



US Army Corps
of Engineers
Honolulu District

Public Notice of Application for Permit

Guam Regulatory Field Office (1145b)
PSC 455, Box 188
FPO AP 96540-1088

PUBLIC NOTICE DATE: May 23, 2007

EXPIRATION DATE: June 22, 2007

PERMIT FILE NUMBER: POH-2006-81

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Guam Waterworks Authority

LOCATION: Agana Sewage Treatment Plant, Hagatna, Guam at N 13° 29.250' and E 144° 44.925'

WORK: To construct a new ocean outfall serving the existing Agana Sewage Treatment Plant, Hagatna, Guam. The new outfall would consist of a 42" diameter High Density Polyethylene pipe 2,178 linear feet in length with a single port diffuser at the -275' mllw contour. The existing outfall would be abandoned in place once the new outfall is placed into service. The preferred alternative for construction of the outfall is to use Horizontal Directional Drilling. That would involve drilling a 54" diameter bore hole with the 42" outfall pipe then inserted into this hole. After the pipe string has been pushed through the exit hole, the pipe diffuser end would be stabilized with approximately 10 cubic yards of concrete that would create a seal around the exit bore hole (54-inch diameter) and outfall pipe (42-inch diameter). After stabilization, a single-port outfall diffuser would be attached to the exposed HDPE pipe extending above the sea floor. The project may 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 96% fresh water and 4% bentonite clay. In addition it is anticipated that approximately 1,090 cubic yards of cuttings and an estimated 1 million gallons of spent drilling fluid would be disposed of at upland location approved by the Guam Environmental Protection Agency. The effluent and all impacts associated with the effluent will not be considered by the Corps in the processing of this application.

PURPOSE: The purpose of the project is to replace the existing outfall which has been determined to be non-compliant by USEPA. The new outfall would allow the applicant to comply with the Stipulated Order for Preliminary Relief dated 5 June 2003 (Civil Case No. 02-00035) and to bring the Treatment Plant into regulatory compliance.

ADDITIONAL INFORMATION:

IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT: The construction project is not expected to have any impact on the Essential Fish Habitat zone around Guam. There will be a release of drilling fluid which would consist of a mixture of non-toxic bentonite clay and water at the point where the drill breaks through the surface of the sea floor. This material should be quickly dispersed by currents. Any slow moving or non-mobile organisms that are at the break through point or under the location where the diffuser would be placed would likely be killed. Sea turtles and marine mammals may be found in the area. These animals should be able to avoid the construction related activities and not be affected by the construction of the outfall.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Guam Environmental Protection Agency.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Guam Coastal Zone Management Program. A permit will not be issued until the Government of Guam Bureau of Statistics and Plans has concurred with the applicant's certification.

CULTURAL RESOURCES: The latest published version of the National Register of Historic Places (NRHP) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the NRHP constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the endangered Hawksbill Sea Turtle (*Eretmochelys imbricata*), and the threatened Green Sea Turtle (*Chelonia mydas*) which are occasionally seen in the vicinity of the project area. Any permit would be conditioned to require stoppage of in-water work should sea turtles (or marine mammals) be seen in the vicinity of the project. Preliminarily, the described activity will not affect threatened or endangered species, or their designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844) because the species of concern will be able to avoid all construction related activities and there are no designated or proposed critical habitats in or near the project site. This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Honolulu District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, Western Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for holding a public hearing.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Francis M. Dayton at (671) 339-2108 if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). The Corps' public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

