

## Guam EPA 401 Water Quality Certification Briefing: Presented by: Ray Calvo



## Guam EPA 401 Water Quality Certification

- Section 401 of the Federal Clean Water Act provides that an applicant for a Federal Permit to conduct an activity that may result in a discharge to waters of the Territory must provide the permitting agency with a water quality certification from which the discharge originates.
- A water quality certification is the mechanism by which the Territory evaluates whether an activity **may proceed and meet water quality standards**

## Protecting Our Water



## Protecting Our Ocean



## Protecting Our Streams and Wetland



## Guam EPA 401 Water Quality Certification

- Section 33 U.S.C. 1341 et seq., § 401 of the Clean Water Act is a direct delegation from congress to the Territory's.
- In doing this, Congress wanted to ensure that the Territory has an opportunity to ensure that federally approved activities will meet water quality standards established by the Territory under the Clean Water Act.
- **In Guam, the Guam Environmental Protection Agency (GEPA) is the designated agency for issuing certifications.**



## Guam EPA 401 Water Quality Certification

### Applicable Laws, Statutes and Regulations:

- Federal Water Pollution Control Act (FWPCA) of 1972 (Public Law Number 92-500)
- Clean Water Act (CWA) of 1977 (Public Law Number 95-217)
- Title 10, Chapter 47 Guam Code Annotated, (Water Pollution Control Act) as amended by Public Law Number 17-87
- 22GAR, Div 2, Water Control, Chap. 5 Guam Water Quality Standards

## Guam EPA 401 Water Quality Certification

### Regulatory Summary:

- The 401 Water Quality Certification Program is administered by the Environmental Planning and Review Division of the GEPA.
- The 401 review ensures that a proposed discharge, dredge and/or fill project that can result in discharge of pollutants complies with Guam Water Quality Standards, the Wet Area regulations under the Land Use Commission, and otherwise avoids or minimizes individual and cumulative impacts to Guam waters and wetlands.

# Guam EPA 401 Water Quality Certification

## Regulatory Summary Cont:

- As the authority to administer the 401 Water Quality Certification is derived from the Federal Water Pollution Control Act, all projects that impacts Guam waters (Marine or Surface) are subject to 401 review.

## Guam EPA 401 Water Quality Certification Form

Form 401 A, (Marine Waters) Activities covered by this Application form include outfalls for sewage treatment plants, storm water, aquariums, thermal effluent from power plants, and industrial /other facility waste water to marine waters.

GUAM ENVIRONMENTAL PROTECTION AGENCY  
WATER QUALITY CERTIFICATION  
APPLICATION - A (Section 401)  
Revised 6/02

FOR OFFICIAL USE ONLY      Prepared by: \_\_\_\_\_  
Application No. \_\_\_\_\_      Title: \_\_\_\_\_  
Date Received: \_\_\_\_\_      Date Prepared: \_\_\_\_\_

**DISCHARGES FROM OCEAN OUTFALLS AND FOR NEAR-SHORE DISCHARGES.**

**Instructions:**

- Activities covered by this application request form include outfalls for sewage treatment plants, storm water, aquariums, thermal effluent from power plants, and industrial/other facility waste waters.
- When addressing the following items, be sure to answer all questions. If the item is not applicable or the response is none, indicate as such and provide a brief explanation why. If there are incomplete items the application will be returned.
- When references are made to supporting documents, studies, previous permit actions or other information, they must be identified by document name and date. All pertinent references used to support this application request must be provided.
- The applicant should use this form; however, a similar format may be used and must include each question (item) found in this form.
- If additional space is required, use extra sheets or the back side of this form.

**Applicant Information**

1.a. Applicant and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

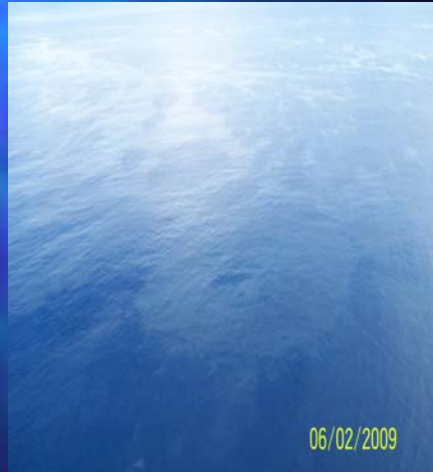
b. Agent/Representative and address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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# Guam EPA Form 401 A (Marine Waters)



# Guam EPA Form 401 A (Marine Waters)





### Guam EPA 401 Water Quality Certification Form

Form 401 B, (Inland Surface Waters) Activities covered by this application form include outfalls for sewage treatment plants, industrial, commercial, agricultural and residential storm water discharges, irrigation, and aquaculture water supply, utility crossing, placements, and other structures and discharges to inland surface waters, including wetland rivers, open and isolated waters.

