting the deadline for this date is permissible under 40 CFR 124.19(a), which allows EPA to specify a later deadline in the notice.

All requests for review should be addressed to the EAB. Those persons filing a request for review must have filed comments on the tentative decisions, or participated in the public hearing. Requests for review from other persons must be limited to the changes from the tentative decisions to the final decisions. Any request for review must meet the requirements of 40 CFR 124.19. Information concerning EAB requirements, including the address for the EAB, can be found on the EAB website at <http://www.epa.gov/eab/>, or by calling the Clerk of the Board at (202) 233-0122. Please note that under EAB procedures, a request for review must be received by the EAB on the required date (in this case, November 5, 2009).