CABRAS MARINE CORPORATION

COMMERCIAL PORT, APRA HARBOR, GUAM, M.I.
Mailing Address: Suite 114, 1026 Cabras Highway, Piti, Guam 96915
Telephone: (671) 477-7345 / 477-1723 ~ Telefax: (671) 477-6206

FC 2018-0003

February 18, 2018

Mr. Carl V. Dominguez, Director
Guam Bureau of Statistics and Plans
Guam Coastal Management Program
PO Box 2950, Hagatna, Guam 96932

Attn: Ms. Tina E. Mafnas, GCMP Federal Consistency Planner

Re: Federal Consistency Certification
Renewal of NPDES Permit No. GU0020397

Dear Mr. Dominguez:

Under the Coastal Zone Management Act (CZMA), non-federal activities that are conducted under federal licenses or permits are subject to GovGuam's review to insure consistency with Guam's Coastal Management Program (GCMP).

A copy of our draft renewal NPDES Permit No. GU0020397 for Cabras Marine Corporation (CMC) AFDL-21 Dry Dock has been forwarded to Guam EPA for review and approval. By this letter, CMC hereby requests for your concurrence to our certification that the proposed activity complies with, and will be conducted in a manner consistent with the GCMP. Please note that the renewal NPDES permit represents the continuation of the current NPDES permit previously certified by the GCMP dated August 28, 2012.

Please find enclosed: our project description, findings documenting that the proposed activity is consistent with the GCMP, a copy of US EPA's draft NPDES Permit & Fact Sheet, and Guam EPA's approved temporary permit to operate AFDL-21 dry dock.

Your timely response and concurrence of our certification is greatly appreciated. Please do not hesitate to contact me at 649-1380 or Mr. Carlos Salas at 483-6101, csalas2010@gmail.com should you have any questions.

Sincerely,

Joseph L. Cruz
President

Cc: Mr. Peter Kozelka, Ph. D. – US EPA Region IX

Enclosures:

1) Project Description - Renewal
2) Findings on CZMA Assessment Form - Proposed activity consistent with GCMP
3) U.S. EPA's draft NPDES Permit - Renewal
4) Draft Permit Fact Sheet - Renewal
5) Guam EPA's approved temporary permit to operate AFDL-21 dry dock.

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February 19, 2018

PROJECT DESCRIPTION

Re: Federal Consistency Certification
Renewal NPDES Permit No. GU0020397

Cabras Marine Corporation (CMC) intends to continue operating the AFDL-21, the floating dry dock, at the same location in the Apra Harbor at Wharf F2 that's within Guam's commercial port facility. CMC has initiated with U.S. EPA's Region IX Office the renewal of its existing NPDES Permit for another 5-year term and has subsequently issued a draft NPDES Permit GU020397 that's currently pending with U.S. EPA Region IX's Permit Office.

The AFDL-21 dry dock primarily provides ship repair and maintenance services to small vessels, i.e. tug boats, personnel support boats, etc., with a length of 200 feet and 50 feet wide and a lifting capacity of 1,000 tons. On-site operations on the dry dock consist of overhaul, repair and alteration work on a variety of small private and commercial vessels typically 75 to 100 feet long. Normal shipyard activities includes abrasive blasting, pressure washing, application and removal of marine surface coat materials, hydrostatic testing, metal work, electrical work, material storage, and other related industrial activities which occur during regular operations (Mon thru Fri). CMC anticipates that each vessel will be serviced within 30 days, with a total 60-day cycle for the vessel within the dry dock unit.

The AFDL-21 dry dock is used to dry dock vessels for repairs by lowering the dry dock unit (submerging), docking the vessel and then raising (emerging) it so that any of the repair work to the vessel can be performed safely on dry and elevated work-environment.

The GCMP Assessment Format and Supplemental Information Form may be reproduced and submitted along with other required information to the BSP.

GUAM COASTAL MANAGEMENT PROGRAM
ASSESSMENT FORMAT

DATE OF APPLICATION: February 19, 2018
NAME OF APPLICANT: Cabras Marine Corporation (CMC)
ADDRESS: 178 Industrial Avenue, Piti, Guam 96915
TELEPHONE NO. (671) 477-1818 Fax No. _____ Cell No: (671) 483-6101
E-MAIL ADDRESS: csalas2010@gmail.com / jlcruz@dimguam.net

TITLE OF PROPOSED PROJECT:
NPDES Permit GU for AFDL 21 Drydock - renewal

COMPLETE FOLLOWING PAGES

FOR BUREAU OF STATISTICS AND PLANS ONLY:

DATE APPLICATION RECEIVED: _____
OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____
APPLICANT NOTIFIED: _____ PUBLIC NOTICE GIVEN: _____
OTHER AGENCY REVIEW
REQUESTED: _____

DETERMINATION:
( ) CONSISTENT ( ) NON-CONSISTENT ( ) FURTHER INFORMATION REQUESTED

OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____
APPLICANT NOTIFIED: _____
ACTION LOG:
1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

DATE REVIEW COMPLETED: _____

DEVELOPMENT POLICIES (DP):

DP 1. Shore Area Development

Intent: To ensure environmental and aesthetic compatibility of shore area land uses.

Policy: Only those uses shall be located within the Seashore Reserve which:
- enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or
- can demonstrate dependence on such a location and the lack of feasible alternative sites.

Discussion: The facility and location of the AFDL 21 Drydock is not located within the Seashore Reserve

DP 2. Urban Development

Intent: To cluster high impact uses such that coherent community design, function, infrastructure support and environmental compatibility are assured.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within appropriate zone as outlined on the Guam Zoning Code.

Discussion: This facility does not require high levels of support facilities thus, uses and activities at this facility conform to the intent and policy of Urban Development.

DP 3. Rural Development

Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewering is provided.

Discussion: The facility does not interfere with rural development and districts where low density residential and agricultural uses are prevalent. Safe operating and functional sewage system under GWA infrastructure is present.

DP 4. Major Facility Siting

Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel and transport facilities.

Policy: In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the Comprehensive Development and Coastal Management Plans, Guam shall recognize the national interest in the siting of such facilities, including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.

Discussion: The current site of the facility is within the commercial port facility in which provides support to the security of our nation. Cabras Marine Corporation (CMC) operation and activities are in full compliance with the US Department of Homeland Security under the Maritime Security regulations (MARSEC) as administered and enforced by the U.S. Coast Guard.

MARSEC levels applied to our facility are set of measures & controls to reflect the prevailing threat environment to the marine programs and activities that are critical and essential to the national transportation system including the port, vessels, facilities and other related assets and infrastructure adjacent to the waters that are subject to the jurisdication of the US Coast Guard as regulated by the MARSEC regulations.

DP 5. Hazardous Areas

Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.

Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air installations' crash and sound zones and major fault lines shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety or welfare of the people of Guam, and complies with the land use regulations.

Discussion: This facility is not located in a hazardous area and its activities conform to the land use regulati of the commercial port.

DP 6. Housing

Intent: To promote efficient community design placed where the resources can support it.

Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.

Discussion: The facility covered under this assessment form precludes housing development and does not directly affect the local residential housing and community as it's located within the commercial port of Guam in Cabras.

DP 7. Transportation

Intent: To provide transportation systems while protecting potentially impacted resources.

Policy: Guam shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries, coral reefs and other coastal resources.

Discussion: The facility is not a provider or operator of transportation system for the Territory of Guam.

DP 8. Erosion and Siltation

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land use regulations, as well as other related land use guidelines for such areas.

Discussion: The facility is not located on an area with a slope of 15% or greater.

RESOURCES POLICIES (RP):

RP 1. Air Quality

Intent: To control activities to insure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.

Discussion: No significant air pollution is released or will be released by this facility.

RP 2. Water Quality

Intent: To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.

Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef and aquifer areas.

Discussion: The discharge of treated waste water and wash water is allowed into the existing sewer treatment system at this location. The discharge and disposal of storm water and ballast tank water are regulated under USEPA's draft NPDES Permit for this facility and requires CMC to meet the permit conditions such as that the effluent from the facility meets the Guam Water Quality Standards (GWQS). In addition, the USEPA will require (as it has under our current NPDES permit) regular monitoring of any discharge to receiving water of Apra Harbor to ensure that the discharge will not degrade water quality in the receiving waters of Apra Harbor.

For more information on assessment of effluent limits and determination of impacts, if any, pursuant to the above permit conditions, please refer to the draft NPDES Permit and FACT SHEET per attachment.

RP 3. Fragile Areas

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas including Guam's Marine Protected Areas (MPA) shall be regulated to protect their unique character.

- historical and archeological sites
- wildlife habitats
- pristine marine and terrestrial communities
- limestone forests
- mangrove stands and other wetlands
- coral reefs

Discussion: The facility does not interfere with historical and archaeological sites, wildlife habitats, prestine marine and terrestrial communities, limeston forests and mangrove stands and other wetlands.

RP 4. Living Marine Resources

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the waters of Guam, particularly fish, shall be protected from over harvesting and, in the case of corals, sea turtles and marine mammals, from any taking whatsoever.

Discussion: The facility or its activities do not harvest nor take any aquatic species from Guam's waters.

RP 5. Visual Quality

Intent: To protect the quality of Guam's natural scenic beauty

Policy: Preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways and trails.

Discussion: The facility does not visually interfere with or impact the scenic overlooks, highways, and rails thus, no effect on the quality of Guam's natural scenic beauty.

RP6. Recreation Areas

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of recreational facilities located and maintained so as to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas and protect beaches and such passive recreational areas as wildlife, marine conservation and marine protected areas, scenic overlooks, parks, and historical sites.

Developments, activities and uses shall comply with the Guam Recreational Water Use Management Plan (RWUMP).

Discussion: The facility is not located on or near, and does not affect nor interfere with the Territory of Guam's recreational facilities.

RP 7. Public Access

Intent: To ensure the right of public access.

Policy: The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Guam recreation areas, parks, scenic overlooks, designated conservation areas and their public lands. Agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion: The facility is located within the commercial port of Guam under a lease arrangement with the Port Authority of Guam, and it is not located on a beach or Territorial recreational area, part, scenic overlook or designated conservation area. Thus the facility has no effect on public access to the above sites.

RP 8. Agricultural Lands

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

Discussion: The facility is not located on, nor it is intended for any development on agricultural land thus no impact or effect on the preservation of critical agricultural land in the Territory of Guam.

FEDERAL CONSISTENCY
SUPPLEMENTAL INFORMATION FORM

Date: February 19, 2018

Project/Activity Title or
Description **NPDES PERMIT GU for AFFL-21 Dry Dock**

Location: 178 Industrial Avenue, Piti GU 96915 (Wharf F-2 Cabras)

Other applicable area(s) affected, if appropriate:

Est. Start Date: On-going Est. Duration: On-going

APPLICANT

Name & Title Cabras Marine Corporation (CMC)

Agency/Organization Mr. Peter Kozelka, Ph.D. USEPA Region IX, NPDES Permits Office

Address 75 Hawthorne Street

San Francisco, CA Zip Code 94105

Telephone No. during business hours:
A/C (415) 972-3448
A/C (___) _____
Fax (____) _____

E-mail Address: Kozelka.Peter@epamail.epa.gov

AGENT
Name & Title _____
Agency/Organization Address _____ Zip Code _____

Telephone No. during business hours:

A/C (___) _____
A/C (___) _____
Fax (___) _____

E-mail Address: _____

CATEGORY OF APPLICATION (check one only)

( ) I - Federal Agency Activity
(X) II - Federal Permit or License
( ) III - Federal Grants & Assistance

TYPE OF STATEMENT (check one only)

(X) Consistency
( ) General Consistency (Category I only)
( ) Negative Determination (Category I only)
( ) Non-Consistency (Category I only)

APPROVING FEDERAL AGENCY (Categories II & III only)

Agency U.S EPA Region IX, NPDES Permits Office

Contact Person Mr. Peter Kozelka, Ph. D.

Telephone No. during business hours:

Area Code (415) 972-3448
Area Code ( )

FEDERAL AUTHORITY FOR ACTIVITY

Title of Law 40 CFR
Section 122

OTHER GUAM APPROVALS REQUIRED:

Agency	Type of Approval	Date of Application	Status
Guam EPA	401 Water Certification		see approval per enclosu

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

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

NPDES PERMIT NO. GU00200397

In compliance with the provisions of the Clean Water Act ("CWA") (Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.), the following discharger is authorized to discharge stormwater (under certain conditions) and ballast water from the floating (AFDL-21) dry dock at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit:

Discharger Name	Cabras Marine Corporation
Discharger Address	1026 Cabras Hwy. Suite 114
	Piti, GU 96915
Facility Name	Cabras Marine Corporation
Facility Address	178 Industrial Ave.
	Piti, GU 96915
Facility Rating	Minor

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001-004	Storm Water	13° 26' 30" N	144° 39' 24" E	Apra Harbor
005-012	Ballast Water	13° 26' 30" N	144° 39' 24" E	Apra Harbor

This permit was issued on:	
This permit shall become effective on:	
This permit shall expire at midnight on:	

In accordance with 40 CFR 122.21(d), the discharger shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.

Signed this _____ day of _____, 2018, for the Regional Administrator.

