

## NOTICE OF PROPOSED ACTION

by the

U. S. Environmental Protection Agency  
Region IX, WTR-5  
75 Hawthorne Street  
San Francisco, CA 94105-3901  
Telephone: (415) 947-4113

Public Notice number: GU-09-W-01

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The U. S. Environmental Protection Agency, Region IX (EPA) is issuing the following notice of proposed action under the Clean Water Act (CWA) and EPA regulations.

EPA is issuing a tentative decision to deny an application for a renewed variance from secondary treatment requirements of the Clean Water Act pursuant to CWA section 301(h) from the following discharger:

Guam Waterworks Authority  
Agana Sewage Treatment Plant  
Marine Drive, Route 1  
Hagatna, GU 96932

A public comment period on this tentative decision is being held through February 27, 2009. EPA will schedule a public hearing to take comment on this proposed action in accordance with 40 CFR 124.12 based on input from the community.

This application relates to a proposed discharge of treated wastewater from the Agana Sewage Treatment Plant. Effluent would be discharged to marine waters of the Philippine Sea off Agana Bay through an outfall approximately 366 m (1,200 ft) from the edge of the reef flat and a depth of 84 m (275 ft). The Regional Administrator of EPA, pursuant to CWA section 301(h) and 40 CFR Part 125, Subpart G, has tentatively concluded that this treatment plant does not qualify for a renewed variance and has tentatively decided to deny the variance request.

The Administrative Record, which includes the tentative decision document, fact sheet, variance application, all data submitted by the applicant, and other relevant documents, is available for review at the EPA address above, Monday through Friday, between 9:00 a.m. and 3:00 p.m. For the public's convenience, the tentative decision, fact sheet, and the variance application are also available at the Guam Environmental Protection Agency's office at 17-3304 Mariner Avenue, Tiyan, Guam 96913, between 9:00 a.m. and 3:00 p.m., and on EPA Region 9's website at: <http://www.epa.gov/region09/water/npdes/pubnotices.html>. Further information, including copies of the tentative decision, fact sheet, and variance application, can be obtained from Richard Remigio at (415) 947-4113.

Persons wishing to comment on the tentative decision must submit their comments in writing by the close of the public comment period on February 27, 2009, either in person, by mail, or by email to the attention of Richard Remigio at the EPA at the address shown above, or by email to [R9-Agana-301h-Comments@epa.gov](mailto:R9-Agana-301h-Comments@epa.gov).

At the completion of this public comment period, EPA will consider all timely public comments and make a final decision on the application. Upon issuance of the final decision, EPA will notify the applicant and persons who submitted written comments or requested notice of the final decision. This notice will include reference to the procedures for appealing the final decision.

All persons who believe the tentative decision to deny the variance request is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period. Any supporting materials that are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the Administrative Record, or consist of State or Federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials.

Please bring the foregoing notice to the attention of all persons who you know would be interested in this matter.

Wayne Natri  
Regional Administrator  
U. S. EPA Region IX