

EXHIBIT W

THOMAS L. SANSONETTI
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice
ROBERT D. MULLANEY
Environmental Enforcement Section
Environment & Natural Resources Division
301 Howard Street, Suite 1050
San Francisco, CA 94105
Tel: (415) 744-6491
Fax: (415) 744-6476

FREDERICK A. BLACK
United States Attorney
MIKEL W. SCHWAB
Assistant U.S. Attorney
Suite 500, Sirena Plaza
108 Hernan Cortez
Hagatna, Guam 96910
Tel: (671) 472-7332
Fax: (671) 472-7215

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CIVIL CASE NO. 02-00035
)	
Plaintiff,)	STIPULATED ORDER
v.)	FOR PRELIMINARY RELIEF
GUAM WATERWORKS AUTHORITY)	
and the GOVERNMENT OF GUAM,)	
)	
Defendants.)	
_____)	

WHEREAS, the United States of America filed a civil action seeking injunctive relief and the assessment of civil penalties against the Guam Waterworks Authority ("GWA") under the Clean Water Act, 33 U.S.C. §§ 1251 - 1387 (the "CWA"), and the Safe Drinking Water Act, 42 U.S.C. §§ 300f - 300j-26 (the "SDWA");

WHEREAS, GWA is a public corporation that has the authority to produce, treat, transmit, store, distribute, and sell water on Guam, as well as the authority to collect, treat, and sell or dispose of wastewater on Guam;

WHEREAS, GWA owns and operates five sewage treatment plants on Guam that are subject to the conditions and limitations contained in National Pollutant Discharge Elimination System ("NPDES") Permit Nos. GU0020087, GU0020222, GU0020095, GU0020141, and GU0020273 issued by the U.S. Environmental Protection Agency ("EPA") pursuant to the CWA;

WHEREAS, GWA owns and operates wastewater collection and conveyance systems, including approximately 75 sewage pump stations, that transport raw sewage to its sewage treatment plants;

WHEREAS, the NPDES permits require GWA at all times to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used to achieve compliance with the conditions of the permits;

WHEREAS, the Government of Guam is identified as a defendant as required by CWA Section 309(e), 33 U.S.C. § 1319(e);

WHEREAS, GWA owns and operates three public water systems that supply drinking water for the majority of the population of Guam: the Northern, Central, and Southern Systems;

WHEREAS, GWA's public water systems are required to comply with the National Primary Drinking Water Regulations under the SDWA, including the Maximum Contaminant Levels for microbiological contaminants and the treatment technique for turbidity;

WHEREAS, the United States sought in its Complaint both a preliminary and permanent injunction as well as the appointment of a receiver to address issues of compliance in GWA's Publicly Owned Treatment Works ("POTW") and three public water systems;

WHEREAS, the parties agree that entry of this Stipulated Order for Preliminary Relief is the most appropriate way to require the immediate implementation of short-term projects and initial planning measures by GWA and the Government of Guam (jointly "Defendants") to begin to address issues of compliance at GWA's POTW and three public water systems;

WHEREAS, the Guam Public Utilities Commission issued an Order on April 10, 2003 (see Attachment A to this Stipulated Order), renewing its commitment to provide GWA in a timely manner with adequate rate relief to enable GWA to comply with an EPA-approved strategic plan in a prudent and reasonable manner;

WHEREAS, the parties contemplate entering into a further stipulation to address additional compliance issues after Defendants' completion of the initial planning measures set out in this Stipulated Order for Preliminary Relief;

THEREFORE, before taking testimony or adjudicating any issue of fact or law, and without any finding or admission of liability against or by GWA or the Government of Guam;

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

I. Submittals by Defendants

1. Compliance Monitor: Within ten days after the date of entry of this Stipulated Order for Preliminary Relief by the Court (hereinafter the "Entry Date"), GWA shall appoint one individual whose primary responsibility will be to coordinate and report on all compliance activities and deliverables required by this Stipulated Order for Preliminary Relief. Within 20 days after the Entry Date, GWA shall provide notice to EPA listing the individual's name, address, telephone and fax numbers, and e-mail address. If GWA appoints a new person as compliance monitor, GWA shall provide contact information about the new compliance monitor

EXHIBIT X



GUAM WATERWORKS AUTHORITY

Good Water Always

578 N. Marine Corps Drive, Tamuning, GU 96913-4111

Phone: (671) 647-2605 Fax: (671) 646-2335

January 29, 2009

Michael J. Lee
Manager, Pacific Islands Office (CMD-6)
U. S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

**SUBJECT: First Quarter FY 2009 Wastewater Operations and Maintenance
(O&M) Progress Report**

Buenas yan saluda Mike,

Attached hereto is GWA's First Quarter FY 2009 Wastewater Operations and Maintenance (O&M) Progress Report. Included in this report are the following:

1. Status of activities at each facility.
2. Discharge monitoring reports for October 2008 through December 2008.
3. Receiving water quality summary reports for the First Quarter FY 2009.
4. Sample results and maps of off-shore monitoring for the First Quarter FY 2009.

I certify that under penalty of law that this document and all attachments have been prepared under my supervision in accordance with a process designed to assure that qualified personnel properly gathered and evaluated the information submitted. Furthermore, I certify that the information submitted is complete and accurate to the best of my knowledge and that I am aware of the penalties of submitting false information, including the possibility of fines or imprisonment for willing violations.

Senseremente,



PAUL J. KEMP, M. S.

Assistant General Manager for Compliance and Safety

January 29, 2009

Date

CC: Administrator, Guam Environmental Protection Agency
GWA Production and Treatment (2)
GWA Wastewater Engineering
GWA Laboratory
Veolia Water Guam LLC
File



GUAM WATERWORKS AUTHORITY
GWA WASTEWATER O&M PROGRESS REPORT 1st QUARTER, FY2009

A. HAGÁTÑA

The only exceedence for the quarter was a single BOD monthly average concentration of 8 mg/L. This occurred in the same month in which the new outfall discharge was connected to the clarifier. This work required two shut-downs of the plant during which the flow was diverted into an off-line clarifier. When discharge was resumed, there were slugs of material that had come up under the scum collector while the clarifier was empty that carried over the weir; this unique circumstance is a likely cause of this minor exceedence.

Additionally, GWA continues to assess the possibility that discharges from septage haulers are the cause of this exceedences. In order to have a better control of the septage disposal, GWA designated the Hagátña WWTP, which is manned 24/7, as the only facility to receive septic loads from private pumpers. Typically Hagátña WWTP is receiving an average of 4 - 6 loads of septage per day. The haulers discharge directly to the inlet channel.