_____
Tomás Torres, Director
Water Division

TABLE OF CONTENTS

Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

A. Effluent Limits and Monitoring Requirements

1. Effluent Limits – Outfall Number 001-004
   During the period beginning on the effective date of this permit and ending on the expiration date of this permit, the permittee is authorized to discharge stormwater runoff (associated with storms larger than once in 25 yr/24 hr event) in compliance with the effluent limits and monitoring requirements specified in Table 1. These stormwater discharges are authorized provided the permittee fulfills the requirements to design, maintain, and operate a capture and divert system for 100% process wash water and most storm runoff (from storms smaller than once in 25 yr/24 hr event); as well as other special conditions provided in Part III, Section D of this permit. Compliance with these requirements is monitored at Monitoring Locations 001-004, as shown in Attachment C. If there is no discharge at these outfalls during any one month period, then report "C" in the "No Discharge" box on the DMR form (or NetDMR efile) for that month.

2. Effluent Limits – Outfall Number 005-012
   During the period beginning on the effective date of this permit and ending on the expiration date of this permit, the discharger is authorized to discharge AFDL-21 ballast water in compliance with the effluent limits and monitoring requirements specified described in Part III, Section D of this permit. Compliance with these requirements is monitored at Monitoring Locations outfalls 005-012, as shown on Attachment C. If there is no discharge at these outfalls during any one month period, then report "C" in the "No Discharge" box on the NetDMR form for that month.

3. The discharge of pollutants at any point other than the outfall numbers 001-012 as specifically authorized by this permit is prohibited.

4. The discharge shall not:
   a. cause visible floating materials, debris, oils, grease, scum, foam, or other floating matter which degrades water quality or use;

   b. produce visible turbidity, settle to form deposits or otherwise adversely affect aquatic life;

   c. produce objectionable color, odor or taste, directly or by a chemical or biological action;

   d. injure or be toxic or harmful to humans, animals, plants or aquatic life; or induce the growth of undesirable aquatic life.

   e. cause the pH in the receiving water to be outside the range of 6.5 to 8.5 standard units.

f. cause turbidity values in the receiving water to exceed 1.0 Nepthleometric Turbidity Units (NTU) over ambient conditions.

g. cause temperature of the receiving water to be changed by more than 1.8°F (1.0°C) from ambient conditions.

h. produce concentrations of oil or petroleum products that:

   i. cause a visible film, or sheen, or results in visible discoloration of the surface with a corresponding oil or petroleum product odor;

   ii. cause damage to fish, invertebrates, or objectionable degradation of drinking water quality; or

   iii. form an oil deposit on the shores or bottom of the receiving body of water.

   iv. cause toxic substances in concentrations that produce detrimental physiological, acute or chronic responses in human, plant, animal or aquatic life.

   v. cause toxic substances in concentrations that produce contamination in harvestable aquatic life to the extent that it causes detrimental physiological, acute or chronic responses in humans or protected wildlife, when consumed.

i. cause the survival of aquatic life in marine waters subjected to the discharge, or other controllable water quality factors, to be less than that for the same water body in areas unaffected by the waste discharge

j. include blasting abrasive (new and spent), rust, scale, paint particles, trash, debris, sanitary wastes, chemical and biological warfare agents, and radioactive materials.

k. consist of sanitary waste, bilge water or ballast water from vessels-in-dry dock.

l. consist of solids removed from vessels-in-dry dock, or any debris generated in the dry dock by the dry dock work crew.

m. consist of any non-contact cooling water.

n. contents of the drydock's oil water holding tank.

B. Table 1. Storm water Monitoring Requirements – Outfall Number 001-004

Parameter	Maximum Allowable Discharge Limits Concentration and Loading				Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Photographs and records documentation	N/A	N/A	yes		4 photos/ day(1)	
Flow rate	(2)	(2)	(2)	MGD	Whenever discharge occurs	estimate
Visual monitoring	(2)			N/A	Whenever discharge occurs	grab
Priority Pollutants(3)	(2)			ug/L	1 in 5 yr.	Grab

(1) Day = every day work is performed on vessel in dock and/or maintenance is performed on dry dock itself and prior to submergence of dry dock. See Part III, Section D.3. for more complete description of photo monitoring.
(2) No discharge limits are set at this time, but monitoring and reporting is required. Visual monitoring is described further in Section E below. Grab samples should be collected within the first 30 minutes of discharge.
(3) List of priority pollutants is provided in 40 CFR Part 122, Appendix D. Priority pollutant monitoring should be completed in fourth year of the permit cycle.

C. Table 2. Dry Dock Ballast Water Monitoring Requirements – Outfall Number 005-012

Parameter	Maximum Allowable Discharge Limits Concentration and Loading				Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Flow rate (or total volume)	(1)	(1)	(1)	MGD	Whenever discharge occurs	estimate

(1) No effluent limits are set at this time, but monitoring and reporting is required.

D. Sampling

1. Samples and measurements taken as required in this permit shall be representative of the volume and nature of the monitored discharge.

2. Samples taken in compliance with the effluent monitoring requirements specified in Part I of this permit shall be taken at the following locations: Outfalls Nos. 001-012.

   a. Effluent samples shall be taken after the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.

3. If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the parameters listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge. If there is no discharge, then sampling is not required.

E. General Monitoring and Reporting

1. Visual monitoring and assessment shall occur whenever stormwater discharge does occur. These samples should be collected in such a manner that the samples are representative of stormwater discharge. The visual assessment must be made:

   a. Of a sample in a clean, clear glass, or transparent plastic container, and examined in a well-lit area;

   b. Samples are preferably collected in first 30 minutes of actual discharge of a storm event. If it is not possible to collect as soon as possible after first 30 minutes, then permittee shall document why it is not possible to collect such samples within the first 30 minutes.

   c. Inspect the sample for the following water quality characteristics: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators of stormwater pollution.

   d. Include the following related information: sample location, collection date and time, visual assessment date and time, personnel collecting the samples and personnel performing the visual assessment w/ signatures, nature of discharge, observation results, probably sources of any observed stormwater contamination, and if applicable, why it was not possible to collect within first 30 minutes.

   Document the visual assessment results into log book and maintain these documents on site with other photo-monitoring and documentation as part of the facility SWPPP required in Part IV. Permittee must maintain these records on site, but need not submit visual assessments unless directed by EPA or Guam EPA to do so. Also, Permittee shall document any corrective actions made by the facility work crew or management towards improving water quality in relation to visual monitoring results.

2. All chemical and toxicity monitoring shall be conducted in accordance with 40 CFR 136 test methods, unless otherwise specified in this permit. For effluent analyses required in Table 1 of this permit, the permittee shall utilize 40 CFR 136 test methods with MDLs and MLs that are lower than the water quality criteria concentrations in the National Recommended Water Quality Criteria. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Effluent analyses for metals shall measure "total recoverable metal", except as provided under 40 CFR 122.45(c).

3. As an attachment to the DMR with priority pollutant results, the permittee shall submit, for all parameters with monitoring requirements specified in Table 1 of this permit:

   a. The test method number or title and published MDL or ML,

   b. The preparation procedure used by the laboratory,

   c. The laboratory's MDL for the test method computed in accordance with Appendix B of 40 CFR 136,

   d. The standard deviation (S) from the laboratory's MDL study,

   e. The number of replicate analyses (n) used to compute the laboratory's MDL, and

   f. The laboratory's lowest calibration standard.

   As part of each DMR submittal, the permittee shall certify that there are no changes to the laboratory's test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory's test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

4. The permittee shall develop a Quality Assurance ("QA") Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. At a minimum, the QA Manual shall include the following:

   a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;

   b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control ("QC") samples; preservatives and holding times for the samples (see 40 CFR 136.3); and chain of custody procedures;

c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and

d. Discussion of how the permittee will perform data review and reporting of results to EPA and Guam EPA and how the permittee will resolve data quality issues and identify limits on the use of data.

5. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by EPA and Guam EPA upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.

6. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, as follows:

   a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

      The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
      NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
      NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.

   b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:

      The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
      NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
      NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.

   c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:

The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.

7. In addition to information requirements specified under 40 CFR 122.41(j)(3) (see paragraph V.A.1.j(3) of this permit), records of monitoring information shall include: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.

8. All monitoring results shall be submitted in such a format as to allow direct comparison with the effluent limits, monitoring requirements, and conditions of this permit. Effluent monitoring results are to be reported on EPA Form 3320-1, a pre-printed Discharge Monitoring Report form ("DMR") provided by the EPA Region 9 DMR Coordinator for NPDES. Monthly DMR forms shall be submitted by the 28th day of the month following the previous <monthly, quarterly> reporting period. <For example, under monthly submission the DMR form for January is due by February 28th, and under quarterly submission, the three DMR forms for January, February, and March are due on April 28th>. Monitoring and reporting schedules are as follows:

Sampling Frequency	**Monitoring Period Begins On…**	**Monitoring type and Period**	**DMR Due Date**
Once/Day	Permit effective date	Photomonitoring – Every day work is performed on vessel in dock or on dry dock itself.	28th day of the <following month> OR <month following calendar quarter>
Once/discharge	Permit effective date	Visual assessment – whenever discharge occurs	Same as above
Once/permit cycle	<Permit effective date> OR <January 1 following permit effective date>	Priority Pollutant scan – once per 5 yr.; when stormwater discharge occurs	January 28, each year

A NetDMR entry must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required. Duplicate signed

copies of these, and all other reports required herein, shall be submitted to EPA and Guam EPA at the following addresses, unless otherwise specified in this permit:

Administrator
Guam EPA
P.O. Box 22439-GMF
Barrigada, Guam 96921

The Discharger has the option to submit all monitoring results in the electronic reporting format approved by EPA. The Discharger must submit DMRs electronically using EPA's NetDMR application. NetDMR is a national tool for regulated Clean Water Act permittees to submit DMRs electronically via a secure Internet application to EPA. By using NetDMR, dischargers must discontinue mailing hard copy forms under 40 CFR 122.41 and 403.12.

F. Receiving Water Monitoring

The permit does not require receiving water monitoring during this permit cycle.

Part II. STANDARD CONDITIONS

The permittee shall comply with all EPA Region 9 Standard Conditions included in an attachment to this permit (see Attachment A).

Part III. SPECIAL CONDITIONS

A. Authorization to Discharge Stormwater from Outfalls – 001-004

1. The permittee is required to capture the following discharge types (and percentage amounts): 100% process wash water[1], most stormwater and 100% non-contact cooling water. All process wash water and non-contact cooling water will be captured and diverted to the local sewer system or hauled off-site; therefore no discharge is allowed into receiving waters. This is consistent with the permittee's application whereby Cabras Marine has installed a capture and diversion system to pump such discharges on shore within Cabras Marine's property. Process water, after pre-treatment/filtration, is either hauled off-site or re-directed to and conditionally accepted by the local sewer treatment plant.[2] Other captured water, including storm

[1] Process wash water is defined as any water used to cleanse or rinse off the vessel-in-dock during servicing and includes any wash water used to rinse off the inside walls or floor of the dry dock as part of the best management practices.

[2] On October 23, 2012, permittee received letter from Guam Water Authority (GWA) serving as a conditional permit for discharging wastewater (i.e., "wash water") into the GWA sewer collection system. This permit assumes

water runoff associated with normal storm conditions, is temporarily stored on shore and then hauled away by a commercial operator. EPA acknowledges and supports this 'capture and divert' aspect of the facility's operations. Stormwater associated with extreme storm conditions (i.e., greater than once in 25 yr./1 hr. storm event) is permitted for discharge. EPA has identified effluent limits, in the form of Best Management Practices (BMPs), for the permittee to operate under and thereby minimize any potential pollutants entrained with stormwater runoff included in this permit. See BMPs, section D, below.

2. For each day a vessel is in the dry dock or work is performed on the dry dock itself, the permittee is required to daily inspect and document (photos, logs, records) good housekeeping practices for first two years of this permit cycle; thereafter, the permittee may request to decrease the frequency of such documentation requirements. See BMPs, section D, below.

3. Prior to releasing the vessel in dock, and within 2-4 hours prior to lowering/submerging the dry dock, the permittee shall wash the inner walls and floor of the dry dock itself and capture and divert this process water onshore for pre-treatment. Before washing the dry dock itself, the permittee shall also remove any maintenance equipment (unrelated to powerwashing) and other items with potential pollutants.

4. Per conditions identified in the Guam EPA 401 certification (dated November 28, 2012): "the permittee shall take immediate corrective actions or engineer measures to address non-compliance of water quality standards and notify [Guam EPA] within 24 hours."

5. Per conditions identified in the Guam EPA 401 certification (dated November 28, 2012): "the permittee shall suspend any in water work if any sea turtles are observed within the area. The sea turtles will be allowed to come into and out of the work area, un-harassed, on their own accord."

6. Per conditions identified in the Guam EPA 401 certification (dated November 28, 2012): "the permittee must strictly implement 'good housekeeping' and BMPs prior to each dry dock submergence to prevent accumulation of debris and corroded metal scale from the dry dock floor from being discharged into the receiving waters.

7. Per conditions identified in the Guam EPA 401 certification (dated November 28, 2012): "the permittee will ensure that all contact water be collected and disposed off-site pursuant to the "Conditional Permit" issued by Guam Waterworks Authority

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the permittee will capture, perform pre-treatment/filtration and discharge of process wash water to the local sewer system. Within the letter, GWA has outlined several conditions that Cabras Marine must follow, including monitoring requirements of wash water, discharge flow and several water quality parameters prior to entering the sewer collection system. If, for some reason, Guam Water Authority decides in future to alter or revoke this conditional permit for wash water, then EPA may choose to revise this NPDES permit for Cabras Marine Corporation due to altered discharge conditions.

relative to the Cabras Marine Corporation discharging wastewater into GWA sewer collection system."

