

JOINT NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency
Region 9 (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105

Guam Environmental Protection Agency
P.O. Box 22439-GMF
Barrigada, GU 96921

On Application for a National
Pollutant Discharge Elimination
System (NPDES) Permit to
Discharge Pollutants to Waters
of the United States

On Request for Certification
for Compliance with Applicable
Effluent Limitations and
Guam Requirements

Public Notice #: GU-08-W-17

Publication Date of Notice: September 30, 2008

Public Comment Period Closes: October 30, 2008

The Environmental Protection Agency (EPA), Region 9, and the Guam Environmental Protection Agency (GEPA) are jointly issuing the following notice of proposed action under the Clean Water Act (CWA), as amended, the implementing regulations, and the Guam Water Quality Standards, as amended. EPA Region 9 is today proposing to reissue NPDES permits to the following dischargers subject to certain effluent limitations and other conditions:

Permit No. GU0020150
Shell Guam, Inc.
Suite 100, Chalan San Antonio
Tamuning, Guam 96911

and

Permit No. GU 0020338
Shell Guam, Inc.
Suite 100, Chalan San Antonio
Tamuning, Guam 96911

Shell Guam, Inc. operates a bulk petroleum storage terminal located at Tenjo Vista, Guam (Permit No. GU0020150). The facility utilizes several tanks to store and distribute gasoline, automotive fuel, and jet fuel. Discharges from the facility consist of effluent from tank bottom water draws and storm water. All discharges are treated by oil water separators, and then discharged into the Big Guatali River through Outfall 001 at latitude 13E 25' 10" N and longitude 144E 41' 00" E. The Guam Water Quality Standards categorize the Big Guatali river as S-3 (LOW) defined as being surface water that "is primarily used for commercial, agricultural and industrial activities. Aesthetic enjoyment and compatible recreation are acceptable in this zone, as well as maintenance of aquatic life." The effluent limitations and other conditions specified in the permit are established to protect these beneficial uses.

Shell Guam, Inc. operates a Docking Facility (F-1 Pier) which incorporates two bulk petroleum storage (displacement) tanks on Cabras Island in Guam (Permit No. GU0020338). The two displacement tanks are used to facilitate fuel transfer operations at the Cabras Island F-1 Fuel Pier. Discharge from the facility consists primarily of storm water from secondary containment areas and oily emulsions, as a result of fuel transfer operations. Currently any discharge generated is transported to the Shell Agat Terminal facility for treatment. However, if and when an appropriate oil/water separator capable of meeting all permit effluent limits is installed at the site, discharges will be treated via the separator prior to release from Outfall No. 001 into Apra Harbor at latitude 13E 27' 31" N and longitude 144E 39' 33" E. The Guam Water Quality Standards categorize Apra Harbor as M-2 (FAIR) defined as being marine water that "is intended for general, commercial and industrial use. Specific intended uses include the following: shipping, boating and berthing, industrial cooling water, marinas, while allowing for the protection of aquatic life, aesthetic enjoyment and compatible recreation with limited body contact." The effluent limitations and other conditions specified in the permit are established to protect these beneficial uses.

EPA has made a preliminary determination that the proposed permits would have no effect on any federally-listed threatened or endangered species, and would have no effect on any properties listed or eligible for listing in the National Register of Historic Places.

Guam EPA is considering a request to certify the discharges described above, pursuant to Section 401 of the CWA. The certification will set forth any limitations and monitoring requirements necessary to ensure compliance with water quality standards under Section 303, area-wide waste treatment management plans under Section 208(e), effluent limitations under Sections 301 and 302, standards of performance under Section 306, prohibitions, effluent standards or pretreatment standards under Section 307 of the CWA, and any other appropriate requirement of Guam law.

Guam EPA may certify conditions that are more stringent than those in the draft permit under its CWA Section 401 authority. For each more stringent condition, Guam EPA shall cite the CWA or Guam law references upon which the condition is based. Review of appeals of limitations and conditions attributable to Guam EPA certification shall be made through the applicable Guam procedures.

The Administrative Record, which include the draft permit, fact sheet, and other relevant documents, are available for public review Monday through Friday from 9:00 a.m. to 4:00 pm. at the EPA address listed below or may be obtained by contacting Mr. Mike Lee of EPA by telephone at (415) 972-3769 or electronic mail at lee.michael@epa.gov, or Mr. Domingo Cabusao by telephone at (671) 475-1633 or electronic mail at dcabusao@guamepa.govguam.net. The draft permit and fact sheets may also be obtained by visiting EPA website at: <http://www.epa.gov/region09/water/npdes/pubnotices.html>

Persons wishing to comment upon the draft permit or request a public hearing pursuant to 40 CFR 124.12 should submit their comments or request in writing within 30 days from the date of this notice, either in person or by mail to:

U.S. Environmental Protection Agency, Region 9
Chief, NPDES Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, California 94105

All comments submitted within 30 days from the date of this notice will be considered in the formulation of the final permit. If the response to this notice indicates a significant degree of public desire for a public hearing, the Regional Administrator shall hold one in accordance with 40 CFR 124.12. A public notice of such hearing will be issued at least 30 days prior to the hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Upon issuance of a final permit decision and response to comments, the EPA will notify by mail the applicants and persons who submitted written comments or requested notice of the final permit decision. If no comments are submitted on the draft permits, the final permits will become effective three (3) days from the date of mailing. If comments are submitted on the draft permits, the final permits will become effective 33 days from the date of mailing, unless a petition is filed with the Environmental Appeals Board (EAB) to review any conditions of the final permit under 40 CFR 124.19(a), as revised at 65 Fed. Reg. 30886, 30911 (May 15, 2000). A copy of such petition should be sent to the EPA address above. Persons filing a request for review must have filed comments on the draft permit or participated in a public hearing.

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