GUAM ENVIRONMENTAL PROTECTION AGENCY  
WATER QUALITY CERTIFICATION  
APPLICATION - B (Section 401)  
Revised 6/02

FOR OFFICIAL USE ONLY      Prepared by: \_\_\_\_\_  
Application No. \_\_\_\_\_      Title: \_\_\_\_\_  
Date Received: \_\_\_\_\_      Date Prepared: \_\_\_\_\_

DISCHARGES TO OR WITHDRAWAL FROM INLAND SURFACE WATERS.

Instructions

1. Activities covered by this application request form include outfalls for sewage treatment plants, industrial, commercial, agricultural and residential storm water discharges, irrigation, and aquaculture water supply and discharges.
2. When addressing the following items, be sure to answer all questions. If the item is not applicable or the response is none, indicate as much and provide a brief explanation why. If there are incomplete items the application will be returned.
3. When references are made to supporting documents, studies, previous permit actions or other information, they must be identified by document name and date. All pertinent references used to support this application request must be provided.
4. The applicant should use this form; however, a similar format may be used and must include each question (item) found in this form.
5. If additional space is required, use extra sheets or the back side of this form. This form is available on diskette.

Applicant Information

- 1.a. Applicant and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Agent/Representative and address: \_\_\_\_\_  
\_\_\_\_\_

### Guam EPA 401 B (Inland Surface Waters)



# Guam EPA 401 B (Inland Surface Waters)



## Guam EPA 401 Water Quality Certification Form

Form 401 C, (Wetland and Inland Surface Waters)  
 Activities covered by this application include wetland dredging, filling, construction of bridges, walkways, culverts and other structures in wetlands, streams or rivers, mitigation/creation projects, restoration activities, utility trenching and pole placement, and other similar activities in wetlands.

GUAM ENVIRONMENTAL PROTECTION AGENCY  
 WATER QUALITY CERTIFICATION  
 APPLICATION - C (Section 401)  
 Revised 6/02

FOR OFFICIAL USE ONLY  
 Application No. \_\_\_\_\_ Prepared by: \_\_\_\_\_  
 Date Received: \_\_\_\_\_ Title: \_\_\_\_\_  
 Date Prepared: \_\_\_\_\_

DISCHARGE OF DREDGED MATERIAL OR  
 FILL IN WETLANDS AND OTHER INLAND SURFACE WATERS.

**Instructions**

1. Activities covered by this application request form include wetland dredging, filling, construction of bridges, walkways, culverts and other structures in wetlands streams or rivers, mitigation/creation projects, restoration activities, utility trenching and pole placements, and other similar activities in wetlands.
2. When addressing the following items, be sure to answer all questions. If the item is not applicable or the response is none, indicate as such and provide a brief explanation why. If there are incomplete items the application will be returned.
3. When references are made to supporting documents, studies, previous permit actions or other information, they must be identified by document name and date. All pertinent references used to support this application request must be provided.
4. The applicant should use this form; however, a similar format may be used and must include each question (item) found in this form.
5. If additional space is required, use extra sheets or the back side of this form. This form is available on diskette.

**Applicant Information**

- 1a. Applicant and Address: \_\_\_\_\_  
 \_\_\_\_\_  
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- b. Agent/Representative and address: \_\_\_\_\_  
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## Guam EPA 401 C Wetland and Inland Surface Waters



## Guam EPA 401 C Wetland and Inland Surface Waters



Reviews are divided into projects involving either marine or inland surface water discharges.



The 401 application must include a description and plans of the proposed project/dischARGE, method of discharge or construction, a description of the material to be discharged or dredged, the disposal site, impact mitigation plans and associated environmental impact assessments/statements.





401 Certification may be denied if there is no configuration by which the activity can proceed and meet standards.



A stop work order may be issued if there is no configuration by which the activity can proceed and meet standards.





# Protect Our Environment



# Protect Our Community



## Protect Our Economy



## Guam EPA 401 Water Quality Certification

### Where do I obtain Section 401 Application forms

Contact Guam EPA at (671) 475-1628 or send a FAX to (671) 477-9402

Application forms are also available online in fillable PDFformat @

<http://jrm-epermit.dzsp21.com/Permits/Permits.aspx>