B. Permit Reopener(s)

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

C. Twenty-four Hour Reporting of Noncompliance

In accordance with 40 CFR 122.41(l)(6)(i), (ii), and (iii), the following condition is expressly incorporated into this permit. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally[3] within 24 hours from the time the permittee becomes aware of the circumstances, to EPA and Guam EPA. The permittee shall notify EPA and Guam EPA at the following telephone numbers:

U.S. Environmental Protection Agency
Pacific Islands Office (CED-6)
(415) 972-3769

Administrator
Guam EPA
(671) 475-1635/1636

1. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following information shall be included as information which must be reported within 24 hours under this paragraph.

   a. Any unanticipated bypass which exceeds any effluent limit in the permit (see 40 CFR 122.44(g)).

   b. Any upset which exceeds any effluent limit in the permit.

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[3] Oral reporting means direct contact with an EPA and Guam EPA staff person. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance.

c. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see 40 CFR 122.44(g)).

3. The Director may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

D. Best Management Practices

1. Pollution Prevention Measures

For each day a vessel is in the dry dock or work is performed on the dry dock itself:

a. The permittee shall maintain daily logs documenting all the power washing and sand blasting activities conducted in the dry dock and submit a summary of each month's logs with the monthly DMR. The logs shall include the dates of power washing and blasting activities and the amounts of grit used and recovered each day. If the amount recovered is different than the amount applied, the report shall include the reasons for the difference.
b. The permittee shall provide appropriate and effective containment of sandblast grit during sandblasting activities to prevent the drift of grit. The permittee shall shroud the entire drydock or vessel-in-dock prior to conducting sandblasting activities on the drydock. The permittee shall immediately cease sandblasting activities when sandblast grit is observed drifting outside of its containment. The permittee may resume sandblasting activities when effective containment is established.
c. The permittee shall clean the drydock deck at the end of each day that work is performed. The permittee shall vacuum clean sandblast grit and other fine debris. Also, the permittee shall wash and rinse sandblast grit and other fine debris and capture the associated process wash water to be diverted onshore, flow through pretreatment/filtration system and then enter the sewer collection system.
d. The permittee shall immediately clean up any spills, including, but not limited to, oil and hydraulic fluid.
e. The permittee shall contain and store collected spent sandblast grit from sand blasting operations under a cover to prevent contact with storm water.
f. The permittee shall maintain all drydock surfaces, including the top of the wing walls, to prevent chipped paint, rust, and other debris from entering the receiving water.
g. Prior to lowering/submerging the drydock, the permittee shall clean wash and rinse the vessel and dry dock surface (walls and floor) to remove solids (e.g., metal shaving, paint chips, spent sand grit, etc.) and other pollutants. This includes vacuuming and rinsing to clean hard-to-reach areas, or the permittee shall implement additional measures to ensure that solids are removed from the drydock surface and prevented from discharging into receiving waters. Again, the permittee must capture the associated process wash water and divert onshore for disposal.

h. The permittee shall not discharge cooling water or any associated pollutant(s) from the docked vessel directly to the receiving water.
i. The permittee shall properly store and dispose all wastes.
j. The permittee shall not discharge any wastewater or other pollutant into drydock ballast tanks or any other drydock compartment.
k. The permittee shall maintain land-based operations in a clean and orderly manner and implement measures to prevent pollutants from contacting storm water runoff.

2. The permittee shall maintain a rain gauge onsite in an area that receives rainfall representative of the entire facility. The location of the rain gauge shall be specified in the Best Management Practices Plan required in this permit. The permittee shall maintain onsite rain gage records and submit a summary of the logs with the monthly DMR.

3. *Inspection*

a. The permittee shall perform daily inspections of the cleanliness of the floating drydock and take at least four (4) photographs of the condition of the drydocks at the end of each day work is performed on vessel in dry dock or on the drydock itself. The permittee shall take at least one (1) photograph from each corner of the drydock facing toward the center of the drydock. The permittee shall also take at least one (1) photograph of the drydock deck surface in the area near the water retention berms. The permittee shall label each photograph with the location, date and time the photograph was taken. The permittee may use a digital camera and submit electronic files stored on a diskette (CD or DVD) with the monthly DMR. Upon request by the permittee and approval by EPA, this requirement may be revised or suspended after two (2) years of complying with this requirement. EPA reserves the right to reinstate this condition as necessary.

b. The permittee shall inspect the entire dry dock for potential pollutant sources on a monthly basis.

c. The permittee shall report the inspection results, including findings and actions taken, with the monthly DMR. The inspection results shall include the following:

i. Date, time, and weather conditions at the time of inspection.
ii. Name and signature of inspector.
iii. A demonstration that the entire facility was inspected, including a checklist and photo documentation.

d. The permittee shall maintain all photographs required under Part III of this permit onsite.

e. The permittee shall maintain records of all inspections including the date of inspection, findings, and any actions taken.

4. *Record Keeping*
    a. The permittee shall maintain monthly logs of all drydock lowering and lifting activities conducted during each calendar month and submit the logs with the monthly DMR. The permittee shall include the following information on the log:

        i. Date and time of the docking/undocking activity.
        ii. Names of the vessels docked/undocked.
        iii. Type of vessel.
        iv. Type of work (painting, repairs, etc) performed on/for the vessel on the drydock, including types of materials used (type of paint, anti-fouling agents, etc).
        v. Methods used to conduct the work (manual scraping, pressure washing, paint spraying, etc.).
        vi. Site-specific BMPS used to prepare the vessel and drydock for undocking.
        vii. Type of sampling performed, if appropriate.

5. *Best Management Practices (BMP) Plan*

    a. The permittee shall develop and implement a BMP Plan to reduce pollutants discharged from the facility. At a minimum, the BMP Plan should include the measures outlined above. The BMP Plan shall be submitted within 30-calendar days from the effective date of this permit.
    b. The permittee shall review and update the BMP Plan as needed to comply with this permit or as required by EPA. The permittee shall report any changes to the plan to EPA within 30-calendar days from the date the changes were made.
    c. The permittee shall maintain documentation of all changes made to the plan. The permittee shall retain the BMP Plan and all accompanying records, reports, and changes for a period of at least five (5) years after the expiration of this permit.
    d. The permittee shall train all employees, including contractors, to implement the BMPs Plan.
    e. The permittee shall maintain the BMP Plan on-site or at a nearby office.
    f. The permittee may chose to utilize the BMP plan to serve as the Pollution Prevention Plan too.

E. Pollutant Minimization Program

1. To maintain the discharge at or below WQBELs, the permittee shall develop and maintain a pollutant minimization program that includes:
    a. review and monitoring of pollutant sources;
    b. effluent monitoring of the pollutant, when discharges occur;
    c. submittal of a control strategy for reducing pollutant loadings to the treatment facility;
    d. implementation of appropriate control measures consistent with the control strategy, as pollutant sources are discovered;

e. and submittal of an annual status report of activities.

The permitting authority may consider cost-effectiveness when establishing the requirements of a pollutant minimization program. The permitting authority may also consider additional permit conditions (e.g., whole effluent toxicity testing, fish tissue sampling, limitations and/or monitoring on internal waste streams, etc.) to ensure that WQBELs are met and excursions above water quality standards do not occur.

Part IV. POLLUTION PREVENTION PLAN REQUIREMENTS

1. In accordance with section 304(e) of the CWA and 40 CFR 122.44(k), The permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices ("BMPs") designed to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the facility that may contribute significant amounts of such pollutants to surface waters. The permittee shall develop (or update) and implement a Pollution Prevention Plan (the "Plan") that describes the pollution prevention measures or BMPs that specifically apply to the facility. The permittee may choose to have the BMP plan serve as the Pollution Prevention Plan.

2. The Plan must identify the potential sources of pollution which may reasonably be expected to affect the quality of the effluent discharges from the facility; describe and ensure implementation practices which will be used to reduce the pollutants in effluent discharges from the facility; and assure compliance with the terms and conditions of this permit. The Plan must be submitted to EPA and Guam EPA for approval by 30 days from effective date of permit and implemented by 90 days from effective date of permit.

3. The Plan shall include the following contents:

   a. the identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility organization responsible for developing, implementing and maintaining the Plan.

   b. a description of the facility that includes:

      (1) a description of the nature of the industrial activity(ies) at the facility;

      (2) a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility; and

(3) a drainage site map identifying the directions (using arrows) of storm water and non-storm water flow; location of areas where storm water and non-storm water co-mingle, if applicable; locations of all existing structural BMPs and all surface water bodies; locations of potential pollutant sources and locations of significant materials and activities (e.g., fueling stations, vehicle and equipment cleaning areas, loading/unloading areas, locations used for treatment, storage and disposal of wastes, processing and storage areas, liquid storage tanks, location of transfer of substance in bulk, etc.) that exposed to precipitation; and locations of storm water outfalls.

c. the name of the nearest receiving water(s) that receives or may receive effluent discharges from the facility.

d. a summary of potential pollutant sources that includes: a description of each separate area of the facility where industrial materials or activities that generate non-storm water effluent and those that are exposed to storm water (e.g., on-site waste storage or disposal, dirt/gravel parking areas for vehicles for vehicles awaiting maintenance, fueling areas, bulk storage areas); and a list of associate pollutant(s) or parameters (e.g., pH, TSS, etc.) for each material or activity.

e. a description of existing and planned BMPs for storm water and non-storm water controls; the Plan shall describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are exposed to storm water or generate non-storm water; selection of BMPs should take into consideration the quantity and nature of the pollutants, and their potential to impact the water quality of the receiving water, non-structural and structural BMPs must include, but are not limited to the following:

(1) good housekeeping: the permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water and non-storm water discharges;

i) vehicle and equipment storage areas must be regularly inspected and cleaned for spills and leaks (including storm inlets); and have spill response equipment (e.g., drip pans, sorbent pads) to respond immediately to spills or leaks;

ii) vehicle and equipment fueling areas must have measures that prevent or minimize contamination of storm water runoff from these areas such as covering the fueling area, using spill/overflow protection and cleanup equipment, using proper cleaning methods instead of hosing down area, minimizing runon/runoff to fueling areas, and treating and/or recycling collected storm water and non-storm water runoff;

iii) material storage areas with storage vessels (e.g., for used oil/oil filters, cleaning solvents, hydraulic fluids, petroleum and oil-related products) must be maintained to prevent contamination of storm water; examples

include storing the materials indoors and installing berms/dikes around area(s); these areas shall have proper storage of all fluids, including greases, used oil, cleaning solvents, hydraulic and transmission fluids, in accordance with local and federal laws;

iv) vehicle and equipment (e.g., tank, fuel lines) cleaning areas must have measures that prevent or minimize contamination of storm water runoff from all areas used for vehicle and equipment cleaning; these areas should have appropriate containment and/or diversionary structures or equipment to ensure wash water is discharge to the sanitary sewer or is filtered and recycled where feasible; and

v) vehicle and equipment maintenance areas must have measures that prevent or minimize contamination of storm water runoff from all areas used for vehicle and equipment maintenance such as performing maintenance activities indoor; using drip pans, and treating and/or recycling storm water and non-storm water runoff.

(2) minimizing exposure: where practicable, industrial materials and activities should be protected to prevent exposure to rain or runoff.

(3) preventive maintenance: the Plan must describe the facility's preventive maintenance program that includes timely inspections and maintenance of storm water and non-storm water management devices, (e.g., cleaning oil/water separators) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters; all BMPs listed in the Plan must be maintained in effective operating condition to control source runoff.

(4) spill prevention and response procedures: the permittee is required to develop and implement a Spill Prevention, Control and Countermeasure Plan in accordance with 40 CFR 112; the Plan must describe the procedures that will be followed for cleaning up spills or leaks and for disposal of oil and hazardous waste; measures for cleaning up spills or leaks and disposal of such materials must be consistent with applicable RCRA regulations at 40 CFR 264 and 265 and CWA regulations at 40 CFR 112.

(5) routine facility inspections: the Plan must have qualified personnel inspect all areas of the facility where industrial materials or activities are exposed to storm water and non-storm water (i.e., storage areas for vehicles/equipment awaiting maintenance, fueling areas, vehicle/equipment maintenance areas, material storage areas, line-flushing area, vehicle/equipment cleaning areas, and loading/unloading area, location(s) of oil/water separators, storm drains, etc.); inspections must include an evaluation of existing BMPs; the Plan must identify how often the inspections are to occur.

(6) employee training: the Plan must describe the storm water and non-storm water training program for the facility; topics should include spill response, good housekeeping and material management practices, proper fueling practices, proper painting or sandblasting procedures for the removal of paint, and must identify periodic dates for such training; training must be provided to all employees that operate in areas where industrial materials or activities generate non-storm water or are exposed to storm water; employee training shall occur at least once per year.

(7) sediment and erosion control: the Plan must identify the areas of the facility that have a potential for significant soil erosion; and the Plan must describe the structural, vegetative, and/or stabilization BMPs that are or will be implemented to limit erosion.

(8) management of runoff: the Plan must describe the traditional storm water and non-storm water management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for the facility; these BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water or non-storm water discharges from the site; examples include oil/water separators and retention basins.

f. a copy of this permit.

4. The Plan must have management approval and be maintained and amended whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility.