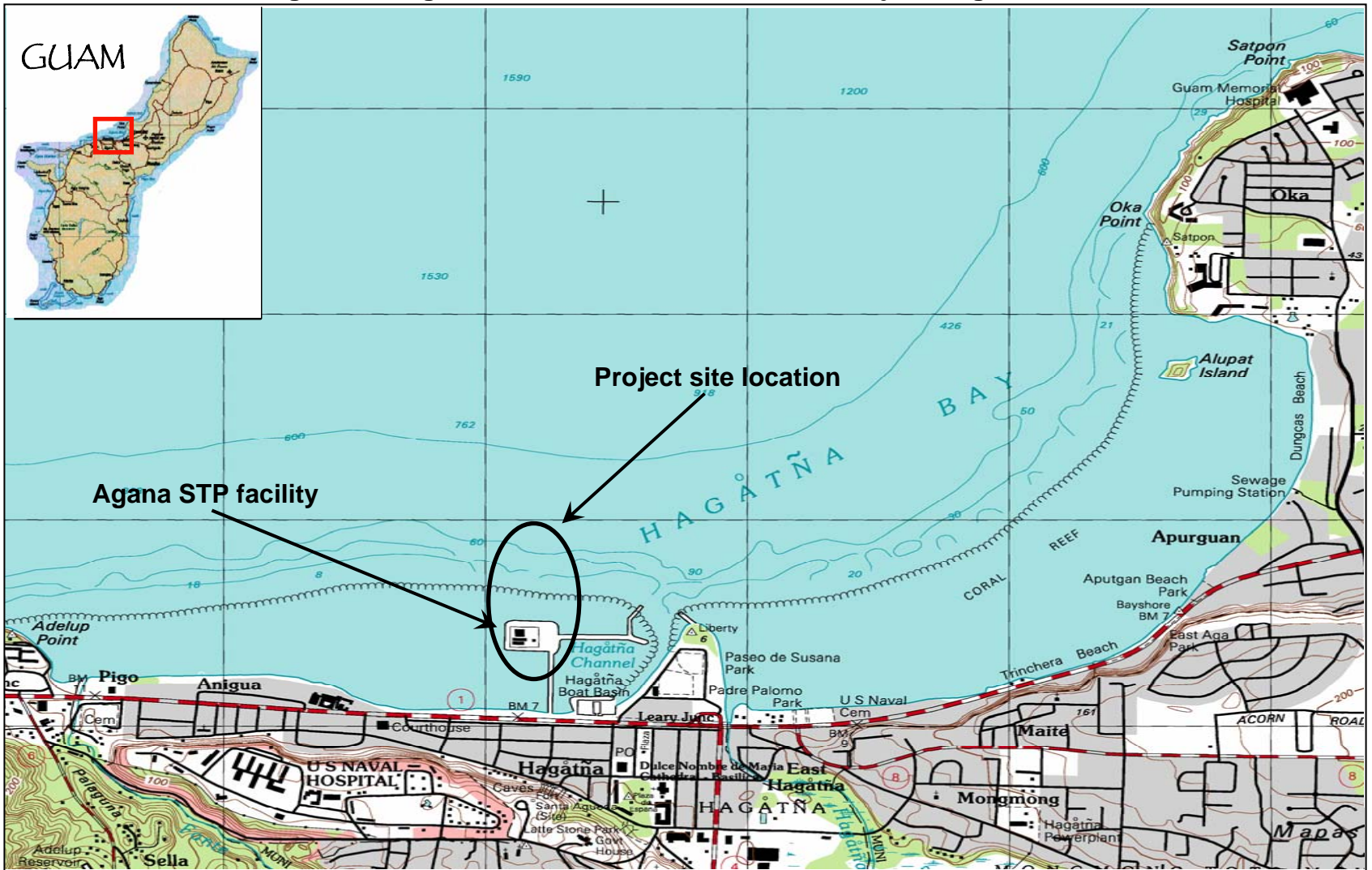
() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). The Corps' public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

