



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

SEP 5 2018



Vangie Lujan, Program Manager
Bureau of Statistics and Plans
Guam Coastal Management Program
P.O. Box 2950
Hagatna, Guam 96932

Re: General Permit for Bulk Fuel Storage Facilities in Guam (GUG000001)

Dear Ms. Lujan:

By this letter, the U.S. Environmental Protection Agency provides a consistency determination to the Guam Bureau of Statistics and Plans (BSP) pursuant to section 307(c)(1) of the Coastal Zone Management Act (CZMA), including implementing regulations at 15 C.F.R. 930.31(d) and 930.36(e). As further described below, the activity for which EPA has prepared the national consistency determination consists of a proposed general NPDES permits for discharges incidental to the normal operation of five bulk fuel storage facilities in Guam. EPA proposed the General Permit for Bulk Fuel Storage Facilities in Guam (GGP) pursuant to the regulations that implement CZMA section 307(c)(1) because it does not involve case-by-case or individual issuance of permits by EPA. EPA released copies of the proposed permit and the accompanying fact sheet via public notice both in the Federal Register and on its website on December 5, 2017. This information is available at: <https://www.epa.gov/npdes-permits/proposed-general-permit-bulk-fuel-storage-facilities-guam-gug000001>.

EPA received comments from Mobil Oil Guam Inc. (MOGI), as well as from the United States Fish and Wildlife Service (USFWS) during the comment period. EPA now has prepared a draft final permit and factsheet as well as a response to comments document addressing comments received. Copies of the draft final permit, factsheet, and the response to comment document are enclosed.

CWA section 301(a) prohibits the discharge of pollutants into waters of the United States, including the 3-nautical mile territorial sea, except in compliance with certain other sections of the CWA, including compliance with an NPDES permit. EPA developed the GGP to regulate discharges incidental to the normal operation of Bulk Fuel Storage Facilities in Guam. The GGP covers five existing facilities each of which has an individual NPDES permit. EPA decided to cover the five facilities under a general permit to make the permitting process more efficient; the permit provides the same level of protection as is provided under the existing individual permits. Effluent discharges from no other facility except the five named facilities are authorized by the GGP.

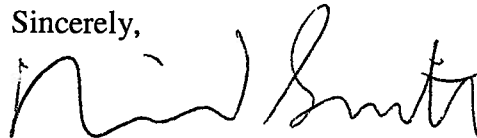
EPA has determined that issuance of the GGP is consistent to the maximum extent practicable with the enforceable policies of the approved Guam coastal management program for several reasons. The permit provides protection to coastal waters by imposing enforceable NPDES permit limits on those discharges covered by the permit. In addition, the permit establishes technology-based effluent limitations based upon CWA sections 301(b)(2)(A) and 301(b)(2)(E), ensuring that discharges will be in compliance with applicable Territorial water quality standards under CWA section 303, and establishes requirements for the permittee to conduct monitoring and inspections.

In addition, because this general NPDES permit is issued by the federal government, it is subject to Territorial water quality certification requirements under CWA section 401. Under CWA section 401, Guam EPA has been asked to certify that the permit will comply with Territorial water quality standards and other appropriate requirements of Territorial law, and the final permit, will incorporate applicable requirements or conditions required by that certification. In Guam, the 401 certification Agency is the Guam EPA and they can be contacted at (671) 475-1658. A detailed discussion of the permit terms and conditions and their underlying basis is set out in the enclosed CD containing the permit and the accompanying fact sheet, as well as the response to comment document addressing comments received during the public comment period.

Pursuant to section 307(c)(1) of the CZMA, EPA has determined that the permit is consistent to the maximum extent practicable with the enforceable policies of the approved Guam Coastal Zone Management Program. EPA requests your review and concurrence with EPA's consistency determination within 60 days of the receipt of this letter. If necessary, you may identify conditions based on your Coastal Zone Management program requirements, for Guam BSP to provide the requested concurrence. If you do not reply within the period pursuant to section 307(c)(3) of the CZMA, EPA will presume your concurrence.

If you have any question, please contact Gary Sheth in my office, at (415) 972-3516.

Sincerely,

A handwritten signature in black ink, appearing to read "David Smith", written over a horizontal line.

David Smith, Manager
NPDES Permits Office

Enclosure

cc: Amelia DeLeon, Planner, Bureau of Statistics and Plans