5. The Plan must be maintained and amended whenever there is indication of pollutants in the effluent discharge that may impact water quality standards; indication of pollutants requires the permittee to evaluate potential pollutant sources and corresponding BMPs and make appropriate Plan revisions; the permittee shall implement timely corrective actions and revise BMPs, as necessary.

6. The Plan must be retained on-site and be made available, upon request, for review at the time of an EPA and Guam EPA inspection.

Part V. ATTACHMENTS

Attachment A: Standard Permit Conditions

A. All NPDES Permits

In accordance with 40 CFR 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

a. Duty to comply; at 40 CFR 122.41(a).

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(2) The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The CWA provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of note more than $250,000 or imprisonment of not more than 15 years, or both. In the case of second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, such as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

b. Duty to reapply; at 40 CFR 122.41(b).

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

c. Need to halt or reduce activity not a defense; at 40 CFR 122.41(c).

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

d. Duty to mitigate; at 40 CFR 122.41(d).

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

e. Proper operation and maintenance; at 40 CFR 122.41(e).

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

f. Permit actions; at 40 CFR 122.41(f).

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

g. Property rights; at 40 CFR 122.41(g).

This permit does not convey any property rights of any sort, or any exclusive privilege.

h. Duty to provide information; at 40 CFR 122.41(h).

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

i. Inspection and entry; at 40 CFR 122.41(i).

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

j. Monitoring and records; at 40 CFR 122.41(j).

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii)The date(s) analyses were performed

(iv)The individuals(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi)The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in the permit.

(5) The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

k. Signatory requirement; at 40 CFR 122.41(k).

(1) All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR 122.22.)

(2) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

l. Reporting requirements; at 40 CFR 122.41(l).

(1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alternations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to

pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

(iii)The alteration or addition results in a significant change in The permittee's sludge use or disposal practices, an such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

(iii)Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A

written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(g).)

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR 122.44(g).)

(iii) The Director may waive the written report on a case-by-case basis for reports under 40 CFR 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR 122.41(l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

m. Bypass; at 40 CFR 122.41(m).

(1) Definitions.

(i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 40 CFR 122.41(m)(3) and (m)(4) of this section.

(3) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(4) Prohibition of bypass.

(i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

n. Upset; at 40 CFR 122.41(n).

(1) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of The permittee . An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(2) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii)The permittee submitted notice of the upset as required in paragraph (l)(6)(ii)(B) of this section (24 hour notice).

(iv)The permittee complied with any remedial measures required under paragraph (d) of this section.

(4) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B. Specific Categories of NPDES Permits

In accordance with 40 CFR 122.42, the following conditions, in addition to those set forth at 40 CFR 122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

a. Existing manufacturing, commercial, mining, and silviculture dischargers; at 40 CFR 122.42 (a). All existing manufacturing, commercial, mining, and silviculture dischargers must notify the Director as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

(4) The level established by the Director in accordance with 40 CFR 122.44(f).

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

(4) The level established by the Director in accordance with 40 CFR 122.44(f).

C. Standard Conditions Established by EPA Region 9 for All NPDES Permits

1. Duty to reapply; at 40 CFR 122.21(d).

   a. Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

   b. All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that:

   (1) the Regional Administrator may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date.

2. Signatories to permit applications and reports; at 40 CFR 122.22.

   a. Applications. All permit applications shall be signed as follows:

   (1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment

recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR 122.22(a)(1)(ii) rather than to specific individuals.

(2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Director.

c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together

with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

"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 fine and imprisonment for knowing violations."

3. Reopener Clause; at 40 CFR 122.44(c).

For any permit issued to a treatment works treating domestic sewage (including "sludge-only facilities"), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

4. Transfer of permits; at 40 CFR 122.61.

a. Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR 122.62(b)(2)), or a minor modification made (under 40 CFR 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

b. Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

5. Minor modifications of permits; at 40 CFR 122.63.

   Upon the consent of the permittee , the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR 124 draft permit and public notice as required in 40 CFR 122.62. Minor modifications may only:

   a. Correct typographical errors;

   b. Require more frequent monitoring or reporting by The permittee ;

   c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

   d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, 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 the Director.

   e. (1) Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR 122.29.

      (2) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

   f. [Reserved]

   g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR 403.18) as enforceable conditions of the POTW's permits.

6. Termination of permits; at 40 CFR 122.64.

   a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:

      (1) Noncompliance by the permittee with any conditions of the permit;

      (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

(4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, initation of discharge of non-contact cooling waters or initiation of discharge to ambient receiving waters instead of by connection to a WW treatment plant).

b. The Director shall follow the applicable procedures in 40 CFR 124 or 40 CFR 122.22, as appropriate (or State procedures equivalent to 40 CFR 124) in terminating any NPDES permit under this section, except that if the entire discharge is permanently terminated by elimination of the flow or by connection to a POTW (but not by land application or disposal into a well), the Director may terminate the permit by notice to the permittee. Termination by notice shall be effective 30 days after notice is sent, unless the permittee objects within that time. If the permittee objects during that period, the Director shall follow 40 CFR 124 or applicable State procedures for termination. Expedited permit termination procedures are not available to permittees that are subject to pending State and/or Federal enforcement actions including citizen suits brought under State or Federal law. If requesting expedited permit termination procedures, a permittee must certify that it is not subject to any pending State or Federal enforcement actions including citizen suits brought under State or Federal law. State-authorized NPDES programs are not required to use part 22 of this chapter's procedures for NPDES permit terminations.

7. Availability of Reports; pursuant to CWA section 308

   Except for data determined to be confidential under 40 CFR 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

8. Removed Substances; pursuant to CWA section 301

   Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.

9. Severability; pursuant to CWA section 512

   The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of this permit, shall not be affected thereby.

10. Civil and Criminal Liability; pursuant to CWA section 309

Except as provided in permit conditions on "Bypass" and "Upset", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

11. Oil and Hazardous Substances Liability; pursuant to CWA section 311

    Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.

12. State, Tribe, or Territory Law; pursuant to CWA section 510

    Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA section 510.

Attachment B: Definitions

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

2. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

3. "Best Management Practices" or "BMPs" are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.

4. A "composite" sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

5. A "daily discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of

sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

6. A "daily maximum allowable effluent limitation" means the highest allowable "daily discharge."

7. A "DMR" is a "Discharge Monitoring Report" that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.

8. A "grab" sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

9. The "method detection limit" or "MDL" is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is greater than zero, as defined by a specific laboratory method in 40 CFR 136. The procedure for determination of a laboratory MDL is in 40 CFR 136, Appendix B.

10. The "minimum level" or "ML" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA's draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:

    a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.

    b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10n, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: 2.5 µg/l x 3.18 = 7.95 µg/l. The

multiple of (1, 2, or 5) x 10n nearest to 7.95 is 1 x 101 = 10 µg/l, so the calculated ML, rounded to the nearest whole number, is 10 µg/l.)

11. A "NODI(B)" means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory's MDL.

12. A "NODI(Q)" means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory's MDL, but less than the ML.

Attachment C: Location Map

Attachment D: Cabras Marine Corp. AFDL-21 specifications and ballast tank diagram – Outfalls Nos. 005 - 012

The Light Floating Drydock "AFDL-21" has the following particulars:

Table 1= Specification of AFDL-21

Items	Feet	Meters
Length, overall	200.00	60.96
Width, overall	64.00	19.50
Depth of Pontoon	9.00	2.74
Height of Sidewall (above pontoon)	22.00	6.70
Light draft	3.33	1.01
Length over keel blocks	184.83	56.33
Width over keel blocks	44.00	13.41
Max. draft over keel blocks	16.00	4.87
FB at sidewall at full submergence	2.50	0.76

2.0 Ballast Tanks General Arrangement:

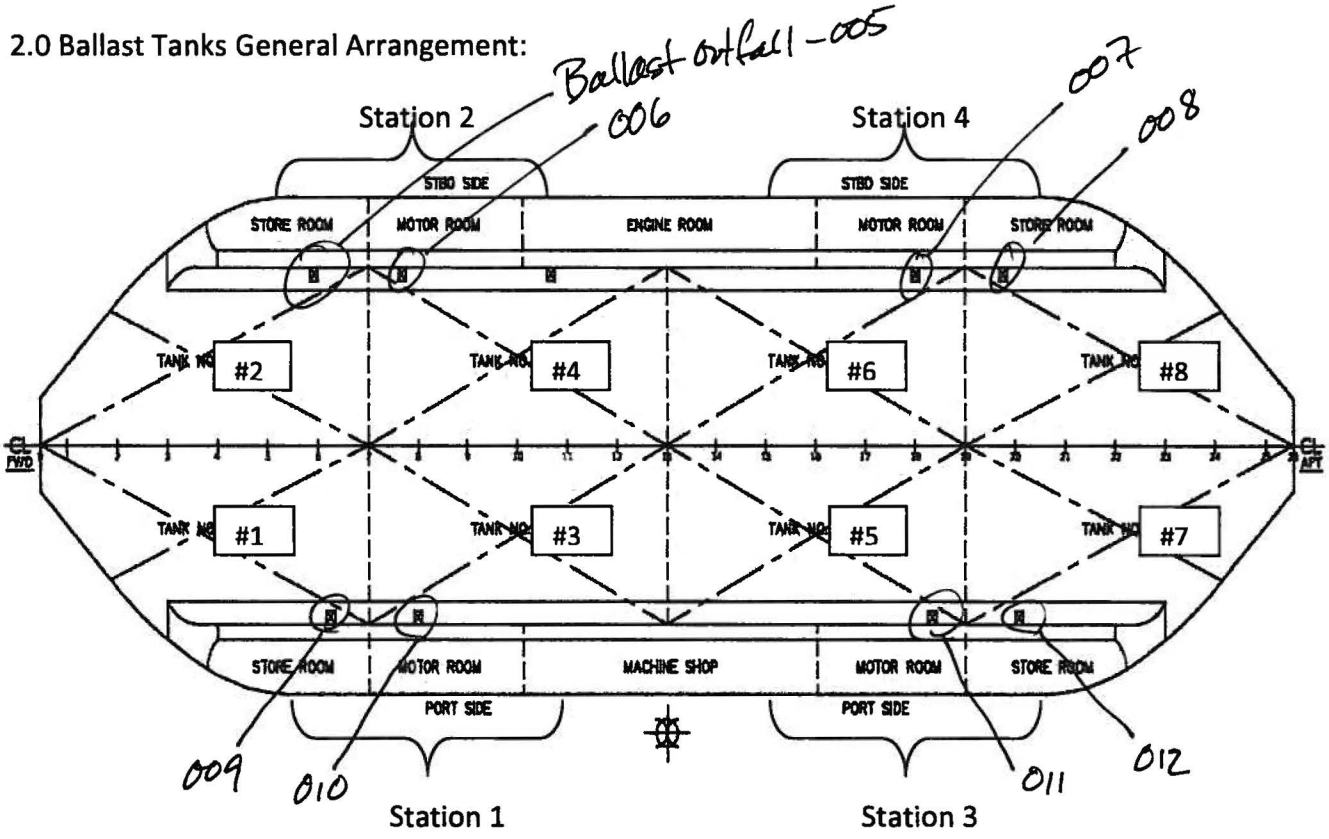

Figure = AFDL 21 General Arrangement of Ballast Tanks

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
FACT SHEET - DRAFT

Permittee and Mailing Address:	Cabras Marine Corporation 1026 Cabras Highway, Suite 114 Piti, GU 96915
Permitted Facility and Address:	Cabras Marine Corporation 178 Industrial Ave Piti, GU 96915
Contact Person:	Mr. Carlos Salas Site Manager (671) 483-6101 chsalas@seabridgespn.com
NPDES Permit No.:	GU0020397

PART I - STATUS OF PERMIT

Cabras Marine Corporation (hereinafter, the "Permittee") has applied for an initial National Pollutant Discharge Elimination System (NPDES) permit pursuant to U.S. Environmental Protection Agency (EPA) regulations set forth in Title 40, Code of Federal Regulations (CFR), Section 122.21, for the discharge of some storm water and ballast water from the floating (AFDL-21) dry dock facility to Apra Harbor located in Guam. These regulations require any person who discharges or proposes to discharge pollutants from a point source into waters of the U.S. to submit a complete application for a NPDES permit, including renewal of a permit. The Cabras Marine dry dock facility has not previously been issued an NPDES permit in Guam. Additional application information was requested by EPA, and received in May and June 2012. The Permittee submitted a revised NPDES permit application to EPA on July 3, 2012.

NOTE: This NPDES permit does not allow discharge of dry dock operations process wash water to surface waters, since permittee has indicated that 100% process water will be captured from drydock deck and pumped on shore for treatment or diverted into the local sewer collection system. See Appendix D: Letter, dated October 23, 2012, from Guam Waterworks Authority to Cabras Marine Corporation serving as conditional permit for discharging process wash water from Cabras' facility into sewer system.

There are no significant changes to this proposed permit and factsheet and contents therein.

PART II - DESCRIPTION OF FACILITY

The Permittee proposes to operate and discharge from the floating dry dock located in the Apra Harbor Complex in the Territory of Guam. The AFDL-21 dry dock is located at the facility to

primarily provide ship repair and maintenance services to small vessels; e.g. tug boats, personnel support boats, government owned vessels and barges, etc. The dry dock is 200 feet long and 64 feet wide, with a lifting capacity of 1,000 tons. On-site operations on the dry dock consist of service, repair and alteration work on a variety of small vessels, typically 75-100 feet long. Normal drydock activities such as abrasive blasting, pressure washing, application and removal of marine surface coat materials, hydrostatic testing, metal work, electrical work, mechanical work, material storage, and other related industrial activities occur during regular operations. The Permittee anticipates each vessel will be serviced within 30 days, with a total 60 day cycle for the vessel within the drydock unit.