Last quarter, GWA completed an assessment of soluble BOD from septage haulers. The total septage loading is about 10% of the average daily BOD load, and the average concentration is 30 times of the average influent BOD concentration. This slug loading does appear to be the cause of impacts to effluent quality. GWA is in the process of reviewing our options to accommodate the septic loads at alternative locations or creation of a septage hauling facility. However, creation of a septage facility is a significant capital expense that will have to be programmed and balanced with other critical GWA CIP priorities. GWA is reviewing options for short term bridge solutions to this issue.

On January 9th 2009, GWA released bid documents for a project to increase the capacity of Central Guam sewer system (The Moratorium Project). The scope of the project includes a grit and grease removal facility at Hagátña WWTP and also at a new pump station in Tamuning, and a new forced main to the plant. It is anticipated that a contract for this work will be let in April 2009. This project was developed in order to reduce sanitary sewer overflows, however, it should also result in an reduction in fats, oil and grease to the plant which should assist with treatment efficiency.

On December 2, 2008 at 4 PM, the newly constructed deep ocean outfall was put in service. The periodic back-up overflow discharges to the old outfall since that date have been discussed in a previous submittal, along with the proposed short and long term solutions.

GUAM WATERWORKS AUTHORITY

**AGANA SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

1ST QUARTER FY09

Table 1. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF/ OBSERVATIONS	FC / 100 ml			PREVIOUS RAINFALL (cm)	
		A	B	C	2 days	5 days
10/16/2008	9:54 am. Partly cloudy skies, surf rough, high tide. No floating material, no odor, and water clear at all stations.	313	5	105	1.39	2.32
11/20/2008	10:29 am. Sunny skies, surf calm, low tide. No floating material, no odor, and water clear at all stations.	0	17	0	0.06	0.38
12/18/2008	10:10 am. Partly cloudy skies, surf rough, high tide. No floating material, no odor, and water clear at all stations.	145	2	8	0.00	0.02

Table 2. Offshore Receiving Water Results

DATE 12/15/5008

STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
D surface mid bottom	No floating material, slight odor, water clear	0	29.1	8.46	7.98	34.1	1.03
	No floating material, no odor, water clear	-----	29.3	8.32	8.05	34.1	1.00
	No floating material, no odor, water clear	-----	29.5	8.43	8.10	34.3	0.63
E surface mid bottom	No floating material, no odor, water clear	0	29.6	8.28	8.15	34.6	0.44
	No floating material, no odor, water clear	-----	29.7	8.23	8.13	34.3	0.73
F surface mid bottom	No floating material, no odor, water clear	0	29.5	8.31	8.15	34.3	0.79
	No floating material, no odor, water clear	-----	29.0	8.14	7.58	34.0	0.29
	No floating material, no odor, water clear	-----	29.0	8.30	8.04	33.8	0.18
	No floating material, no odor, water clear	-----	29.0	8.25	8.09	34.1	0.15

GUAM WATERWORKS AUTHORITY

**NORTHERN DISTRICT SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

1st QUARTER FY09

Table 3. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF/ OBSERVATIONS	FC / 100 ml		PREVIOUS RAINFALL (cm)	
		A	B	2 days	5 days
10/16/2008	9:27 am. Sunny skies, surf moderate, high tide. No floating material, no odor, and water clear at all stations.	30	11	1.39	2.32
11/20/2008	9:44 am. Sunny skies, surf calm, low tide. No floating material, no odor, and water clear at all stations.	4	0	0.06	0.38
12/18/2008	9:31 am. Partly cloudy skies, surf rough, high tide. No floating material, no odor, and water clear at all stations.	81	18	0.00	0.02

Table 4. Offshore Receiving Water Results

DATE	STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
12/15/2008	C surface	No floating material, slight odor, water clear	2	30.6	9.69	8.12	33.1	0.65
	mid	No floating material, no odor, water clear	-----	29.9	8.11	8.08	33.2	0.39
	bottom	No floating material, no odor, water clear	-----	29.8	8.16	8.08	32.9	0.35
D	surface	No floating material, no odor, water clear	8	29.8	9.54	8.13	32.9	0.91
	mid	No floating material, no odor, water clear	-----	29.3	8.33	8.05	33.4	0.40
E	bottom	No floating material, no odor, water clear	-----	29.8	8.38	8.05	33.1	0.25
	surface	No floating material, no odor, water clear	0	29.6	8.59	7.99	33.5	0.41
	mid	No floating material, no odor, water clear	-----	29.4	8.04	8.35	33.6	0.35
	bottom	No floating material, no odor, water clear	-----	29.3	8.44	8.06	33.6	0.46



GUAM WATERWORKS AUTHORITY
HAGATNA WASTEWATER LABORATORY

Hagatna Wastewater Treatment Plant
Hagatna, Guam
Phone: (671) 477-2173 Fax: (671) 477-8472

12/16/2008

Date of sampling 12/15/2008
Date of analysis: 12/15/2008

Location	Depth	pH	DO, ppm	Temp., °C	Salinity, ppt	Turbidity, NTU
Hagatna Outfall, Station D	surface	7.98	8.46	29.1	34.1	1.03
	12 meters	8.05	8.32	29.3	34.1	1.00
	25 meters	8.10	8.43	29.5	34.3	0.63
100 m south of outfall station, Station E	surface	8.15	8.28	29.6	34.6	0.44
	12 meters	8.13	8.23	29.7	34.3	0.73
	25 meters	8.15	8.31	29.5	34.3	0.79
1000 m east of outfall station, Station F	surface	7.58	8.14	29.0	34.0	0.29
	12 meters	8.04	8.30	29.0	33.8	0.18
	25 meters	8.09	8.25	29.0	34.1	0.15
Northern Dist. Outfall, Station C	surface	8.12	9.69	30.6	33.1	0.65
	12 meters	8.08	8.11	29.9	33.2	0.39
	25 meters	8.08	8.16	29.8	32.9	0.35
100 m south of outfall station, Station D	surface	8.13	9.54	29.8	32.9	0.91
	12 meters	8.05	8.33	29.3	33.4	0.40
	25 meters	8.05	8.38	29.8	33.1	0.25
*1000 m NE of outfall station, Station E	surface	7.99	8.59	29.6	33.5	0.41
	12 meters	8.35	8.04	29.4	33.6	0.35
	25 meters	8.06	8.44	29.3	33.6	0.46

* 1000 m east was the original location indicated in NPDES permit for the Northern District Sewage Plant. This location would of put us on land. We then proceeded to the closest location where we were 1000 m from the outfall station and at a sufficient depth, which was 1000 m northeast.

