



HAFA ADAI!

Wednesday, July 27, 2011

Session 3: Revisions to Guam Soil Erosion and Sediment Control Regulations

Presenter: *Margaret Aguilar, Guam EPA*



GUAM ENVIRONMENTAL PROTECTION AGENCY

GUAM EROSION CONTROL AND STORMWATER MANAGEMENT
Draft REGULATIONS

January 2010

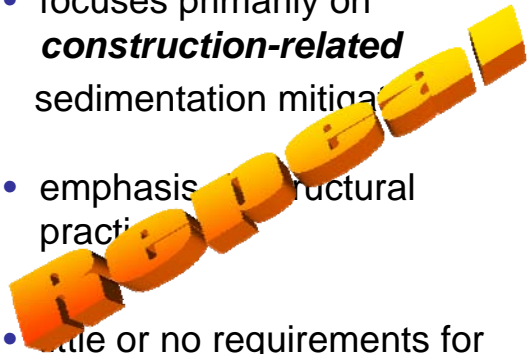


"ALL LIVING THINGS OF THE EARTH ARE ONE"
P.O. BOX 22439 GMF
BARRIGADA, GUAM 96921



Existing regulatory framework

- focuses primarily on **construction-related** sedimentation mitigation
- emphasis on structural practices
- little or no requirements for **post-construction controls**



AUTHORITY



10 GCA
CHAPTER 45
“Guam EPA Act”

10 GCA CHAPTER 47
“Water Pollution Control Act”



GUAM COMPILER OF LAWS

22 GARR - GEPA

GUAM ADMINISTRATIVE RULES
AND REGULATIONS

**DIVISION IX
SOIL EROSION AND
SEDIMENTATION CONTROL**

**CHAPTER 45
GUAM EROSION CONTROL AND
STORMWATER MANAGEMENT
REGULATIONS**



WHY REVISE?

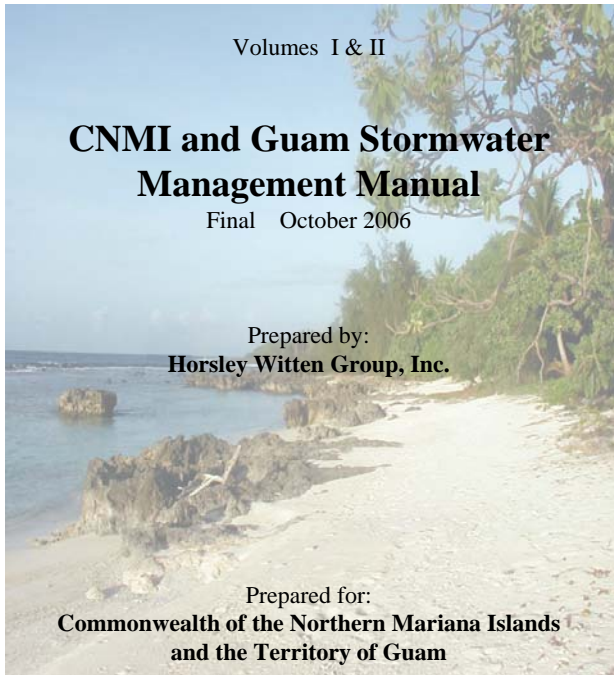
- **Update Soil Erosion and Sediment Control Provisions** (11 years old)
- **Include unified criteria for comprehensive management of stormwater**
- **Administrative Changes**






Key Reference Documents

the CNMI/Guam Stormwater Management Manual (2006)




Key Reference Document

NEW!



Guam Transportation Stormwater Drainage Design Manual (2010)



9



DRAFT

GUAM EROSION CONTROL AND STORMWATER MANAGEMENT REGULATIONS



10

Section 10101 General Provisions

PURPOSE
SCOPE
APPLICABILITY
EXEMPTIONS



Section 10101 General Provisions

A. PURPOSE.

- **Nonpoint source pollution associated with stormwater runoff**
- **GWQS contaminants**
- **Construction, land development, earthmoving operations**
- **Stormwater management**
- **Change reference documents**



Section 10101 General Provisions

B. SCOPE.

- Accelerated nonpoint source pollution
- **Construction, land development, earthmoving operations**
- Post-construction stormwater management
- **Calls for 5 year review**



Section 10101 General Provisions

C. APPLICABILITY.

- Regulations apply to all construction, land development, or earthmoving operations regardless of size ; and
- **Any person performing any construction, land development or earthmoving operations**



Section 10101 General Provisions

D. Exemptions

Six (6) exemptions cited.
(Reduced from ten)



Section 10102. Definitions.