Plans are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

Agana Sewage Treatment Plant Ocean Outfall Project Figure 1 of 4



AGANA SEWAGE TREATMENT PLANT (STP) – FACILITY, OUTFALL AND VICINITY MAP

modified from the 1999 USGS Topographic map of Guam

ARC Environmental Services

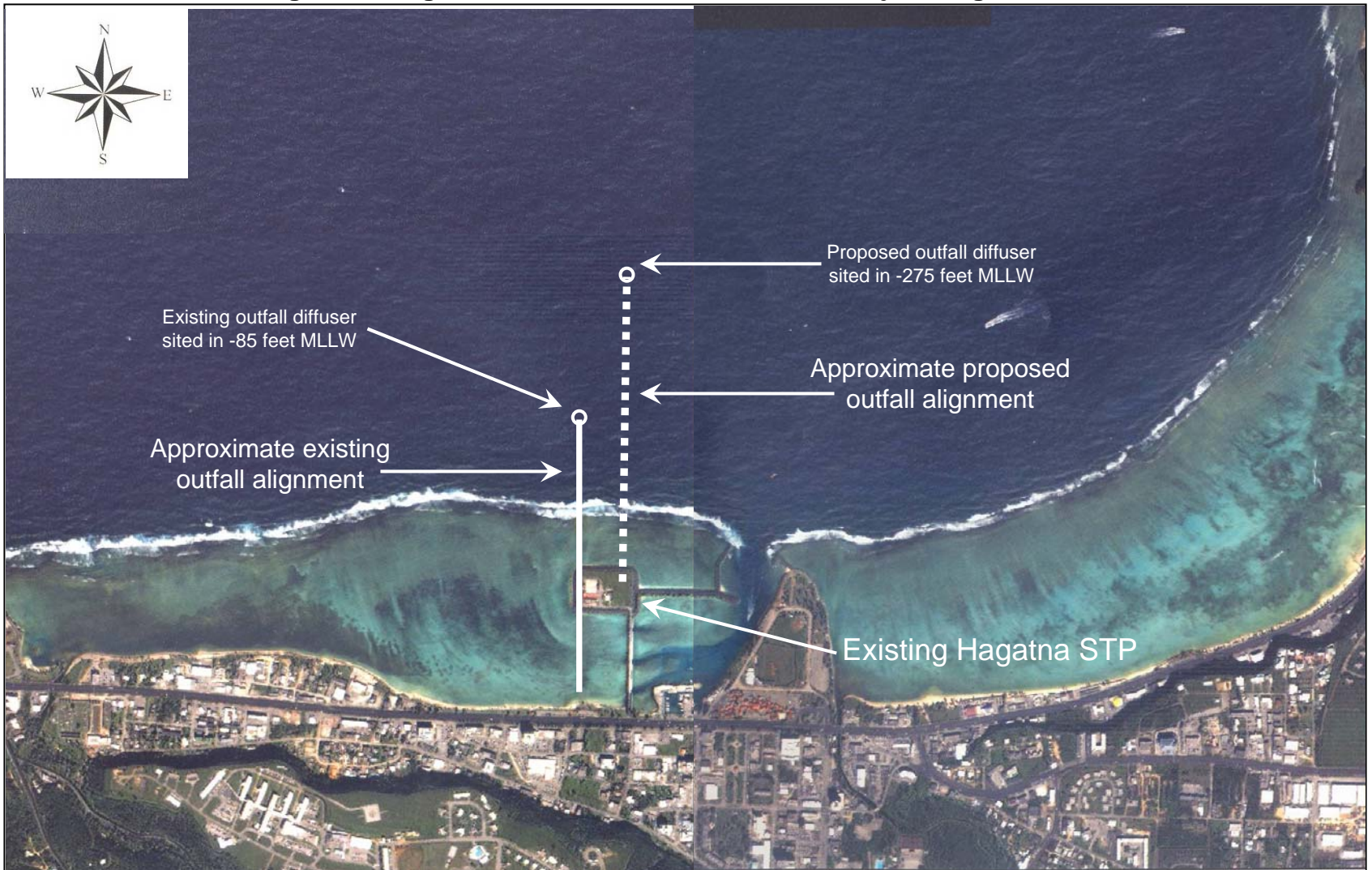
Date

May 2007

Figure No.