GUAM WATERWORKS AUTHORITY

Good Water Always

578 N. Marine Corps Drive, Tamuning, GU 96913-4111

Phone: (671) 647-2605 Fax: (671) 646-2335

April 29, 2009

Michael J. Lee
Manager, Pacific Islands Office (CMD-6)
U. S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

**SUBJECT: Second Quarter FY 2009 Wastewater Operations and Maintenance
(O&M) Progress Report**

Buenas yan saluda Mike,

Attached hereto is GWA's Second Quarter FY 2009 Wastewater Operations and Maintenance (O&M) Progress Report. Included in this report are the following:

1. Status of activities at each facility.
2. Discharge monitoring reports for January 2009 through March 2009.
3. Receiving water quality summary reports for the Second Quarter FY 2009.
4. Sample results and maps of off-shore monitoring for the Second Quarter FY 2009.

I certify that under penalty of law that this document and all attachments have been prepared under my supervision in accordance with a process designed to assure that qualified personnel properly gathered and evaluated the information submitted. Furthermore, I certify that the information submitted is complete and accurate to the best of my knowledge and that I am aware of the penalties of submitting false information, including the possibility of fines or imprisonment for willing violations.

Senseremente,



PAUL J. KEMP, M. S.

Assistant General Manager for Compliance and Safety

April 29, 2009

Date

CC: Administrator, Guam Environmental Protection Agency
GWA Production and Treatment (2)
GWA Wastewater Engineering
GWA Laboratory
Veolia Water Guam LLC
File



GUAM WATERWORKS AUTHORITY

GWA WASTEWATER O&M PROGRESS REPORT 2nd QUARTER, FY2009

A. HAGATNA

In order to have a better control of the septage disposal, GWA designated the Hagatna WWTP as the single site for 24/7 disposal of septic loads from private pumpers. Typically the facility receives an average of 4~6 loads of septage per day. As noted in previous quarterly reports, a GWA analysis of soluble BOD clearly identified septage tanker discharges as a major cause of facility BOD discharge violations.

GWA has programmed a septage receiving station into future bond issuance. In the interim, Operations is evaluating the discharge point for Septic Haulers in an effort to determine if septic waste can be effectively managed at the Hagatna facility. Toward this goal, staff are placing a major emphasis in cleaning out solids deposits from the influent headwork's and have removed significant scum build up from the aerobic digesters. Further analysis will be needed to identify whether or not operational modifications within the plant will improve CBOD removal. Should these changes not produce compliant results, the collection point for septic waste may be moved to the Northern District WWTP. This facility potentially has a longer detention time and may be able to more effectively blend tankers of septic waste with influent sewage.

Work on the Central Sewer System (the Moratorium Project) is on-going. GWA received a request from one of the bidders to extend the bid release date in order to secure adequate funding. This extension was granted and the anticipated date closing date for bidding was extended to May 1, 2009. Along with a new force main to the plant, the Central Sewer System project will fund increased grit and grease removal capacity at Hagatna and a new pump station in Tamuning. Although developed principally to correct long standing problems in the sanitary sewer collections system, this project will help improve treatment efficiency at the plant. It is anticipated the delay in bidding will not result in a significant delay in letting the construction contract.

GUAM WATERWORKS AUTHORITY

**AGANA SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

2ND QUARTER FY09

Table 1. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF/OBSERVATIONS	FC / 100 ml			PREVIOUS RAINFALL (cm)	
		A	B	C	2 days	5 days
1/8/2009	10:30 am. Sunny skies, surf moderate, high tide. No floating material, no odor, and water clear at all stations.	11	55	5	0.05	3.52
2/12/2009	9:42 am. Sunny skies, surf moderate, high tide. No floating material, no odor, and water clear at all stations.	6	0	76	0.10	0.13
3/12/2009	9:40 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	11	88	0	0.05	0.40

Table 2. Offshore Receiving Water Results

STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
D surface	No floating material, no odor, water clear	4	28.7	7.68	8.19	34.5	0.68
mid	No floating material, no odor, water clear	-----	28.2	7.74	8.20	34.5	0.78
bottom	No floating material, no odor, water clear	-----	28.1	7.77	8.20	34.6	0.84
E surface	No floating material, no odor, water clear	7	28.5	7.81	8.00	34.7	2.92
mid	No floating material, no odor, water clear	-----	28.3	7.75	8.13	34.5	0.88
bottom	No floating material, no odor, water clear	-----	28.2	7.75	8.18	34.5	1.03
F surface	No floating material, no odor, water clear	0	28.3	7.72	8.21	34.7	1.11
mid	No floating material, no odor, water clear	-----	28.0	7.76	8.21	34.6	0.96
bottom	No floating material, no odor, water clear	-----	28.1	7.75	8.21	34.6	1.15

GUAM WATERWORKS AUTHORITY

**NORTHERN DISTRICT SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

2nd QUARTER FY09

Table 3. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF/ OBSERVATIONS	FC / 100 ml		PREVIOUS RAINFALL (cm)	
		A	B	2 days	5 days
1/8/2009	9:45 am. Sunny skies, surf moderate, high tide. No floating material, no odor, and water clear at all sites.	5	384	0.05	3.52
2/12/2009	9:15 am. Sunny skies, surf moderate, high tide. No floating material, no odor, and water clear at all sites.	30	5	0.10	0.13
3/12/2009	9:00 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all sites.	3	2	0.05	0.40

Table 4. Offshore Receiving Water Results

Date: 02/25/09

STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
C surface mid bottom	No floating material, no odor, water clear	8	28.1	7.92	8.20	31.9	1.38
	No floating material, no odor, water clear	-----	28.1	7.78	8.20	32.7	0.93
	No floating material, no odor, water clear	-----	27.9	7.77	8.20	33.6	1.59
D surface mid bottom	No floating material, no odor, water clear	0	28.6	7.72	8.20	33.4	1.35
	No floating material, no odor, water clear	-----	28.3	7.79	8.30	34.0	0.93
	No floating material, no odor, water clear	-----	28.2	7.77	8.20	33.7	0.73
E surface mid bottom	No floating material, no odor, water clear	5	27.9	7.84	8.21	33.6	0.53
	No floating material, no odor, water clear	-----	27.9	7.81	8.20	33.9	0.63
	No floating material, no odor, water clear	-----	28.1	7.79	8.20	33.8	1.11



GUAM WATERWORKS AUTHORITY

Good Water Always

578 N. Marine Corps Drive, Tamuning, GU 96913-4111

Phone: (671) 647-2605 Fax: (671) 646-2335

July 28, 2009

Michael J. Lee
Manager, Pacific Islands Office (CMD-6)
U. S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

**SUBJECT: Third Quarter FY 2009 Wastewater Operations and Maintenance
(O&M) Progress Report**

Buenas yan saluda Mike,

Attached hereto is GWA's Third Quarter FY 2009 Wastewater Operations and Maintenance (O&M) Progress Report. Included in this report are the following:

1. Status of activities at each facility.
2. Discharge monitoring reports for April 2009 through June 2009.
3. Receiving water quality summary reports for the Third Quarter FY 2009.
4. Sample results and maps of off-shore monitoring for the Third Quarter FY 2009.