**Section 10103.
Permit Issuance and
Denials**

PERMITS REQUIRED

**PERMIT APPLICATION
PROCESS**

**PERMIT APPLICATION
CONTENTS**

PERMIT CONDITIONS

PERMIT DENIALS



**Section 10103.
Permit Issuance and
Denials**

A. PERMITS REQUIRED

**A clearing, grading, or
stockpiling permit is
required prior to any
earthmoving activity.**



**Section 10103.
Permit Issuance and
Denials**

**B. PERMIT APPLICATION
PROCESS**

- **Guam EPA issues permits for clearing, grading, or stockpiling activity;**
- **Required permit application form from DPW or Guam EPA.**



**Section 10103.
Permit Issuance and
Denials**

**C. PERMIT APPLICATION
CONTENTS**

- **APPLICANT INFORMATION**
- **CONTRACTOR INFORMATION**
- **TYPE OF PERMIT**
- **PROJECT SITE INFORMATION**




Section 10103.

C. PERMIT APPLICATION CONTENTS (Con'd)

GEPA REQUIRED DOCUMENTS

GEPA-REQUIRED DOCUMENTS ATTACHED TO THIS APPLICATION: <small>(Please check all applicable boxes)</small>	
Clearing, Grubbing, Grading, and/or Stockpiling Plan	Solid Waste Disposal Plan
Environmental Protection Plan/Erosion Control Plan	Engineer Soils Report
GEPA-approved 401 WQC Permit	Wetland Delineation
USEPA receipt acknowledgement of NOI	Storm Water Pollution Prevention Plan
Site & Topographic Plan showing all waters of Guam and existing/proposed storm drains and culverts within the project footprint or drainage area	Lease Agreement or written authorization From property owner <small>(Notice to Proceed for federal projects)</small>
For stockpiling permit only: a site plan showing property boundaries; easement; type & source of stockpile material; & stockpile's height, setbacks & location(s)	Storm water runoff drainage system plan with design calculation based on actual percolation rate that shows type & location of detention basin and the direction of runoff flow
Maps signed by a registered land surveyor and approved by the Department of Land Management <small>(non-federal projects only)</small>	Guam Land Use Commission Notice of Action via the Dept. of Land Management <small>(non-federal projects only)</small>
Environmental Impact Assessment <small>(or NEPA documentation)</small>	Utilities Clearance <small>(non-federal projects only)</small>
NON-GEPA DOCUMENTS: <small>(The following documents may be required for this project, but are independent of this permit application)</small>	
<input type="checkbox"/> USACOE 404 or Nationwide Permit	<input type="checkbox"/> State Historic Preservation Office Clearance
<input type="checkbox"/> U.S. Fish & Wildlife Consultation or Department of Agriculture's Division Aquatic & Wildlife Resources Approval/Clearance	<input type="checkbox"/> Other: <small>(Please specify)</small>



Section 10103.

C. PERMIT APPLICATION CONTENTS (Con'd)

✓ **OPERATIONS AND MAINTENANCE AGREEMENTS FOR POST CONSTRUCTION STRUCTURAL/ NONSTRUCTURAL BMPs**



Section 10103.
C. PERMIT APPLICATION
CONTENTS (Con'd)

- ✓ **PERFORMANCE BOND**
(federal and local government exempted)