The Permittee's application describes how the AFDL-21 floating dry dock facility has been modified to capture all process wash water and most stormwater and divert such water on shore. More specifically, the Permittee has installed a four-inch flexible hose and pump system to capture process wash water used within the dry dock, pump on shore and flow through a pretreatment/filtration system. The Permittee has two options to dispose of the process wash water, either store on-site and then haul off via commercial operator or re-direct discharge to enter the local sewer collection system operated by Guam Waterworks Authority.[1] Either discharge method will divert 100% process wash water which contains pollutants associated with hydroblasting, sandblasting and servicing vessels within the dry dock. Additionally, for storm water, the Permittee has installed nine-inch high retention berms at each end of the dry dock to capture "normal thunderstorms and rainfall" for the Guam area. In 2017, the Permittee applied marine strength sealant at base of the retention beams to ensure maximum recovery of water from the pontoon deck. This storm water retention system is designed to capture runoff from up to but not including once in 25yr/24 hr storm events. Once on shore, such stormwater is temporarily stored on site and then hauled off by commercial operator. Only during extreme storm events, may the Permittee discharge storm runoff from drydock without treatment or capture through Outfall Nos. 001-004 to Apra Harbor. Such extreme storm events likely contain minimal or residual amounts of pollutants.

The Permittee is currently designing and evaluating a multi-component on-site treatment system that would remove pollutants from process wash water and possibly capture dry dock runoff from small storm events. The goal of this new multi-component treatment system would potentially allow the Permittee to discharge treated water from the shoreline operations directly into the Apra Harbor, therefore by-passing the off-site hauling or diversion into local sewage system. Prior to discharging from shoreline treatment system into the Harbor, the Permittee must demonstrate adequate treatment efficacy, including preliminary discharge monitoring results, and the permit must be re-opened to allow for such direct discharges.

The Permittee's application also describes that the AFDL-21 dry dock unit walls and (interior) ballast tanks were recently serviced, cleaned and maintained in March 2012 prior to arrival in

[1] On October 23, 2012, the permittee received letter from Guam Water Authority (GWA) serving as a conditional permit for discharging process wastewater (i.e., "wash water") into the GWA sewer system. This NPDES permit assumes the permittee will capture and perform pre-treatment/filtration on shore prior to discharge of process wash water to the local sewer system. GWA has outlined several conditions that Cabras Marine within the October 23, 2012 letter, including monitoring requirements of wash water discharge flow and several water quality parameters prior to entering the sewer collection system.

Apra Harbor, Guam. The Permittee has applied to discharge floating dry dock ballast water from Outfall Nos. 005-012 to Apra Harbor.

The Permittee has not applied for discharge of 'non-contact' cooling water (e.g., steam condensate, emergency generating cooling water and air conditioner condensate) since such equipment will not be utilized within the dry dock. Nor has the Permittee applied for a permit to discharge fire protection relief water due to testing fire equipment.

Shore side activities are covered under the multi-sector general storm water permit, and are not addressed in this permit.

PART III - DESCRIPTION OF DISCHARGE AND RECEIVING WATER

A. Discharge(s).

The Permittee acknowledges that when storm water runoff is discharged; it will occur during storms beyond the normal thunderstorms and rainfall conditions in Guam and will flow through Outfall Nos. 001-004. Dry dock ballast water will be discharged through Outfall Nos. 005-012.

Table 1. Summary of Discharge Points for the Cabras Marine Corporation Facility.

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001-004	Storm Water [(1)(a)]	13°26'30"N	144°39'24"E	Apra Harbor
005-012	Ballast water	13°26'30"N	144°39'24"E	Apra Harbor

[(a)]storm water associated with rainfalls less than once in 25 yr/24 hr storm events will be captured, stored onshore and then hauled off by commercial operator; whereas stormrunoff associated with greater than 25 or 50 year storm events is likely to discharge to receiving waters.

In addition to the discharges described above, pollutants are continuously released from the cathodic protection anodes attached to the dry dock hull to Apra Harbor.

1. Storm water runoff.

The permit application addresses the discharge of storm water through Outfall Nos. 001-004 to Apra Harbor. Storm runoff of storm conditions considered normal rainfall in Guam will be captured, and diverted onshore, therefore, only residual amounts of pollutants are likely to be included in once in 25 yr/24hr. storm events. Monitoring requirements established in the proposed NPDES permit for stormwater discharges are summarized in Table 2.

Table 2. Monitoring Requirements for Discharge of Storm Water from Outfall Nos. 001-004.

Parameter	Units	Effluent Limitations		
		Average Quarterly	Daily Maximum	Frequency
Visual monitoring	N/A	Monitor only		when discharge occurs
Priority Pollutants [1]	µg/L	Monitor only		once in 5 yrs

[1] When stormwater discharge occurs within five year cycle, the Permittee shall, to the extent feasible, collect one (1) grab sample from a minimum of one (1) outfall for chemical monitoring of priority pollutants per 40 CFR Part 131.36.

Since this is an initial permit application, no discharge monitoring report (DMR) data were available for review during the permitting process.

Activities expected to occur on the dry dock that are potential sources of pollutants to process wash water and storm water include abrasive blasting; hydroblasting; pressure washing; sanding; painting; electrical work; mechanical work; metal work; short-term material storage (paints, lubricants, solvents, zinc anodes, etc.); heavy equipment operations; and other industrial activities.

Abrasive blasting involves removing sea growth and paints from ship surfaces to prepare them for resurfacing. By-products of this process include spent abrasive, rust, scale, and paint particles. During these processes, a variety of pollutants (including copper, lead, zinc, and possibly tributyltin) may be released into the environment and be discharged to waters through direct air deposition and/or surface runoff.

Hydroblasting and pressure washing uses water to remove sea growth and surface materials from ship surfaces. This produces "process wash" water, which may contain rust, scale, paint particles, and associated pollutants. These pollutants have the potential to contaminate surface runoff or contaminate the receiving water.

Coating operations involve resurfacing ship surfaces with paints and other materials. Products typically used include anti-corrosives to prevent rust and anti-foulants to prevent sea growth. These materials contain a variety of pollutants including copper, lead, zinc, and possibly tributyltin. Like abrasive blasting and pressure washing, these pollutants may enter waters via direct deposition and/or surface runoff. Electrical work, sanding, mechanical work, metal work, heavy equipment operations, and short-term material storage are also potential pollutant sources for petroleum products, metals, debris, and other pollutants through surface runoff and direct deposition.

Best management practices (BMPs), are expected to minimize the exposure of storm water to potential pollutants and potential discharge. The removal of all the process wash water from being discharged to ambient waters via the capture and retention system is expected to capture the maximum amount of pollutants associated with these facility operations and divert to local sewer system. Prior to submergence, the dry dock inner walls and floor will be rinsed and any wash water will be captured and diverted onshore too. Thus only residual amounts of pollutants are expected to be discharged only during extreme storm events, including typhoons. Additional BMPs will also be implemented to

minimize direct deposition into the receiving waters of Apra Harbor; e.g., shrouds covering internal work areas within the dry dock walls.

2. Ballast Water for dry dock operations.

Ballast water intake is necessary for the lowering of the dry dock, which is necessary to bring vessels onto the dry dock. Ballast water discharges are necessary to raise the dry dock so that the work can be safely performed on the vessel-in-dock. The Permittee's application describes the total ballast tank capacity is 764,950 gallons for AFLD-21. The discharge of ballast water is necessary for the operation of a dry dock and discharge prohibition is inappropriate for this facility. As previously described, this AFDL-21 drydock has already been serviced and maintained prior to arrival in Guam; this includes cleaning and preparation of the ballast water tanks. Frequency of discharge is twice per 60 day-cycle. The Permittee describes the uptake and discharge of ambient waters within Apra Harbor for the purposes of dry dock ballast is not expected to lower water quality.

The discharge of ballast water from the dry dock is authorized under this permit and discharge requirements have been established as described in sections IV.A.2, IV.D.4, and V. of this factsheet. The regulation of the discharge of dry dock ballast water into Apra Harbor by the Permittee is consistent with Guam's anti-degradation policy (section 5101 of the GUAM WQS).

The discharge of ballast water during the rising and lowering (cycling) of the dry dock is expected to occur throughout the year, with an approximate discharge of 765,000 gallons of ambient seawater per cycle. Ballast water may contain rust inhibitors, flocculent compounds, epoxy coating materials, zinc or aluminum (from anodes), iron, nickel, copper, bronze, silver, and other material or sediment from inside the ballast tanks, pipes, or other machinery. Such materials are not anticipated since the dry dock ballast tanks have been recently serviced prior to arrival in Guam. BMPs are expected to minimize the discharge of pollutants in dry dock ballast water; e.g., prohibiting the use of additives to the ballast water will also control the presence of pollutants that might be discharged.

Typically the primary water quality concern with ballast water is invasive aquatic nuisance species (ANS). ANS may be released from a vessel's ballast tanks into native waters when a vessel has taken in ballast water from other locations. ANS are not a concern in the AFDL-21 dry dock ballast discharges because: (a) dry dock ballast tanks were recently cleaned and serviced prior to arrival in Apra Harbor; and (b) the dry dock is expected to remain in Apra Harbor, therefore any ballast water pollutants would include any pollutants already present in the ambient receiving water, and any potential pollutants that might leach from the inside of the AFDL-21 dry dock ballast tanks.

3. Cathodic Protection

Sacrificial anodes are commonly used by vessels and dry docks to minimize corrosion of vessel hulls. Sacrificial anodes are usually made of zinc, magnesium, or aluminum, and are potential sources of pollution for the discharge of these pollutants. Pollutants from

the anodes attached to the dry dock's hull are discharged into the receiving water through direct contact with the receiving water. Additional pollutants may be discharged through contact storm water and wash water from the anodes attached to the unit-in-dock, anodes removed from the unit-in-dock, or stored anodes. BMPs are expected to minimize the discharge of zinc, magnesium, or aluminum to the receiving water.

The regulation of this discharge is presumed to enhance and protect water quality and beneficial uses of the receiving water, and the continuation of this discharge is not expected to significantly lower water quality. The regulation of the discharge of pollutants from cathodic protection anodes into Apra Harbor by the Permittee is consistent with Guam's anti-degradation policy (section 5101 of the GUAM WQS).

4. Other Discharges

The discharge of bilge water from both the dry dock and vessel-in-dock is prohibited. Any other discharges not specified above are not authorized discharges under this NPDES permit.

B. Receiving Water.

The facility proposes to discharge to Apra Harbor. To protect the designated uses of surface waters of the U.S., Guam has adopted water quality standards for marine waters depending on the level of protection required. GEPA classifies Apra Harbor as "Good" quality marine water (M-2 category).

Beneficial uses assigned to this category of water include:

1. Propagation and survival of marine organisms, especially shellfish and other similarly harvested aquatic organisms, corals, and reef-related resources;
2. Whole body contact recreation;
3. Mariculture activities; and,
4. Aesthetic enjoyment and related activities.

Apra Harbor is listed in the 2010 Guam 303(d) list for impaired water bodies for PCBs based on a 1999 fish advisory. A TMDL has not currently been developed for this water body, and is listed as low priority.

On April 11, 2012, the Permittee collected water and sediment samples in waters alongside F2 Wharf to provide baseline monitoring results. This one sampling event provides a snap shot of current water quality conditions in the nearby ambient waters of future dry dock operations and discharges. Appendix E provides further details regarding the baseline monitoring results provided by the Permittee as part of this application. Here is a brief summary of the baseline monitoring results.

Water column samples were collected at sub-surface and near bottom depth at four sites close to F2 Wharf. Oil & grease and BOD results were non-detect. Turbidity, pH, magnesium and boron concentrations were below Guam EPA's water quality criteria for marine waters. Total

suspended solids ranged from 19 to 79 mg/L; three samples exceeded Guam's WQS for TSS (40 mg/L). Chemical oxygen demand ranged from 680 to 1600 mg/kg; however, there is no Guam WQS for comparison.

Sediment samples were collected at six sites close to F2 Wharf. Bulk sediment concentrations of arsenic, cadmium, chromium, copper, mercury, tin and zinc were within typical levels for marine sediments. PCBs, individual PAHs, and HI Range diesel concentrations were also within normal ranges for marine sediments. Lead concentrations were elevated in two of six sample results: Site 001 at eastern most point of wharf and Site 005 near west end of wharf.

PART IV - DETERMINATION OF EFFLUENT LIMITATIONS

The Clean Water Act ("CWA") requires point source permittees to control the amount of pollutants that are discharged to waters of the United States. The control of pollutants is established through effluent limitations and other requirements in NPDES permits. When determining effluent limitations, EPA must consider limitations based on the technology used to treat the pollutant(s) (i.e., technology-based effluent limits) and limitations that are protective of water quality standards (i.e., water quality-based effluent limits).

For this initial NPDES permit application, EPA evaluated NPDES permits for similar drydock facilities to determine the water quality parameters for effluent limitations and those parameters for ambient surface water monitoring. EPA also applied best professional judgment to evaluate the Permittee's modifications to the dry dock to retain, capture all process wash water and most stormwater (associated with normal thunderstorms and rainfall) and divert to the local sewer system. And EPA considered best practicable treatment, best available treatment and water quality based effluent limitations for discharges from this facility.