I certify that under penalty of law that this document and all attachments have been prepared under my supervision in accordance with a process designed to assure that qualified personnel properly gathered and evaluated the information submitted. Furthermore, I certify that the information submitted is complete and accurate to the best of my knowledge and that I am aware of the penalties of submitting false information, including the possibility of fines or imprisonment for willing violations.

Senseremente



PAUL J. KEMP, M. S.

Assistant General Manager for Compliance and Safety

July 28, 2009

Date

CC: Administrator, Guam Environmental Protection Agency
GWA Wastewater Engineering
GWA Laboratory
Veolia Water Guam LLC
File

GUAM WATERWORKS AUTHORITY

**AGANA SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

3RD QUARTER FY09

Table 1. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF/ OBSERVATIONS	FC / 100 ml			PREVIOUS RAINFALL (cm)	
		A	B	C	2 days	5 days
4/16/2009	10:36 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	5	0	2	0.00	0.05
5/14/2009	10:15 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	4	0	2	0.02	0.25
6/11/2009	9:27 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	3	0	0	0.26	1.35

Table 2. Offshore Receiving Water Results

DATE 05/13/09

STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
D surface mid bottom	No floating material, no odor, water clear	6	28.9	7.77	8.17	34.3	0.56
	No floating material, no odor, water clear	-----	28.5	7.83	8.20	34.3	0.58
	No floating material, no odor, water clear	-----	28.6	7.66	8.20	34.9	0.58
E surface mid bottom	No floating material, no odor, water clear	6	29.2	7.85	8.00	34.2	0.58
	No floating material, no odor, water clear	-----	28.9	7.68	8.11	34.4	0.61
	No floating material, no odor, water clear	-----	28.6	7.62	8.08	35.3	0.63
F surface mid bottom	No floating material, no odor, water clear	0	28.9	7.76	8.23	36.0	0.74
	No floating material, no odor, water clear	-----	28.7	7.79	8.24	35.1	0.73
	No floating material, no odor, water clear	-----	28.6	7.29	8.23	35	0.71

GUAM WATERWORKS AUTHORITY

**NORTHERN DISTRICT SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

3RD QUARTER FY09

Table 3. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF / OBSERVATIONS	FC / 100 ml		PREVIOUS RAINFALL (cm)	
		A	B	2 days	5 days
4/16/2009	9:31 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	5	7	0.00	0.05
5/14/2009	9:32 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	4	0	0.02	0.25
6/11/2009	8:50 am. Sunny skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	39	3	0.26	1.35

Table 4. Offshore Receiving Water Results

Date: 05/13/09

STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
C surface mid bottom	No floating material, slight odor, water clear	TNTC	29.0	7.73	8.25	34.3	1.12
	Small particles, no odor, water clear	-----	28.9	7.86	8.26	34.7	1.11
	No floating material, no odor, water clear	-----	28.6	7.82	8.26	34.9	1.13
D surface mid bottom	No floating material, slight odor, water clear	76	29.4	7.62	8.21	35.2	0.58
	No floating material, no odor, water clear	-----	28.8	7.89	8.24	34.8	0.57
	No floating material, no odor, water clear	-----	28.7	7.82	8.25	34.6	0.58
E surface mid bottom	No floating material, no odor, water clear	0	29.0	7.52	8.22	34.7	0.49
	No floating material, no odor, water clear	-----	28.7	7.86	8.26	34.8	0.50
	No floating material, no odor, water clear	-----	28.8	7.89	8.26	34.2	0.49

GUAM WATERWORKS AUTHORITY

Good Water Always

578 N. Marine Corps Drive, Tamuning, GU 96913-4111

Phone: (671) 647-2605 Fax: (671) 646-2335

October 28, 2009

Michael J. Lee
Manager, Pacific Islands Office (CMD-6)
U. S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

**SUBJECT: Fourth Quarter FY 2009 Wastewater Operations and Maintenance
(O&M) Progress Report**

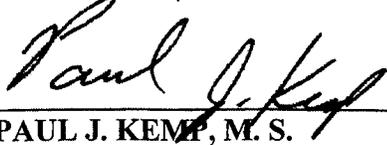
Buenas yan saluda Mike,

Attached hereto is GWA's Fourth Quarter FY 2009 Wastewater Operations and Maintenance (O&M) Progress Report. Included in this report are the following:

1. Status narrative of activities at each facility.
2. Discharge monitoring reports for July 2009 through September 2009.
3. Receiving water quality summary reports for the Fourth Quarter FY 2009.
4. Primary Pollutants and Toxicity data for Baza Gardens, Agat and Umatac.
5. QA-29 Reports for 2009.

I certify that under penalty of law that this document and all attachments have been prepared under my supervision in accordance with a process designed to assure that qualified personnel properly gathered and evaluated the information submitted. Furthermore, I certify that the information submitted is complete and accurate to the best of my knowledge and that I am aware of the penalties of submitting false information, including the possibility of fines or imprisonment for willing violations.

Senseremente,



PAUL J. KEMP, M. S.

Assistant General Manager for Compliance and Safety

October 28, 2009

Date

CC: Administrator, Guam Environmental Protection Agency
GWA Engineering
GWA Laboratory
Veolia Water Guam LLC
File

GUAM WATERWORKS AUTHORITY

**AGANA SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

4th QUARTER FY09

Table 1. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF/ OBSERVATIONS	FC / 100 ml			PREVIOUS RAINFALL (cm)	
		A	B	C	2 days	5 days
7/9/2009	10:00 am. Cloudy skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	50	10	TNTC	0.76	2.23
8/27/2009	9:40 am. Sunny skies, surf moderate, high tide. No floating material, no odor, and water clear at all stations.	4	7	44	1.27	2.84
9/17/2009	10:15 am. Partly cloudy skies, surf rough, high tide. No floating material, no odor, and water clear at all stations.	1	TNTC	28	1.13	3.47

