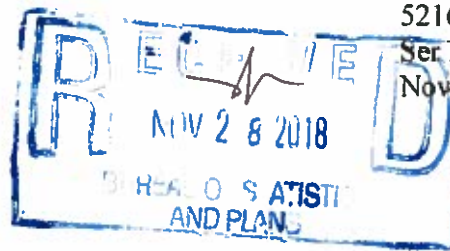




DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000



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Ser N45/18U132469
November 14, 2018

Mr. Edwin Reyes
Administrator
Guam Coastal Management Program
Bureau of Statistics & Plans
P.O. Box 2950
Hagatna, Guam 96932

Dear Mr. Reyes:

By this letter, the United States Environmental Protection Agency (EPA) and Department of Defense (DoD) hereby provide a National Consistency Determination to Guam pursuant to the Coastal Zone Management Act (CZMA) § 307 (16 U.S.C. § 1456) and its implementing regulations at 15 C.F.R. 930.36(e). As further described below, the EPA and DoD have prepared the National Consistency Determination for the Proposed Rule, Uniform National Discharge Standards (UNDS) for Vessels of the Armed Forces – Phase II Batch Two. The Proposed Rule was published in October 2016 and can be found at 81 FR 69753, <https://www.gpo.gov/fdsys/pkg/FR-2016-10-07/pdf/2016-24079.pdf>. The UNDS-Phase II Batch Two discharge performance standards mirror, as appropriate, the EPA's National Pollutant Discharge Elimination System Vessel General Permits (VGP) (2013 VGP and 2014 Small VGP), which apply to commercial vessel discharges. While UNDS and VGP are separate actions, the VGP will inform you about the UNDS action, due to the similarities in the discharge performance standards.

The EPA and DoD proposed this rule under the authority of the Clean Water Act (CWA) § 312(n) (33 U.S.C. § 1322(n)), which requires the EPA and DoD to develop uniform national standards to control certain discharges incidental to the normal operation of a vessel of the Armed Forces into the navigable waters of the United States, the territorial seas, and the contiguous zone. The proposed discharge performance standards will reduce the adverse environmental impacts associated with such discharges, stimulate the development of improved pollution control devices, and advance the development of environmentally sound ships by the Armed Forces.

CWA § 312(n) further requires that the EPA and DoD establish discharge standards that: (1) distinguish among classes, types, and sizes of vessels; (2) distinguish between new and existing vessels; and (3) provide for a waiver of applicability of standards as necessary or appropriate to a particular class, type, age, or size of vessel.

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Pursuant to § 307 of the CZMA, the EPA and DoD analyzed the proposed discharge performance standards in the Proposed Rule and applicable state enforceable coastal policies to develop a National Consistency Determination entitled National Consistency Determination: Uniform National Discharge Standards (UNDS) Program for Phase II Batch Two Discharges, November 2018. The EPA and DoD determined through the analysis that these UNDS proposed discharge performance standards are consistent to the maximum extent practicable with the enforceable policies of the approved Guam Coastal Zone Management Program. This determination mirrors the conclusion the EPA reached in the National Consistency Determination that was issued for the 2013 VGP (found in the April 12, 2013 78 FR 21938) and the 2014 Small VGP (found in the September 10, 2014 79 FR 53702).

The EPA and DoD request your review and concurrence with this National Consistency Determination within 60 days of the receipt of this letter. The National Consistency Determination can be found at <https://www.epa.gov/vessels-marinas-and-ports/uniform-national-discharge-standards-unds-rulemaking-process> under the Phase II, Current Status, Batch Two section. If Guam fails to furnish a reply within this time period, the EPA and DoD will presume your concurrence.

If you have any questions, please contact Mr. Mike Pletke at (703) 695-5184.

Sincerely,



SUSAN T. GOODFELLOW
Director,
Energy and Environmental Readiness Division

Copy to:
Mr. Francis Damian
Guam Coastal Management Program
Bureau of Statistics and Plans

Ms. Tina Mafnas
Planner
Guam Coastal Management Program
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