A. Applicable Technology-based Effluent Limitations

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

- Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants, such as TSS, pH, and oil and grease. The BCT standard is established after considering the "cost reasonableness" of

the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern.

1. Numeric Technology-based Effluent Limitations.

No numeric effluent limitations are proposed for the discharge of storm water from Outfall Nos. 001-004.

2. Non-numeric Effluent Limitations.

The proposed permit requires the Permittee to implement specific BMPs during normal facility operations. See permit Part III, section D. The permit also requires the Permittee to develop and implement a storm water pollution prevention plan (SWPPP), and a BMP Plan. The specific BMPS and the requirements for the SWPPP and BMP Plan are specified in section III of the permit and shall serve as technology-based effluent limitations for the discharge of storm water runoff and dry dock ballast water. The requirements of the SWPPP and BMP Plan are further discussed in Part VIII, Special Conditions, of this fact sheet.

Section 304(e) of the CWA and 40 CFR 122.44(k)(3) and (4) allow the permitting authority to require pollution prevention measures or BMPs when numeric effluent limitations are infeasible, or the practices are reasonably necessary to achieve effluent limitations and standards, or to carry out the purposes and intent of the CWA.

3. Compliance with Federal Anti-Backsliding Regulations for Proposed Technology-based Effluent Limitations.

Sections 402(o)(2) and 303(d)(4) of the CWA and 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the current permit, with some exceptions where limitations may be relaxed. The requirement to develop and implement a SWPPP and BMP Plan has been requested for all applicable discharges, including discharges not addressed in the current permit. Thus, the proposed changes are consistent with federal anti-backsliding regulations and Guam's anti-degradation policy.

B. Water Quality-based Effluent Limitations.

Pursuant to 40 CFR 122.44(d)(1), WQBELs are required in NPDES permits when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above any water quality standard. Applicable water quality standards are established in GUAM WQS, which incorporate section 304(a) federal water quality criteria. Criteria for priority toxic pollutants designated under section 307(a)(1) of the CWA are based on EPA's National Recommended Water Quality Criteria. For purposes of this permit, only criteria for the protection of aquatic life (acute and chronic) and human health (consumption of organisms) were used.

When determining whether an effluent discharge causes, has the reasonable potential to cause, or contributes to an excursion above narrative or numeric criteria within State (or Territory) water quality standards, the permitting authority uses procedures which account for existing controls on point and non-point sources of pollution, and the variability of the pollutant or parameter in the effluent, the sensitivity of species to toxicity testing, and, where appropriate, dilution of the effluent in the receiving water (40 CFR 122.44(d)). As described in EPA's *Technical Support Document for Water Quality-based Toxics Control* (TSD; EPA/505/2-9-001), when determining whether or not a discharge causes, has the reasonable potential to cause, or contributes to an excursion above a numeric or narrative water quality criterion for individual toxicants, EPA can use a variety of factors and information where facility-specific effluent monitoring data are unavailable. As described above, for this initial permit application, we have reviewed similar dry-dock permits in Guam, American Samoa and Hawaii and information therein.

EPA recommends the use of a permit limit derivation procedure where the acute, chronic, and human health criteria are statistically translated into effluent limitations based on the more stringent acute, chronic, or human health criteria (section 5 of TSD). As described in section 5.2.2 of EPA's TSD, WQBELs for NPDES permittees are established based on the need to maintain effluent quality for a pollutant at a level that will comply with water quality standards even during critical conditions in the receiving water. This level is determined by the criteria for the particular pollutant. The criteria, in turn, dictates the necessary treatment performance level for the pollutant through the calculation of a long-term average ("LTA") to ensure that the criteria is met under critical conditions over a long-term period.

Sections 5101.B.4 of the GUAM WQS require that when more than one set of water quality criteria apply, the more stringent standards shall be applied.

Section 5104.C, D, and E of the GUAM WQS provide for the application of alternate standards within an area surrounding the discharge point, or zone of mixing, when it is not feasible to achieve an effluent quality that meets water quality standards at the point of discharge (i.e., end of the pipe). No mixing zones have been authorized for this discharge.

C. **Compliance with Federal Anti-Backsliding Provisions for Proposed WQBELS.**

Section 402(o) of the CWA and 40 CFR 122.44(l) prohibits the renewal or reissuance of an NPDES permit that contains WQBELs less stringent than those established in the current permit, with some exceptions. Because this is a permit for the initial application, anti-backsliding provisions do not apply.

D. Summary of Monitoring Requirements.

1. The permittee shall maintain compliance with monitoring requirements specified in Table 2 (above) for the discharge of storm water through Outfall Nos. 001-004 to Apra Harbor.

2. Ballast Water and Cathodic Protection Leachate

The Permittee shall operate in a method consistent with their BMP Plan.

PART VI - MONITORING AND REPORTING REQUIREMENTS

The permit requires the permittee to monitor facility operations – via photographs, inspections and reporting – and document maintaining best management practices to minimize discharge of pollutants associated with process wash/rinse water and normal stormwater capture. This monitoring also applies to the physical condition of the dry dock walls and floor.

A. Effluent and Ambient Monitoring and Reporting.

The permit requires the permittee to conduct effluent and ambient monitoring to evaluate compliance with the permit conditions. This includes collecting a sample(s) for visual monitoring of effluent whenever discharge of stormwater runoff occurs in this first five-year permit cycle. Ambient water monitoring is not expected in this first five-year permit cycle. The permittee shall perform all monitoring, sampling and analyses in accordance with the methods described in the most recent edition of 40 CFR Part 136, unless otherwise specified in the permit. All monitoring data shall be reported on monthly DMR forms or via NetDMR and submitted quarterly to USEPA and Guam EPA, as specified in the permit.

B. Priority Pollutants Scan.

The permit requires the permittee to conduct a priority pollutants scan at least once during the five-year permit term to ensure that the storm water discharge does not contain toxic pollutants in concentrations that may cause a violation of water quality standards. Preferably the priority pollutant scan will be completed before starting the fifth year of this permit cycle, so these results will be available prior to permittee's re-application and renewal. The permittee shall perform all effluent sampling and analyses for the priority toxic pollutants scan in accordance with the methods described in the most recent edition of 40 CFR Part

136, unless otherwise specified in the permit. The method quantitation limit should be lower than the most stringent applicable water quality criterion. If such method is not available, then the method with the lowest quantitation limit shall be used. 40 CFR 131.36 provides a complete list of priority pollutants.

PART VII - STANDARD CONDITIONS

A. Re-opener Provision.

In accordance with 40 CFR Part 122 and 124, the permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards or TMDLs; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

B. Standard Provisions.

The permit requires the permittee to comply with EPA Region 9 Standard Federal NPDES Permit Conditions, dated July 1, 2001.

PART VIII - SPECIAL CONDITIONS

A. Implementation of Best Management Practices

1. The permittee is required to capture the following discharge types (and percentage amounts): 100% process wash water[2], most stormwater runoff under normal thunderstorm and rainfall conditions and 100% non-contact cooling water. These types of water discharges will be captured and diverted to the local sewer system; therefore no discharge is allowed into receiving waters, except for stormwater discharges resulting from storm conditions greater than once in 25 yr/24 hr storm event. This is consistent with the permittee's application whereby Cabras Marine describes they have installed a capture and diversion system to pump such discharges to a sewer receptacle on shore which flows to the local sewer treatment plant.[3] EPA acknowledges and supports this 'capture and divert' aspect of the facility's operations. Nonetheless, EPA has identified effluent limits, in the form of Best Management Practices (BMPs), for the permittee to operate under and thereby

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[1] Process wash water is defined as any water used to cleanse or rinse off the vessel-in-dock during servicing and includes any wash water used to rinse off the inside walls or floor of the dry dock as part of the best housekeeping practices.

[3] On October 23, 2012, permittee received letter from Guam Water Authority (GWA) serving as a conditional permit for discharging wastewater (i.e., "wash water") into the GWA sewer collection system. This permit assumes the permittee will capture, perform pre-treatment/filtration and discharge of process wash water to the local sewer system. Within the letter, GWA has outlined several conditions that Cabras Marine must follow, including monitoring requirements of wash water, discharge flow and several water quality parameters prior to entering the sewer collection system. If, for some reason, Guam Water Authority decides in future to alter or revoke this conditional permit for wash water, then EPA may choose to revise this NPDES permit for Cabras Marine Corporation due to altered discharge conditions.

minimize any potential pollutants entrained with stormwater runoff included in this permit. See Example BMPs, Table 3, below.

2. For each day a vessel is in the dry dock or work is performed on the dry dock itself, the permittee is required to daily inspect and document (photos, logs, records) good housekeeping practices for first two years of this permit cycle; thereafter, the permittee may request to decrease the frequency of such documentation requirements. See BMPs, section D, below.

3. Prior to releasing the vessel in dock, and within 2-4 hours prior to lowering the dry dock, the permittee shall wash the walls and floor of the dry dock itself and capture and divert this process water to pump onshore for local sewer system treatment. Before washing the dry dock itself, the permittee shall also remove any maintenance equipment (unrelated to powerwashing) and other items with potential pollutants.

B. Development and Implementation of Best Management Practices Plan.

Pursuant to section 304(e) of the CWA and 40 CFR 122.44(k)(4), EPA may impose BMPs which are "reasonably necessary…to carry out the purposes of the Act." The pollution prevention requirements or BMPs proposed in the permit operate as technology-based limitations on effluent discharges that reflect the application of BAT and BCT. The permit requires the permittee to practice specific BMPs as part of normal facility operations which will minimize pollutants from becoming entrained into potential stormwater discharges. The permitte is also required to develop and implement a BMP Plan with appropriate pollution prevention measures or BMPs designed to prevent pollutants from entering Apra Harbor.

C. Development and Implementation of Storm Water Pollution Prevention Plan.

In accordance with section 304(e) of the CWA and 40 CFR 122.44(k)(2), the permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that is consistent with Sector R, Ship and Boat Building and Repairing Yards, of the Final Reissuance of the NPDES Storm Water Multi-Sector General Permit (MSGP) for Industrial Activities (73 FR 56572; September 29, 2008). The permit requires the permittee to develop (or update) and implement a SWPPP with appropriate pollution prevention measures or BMPs designed to prevent pollutants related to storm water from entering Apra Harbor.

BMPs to be considered for implementation in the BMP Plan and SWPPP shall include, but not be limited to the following:

Table 3. Example BMPs.

Category	Practices
Pressure Washing	• Collect discharge and remove visible solids • Use no detergents or additives • Direct deck drainage to a collection system sump • Implement diagonal trenches or berms and sumps to collect wash water • Use solid decking, gutters, and sumps at lift platforms and collect for possible reuse
Surface Preparation, Sanding, and Paint Removal	• Enclose, cover, or contain blasting and sanding activities • Use the least hazardous blasting media economically available • Cover drains, trenches, and drainage channels; prohibit uncontained blasting or sanding activities over open water • Clean storm water conveyances of deposits of blasting debris and paint chips • Prohibit blasting or sanding activities during windy conditions • Inspect and clean sediment traps • Sweep accessible areas of the dry dock • Collect spent abrasives and store under a cover to await proper disposal
Painting	• Enclose, cover, or contain painting activities • Prohibit uncontained spray painting over open water • Prohibit spray painting during windy conditions • Mix paints and solvents in designated areas away from drains, ditches, piers, and surface waters, preferable indoors, under a shed • Have absorbent and other cleanup items readily available for immediate cleanup of spills; allow empty paint cans to dry before disposal; keep paint and paint thinner away from traffic areas • Recycle paint, paint thinner, and solvents • Train employees on proper painting and spraying techniques
Dry Dock Maintenance	• Clean and maintain dry dock • Perform routine clean up of litter and debris • Sweep accessible areas to remove debris and spent sandblasting material prior to flooding • If using hosing then collect process wash waster to remove solids • Clean remaining areas of the dock after vessel has been removed and the dock raised • Remove and dispose of floatable and other low-density waste

Category	Practices
Dry Dock Activities	• Use plastic barriers beneath the hull, between the hull and dry dock walls for containment • Use plastic barriers hung from the flying bridge of the dry dock, from the bow or stern of the vessel, or from temporary structures for containment • Weight down the bottom edge of containment • Use plywood and/or plastic sheeting to cover open areas between decks when sandblasting • Install rings or cleats, cable suspension systems, or scaffolding to make containment easier • Have absorbent materials and oil containment berms readily available • Use the least toxic cathodic protection anodes economically available (magnesium is less toxic than aluminum, which is less toxic than zinc) • Replace flaking cathodic protection anodes • Store old and new cathodic protection anodes out of contact with storm water or areas that may contact storm water (e.g., dry dock floor)
Non Dry Dock Activities	• Hang tarpaulin from the boat, fixed, or floating platforms to reduce pollutants transported by wind • Place plastic sheeting or tarpaulin underneath boats to contain and collect waste and spent materials • Use fixed or floating platforms with appropriate plastic or tarpaulin barriers as work surfaces and for containment when work is performed on vessel in the blast material or paint overspray • Sweep debris before using hose to clean dry dock surfaces