Table 2. Offshore Receiving Water Results

DATE 09/24/09

STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
D surface	No floating material, no odor, water clear	29	29.5	6.31	8.22	31.4	0.21
mid	No floating material, no odor, water clear	-----	29.5	6.31	8.23	32.7	0.13
bottom	No floating material, no odor, water clear	-----	29.5	6.34	8.24	33.0	0.13
E surface	No floating material, no odor, water clear	82	29.7	6.27	8.14	30.7	0.50
mid	No floating material, no odor, water clear	-----	29.8	6.22	8.19	32.7	0.34
bottom	No floating material, no odor, water clear	-----	29.7	6.29	8.21	33.1	0.19
F surface	No floating material, no odor, water clear	0	29.7	6.16	8.22	32.8	0.16
mid	No floating material, no odor, water clear	-----	29.7	6.17	8.21	33.1	0.15
bottom	No floating material, no odor, water clear	-----	29.8	6.17	8.2	33.3	0.14

GUAM WATERWORKS AUTHORITY

**NORTHERN DISTRICT SEWAGE TREATMENT PLANT
RECEIVING WATER MONITORING**

4th QUARTER FY09

Table 3. Shoreline Receiving Water Results

DATE	TIME / TIDE / SURF/ OBSERVATIONS	FC / 100 ml		PREVIOUS RAINFALL (cm)	
		A	B	2 days	5 days
7/9/2009	9:00 am. Cloudy skies, surf calm, high tide. No floating material, no odor, and water clear at all stations.	168	4	0.76	2.23
8/27/2009	10:15 am. Sunny skies, surf moderate, high tide. No floating material, no odor, and water clear at all stations.	0	13	1.27	2.84
9/17/2009	9:00 am. Partly cloudy skies, surf rough, high tide. No floating material, no odor, and water clear at all stations.	25	1	1.13	3.47

Table 4. Offshore Receiving Water Results

Date: 09/24/09

STATION	FLOATING MATERIALS, ODOR, COLOR	FECAL COLIFORM FC/100 ML	TEMP. °C	DISSOLVED OXYGEN mg/L	pH	SALINITY ppt	TURBIDITY NTU
C surface mid bottom	No floating material, slight odor, water clear	0	29.8	6.43	8.25	31.6	0.21
	Small particles, no odor, water clear	-----	29.7	6.31	8.24	32.9	0.17
	No floating material, no odor, water clear	-----	29.4	6.35	8.25	32.9	0.16
D surface mid bottom	No floating material, slight odor, water clear	1	29.2	6.29	8.22	32.7	0.19
	No floating material, no odor, water clear	-----	29.7	6.28	8.24	33.2	0.15
	No floating material, no odor, water clear	-----	29.8	6.33	8.24	33.2	0.17
E surface mid bottom	No floating material, no odor, water clear	0	30.1	6.63	8.25	33.2	0.20
	No floating material, no odor, water clear	-----	29.4	6.41	8.25	33.6	0.21
	No floating material, no odor, water clear	-----	29.4	6.39	8.25	33.4	0.19

EXHIBIT Y

Regulatory Branch

**DEPARTMENT OF THE ARMY
FINAL AUTHORIZATION**

Permittee Guam Waterworks Authority

Permit No. POH-2006-81

Issuing Office Honolulu District, U.S. Army Corps of Engineers

NOTE. The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the Commanding Officer.

You may begin the work and/or activities that involve work in waters of the U.S., specifically the ocean for this project, until the Government of Guam, Guam Waterworks Authority (GWA) accepts all General and Special Conditions issued herein for your proposed activities.

Project Description: Construction of a new ocean outfall for the existing Agana Sewage Treatment Plant (STP), Hagatna, Guam. The new outfall will consist of installation of 2,178 linear feet of a 42" diameter high density polyethylene (HDPE) pipe with a single port diffuser at the -275' mean lower low water (mllw) contour. The existing outfall will be abandoned in place once the new outfall is placed into service. The preferred alternative (construction method) that will be used for this project is horizontal directional drilling (HDD). The result of which will involve drilling a 54" diameter bore hole through reef and the seafloor. A 42" HPDE outfall pipe would then be inserted through the bore hole till it exits at the end (above of the sea floor). Following installation of the HPDE pipe through the bore hole, approximately 10 cubic yards of concrete will be used to stabilize the pipe. Finally, a single-port outfall diffuser will be attached at the pipe's end. This project is anticipated to release up to an estimated 136,197 gallons of non-toxic drilling fluid into the marine environment at a depth of -275' mllw. The drilling fluid would consist of a mixture of 96% fresh water and 4% bentonite clay. In addition to the anticipated release of drilling fluid to the marine-aquatic environment, an estimated 1,090 cubic yards of cuttings and an estimated 1 million gallons of spent drilling fluid would be generated and will require proper disposal at an upland location site approved by the Guam Environmental Protection Agency (GEPA). See environmental assessment entitled, "Proposed Construction of Hagatna Sewage Treatment Plant Outfall Extension", prepared for the Guam Waterworks Authority by Michaels Directional Crossing, ARC Environmental Services, and Winzler & Kelly Consulting Engineers, dated April 2007 (Enclosure 1, 4 page location map and environmental assessment on CD).

(GEPA). See environmental assessment entitled, "Proposed Construction of Northern Sewage Treatment Plant Outfall Extension", prepared for the Guam Waterworks Authority by Michaels Directional Crossing, ARC Environmental Services, and Winzler & Kelly Consulting Engineers, dated April 2007 (Enclosure 1, 5 page location map and environmental assessment on CD).

Project Location: North District Sewage Treatment Plant, Dededo, Guam at (Latitude: N 192, 158.0, Longitude: E 183, 921.0)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological resources while accomplishing the activity authorized by this permit, you must immediately stop work in the vicinity of the discovery, i.e., within 10 feet of it or more if necessary to protect from construction impacts, and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the resources warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached (See Enclosure 2, 2 pages).
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: (See Enclosure 3, 3 pages)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

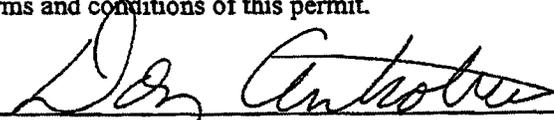
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

It should be understood that this is not an authorization to commence construction. No work is to be performed in the ocean (or below the mean lower low water contour) until you have received a validated copy of the permit.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

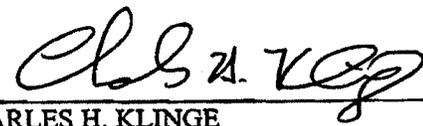
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



DON ANTROBUS
Guam Waterworks Authority

8-16-07

(DATE)



CHARLES H. KLINGE
Lieutenant Colonel, U. S. Army
District Engineer

23 AUG 07

(DATE)

Regulatory Branch

**DEPARTMENT OF THE ARMY
FINAL AUTHORIZATION**

Permittee Guam Waterworks Authority

Permit No. POH-2006-82

Issuing Office Honolulu District, U.S. Army Corps of Engineers

NOTE. The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the Commanding Officer.

