

# Guam Stormwater Workshop

## Session 6

### Permitting

How do I get my project approved?

July 28, 2011



## Clearing/Grading Exemptions

- (1.) Clearing, grading and filling for the purpose of constructing a house, pad or driveway for one or two family residence
- (2) Grading in an isolated, self-contained area.
- (3) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. Such exemptions shall not include excavations where dewatering is undertaken, any fill is made with the excavated material, or any unsupported excavation of more than (5) feet deep is excavated after the completion of such structures.
- (4) Cemetery graves or plots without using heavy equipment.

## Clearing/Grading Exemptions

- (5) Excavations for wells or tunnels or utilities.
- (6) Exploratory excavations for wells or for the purpose of soils testing provided that no clearing, grubbing and grading is to be performed.
- (7) Any excavation which:
  - a. is less than two (2) feet in depth, or
  - b. which create a cut slope less than five (5) feet in height and steeper than one and one half (1 1/2) horizontal to one (1) vertical for coralline type soil
  - c. 3:1 slope for clay type soil provided that all slopes and open areas are stabilized and vegetated.

## Clearing/Grading Exemptions

- (8) Any fill less than one (1) foot in height and placed in undisturbed terrain with existing topography of a ratio less than five (5) horizontal to one (1) vertical and which does not obstruct a drainage course, provided the area of the property does not exceed five thousand (5,000) sq. ft. and open areas are properly stabilized and vegetated.
- (9) Field plowing or filling for agricultural purposes provided these activities or operations do not cause sediment and water run-off to degrade the water quality of the receiving water.
- (10) Clearing and grubbing for the purpose of making topographic surveys and hand clearing of trails for survey lines and for access for soil exploration equipment.
- **Note: The Administrator approves the exemption.**

## Guam EPA

# Guam EPA Permit Application Process

## Overview

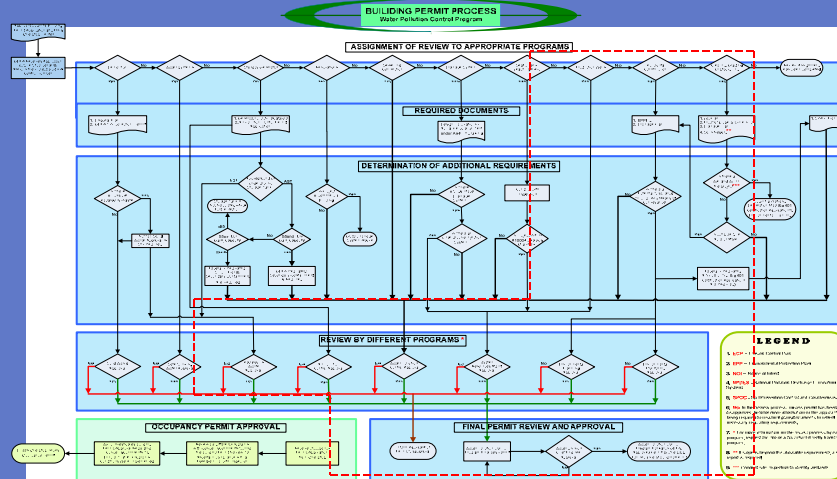
- Authority
  - Guam Water Pollution Act 10 GCA Chapter 47 Guam Water Pollution Act (Section 47106 “Pollution Unlawful:” Permits)
    - Guam Soil Erosion and Sediment Control Regulations
    - Guam Water Quality Standards

