

# Guam Environmental Protection Agency

## Water Quality Standards Revisions

### Water Quality Standards (WQS) Introduction

WQS are provisions of a state's law which establish both the water quality goals for specific waters and the regulatory basis for treatment controls and strategies. ("States" is used here to include states, tribes or territories.)

States adopt WQS to protect public health or welfare, enhance the quality of water and generally serve the purposes of the federal Clean Water

Water Quality Standards establish the regulatory basis for protecting the quality of our water.

Act, which are "(T)o restore and maintain the chemical, physical, and biological integrity of the Nation's waters." This means that WQS should, wherever attainable, provide water quality for the protection and propagation of fish, shellfish and wildlife, and for recreation.

State WQS designate uses for waters under their jurisdiction, establish water quality criteria (numeric and narrative limits) necessary to protect these uses, and include an antidegradation policy designed to protect existing water quality. WQS typically include other policies, such as those that allow mixing zones, or restrict various types of effluents.

### Legislative Background

WQS requirements are established under the federal Clean Water Act (Section 303), and its regulations (40CFR Part 131). The Act requires the Governor or water pollution control agency of each state to, from time to time (but at least once each three year period), hold public hearings for the purpose of reviewing and, as appropriate, revising its water quality standards. This revision process is referred to as the "triennial review."

Water Quality Standards are revised periodically to ensure that they reflect the most recent science, technology and policy. This is called a "triennial review."

At the conclusion of the triennial review, the state submits the WQS to the Administrator of the US Environmental Protection Agency (US EPA) for approval. The submittal package is to include a description of methods used and analyses conducted to support the revisions, certification by the State Attorney General that the WQS were properly adopted, and any other pertinent general information. The Administrator must determine that the standards are consistent with the applicable requirements of the Clean Water Act, and must work closely with the US Fish

and Wildlife and National Marine Fisheries Services (“the Services”) to ensure that the WQS are also consistent with laws to protect threatened and endangered species. Where the Administrator finds unacceptable inconsistencies, he/she works with the state to correct the problems. If this fails, US EPA must promulgate acceptable standards applicable to the state.

## Guam’s WQS Triennial Review

Guam’s WQS were initially adopted in 1975. Subsequent triennial reviews were completed in 1987 and 1992. This triennial review, targeted for completion during 2000, was delayed due to a lack of resources. The most recent WQS contain categories of waters, water quality criteria applicable to those categories, effluent limitations, definitions and several appendices.

The most notable revisions to Guam’s WQS address:

C *Antidegradation.* The existing policy, to ensure that water quality is maintained and protected, was revised to meet federal requirements.

Guam’s proposed WQS: 1) reflect updated federal requirements for surface waters, which stem from scientific, technical and policy advancements; and 2) protect Guam’s critically important ground water resources.

C *Groundwater.* Numeric water quality criteria for groundwater were included. The criteria help clarify what water quality levels are necessary to retain our sole source aquifer as an acceptable drinking water resource. They are based on maximum acceptable concentrations of specific contaminants that can adversely affect public health and which may occur in public water systems.

C *Numeric criteria for surface waters.* Numeric criteria (e.g. microbiology, pH, nutrients, and toxic substances) were updated and newly adopted to reflect updated federal requirements.

C *Effluent limitations.* Protections were included for threatened and endangered species, and for those organisms harvested for food. Sections were added which allow schedules of compliance for point source discharges that need time to comply with the new requirements, establish federally required low-flow requirements for permit limit calculations, and identify petroleum spill prevention requirements for those facilities having a capacity of 660 gallons or greater. The spill prevention language helps ensure protection of our aquifer from accidental contamination.

C *Wetlands and water quality certifications.* Requirements related to these sections were clarified. Unnecessary or redundant language was removed. Application forms were eliminated from the body of these standards so that revisions to the forms can be made by Agency staff as necessary, without going through a regulatory revision process.

## The WQS Revision Process

During the current triennial review, the existing WQS were revised and released by Guam EPA for preliminary review by Guam EPA's Board of Directors, several Government of Guam agencies and departments, and the military. This review period was from January to May, 1999. The standards were then revised in response to input received, and released during August 1999 for public review for comment.

During the 30 day public review period, the WQS were distributed to Guam EPA's Board of Directors, the 15 members of Guam's interagency Water Quality Committee, and to twenty seven members of the public in response to their requests to review the document. The WQS were the topic of a public hearing held at the close of the comment period, on September 27, 1999. Two people testified at the public hearing. We received four written comments, including one from the US EPA. We considered all input received, revised the WQS, and prepared a "Response to Comments" document (attached).

<i>The Public Process</i>	
C	Public notification through newspaper advertisements and E-Mail alerts;
C	Distribution of WQS for public review;
C	A 30 day public comment period;
C	A public hearing; and
C	Revisions based on comments received.

<i>Next Steps</i>	
C	Review by Guam's Attorney General, US EPA and the Services;
C	Adoption by Guam EPA's Board of Directors;
C	Formal Submittal to and approval by US EPA.

On December 14, 1999, the revised WQS were submitted to the US EPA, US Fish and Wildlife Service and the Guam Attorney General, for their review. We are currently awaiting their comments. Following any revisions, the final WQS will be submitted to the Guam EPA Board of Directors for adoption. The standards will then be submitted to the Attorney General,

Governor and legislature, for their approval and then submitted to US EPA. US EPA will conduct its internal review and will work with the Services to ensure consistency with applicable laws. Upon formal US EPA approval, these WQS will become final and applicable.

**For More Information**

Please contact Mr. Domingo Cabusao, manager of Guam EPA's Water Pollution Control Program, at 475-1658/1660/1662, if you have any questions.