You may begin the work and/or activities that involve work in waters of the U.S., specifically the ocean for this project, until the Government of Guam, Guam Waterworks Authority (GWA) accepts all General and Special Conditions issued herein for your proposed activities.

Project Description: To construct a new ocean outfall serving the existing Northern District Sewage Treatment Plant (STP), Dededo, Guam. The new outfall would consist of installation of 1,960 linear feet of a 34" diameter high density polyethylene (HDPE) pipe with a multi-port diffuser at the -140' mean lower low water (mllw) contour. The diffuser would be anchored with 36 two-piece concrete pedestal weights seated on the bottom substrate. An additional stabilization measure may be implemented that would secure the diffuser system to the sea floor with marine earth anchors. The existing outfall would be abandoned in place once the new outfall is placed into service. The preferred alternative (construction method) that will be used for this proposal is horizontal directional drilling (HDD), which will result in drilling a 42" diameter bore hole through reef and the seafloor. A 34" HPDE outfall pipe would then be inserted through the bore hole till it exits at the end (above of the sea floor). Following installation of the HPDE pipe through the bore hole, approximately 10 cubic yards of concrete will be used to stabilize the pipe. Finally, a multi-port outfall diffuser will be installed at the pipe's end. The project is anticipated to release up to an estimated 139,400 gallons of non-toxic drilling fluid into the marine environment at a depth of -140' mllw. The drilling fluid would consist of 96% fresh water and 4% bentonite clay. In addition to the anticipated release of drilling fluid to the marine-aquatic environment, an estimated 600 cubic yards of cuttings and an estimated 122,000 gallons of spent drilling fluid would be generated and will required proper disposal at an upland location site approved by the Guam Environmental Protection Agency (GEPA). See environmental assessment entitled, "Proposed Construction of Northern Sewage Treatment Plant Outfall Extension", prepared for the Guam Waterworks Authority by Michaels

Consulting Engineers, dated April 2007 (Enclosure 1, 4 page location map and environmental assessment on CD).

Project Location: Agana Sewage Treatment Plant, Hagatna Guam at (Latitude: N 13 deg 29.250', Longitude: E 144 deg 44.925')

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological resources while accomplishing the activity authorized by this permit, you must immediately stop work in the vicinity of the discovery, i.e., within 10 feet of it or more if necessary to protect from construction impacts, and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the resources warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached (See Enclosure 2, 2 pages).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: (See Enclosure 3, 3 pages)

Further Information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

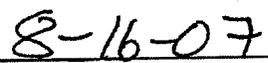
It should be understood that this is not an authorization to commence construction. No work is to be performed in the ocean (or below the mean lower low water contour) until you have received a validated copy of the permit.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations which may affect this work.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



DON ANTROBUS
Guam Waterworks Authority



(DATE)



CHARLES H. KLINGE
Lieutenant Colonel, U. S. Army
District Engineer



(DATE)

EXHIBIT Z



GUAM WATERWORKS AUTHORITY

Government of Guam

Post Office Box 3010, Agana, Guam 96932

Phone: (671)479-7823 Fax: (671)479-7879

MAR 06 1998

MEMORANDUM

TO: Administrator, Bureau of Planning

FROM: General Manager

SUBJECT: Applications for Modified Permits, Pursuant to Section 301(h) of the Clean Water Act for Agana and Northern District Sewage Treatment Plants

GWA is currently compiling all the necessary documents and applicable data in which to complete it's re-application for 301(h) Modified Permits. As requested by the Application Questionnaire, the application must include *determinations* by appropriate state agencies. These letters of determination must address the sections of 40 CFR that are relevant to your Agency.

To expedite this requirement, attached are copies of: (1) your Agency's previously submitted Letter of Determination; (2) the actual Application Questionnaire sections applicable to your agency; and (3) completed portions of the 301(h) application package that will assist you in preparing your responses.

Futhermore, U.S. EPA has given GWA an absolute, non-extendable application submission date of April 03, 1998. In order to meet this deadline, we need your Letter of Determination by March 15, 1998. In this respect, GWA kindly requests that if there are any questions or concerns that you may have regarding the application, immediately contact Mr. Mark Miller, Planning Division at 479-7810.


Richard A. Quintanilla
General Manager



GUAM WATERWORKS AUTHORITY

Government of Guam

Post Office Box 3010, Agana, Guam 96932

Phone: (671)479-7823 Fax: (671)479-7879

MAR 06 1998

MEMORANDUM

TO: Administrator, Department of Agriculture

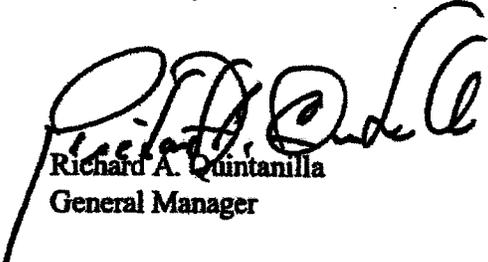
FROM: General Manager

SUBJECT: Applications for Modified Permits, Pursuant to Section 301(h) of the Clean Water Act for Agana and Northern District Sewage Treatment Plants

GWA is currently compiling all the necessary documents and applicable data in which to complete it's re-application for 301(h) Modified Permits. As requested by the Application Questionnaire, the application must include *determinations* by appropriate state agencies. These letters of determination must address the sections of 40 CFR that are relevant to your Agency.

To expedite this requirement, attached are copies of: (1) your Agency's previously submitted Letter of Determination; (2) the actual Application Questionnaire sections applicable to your agency; and (3) completed portions of the 301(h) application package that will assist you in preparing your responses.

Futhermore, U.S. EPA has given GWA an absolute, non-extendable application submission date of April 03, 1998. In order to meet this deadline, we need your Letter of Determination by March 15, 1998. In this respect, GWA kindly requests that if there are any questions or concerns that you may have regarding the application, immediately contact Mr. Mark Miller, Planning Division at 479-7810.



Richard A. Quintanilla
General Manager



GUAM WATERWORKS AUTHORITY

Government of Guam

Post Office Box 3010, Agana, Guam 96932

Phone: (671)479-7823 Fax: (671)479-7879

MAR 06 1998

MEMORANDUM

TO: Administrator, Guam Environmental Protection Agency

FROM: General Manager

SUBJECT: Applications for Modified Permits, Pursuant to Section 301(h) of the Clean Water Act for Agana and Northern District Sewage Treatment Plants

GWA is currently compiling all the necessary documents and applicable data in which to complete it's re-application for 301(h) Modified Permits. As requested by the Application Questionnaire, the application must include *determinations* by appropriate state agencies. These letters of determination must address the sections of 40 CFR that are relevant to your Agency.