Category	Practices
Engine Maintenance and Repairs	• Maintain an organized inventory materials used in the maintenance shop • Dispose of greasy rag, oil filters, air filters, batteries, spent coolant, and degreasers properly • Minimize contamination of precipitation and surface runoff • Perform operations indoors • Label and track the recycling of waste material • Drain oil filters before disposal or recycling • Store cracked batteries in non-leaking secondary containers • Promptly transfer used fluids to proper container • Do not leave full drip pans or other open containers around the shop • Empty and clean drip pans and containers • Do not pour liquid waste down floor drains, sinks, or outdoor storm drain inlets • Plug floor drains that are connected to the storm or sanitary sewer • Inspect maintenance area regularly • Train employees on proper waste control and disposal procedures • Store permanent tanks in paved area surrounded by dike system which provides sufficient containment for the larger of either 10 percent of the volume of all containers or 110 percent of the volume of the largest tank • Prohibit hosing down the shop floor
Bulk Liquid Storage and Containment	• Maintain good integrity of all storage tanks • Routinely inspect storage tanks for leaks • Routinely inspect piping for failures or leaks • Train employees of proper filling and transfer stations • Store containerized materials in a protected, secure location and away from drains or otherwise minimize the contamination of precipitation and surface runoff • Cover fueling areas • Use spill and overflow protection

Category	Practices
Containerized Material Storage	• Store reactive, ignitable, or flammable liquids in compliance with the local fire code • Label all containerized materials • Identify potentially hazardous materials, their characteristics, and use • Control excessive purchasing, storage, and handling of potentially hazardous materials • Keep records to identify quantity, receipt date, service life, users, and disposal routes • Secure and carefully monitor hazardous materials to prevent theft, vandalism, and misuse of materials • Educate personnel for proper storage, use cleanup, and disposal of materials • Provide sufficient containment for outdoor storage areas with a minimum of 110 percent of the volume of the largest tank • Use temporary containment where required by portable drip pans; use spill troughs for drums with taps • Mix paints and solvents in designated areas with secondary containment and away from drains, ditches, piers, and surface waters • Locate designated material storage areas indoors or under a shed or otherwise minimize the contamination of precipitation and surface runoff
Designated Material Mixing Areas	• If a spill occurs, stop the source; contain the liquid until cleanup is complete; deploy oil containment booms if spill may reach water; cover spill with absorbent material; keep area well ventilated; dispose cleanup materials properly; do not use emulsifier or dispersant
Shipboard Process Water Handling	• Keep process and cooling water used aboard ships separate from sanitary wastes • Keep process and cooling water from contact with spent abrasives and paint • Keep wash water from contact with spent abrasives, cathodic protection anodes, and paint • Inspect connecting hoses for leaks
Ballast Water	• No chemical additives used to treat ballast water contents • Implement operational procedures to minimize the amount of ballast water discharged essential for dry dock operations • Routinely inspect the integrity of the ballast tanks to ensure pollutants from other dry dock operations are not contacting and polluting ballast water • Routinely inspect the receiving water during cycling events for oil sheens

PART IX - OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. Endangered Species Act

The discharge is to Apra Harbor and both the National Marine Fisheries Service and the United States Fish and Wildlife Service have jurisdiction. EPA obtained a recent list of threatened and endangered species from the National Marine Fisheries Service as well as the United States Fish and Wildlife Service. The list includes three animal and several plant species within the outfall vicinity as follows: Green Sea Turtle (*Chelonia mydas*), Hawksbill Sea Turtle (*Eretmochelys imbricate*), Scalloped hammerhead shark (*Sphyrna lewini*) and several coral species: *Acropora globiceps, Seriatopora aculeata and Acropora retusa.* Apra Harbor is also listed as essential fish habitat for National Marine Fisheries Service.

No new construction, new pipelines, land, habitat, or hydrology alterations are associated with the permit reissuance. The effluent limits in the permit will not result in acute or chronic exposures to contaminants that would affect federally listed threatened and endangered species, nor impair any designated critical habitat. The effluent limits and monitoring requirements in the permit are designed to be fully protective of the beneficial uses of the receiving waters. Thus, EPA believes that this permit reissuance will not affect any federally listed threatened and endangered species under the NOAA National Marine Fisheries or US Fish and Wildlife Services jurisdictions that may be present in the area of discharge. If, in the future, EPA obtains information or is provided information that indicates that there could be adverse impacts to federally listed species, EPA will contact the appropriate agency or agencies and initiate consultation, to ensure that such impacts are minimized or mitigated. EPA will provide the Services with copies of this fact sheet and the draft permit during the public notice period.

B. Impact to Coastal Zones

The Coastal Zone Management Act (CZMA) requires that Federal activities and licenses, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CZMA Sections 307(c)(1) through (3)). Section 307(c) of the CZMA and implementing regulations at 40 CFR 930 prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State (or Territory) Coastal Zone Management program, and the State (or Territory) or its designated agency concurs with the certification.

C. Impact to Essential Fish Habitat

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act (MSA) set forth a number of new mandates for the National Marine Fisheries Service (NMFS), regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish species and habitat. The MSA requires Federal agencies to make a determination on Federal actions that may adversely impact Essential Fish Habitat (EFH) in marine environments. Apra Harbor is also listed as essential fish habitat for National

Marine Fisheries Service. EPA will send the draft permit and factsheet to NMFS for their review during the public comment period.

D. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties either listed on, or eligible for listing on, the National Register of Historic Places. Pursuant to federal requirements of NHPA and 36 CFR 800.3(a)(1), EPA has determined the proposed permit does not have the potential to affect any historic or cultural properties.

PART X - ADMINISTRATIVE INFORMATION

A. Public Notice.

In accordance with 40 CFR 124.10, the EPA Director shall give public notice that a proposed permit has been prepared under 40 CFR 124.6(d) by mailing a copy of the notice to the permit applicant and other federal and state agencies, and through publication of a notice in a daily or weekly newspaper within the area affected by the facility. The public notice allowed at least 30 days for public comment on the draft permit.

B. Public Comment Period.

In accordance with 40 CFR 124.11 and 124.12, during the public comment period, any interested person may submit written comments on the proposed permit and may request a public hearing, if no hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. In accordance with 40 CFR 124.13, all persons must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period.

C. Public Hearing.

In accordance with 40 CFR 124.12, the EPA Director shall hold a public hearing whenever she finds, on the basis of requests, a significant degree of public interest in the draft permit. The Director may also hold a public hearing when, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of such hearing shall be given as specified in 40 CFR 124.10.

D. Territorial Certification.

In accordance with 40 CFR 124.53, under section 401 of the CWA, EPA may not issue a permit until certification is granted or waived in accordance with that section by the State or Territory in which the discharge originates. Territorial certification under section 401 of the CWA shall be in writing and shall include the conditions necessary to assure compliance

with referenced applicable provisions of sections 208(e), 301, 302, 303, 306, and 307 of the CWA and appropriate requirements of Territory law.

In a letter dated November 28th, 2012, Guam EPA issued a 401 Water Quality Certification temporary operating permit for Cabras Marine Corporation. The certification stipulated several conditions which must be complied with as enforced by Title 10, Chapter 47, GCA Water Pollution Control Act, Section 47111: penalties as amended by Public Law 17-87. The letter and certification are included with this fact sheet (Appendix D). This certification will be updated once Guam EPA has completed its review of proposed permit and factsheet.

PART XI - REFERENCES

GEPA (Guam Environmental Protection Agency). 2001. *Guam Water Quality Standards.* Guam Environmental Protection Agency.

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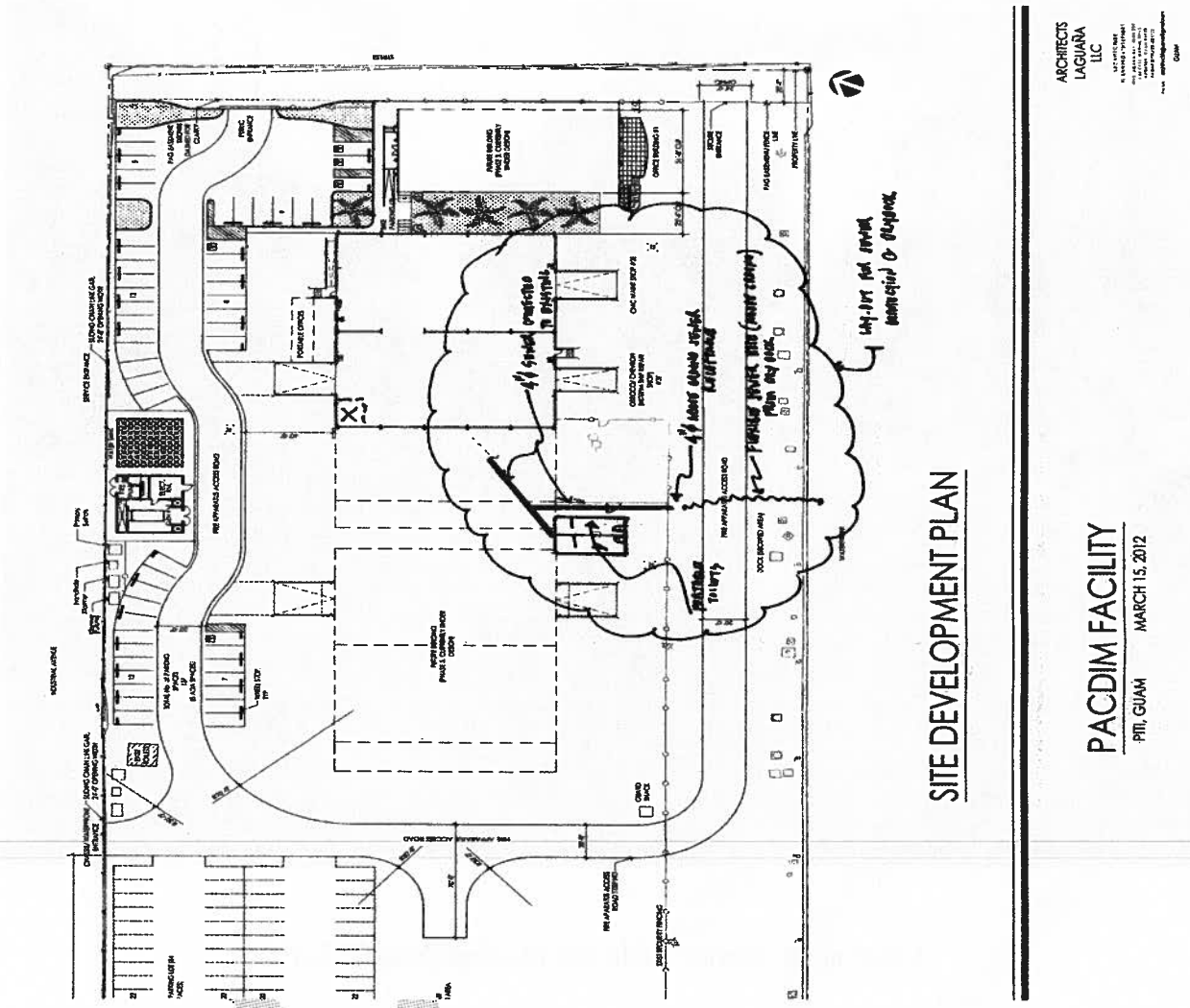
PART XII - APPENDICIES

APPENDIX A

Facility Diagram for Cabras Marine Corporation



Cabras on-shore site plan for connections to local sewer (for process wash water) and temporary storage (for most stormwater).