Section 10104.
TYPES OF PLANS
REQUIRED for GEPA
Review and Permit Approval

- ✓ **EPP**
- ✓ **ECP**
- ✓ **(GUAM) EIA REPORT**
- ✓ **SWPPP**
- ✓ **GRADING PLANS**
- ✓ **ENGINEER'S SOILS REPORT**



**Section 10105.
EROSION &
SEDIMENT CONTROL
STANDARDS**

**As presented in Manual
Merged with Existing
E & SC Policies**



**Section 10106.
POST – CONSTRUCTION
STORMWATER MANAGEMENT
PERFORMANCE STANDARDS
AND TREATMENT CRITERIA**

✓ **Reference CNMI and
Guam Manual**



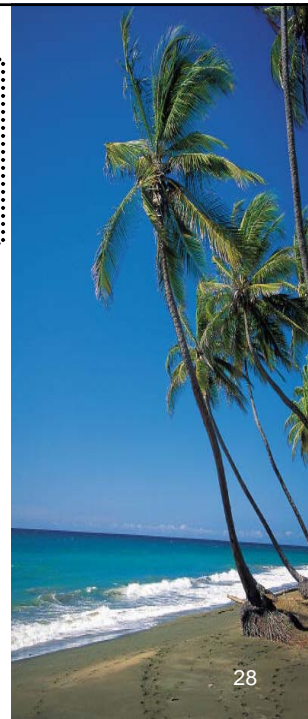
Section 10107. SPECIAL REQUIREMENTS

- ✓ **PROTECTION OF ADJOINING PROPERTIES**
- ✓ **PROTECTION OF PUBLIC UTILITIES**
- ✓ **REMOVAL OF SILT OR OTHER DEBRIS**
- ✓ **SAFETY PRECAUTIONS**
- ✓ **CREATION OF INDIVIDUAL BUILDING SITES**
- ✓ **PROTECTION OF SINK HOLES**



Section 10108. PROJECT COMPLETION

- ✓ **Products to be submitted**
- ✓ **Final Inspection and Approval**



Section 10109. PERMIT FEES

- ✓ APPLICABILITY
- ✓ ENVIRONMENTAL REVIEW FEE
- ✓ GRADING PERMIT FEES
- ✓ CLEARING PERMIT FEES
- ✓ STOCKPILING PERMIT FEES
- ✓ FEES ASSESSED FOR WORK DONE WITHOUT A PERMIT
- ✓ WATER PROTECTION FUND



Section 10109. PERMIT FEES

APPLICABILITY = ALL APPLICANTS



Section 10109. PERMIT FEES

ENVIRONMENTAL REVIEW FEE

<u>Disturbed Acres</u>	<u>\$Fee</u>
<u>less than 1 acre</u>	<u>350.00</u>
<u>1 acre to 10 acres</u>	<u>600.00</u>
<u>greater than 10 acres to 20 acres</u>	<u>800.00</u>
<u>greater than 20 acres</u>	<u>1,000.00</u>



Section 10109. PERMIT FEES

GRADING PERMIT FEES

TABLE A¹

50 cubic yards (38.2 m ³) or less	\$23.50
51 to 100 cubic yards (40 m ³ to 76.5 m ³)	37.00
101 to 1,000 cubic yards (77.2 m ³ to 764.6 m ³) ---- \$37.00 for the first 100 cubic yards (76.5 m ³) plus \$17.50 for each additional 100 cubic yards (76.5 m ³) or fraction thereof.	
1,001 to 10,000 cubic yards (765.3 m ³ to 76,455 m ³) --- \$194.50 for the first 1,000 cubic yards (764.6 m ³), plus \$14.50 for each additional 1,000 cubic yards (764.6 m ³) or fraction thereof.	
10,001 to 100,000 cubic yards (7646.3 m ³ to 76,455 m ³) --- \$325.00 for the first 10,000 cubic yards (7645.5 m ³), plus \$66.00 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	
100,001 cubic yards (76,456 m ³) or more --- \$919.00 for the first 100,000 cubic yards (76,455 m ³), plus \$36.50 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	
Other Inspections and Fees:	
1. Inspections outside of normal business hours (minimum charge - - 2 hours)	\$50.50 per hour ²
2. Reinspection fees assessed under provisions of Section 108.8	\$50.50 per hour ²
3. Inspections for which no fee is specifically indicated (minimum charge - - ½ hour)	\$50.50 per hour ²

¹ Based on 1997 Uniform Building Code Chapter 33

² Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.



**Section 10109.
PERMIT FEES**

CLEARING PERMIT FEES

FEE	AREA
0	LESS THAN 5,000 SQ. FT.
\$20.00	> 5,000 SQ. FT.
+ \$2.00	EACH ADDITIONAL 1,000 SQ. FT. OR FRACTION THEREOF



**Section 10109.
PERMIT FEES**

STOCKPILING PERMIT FEES

FEE	VOLUME IN CUBIC YARDS
\$8.00	100 or less
+\$2.00	Each additional 100 cubic yards or fraction thereof.



**Section 10109.
PERMIT FEES**

FEEES [FOR CLEARING,
GRADING, STOCKPILING]
WITHOUT A PERMIT

2X the applicable fee
or costs to restore land to
original condition



Section 10110.

PERMIT EXPIRATION

Section 10111.

STOP WORK ORDERS

Section 10112.

SUSPENSION-REVOCATION



Section 10113.
INSPECTIONS

Section 10114.
ENFORCEMENT

Section 10115.
PENALTIES, LIABILITY
SEVERABILITY CLAUSE



SI YUUS MAASE!

PUBLIC COMMENT PERIOD

PUBLIC HEARING

TO BE ANNOUNCED

...