# Guam EPA

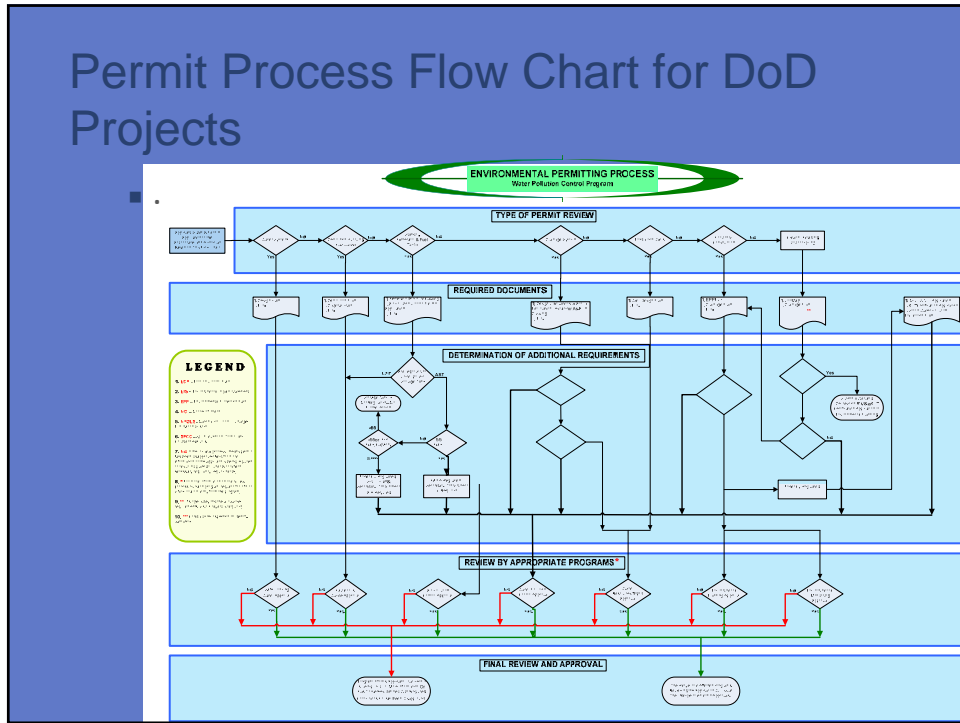
## ■ A Permit is required for and applicable to

- All construction activities in land and water areas of Guam
- Project activities by private individuals
- Project activities by Government of Guam Agencies
- Project activities by Federal Agencies on Guam

# Guam EPA Permit Process Flow Chart for Non-DoD



# Permit Process Flow Chart for DoD Projects



# Guam EPA Permit Application Form

The form is titled "GUAM ENVIRONMENTAL PROTECTION AGENCY CLEARING, GRUBBING, GRADING & STOCKPILING PERMIT APPLICATION". It contains several sections for data entry:
 

- APPLICANT:** Name, Mailing Address, Contact Person, Telephone No.
- CONTRACTOR:** Company Name, Address.
- INTERESTED PARTY:** Name, Address, Telephone No., Project Name, Date Proposed.
- TYPE OF PERMIT:** Checkboxes for Clearing Permit, Grubbing Permit, Grading Permit, and Stockpiling Permit.
- PROJECT SITE INFORMATION:** Village, Actual Lot Area, Actual Lot Area to be Disturbed, Stockpiling Data, and Grading Data.
- UNDESIRABLE SPECIES DATE:** A table for tracking species removal.
- AGREEMENTS:** Checkboxes for various agreements like Wetlands, Air Quality, and Noise.
- NON-EPA DOCUMENTS:** Checkboxes for other required documents like Title Deed and Survey.
- SIGNATURE OF APPLICANT:** Date Signed, Print Name, Title of Signatory.

## Requirements for construction projects

- Guam EPA regulates disturbances of construction sites regardless of size
- Construction Plans (clearing, grading, grubbing, stockpiling, utilities, and building plans)
- Permit Application Form (GEPA new form )  
As shown in the previous slide
- Site and Topographic Plan
- Proof of ownership (i.e. lease agreement, authorization from owner, contract agreement and notice to proceed especially for federal projects)

## Requirements for construction projects

- Erosion Control Plans (ECP)
- Environmental Protection Plans (EPP)
- Compliance with the Federal NPDES CGP requirements if projects are one (1) acre or more.
  - Submit NOI application to USEPA and provide US EPA acknowledgement of NOI application
  - Develop and submit SWPPP to GEPA
- Stormwater drainage system plans with design calculations duly signed by an engineer

## Guam EPA

### Requirements for construction projects

- EIA (projects located within environmentally sensitive areas)
- Wetland Delineation map (if wetland exist in the property).
  - No work are allowed within the wetland unless there is a valid:
    - Guam Wetland Development Permit
    - US Army Corps of Engineers (ACOE) Section 404 permits
- 401 Certification if activities in water
- Soil Engineer's Report (when the cut & fill exceeded what required in the regulations)

## Guam EPA

### Requirements for construction projects

- Solid Waste Disposal Plan
  - For demolition works and construction debris or excess soil from excavation
- Construction plans must conform with Guam Soil Erosion and Sediment Control Regulations and Guam Water Quality Standards requirements

## Guam EPA

### Requirements for construction projects

- Other requirements may be required such as:
  - Clearance from Dept. of Agriculture Division of Aquatic & Wildlife
  - Clearance from SHPO
  - Utilities Clearance
  - Guam Land Use Commission's Notice of Action by Department of land Management
  - Water Quality Monitoring Plan for in-water work

## Guam EPA

All projects that involve clearing and grading activities are required to apply for Guam EPA permits

- EPP/ECP documents
- All permit applications are subject to site inspection for GEPA to assess/ evaluate the existing site conditions.