To expedite this requirement, attached are copies of: (1) your Agency's previously submitted Letter of Determination; (2) the actual Application Questionnaire sections applicable to your agency; and (3) completed portions of the 301(h) application package that will assist you in preparing your responses.

Futhermore, U.S. EPA has given GWA an absolute, non-extendable application submission date of April 03, 1998. In order to meet this deadline, we need your Letter of Determination by March 15, 1998. In this respect, GWA kindly requests that if there are any questions or concerns that you may have regarding the application, immediately contact Mr. Mark Miller, Planning Division at 479-7810.


Richard A. Quintanilla
General Manager

EXHIBIT AA

Julie Shane

From: Lee.Michael@epa.gov
Sent: Friday, July 25, 2008 4:07 AM
To: Don Antrobus
Cc: 'Carmen Sian-Denton'; 'John M. Benavente'; 'Julie Shane'; 'Paul J. Kemp'
Subject: RE: Agana and N. District WET Tests and RW Monitoring

Don,

Understand your frustration with the lack of resolution of the mixing zone issue. While it has been difficult to get a formal response from GEPA, I remain confident, based on my conversations (pass and recent) with them, that they are open to allowing a mixing zone for specific pollutants. I know that sounds like a broken record but I believe that will be GEPA's position whenever it finally comes out.

I have and am continuing to discuss this with GEPA. They would like to discuss this further with you/GWA instead of through me. I recommend that GWA continue to communicate with GEPA on this and try another face to face meeting with the GEPA Administrator and her key managers so everyone is hearing the same thing, understands the frustration (no response to date) and need for GEPA to respond formally as soon as possible. I recommend that you talk to either Manny or Benny to set this up. They have told me that they are open to meeting with GWA on this. I would only focus on this one issue with them. Need to continue to remind them that this is still an issue, is unresolved and GEPA needs to make it a higher priority. They are still working on finalizing a letter.

With respect to the off-shore monitoring, I cannot concur on or agree to your suggestion to put it off. The monitoring is required by the current Agana and N. District permits. The monitoring provisions cannot be changed unilaterally and a permittee is responsible for complying will all provisions of its permit. The off-shore monitoring data is still valuable with respect to evaluating the discharges.

Sincerely,

Mike

"Don Antrobus"
<dantrobus@guamwaterworks.org>

07/22/2008 03:40
PM

Michael Lee/R9/USEPA/US@EPA,
"Carmen Sian-Denton"
<cdenton@ite.net>

To

cc

"John M. Benavente"
<gpagn@ite.net>, "Julie Shane"
<jshane@guamwaterworks.org>,
"Paul J. Kemp"
<paulkemp@ite.net>

Subject

RE: Agana and N. District WET
Tests and RW Monitoring

Mike,

I'd like to suggest that we restart the off-shore monitoring once the issue of the outfall mixing zone is resolved and the new outfalls are in place. Without the resolution of the mixing zone then the value of the outfall testing is unclear.

We are now 8 months into this issue, as it was raised on December 6, 2007 at a meeting with GEPA and USEPA, without any working response from either entity. In a follow-up discussion several months ago with the same players, it was determined that a topic specific face to face meeting would be held to discuss and resolve issues face to face. GEPA cancelled the tentatively scheduled meeting which has been indefinitely postponed. When informed that we needed to "apply" we made written request for information on how to apply. We've met directly with the administrator. To date we still have no response or direction.

Are there steps being taken at USEPA to help resolve this issue? Please advise.

Thanks,

Don Antrobus
CAPT, USPHS
Chief Engineer, Guam Waterworks Authority
(671) 647-2613

-----Original Message-----

From: Lee.Michael@epa.gov [mailto:Lee.Michael@epa.gov]
Sent: Wednesday, July 23, 2008 1:09 AM
To: Carmen Sian-Denton
Cc: Don Antrobus; John M. Benavente; Julie Shane; Paul J. Kemp
Subject: Re: Agana and N. District WET Tests and RW Monitoring

Hi Carmen,

Thank you for the WET test results. We would like to have the WET test results formally sent to us. You may send it to me at the below address. Were any WET tests done back around the time frame of the letter (2001-2003) or are the 2007 tests the only ones? If there were tests done earlier, could you please send those as well?

Also, what are GWA's plans to restart the off-shore receiving water monitoring?

Thanks,

Michael Lee
Environmental Engineer
Pacific Islands Office (CED-6)
U.S. Environmental Protection Agency Region 9
75 Hawthorne St.
San Francisco, CA 94105

Email: lee.michael@epa.gov
Ph: (415) 972-3769
Fax: (415) 947-3560

"Carmen
Sian-Denton"
<cdenton@ite.net
>

07/18/2008 03:14

To
"Paul J. Kemp"
<paulkemp@ite.net>, Michael
Lee/R9/USEPA/US@EPA

PM

CC

"Don Antrobus"
<dantrobus@guamwaterworks.org>,
"Julie Shane"
<jshane@guamwaterworks.org>,
"John M. Benavente"
<gpagm@ite.net>

Subject
Re: Agana and N. District WET
Tests and RW Monitoring

Hafa Adai Mike,

I've attached the Agana STP bioassay done in Dec 07 and the NDSTP bioassay done in Oct 07. They are scheduled to be done again later this year.

Do you need this to be formally certified by our Compliance Officer?

Carmen

----- Original Message -----

From: <Lee.Michael@epa.gov>

To: "Carmen Denton" <cdenton@guamwaterworks.org>; "Paul J. Kemp" <paulkemp@ite.net>

Cc: "Don Antrobus" <dantrobus@guamwaterworks.org>; "Julie Shane" <jshane@guamwaterworks.org>; "John M. Benavente" <gpagm@ite.net>

Sent: Thursday, July 17, 2008 4:24 PM

Subject: Agana and N. District WET Tests and RW Monitoring

>
> Dear Carmen and Paul,
>
> As part of our Permits Office's ongoing review of GWA's NPDES permit
> renewal application for Northern District, they noted in GWA's cover
> letter for the revised permit renewal application that GWA would be
> doing a WET test (see attached letter). However, we have not been
> able
> to find a copy of the WET results in our files. Could you let us know
> if you have performed these tests. If so, could you send or if you
> had
> already submitted could you please resend the results of the tests.
> If
> not, we would like to have the WET test performed as you had stated in
> your letter.
>
> Also, I would like to bring up the need for GWA to restart its
> off-shore
> receiving water monitoring program in accordance with the current
> permit
> requirements for the Agana and Northern District STPs. Currently, GWA
> is performing the nearshore receiving water monitoring but not the
> off-shore monitoring. The off-shore monitoring has not been done for
> sometime and needs to be re-implemented in accordance with the
> respective permits.
>
> If you have any questions, please let me know.
>

> Sincerely,

>

> Mike

>

>

>

> (See attached file: Northern District Cover.pdf)

>

> No virus found in this incoming message.

