



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

June 11, 2021

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

Dear Mr. Reyes:

By this letter, the U.S. Environmental Protection Agency (EPA) provides a consistency determination to the Guam Bureau of Statistics and Plans (GBSP) 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). The activity for which EPA has prepared this consistency determination is the proposed issuance of EPA's 2022 NPDES construction general permit (CGP) for stormwater discharges from construction activity disturbing one or more acres.

The proposed 2022 CGP would authorize discharges from construction activity in geographic areas where EPA is the permitting authority including three states, Indian country lands, Puerto Rico, the District of Columbia and the U.S. Pacific Island territories. Once finalized, the proposed permit will replace the existing CGP, which was issued for a five-year term beginning on February 16, 2017 and ending on February 16, 2022 (see 82 FR 6534). The EPA proposed the draft CGP for a 60-day public comment period which began May 12, 2021 and will end July 12, 2021. The proposed permit, fact sheet, and all supporting documents are available on the public docket on regulations.gov (ID# EPA-HQ-OW-2021-0169). Copies of the proposed permit and fact sheet are also available on EPA's construction stormwater website:

<https://www.epa.gov/npdes/proposed-2022-construction-general-permit-cgp-and-related-documents>

EPA has determined that reissuance of the proposed permit is consistent to the maximum extent practicable with the enforceable policies of GBSP's approved Coastal Management Program (CMP) for a number of reasons. First, the permit includes numerous technology-based effluent limitations based upon CWA section 304(b)(2). The permit also ensures that discharges will be in compliance with applicable Territorial water quality standards under CWA section 303, and it establishes requirements for permittees to conduct inspections of their facilities and implement corrective measures when necessary. In addition, because the permit would be issued by the Federal government, it is subject to Territorial water quality certification requirements under CWA section 401. Under CWA Section 401, the 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, when issued, will incorporate applicable requirements or conditions required by that certification. A detailed discussion of the permit terms and conditions and their underlying basis is set forth in the proposed permit and the accompanying fact sheet.

In light of the above, pursuant to section 307(c)(1) of the CZMA, EPA has determined that the proposed permit is consistent to the maximum extent practicable with the enforceable policies of GBSP's approved CMP. EPA requests your review, and if necessary, conditions, based on specific enforceable policies, that would permit the GBSP to concur with EPA's consistency determination.

If you have any questions regarding this matter, please contact Eugene Bromley of the NPDES Permits Section, Water Division at 415-972-3510. Thank you for your cooperation.

Sincerely,

Eugene Bromley
NPDES Permits Section

cc: Walter Leon Guerrero, Administrator, Guam Environmental Protection Agency