## Guam EPA Permitting Review Sections

Depending on the type of activity of a particular project permit application may need to be reviewed by different Permitting Review Sections as indicated in the **flow chart** (shown in the previous slides)

Water Pollution	Water Resources
Safe Drinking Water	Individual Waste Water
Monitoring	Environmental Review
Air Pollution	Pesticide
Solid Waste	Hazardous Waste
Hydro Geologists	

## Guam EPA Permitting Process

- For Federal projects:
  - Submittals of permit application must be directly to Guam EPA
  - Follow Interim Guidance July 2011
- For Non-Federal Projects
  - Bring application to DPW One Stop
  - Submit permit application to GEPA together with DPW application form with assigned permit number and GEPA required documents
  - Fill Up GEPA application form (July 2011)

## Guam EPA Permitting Review Sections

- List of Governing Regulations and References
  - Guam Water Pollution Control
  - Guam Soil Erosion and Sediment Control Regulations
  - Guam Water Quality Standards
  - Underground Injection Control Regulations
  - Onsite Wastewater Treatment or Individual Wastewater System Regulations
  - Guam Animal Feedlot Regulations
  - Guam Lead Ban Act Regulations
  - Guam Water Resources Regulations
  - Hazardous Waste Management Regulations
  - Guam Air Pollution Standards and Regulations

## Guam EPA Permitting Review Sections

- List of Governing Regulations and References
  - Guam Pesticide Regulations
    - Guam Storm Drainage Manual
    - Guam CNMI Storm Drainage Manual
    - Guidebook to Development Requirements to Guam
    - GEPA EPP Preparation Guidebook (blue book)

## US EPA Notice of Intent (NOI)

### Construction Projects need to have SWPPP and file an NOI with US EPA

- NOI's are completed online thru the US EPA's Electronic Notice of Intent (eNOI) system
- The US EPA website for this is [http://cdx.epa.gov/epa\\_home.asp](http://cdx.epa.gov/epa_home.asp)
- If this is your first time you will need to set up a Username and Password and register online

## US EPA Notice of Intent (NOI)

### Requirements for submitting an NOI

- Federal regulations require that any construction activity disturbing one or more acres of land including smaller sites that are part of a larger, common plan of development , must develop and implement a stormwater pollution prevention plan (SWPPP) to prevent polluted runoff from entering local waterways including streams, lakes, rivers, and coastal waters.

## US EPA Notice of Intent (NOI)

### Submitting an eNOI – getting started

- Read EPA's Construction General Permit (CGP)
- Develop a stormwater pollution prevention plan (SWPPP) for your project site
- EPA's CGP and SWPPP requirements are available online @

[http://www.epa.gov/npdes/pubs/cgp2003\\_entirepermit.pdf](http://www.epa.gov/npdes/pubs/cgp2003_entirepermit.pdf)

## US EPA Notice of Intent (NOI)

### Submitting an eNOI – getting started

- Identify a certifying official to is authorized to electronically sign and certify the NOI
- Determine your project site location by latitude and longitude
- Identify the water body that storm water from project site will discharge to
- Submit and certify your eNOI

## US EPA Notice of Intent (NOI)

### Submitting an eNOI – need help

•If you have questions about the US EPA eNOI system or need help US EPA offers the following for assistance

- By phone (toll free) 866-352-7755
- By webform – fill out the online form at [www.epa.gov/npdes/noicontact](http://www.epa.gov/npdes/noicontact)
- By email to NOI Center Staff @ [noi@avanticorporation.com](mailto:noi@avanticorporation.com)

## Guam EPA

Environmental  
Protection  
Plans  
EPP's

## Guam EPA EPP (Environmental Protection Plan)

### EPP's Need to include

- Project Location
- Description of the work
- Methods, practices and equipment to be used to avoid or mitigate impacts to the environment
- Expected or anticipated environmental impacts during and after construction

## Guam EPA EPP (Environmental Protection Plan)

### EPP's Need to include

- Anticipated environmental impacts need to address the following
  - Potential impacts to Guam Sole Source Aquifer
  - Potential impacts to surface water
  - Potential impacts to groundwater
  - Potential impacts to vegetation
  - Potential impacts to Wetlands
  - Potential impacts to air quality