> Checked by AVG - <http://www.avg.com>

> Version: 8.0.138 / Virus Database: 270.5.1/1559 - Release Date:
7/17/2008

> 6:08 PM

>

>

[attachment "220067 - ND (Bioassay) 10-16-07.pdf" deleted by Michael Lee/R9/USEPA/US]

[attachment "225061 - Agana (Bioassay) 12-11-07.pdf"

deleted by Michael Lee/R9/USEPA/US]

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.5.5/1569 - Release Date: 7/23/2008 1:31 PM

EXHIBIT BB

Julie Shane

From: Julie Shane [jshane@guamwaterworks.org]
Sent: Thursday, October 29, 2009 2:29 PM
To: 'Ivan Quinata'
Cc: 'bradley.dunagan@epa.guam.gov'; 'Roush, Martin'; 'Julie Shane'; 'Lee.Michael@epa.gov'; 'Paul J. Kemp'; 'Maria.Lewis@fe.navy.mil'
Subject: RE: Tupalao Mixing Zone Request

Ivan,

Thank you very much for providing a response on this critical issue.

As we discussed, GWA remains confused regarding some of the requirements in your email. The two NEPA documents that you reference in the email (an EIS and an EA) have very different requirements, and I am not clear on the relevance of the NEPA process to the determination of the applicability of dilution factors for a mixing zone. You discuss the fact that GWA can't receive a mixing zone without first meeting its permit limits; however, with a mixing zone with appropriately protective dilution factors and proper treatment GWA be well within our permit limits. Also, much of the offshore data shows similar or even higher results for many parameters upcurrent of the outfalls, meaning that neither wastewater facility is responsible for the results, which are most likely stormwater/nonpoint source related.

Many regulatory agencies use the USEPA-approved CORMIX model for evaluation of mixing zones (<http://www.cormix.info/>). If GEPA wishes to take this approach, GWA would be happy to work with GEPA (and potentially Naval Facilities Marianas since it is a joint outfall, although we have not yet had the opportunity to discuss this with them) in order to provide information required for running the model. I am sure that USEPA could be approached for training and assistance to help GEPA utilize this evaluation approach.

As you know, GWA is committed to protecting water quality and wants to ensure that we are finding ways to maximize water quality protection while limiting negative impacts on our ratepayers, particularly given the limitations in the Affordability information in the WRMP. To this end, may I recommend that GEPA tentatively provides a short-term approval of the mixing zones for the minimum dilution mixing zone (82:1) for metals and nutrients (rather than the higher factor that GWA originally requested) as USEPA is about to renew the Agat permit and this issue needs to be addressed promptly (GWA is holding separate discussions on bacterial indicators and does not anticipate that you would include them). The renewal would be specifically conditional upon GWA providing information to assess the mixing zone including timely completion of a mixing zone request form. As an example, may I suggest that GEPA look at the Hawaii Department of Health mixing zone request form (<http://hawaii.gov/health/environmental/water/cleanwater/prc/forms/pdf/cwb-zom.pdf>); such a format would clarify the information to be provided and eliminate any confusion on what the requirements should be.

GWA would be happy to discuss this further. Thank you again for responding to us on this issue, and we look forward to rapid resolution of the requirements.

Best regards,
Julie

From: Ivan Quinata [mailto:ivan.quinata@epa.guam.gov]
Sent: Monday, September 21, 2009 4:54 PM
To: Julie Shane
Subject: Tupalao Mixing Zone Request

Hafa Adai Julie,

As discussed, the additional information required in GEPA's draft response to the subject request, is

needed to properly assess the environmental impact of the mixing zone request. Based on the previous Tupalao Mixing Zone provided in a letter to EPA Region 9, dated FEB 14 2001, a worst-case initial dilution of 82:1 was approved with conditions, to include, but not limited to, the following:

- Enterococci, Fecal Coliform or Total Chlorine Residual were excluded from the Mixing Zone. The DMRs continue to indicate exceedances of the permitted limits. As a minimum, GWA will need to provide a report to identify that portion of the parameters attributed to the Agat WWTP, if any, contributing to the continuing exceedances of the permitted limits.
- One of the conditions require the permittee(s) to conduct formal and comprehensive EIS in the event metals concentrations exceed permitted limits. The DMRs continue to indicate some metals concentrations exceed permitted limits. As a minimum, GWA will need to provide a report to identify that portion of the parameters attributed to the Agat WWTP, if any, contributing to the continuing exceedances of the permitted limits.
- The Tupalao Mixing Zone remains subject to all Guam Water Quality Standards. As indicated in the DMRs, some metals concentrations and biological parameters continue to exceed the permitted limits of the Guam Water Quality Standards. As a minimum, GWA will need to provide a report to address the continuing exceedances.

In the letter of request for a mixing zone from GWA, reference was made to a Feasibility Study prepared by CH2MHill. I have a copy of Appendix B dated October 1992. In this appendix, it stated "... *The largest dilution value required to meet water quality standards is 115 for orthophosphorus. Thus, 115 is the design dilution or the minimum dilution required for adequate design of the diffuser.*" Table 2-7 lists the values used to calculate the required or design dilution for the Tupalao Bay Outfall and all other substances listed in this table require design dilution rates much less than 115. However, the DMRs indicate some of these substances continue to exceed the permit limits. This table did not list other parameters of concern, ie, fecal coliform, enterococci, total chlorine residual or ammonia, for which GWA is requesting for a mixing zone. As a minimum GWA will need to provide a copy of any additional/updated information to this report.

The facilities have been in operation for a number of years and it is unknown if the outfall system and diffusers have been properly maintained to ensure the design parameters (ie hydraulic efficiencies, pipe sizes, size of orifice) in the study are still applicable. As a minimum GWA will need to provide a report to verify existing conditions of the system components and update the referenced report.

All of the reports can be incorporated in an environmental impact assessment to demonstrate that the requested mixing zone will not adversely affect the designated uses of the receiving waters. Failure to support the uses of the receiving waters may require other treatment.

--

Ivan C. Quinata, P.E.
Chief Engineer - Water Division
Tel: 671.475.1662 Fax: 671.475.8006
Email: ivan.quinata@epa.guam.gov

CONFIDENTIALITY NOTICE: This message, including any attachments, may be legally privileged and confidential and is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any distribution, dissemination, printing, or copying of this communication or any attachment is strictly PROHIBITED. If you received this