1 of 4

Agana Sewage Treatment Plant Ocean Outfall Project Figure 2 of 4



AGANA STP: EXISTING AND PROPOSED OUTFALL ALIGNMENTS *(not to scale)*

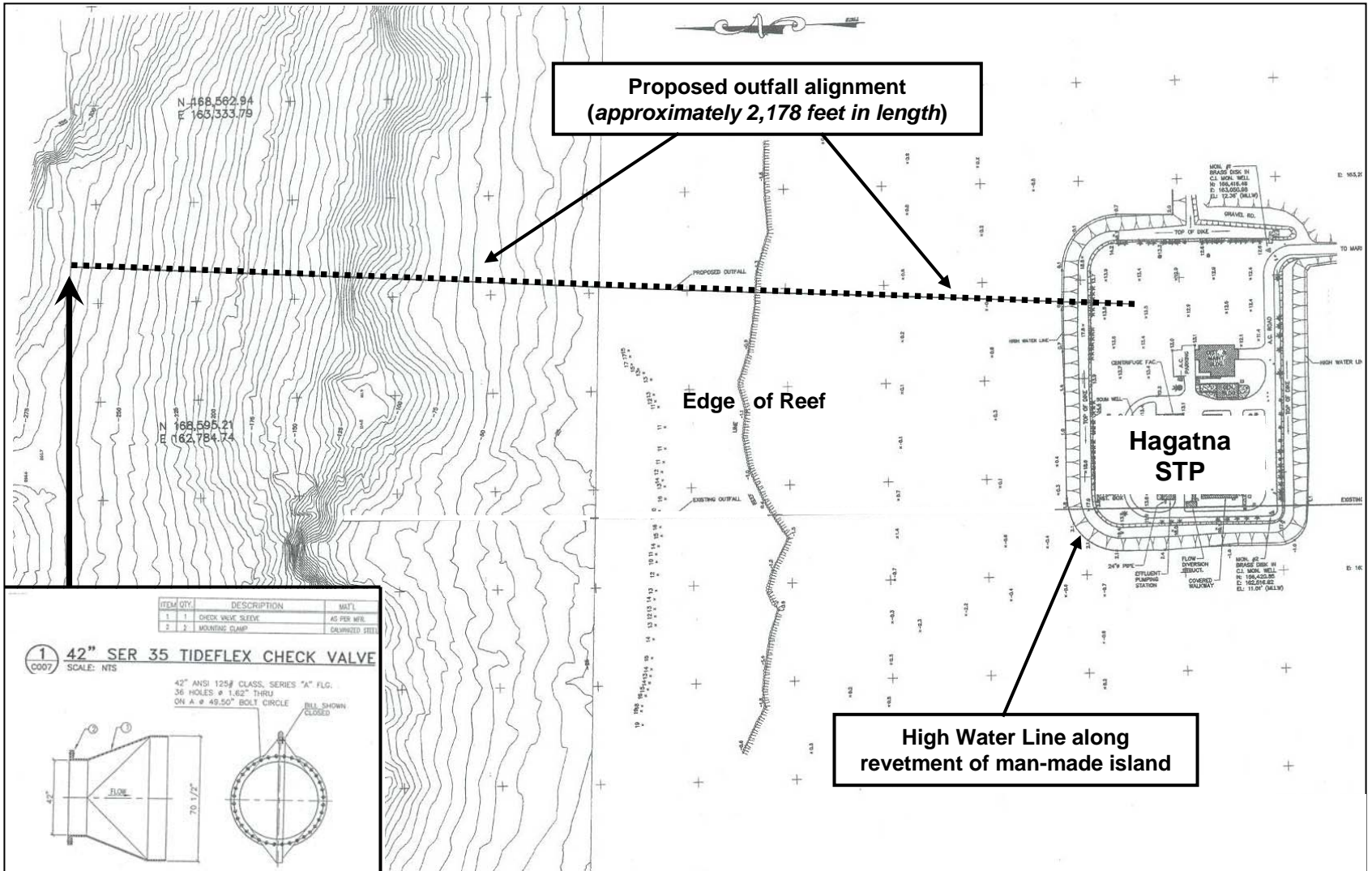
taken from Guam Coastal Atlas (prepared by David Burdick, DOI/NOAA, Project No. CRI-GU-00 November 2005)

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May 2007

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Agana Sewage Treatment Plant Ocean Outfall Project Figure 3 of 4



**AGANA STP: BATHYMETRY/TOPOGRAPHIC SURVEY MAP SHOWING PROPOSED
OUTFALL ALIGNMENT AND SINGLE PORT OUTFALL DIFFUSER DETAILS**