## Guam EPA EPP (Environmental Protection Plan)

### EPP's Need to include

Mitigation measures for potential impacts need to be described in the plan

How Are The Potential Impacts Going To Be Controlled

## Guam EPA EPP (Environmental Protection Plan)

### EPP's Need to include

Your project may need to mitigate or control

- Air Pollution
- Solid Waste
- Sanitary Waste
- Pests
- Chemicals and Petroleum Products
- Public Safety
- Motorized Equipment

## Guam EPA EPP (Environmental Protection Plan)

### EPP's Need to include

Your project may need to mitigate or control

- Historical and Cultural Changes
- Inclement Weather
  - Typhoon contingency plan
- Construction Dewatering
- Erosion and Sediment Control
- Fugitive Dust Control
- Noise

## Guam EPA EPP (Environmental Protection Plan)

### EPP's Need to include

- EPP's are developed, prepared and submitted by the party responsible for the work
- This party needs to be identified in the plan



Guam EPA

Erosion and  
Sediment Control  
Plans  
ECP's

Guam EPA

ECP (Erosion and Sediment Control Plan)

All clearing, grading, filling, excavating  
and other earth moving operations  
shall only be done with an approved  
plan

## Guam EPA ECP (Erosion and Sediment Control Plan)

### ECP's Need to include

- Project Location
- Preliminary Site Evaluation
- Physical feature of the watershed
- Identification of streams and shorelines
- Physical features be developed

## Guam EPA ECP (Erosion and Sediment Control Plan)

### ECP's Need to include

- The stages of construction and completion time for each stage
- The time of the year when the work will be done
- Type and location of sediment retention structure (BMP)
- Type and location of erosion control structure (BMP)

## Guam EPA ECP (Erosion and Sediment Control Plan)

### What is a BMP ?

- BMP stands for Best Management Practice
- BMP's might include
  - Silt fences
  - Ditch check dams
  - Stormwater inlet protections
  - Detention basins

## Guam EPA BMP Examples



## Guam EPA BMP Examples



## Guam EPA ECP (Erosion and Sediment Control Plan)

### ECP's Need to include

- Inspection and maintenance program that describe
  - Frequency of inspections
  - Maintenance procedures
  - Collection and disposal methods
- Prepared and signed by an engineer

Guam EPA  
EPP (Environmental Protection Plan)

**Need help with your EPP**

Request for a copy of the EPP  
Preparation Guide or call 475-1628

Guam EPA

The EPP/ECP has been  
approved and a permit has  
been issued by Guam EPA

What's next ?

## Guam EPA

Take your approved application to  
Department of Public Works One  
Stop Center (Non-DoD Projects)

But most importantly implement  
your EPP/ECP, SWPPP and  
applicable BMP's during and after  
construction.

## Guam EPA

401  
Water Quality  
Certification

## Guam EPA 401 Water Quality Certification

Guam EPA issues Section 401  
Water Quality Certifications

There are different types of  
application forms depending on the  
type of project or discharge

## Guam EPA 401 Water Quality Certification

### GEPA Water Quality Certification Application form 401A

Discharges from Ocean Outfalls and Near-Shore  
Discharges

Types of projects include

- Sewage treatment plants
- Storm Water
- Aquariums
- Power plants and industrial facilities

## Guam EPA 401 Water Quality Certification

### GEPA Water Quality Certification Application form 401B

Discharges or withdrawals from inland surface waters

Types of projects include

- Treated Sewage Discharges
- Industrial, commercial, agricultural and residential storm water discharges
- Discharges from aquaculture and irrigation uses

## Guam EPA 401 Water Quality Certification

### GEPA Water Quality Certification Application form 401C

This form is used for Discharges of Dredged material or fill in Wetlands and other inland surface waters

Types of projects include

- Dredging or Filling
- General Construction Projects
- Restoration Projects
- Utility Projects



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

Guam EPA

Common  
Mistakes  
In  
Permitting

## Guam EPA Common Mistakes in Permitting

- Type of work to be done not clear
- Location of the project not clearly identified
- Project will need dewatering and a dewatering plan is not provided

## Guam EPA Common Mistakes in Permitting

- Incomplete construction plans and specifications
- Incomplete submittals of required documents
- Construction plans not in conformance with GSESCR requirements



Thank You and  
Si Yu'os Ma'ase!



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Guam Environmental  
Protection Agency*