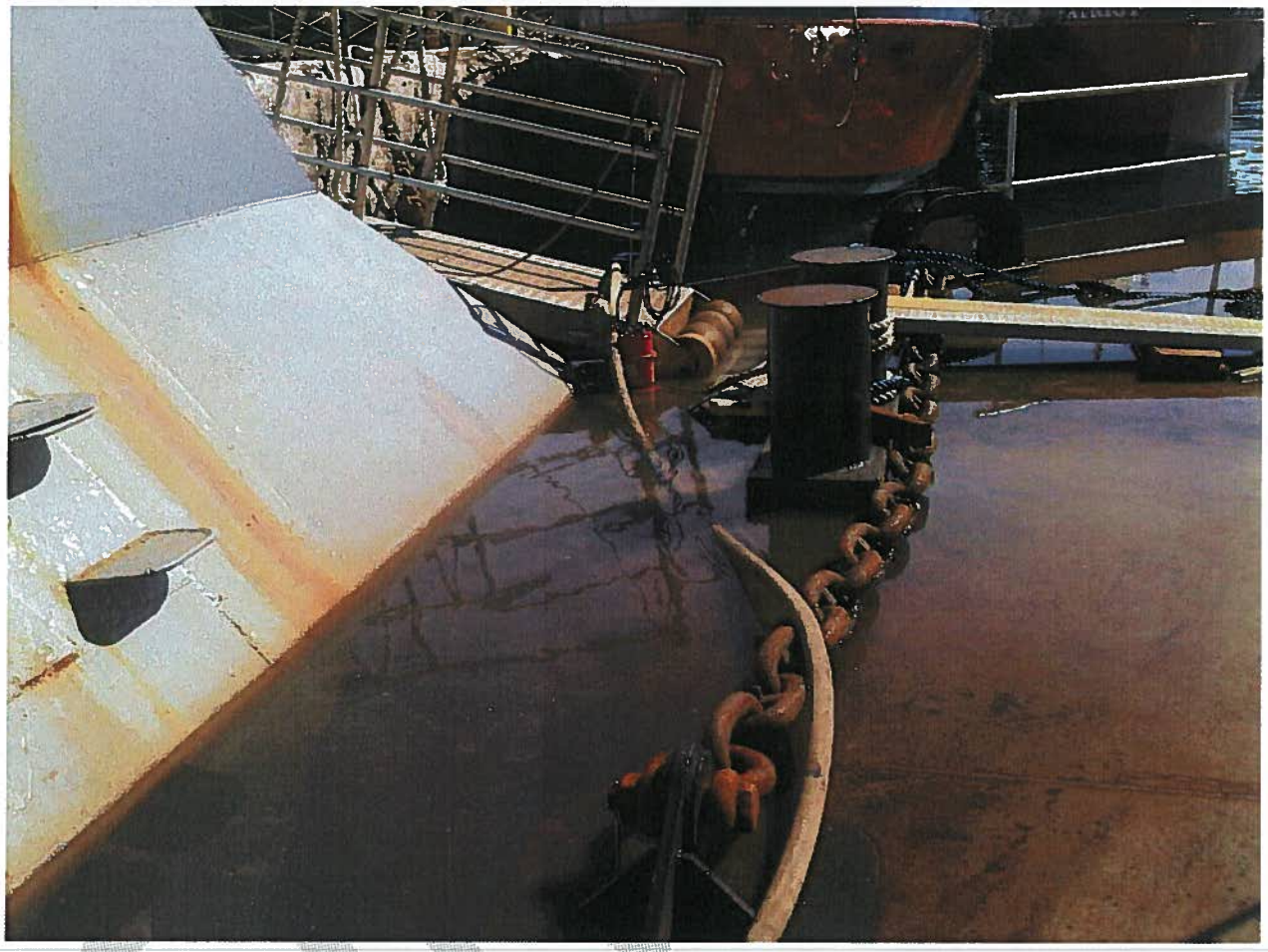
APPENDIX B

Cabras Marine Corp. Drydock AFDL-21

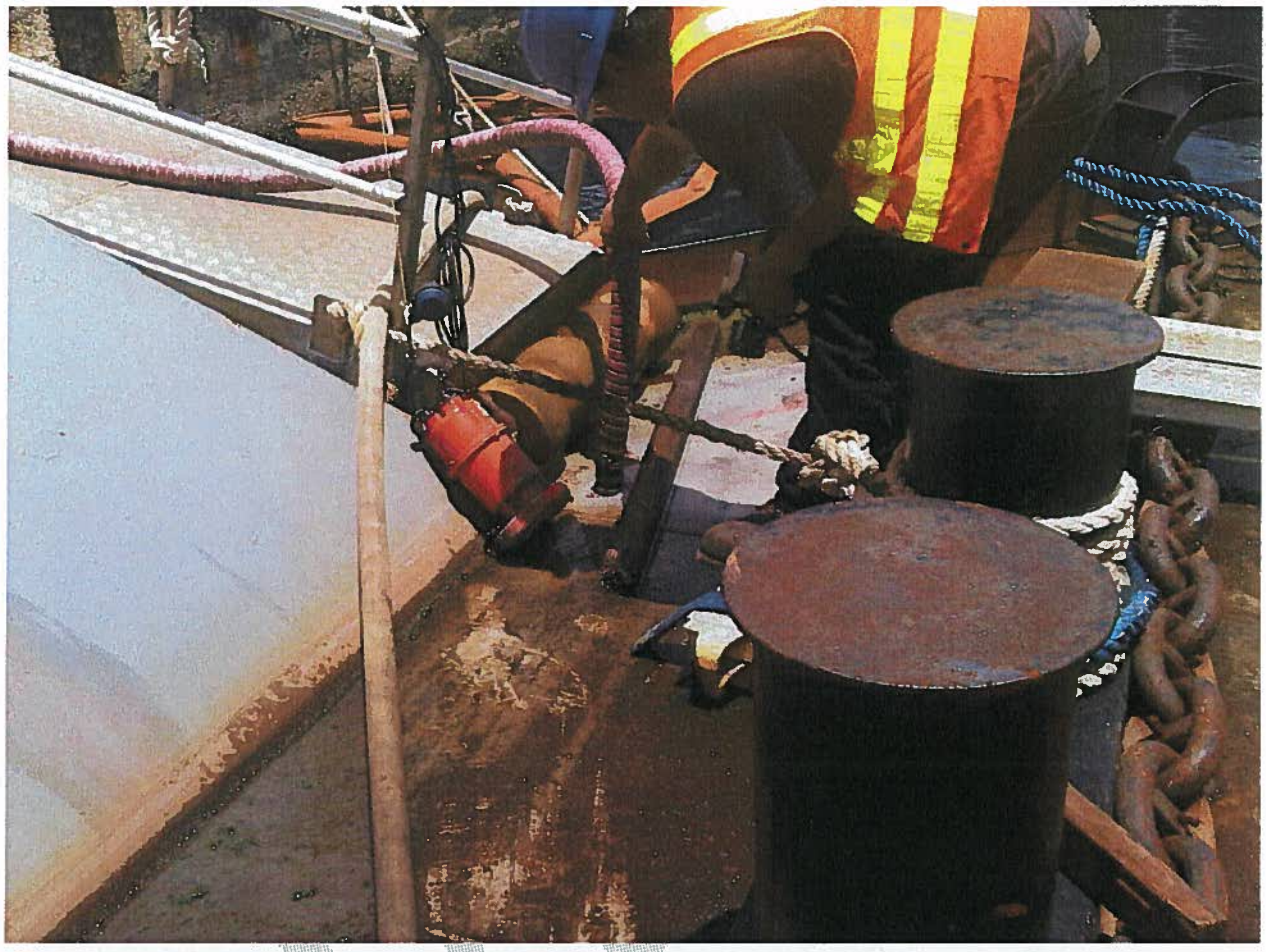
Close up of interior walls and flooring (May 2012)

APPENDIX C

Photos of Drydock sump



Stormwater collection on deck of Cabras drydock.



Sump and hose used to remove stormwater from deck of drydock.

APPENDIX D

Guam EPA Section 401 Water Quality Certification Permit

(this will be provided once Guam EPA completes its review of this proposed permit and factsheet)

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT. GOVERNOR OF GUAM

ERIC M. PALACIOS
ADMINISTRATOR, GUAM EPA, ENERGY OFFICE

P.O. BOX 22439 BARRIGADA, GU 96921 | P:(671)475-1658/59 | F: (671)475-8007 | EPA.GUAM.GOV

Mr. Joseph L. Cruz, President
Cabras Marine Corporation
Suite 114, 1026 Cabras Highway
Piti, Guam 96915

NOV 28 2012

RE: 401 Water Quality Certification Permit for AFDL-21 Floating Dry Dock in Apra Harbor, Guam, NPDES GU0020397, 401WQC 13-03.

Hafa Adai Mr. Cruz,

The Guam Environmental Protection Agency (Guam EPA or the Agency) has reviewed the USEPA's, National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheets to authorize the discharge of stormwater and ballast water from the floating AFDL-21, your floating dry dock. The location of the (AFDL-21) dry dock at outfall 001-004 Stormwater located at 13° 26' 30" North, 144° 39' 24" East, at Pier F2 in the Commercial Port of Guam, Cabras Island. The light floating dry dock has an overall length (LOA) of 60.96 meters, overall width of 19.50 meters and a capacity/rating of 1,000 tons. It will be used mostly on small vessel repairs, like tugboat and barges.

Water Quality Designation

The water quality designation for this area of Apra Harbor is classified as M-3 (Fair). The beneficial water uses in this water quality category are intended for general, commercial and industrial uses including shipping, boating and berthing while allowing for the protection of aquatic life, aesthetic enjoyment and compatible recreation with limited body contact (Guam Water Quality Standards, Guam EPA 2001 Revision). Turbidity values in, nephelometric turbidity units (NTU's) shall not exceed 1.0 NTU's over ambient conditions, except when due to natural conditions.

Effluent Limitations:

The control of pollutants is established through effluent limitations and other requirements in the USEPA Region IX, National Pollutant Discharge Elimination System NPDES Permit No. Gu0020397. The Clean Water Act requires the development of effluent limitation, guidelines and standards. Section 402(a) (1) of the Act authorizes

the use of best judgment to derive technology-based effluent limitations on a case-by-case basis where effluent limitation guidelines are not available for certain industrial categories and /or pollutants of concern.

Water Quality Based Effluent Limitations:

The criteria for priority toxic pollutants designated under Section 307(a)(1) of the Clean Water Act for the protection of aquatic life (acute and chronic) and human health (consumption of organisms) were utilized in accordance federal requirements and Guam Water Quality Standards (GWQS).

The NPDES permit will establishe the most protective technology-base effluent limitations for oil and grease and total suspended solids. The requirement to develop and implement a Storm Water Pollution Prevention Plan and Best Management Plan will be carried over for all applicable discharges, including discharges not addressed in the application of the current NPDES permit, therefore; the proposed changes are consistent with Guam's anti-degradation policy of the GWQS.

Section 401 Water Quality Certification Conditions:

The Guam Environmental Protection Agency issues this Section 401 Water Quality Certification Permit with the following conditions. Water Quality Certification conditions may be added, amended, or changed and/or Water Quality Certification may be suspended or revoked to ensure discharge in compliance with Guam Water Quality Standards (GWQS). GWQS conditions to ensure compliance with applicable provisions of the Clean Water Act sections 208(e), 301, 302, 303, and 307 are as follows.

1. The discharger shall take immediate corrective actions or engineer measures to address non-compliance of water quality standards and notify the Agency within 24 hours.

2. Prior to first discharge, the Applicant should conduct sampling of marine water and the marine sediment in the vicinity of final berthing location, pier F-2, of dry dock within the Port Authority of Guam, to establish background levels for all listed constituents.

3. In-water work shall be suspended if any sea turtles are observed within the area. The sea turtles will be allowed to come into and out of the work area, un-harassed, on their own accord.

4. Water Quality Monitoring shall adhere to corresponding NPDES Permit requirements.

5. The Permittee must strictly implement "good housekeeping" and Best Management Practices prior to each dry dock submergence to prevent accumulation of debris and corroded metal scale from the dry dock floor from being discharged into the receiving waters.

6. The Permittee will ensure that all contact water be collected and disposed off site pursuant to the "Conditional Permit" issued by Guam Waterworks Authority relative to Cabras Marine Corporation discharging wastewater into GWA sewer collection system.

A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge 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 (Title 10 GCA, Chapter 47, Water Pollution Control Act Section 477111: penalties as amended by Public Law 17-87). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provisions of this certification.

ERIC M. PALACIOS
Administrator

Attachment: 401Water Quality Certificate
Guam Waterworks Authority "Conditional Permit"
USEPA Region IX, Draft NPDES Permit No., GU0020397/Fact Sheet

CC: ACOE, Guam Regulatory Office
USEPA, Region 9
Bureau of Statistics & Plans, GCMP
Guam Department of Agriculture, DAWR

GUAM
ENVIRONMENTAL PROTECTION AGENCY
AHENSIAN PRUTEKSION LINA'LA GUAHAN

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GUAM ENVIRONMENTAL PROTECTION AGENCY

Section 401 Water Quality Certification:

Section 401 Water Quality Certification for Discharge: **AFDL-21 Floating Dry Dock in Apra Harbor, Cabras, Piti, Guam**, And Applicant: **Mr. Joseph L. Cruz, President, Cabras Marine Corporation, Suite 114, 1026 Cabras Highway, Piti, Guam.** The Guam Environmental Protection Agency hereby issues Section 401 Water Quality Certification: ***401WQC 13-03*** 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. 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: 11/28/12

GUAM WATERWORKS AUTHORITY
578 North Marine Corp Drive, Tamuning, Guam 96931-4111

October 23, 2012

Carlos Salas
Cabras Marine Corporation
1026 Cabras Highway, Suite 114
Piti, Guam 96915

Subject: GWA Conditional Permit for Water and Sewer Services

Hafa Adai Mr. Salas,

GWA is issuing this letter to serve as a "Conditional Permit" relative to Cabras Marine Corporation discharging wastewater into the GWA sewer collection system. GWA understands that "wash water" generated during certain operational activities may contain constituents that are to be monitored and/or controlled prior to entering into the GWA system. The following are the conditions GWA will require of Cabras Marine Corporation:

1) The current account with GWA shall be changed to "Commercial 3" due to the "wash water" that will be coming into the GWA system.
2) Cabras Marine Corporation shall provide monthly flow for the wash waters discharged under this permit.
3) Quarterly reports shall be submitted to GWA Compliance and Safety office showing the wash water composition. Should the report reveal no constituents that are detrimental to the GWA system for four straight quarters the reports can be submitted annually.
4) Data collected in the quarterly reports shall be: Total Suspended Solids (TSS) in mg/L; 5 day Biochemical Oxygen Demand (BOD_5) in mg/L; pH; Total Dissolved Solids in mg/L (or conductivity in µs/cm).
5) Prior to any wash water being discharged into the GWA sewer collection system the wash water shall go through a pretreatment process/filtration system.
6) Cabras Marine Corporation and GWA may need to modify this permit if the National Pollution Discharge Elimination (NPDES) permit for the Hagåtña WWTP is modified by USEPA.

Should you have any questions or concerns please feel free to contact Paul Kemp, MS, Compliance and Safety Officer at 647-2605 or email him at paulkemp@guamwaterworks.org

Regards,

Martin L. Roush, P.E.
General Manager

CC: Chief Engineer TE
Customer Service