



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

In Reply Refer
To Mail Code: WTR-6

Mr. Martin Roush
General Manager
Guam Waterworks Authority
578 North Marine Corps Drive
Tumon, Guam 96931

NOV 01 2012

Re: Findings of Significant Deficiencies in Guam Waterworks Authority's
Public Water Systems Pursuant to the Safe Drinking Water Act's
Ground Water Rule and Surface Water Treatment Rule.

Dear Mr. Roush:

On April 23 to May 4, 2012, the United States Environmental Protection Agency's (EPA) National Enforcement Investigations Center (NEIC) conducted inspections and sanitary surveys of three public water systems (Systems) owned and/or operated by the Guam Waterworks Authority (GWA). The intent of the surveys was to evaluate the Systems' ability to produce and distribute safe drinking water in accordance with Safe Drinking Water Act (SDWA) requirements, including the SDWA's Ground Water Rule (GWR), 40 C.F.R. §§ 141.400-405 and Surface Water Treatment Rule (SWTR), 40 C.F.R. §§ 141.700-723. NEIC's findings are included in the enclosed Inspection and Sanitary Survey Report (Report) for these three systems.

By this letter EPA calls to your immediate attention several significant deficiencies observed by NEIC during its inspection of the Systems (See Enclosure – GWA Public Water Systems Significant Deficiencies). Under the GWR and SWTR, significant deficiencies are defined to include a defect in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that EPA determines to be causing, or have potential for causing, the introduction of contamination into the water delivered to consumers. See 40 C.F.R. §§ 141.403(a)(4) (GWR) and 141.723(b) (SWTR).

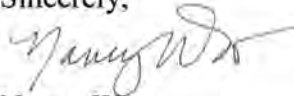
In addition, GWA ground water monitoring data shows the presence of dieldrin (a banned pesticide that is not subject to a Maximum Contaminant Level) in most GWA wells. EPA recognizes that GWA is dealing with organic chemical contamination in its ground water, including dieldrin, and we look forward to working with GWA and Guam EPA to further assess any concerns with health-related issues, or other issues and options that GWA may wish to consider.

Pursuant to 40 C.F.R. § 141.403(a)(4) of the GWR and 40 C.F.R. § 141.723(c) of SWTR, respectively, systems have 45 days from the receipt of written notice of significant deficiencies, to consult with EPA and indicate in writing how and on what schedule the system will address significant deficiencies noted in the survey to avoid violating the Act's GWR and SWTR treatment technique requirements.

Please be aware that violations of the SDWA's requirements and its implementing regulations at 40 C.F.R. Part 141, may subject the owner and/or operator of public water systems to (i) a civil judicial penalty of up to \$37,500 per day of violation for each such day in which a violation occurs, as assessed by the United States District Court, under SDWA sections 1414(b) and 1414(g)(3), 42 U.S.C. §§ 300g-3(b) and 300g-3(g)(3), and 40 C.F.R. § 19.4, or (ii) an administrative penalty of up to \$32,500, after notice and opportunity for a hearing, under SDWA section 1414(g)(3), 42 U.S.C. § 300g-3(g)(3).

We look forward to receiving your compliance schedule requested above within 45 days of receipt of this letter. Should you have any technical questions regarding this letter, please direct them to my staff, Jennifer Sui at 415-972-3565 or Patrick Chan at 415-972-3551. Legal questions should be directed to Gary Hess, Office of Regional Counsel, at 415-972-3906.

Sincerely,



Nancy Woo
Acting Director, Water Division

Enclosures

- GWA Public Water Systems Significant Deficiencies
- Inspections and Sanitary Survey Report

Cc: Eric Palacios, Administrator, Guam EPA
Simon Sanchez, Chairman, Consolidated Commission on Utilities