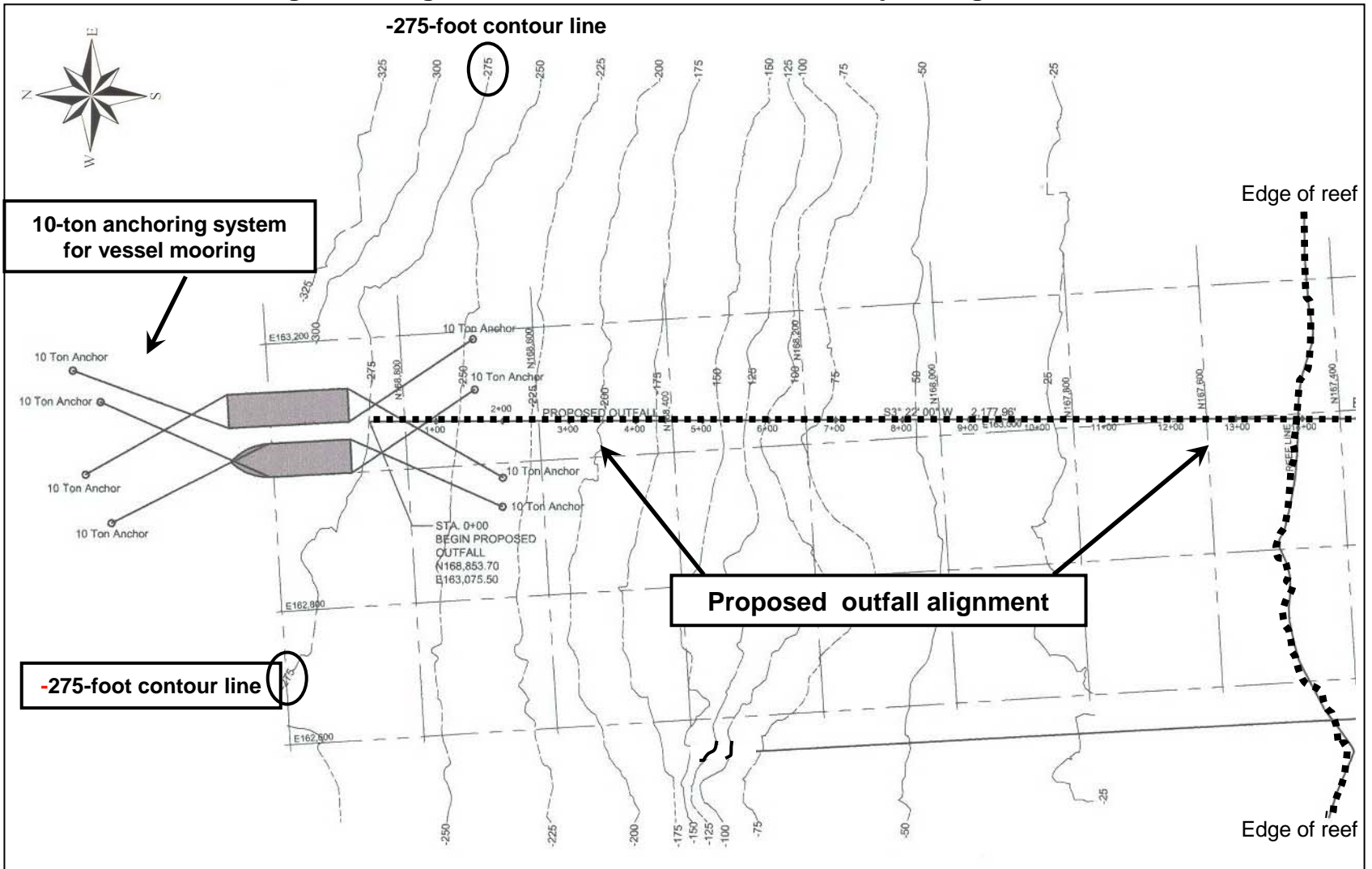
modified from engineering drawing number T002; GMP Associates, Inc.

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May 2007

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Agana Sewage Treatment Plant Ocean Outfall Project Figure 4 of 4



AGANA STP: PROPOSED VESSEL MOORING PLAN FOR DIFFUSER INSTALLATION AND PROPOSED OUTFALL PIPELINE ALIGNMENT SEAWARD FROM REEF EDGE

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