



AHENSIAAN PRUTEKSION LINA'LA GUÅHAN
LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

April 15, 2019

The Honorable Therese M. Terlaje
I Mina'trentai Singko na Liheslaturan Guåhan
Committee on Health, Tourism, Historic Preservation, Land and Justice
Ada Plaza Center, Suite 207
173 Aspinall Avenue
Hagåtña, Guam 96910

*RE:2019 Mariana Islands Training and Testing Supplemental EIS/OEIS (MITT)
Information Briefing Remarks*

The military training activities and corresponding construction build-up currently occurring on Guam and expected to extend over the next ten years brings many issues, challenges and concerns that directly affects the Guam Environmental Protection Agency's (Agency) mission. That mission is to provide an integrated and comprehensive framework of environmental protection throughout the island and its waters. The Agency's framework is designed to facilitate the improvement and maintenance of a high quality environment at all times, to guarantee an enjoyable life for the people of Guam at present and in the future and to ensure that environmental degradation of the quality of land, water and air by any pollutants, including all physical, chemical and biological agents, should not be allowed.

The Guam Environmental Protection Agency has been fulfilling its mission since it was established in 1973, and there are numerous statutes and regulations that list our authority.

Guam Code Annotated

- 10 GCA, Chap 45 "Guam Environmental Protection Agency Act"
- 10 GCA, Chap 46 "Water Resources Conservation Act"
- 10 GCA, Chap 47 "Water Pollution Control Act"
- 10 GCA, Chap 48 "Toilet facilities and Sewage disposal Act"
- 10 GCA, Chap 49 " Air Pollution Control Act"
- 10 GCA, Chap 50 "Guam Pesticides Act"
- 10 GCA, Chap 51 "Solid Waste"

- 10 GCA, Chap 52 “Water and Wastewater Operator’s Mandatory Certification Act”
- 10 GCA, Chap 53 “Safe Drinking Water Act”
- 10 GCA, Chap 53A “Safe Drinking Water Fund”
- 10 GCA, Chap 76 “Storage of Hazardous Materials (USTs)”
- 10 GCA, Chap 90 “Clean Indoor Air Act”

Guam Administrative Rules and Regulations

- 22-GAR Division I Chapter 1 “Guam Air Pollution Control Act”
- 22 GAR Division II Chapter 5 “Water Quality Standards”
- 22 GAR Division II Chapter 6 “Guam Secondary Drinking Water Regulations”
- 22 GAR Division II Chapter 7 “Water Resources Development and Operating Regulation Guidelines for Waterworks”
- 22 GAR Division II Chapter 8 “Sewer Connection Regulations”
- 22 GAR Division II Chapter 9 “Underground Injection Control Regulation”
- 22 GAR Division II Chapter 10 “Guam Soil Erosion and Sediment Control Regulations”; 22 GAR Division II Chapter 11 “Water and Wastewater Operator Certification Regulations”
- 22 GAR Division II Chapter 12 “Individual Wastewater Disposal Systems Regulations”
- 22 GAR Division III Chapter 15 “Pesticides”
- 22 GAR Division IV Chapter 20 “Solid Waste Disposal Regulations”
- 22 GAR Division IV Chapter 21 “Solid Waste Collection Regulations”
- 22 GAR Division IV Chapter 22 “Beverage Container Regulations”
- 22 GAR Division V Chapter 25 “Connection to Public Sewer”
- 22 GAR Division VI Chapter 30 “Hazardous Waste”
- 22 GAR Division VII Chapter 35 “Consultant Selection Procedure”
- 22 GAR Division VIII Chapter 40 “Feedlot Waste Management Regulations”
- 22 GAR Division IX Chapter 45 “Soil Erosion and Sedimentation Control”

To enforce these statutes and regulations there are fifty-five (55) dedicated staff divided up into five divisions, with each division covering a specific area of oversight and expertise. These divisions are;

- The Air and Land Division which is comprised of the Air Pollution Control Program, the Hazardous Waste Program, the Pesticide Control Program and the Solid Waste Program.

- The Environmental Monitoring and Analytical Services Division which is divided into the Analytical Services Program, the Monitoring Program and the Non-Point Source Program.
- The Water Division which is comprised of the Safe Drinking Water Control Program, the Water Pollution Control Program, and the Water Resources Management Program.
- The Department of Defense (DoD) and State/Territorial Memorandum of Agreement (DSMOA)/Green Parcels Program.
- The Administrative Services Division.

During review of the 2019 Mariana Islands Training and Testing Supplemental EIS/OEIS (MITT), the Agency limited its comments to activities and areas that fall within our regulatory oversight. The MITT's central core are the activities itself. The vast majority of activities will occur on existing ranges, out at sea beyond our territorial waters or in other jurisdictions. It is our understanding that these activities will have minimal environmental or construction related impacts.

The majority of the Agency's concerns were satisfactorily addressed by the documents. Those that were not are listed in our written comments to the Governor. Which we are submitting as Attachment A. The Agency shall require that all projects and actions associated with the MITT conform and follow all locally established review, permitting and enforcement processes. As the primary local environmental regulatory authority, the Agency will be inspecting, monitoring and reviewing all projects for compliance to all local and federal environmental laws and regulations. If regulatory requirements are not met then appropriate actions will be required before projects will proceed.

Attachment B is a list of all Guam EPA permits issued for all Department of Defense within the last seven years.

If you have any questions or concerns, please contact me directly by email at walter.leonguerrero@epa.guam.gov or by telephone at 671-300-4751.

Walter S. Leon Guerrero
Administrator, Guam EPA

cc: **The Honorable Sabina Flores Perez**
I Mina'trentai Singko na Liheslaturan Guåhan
Committee Chairperson on Environment, Revenue and Taxation, and Procurement

Attachment A
Guam EPA's MITT comments to Governor
Dated April 2, 2019



AHENSIAN PRUTEKSION LINA'LA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSUIA E. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

MEMORANDUM

TO: The Honorable Lourdes A. Leon Guerrero, Maga'hågan Guháhan

FROM: Acting Administrator, Guam EPA

SUBJECT: Agency's Comments to the 2019 Mariana Islands Training and Testing Supplemental EIS/OEIS (MITT).

Transmitted via hand delivery and email: tony.babauta@guam.gov

Hafa Adai Maga' Håga,

In response to the Governor's Circular (GC) #2019-018, requesting comments on the 2019 Mariana Islands Training and Testing Supplemental EIS/OEIS (MITT), below are the Agency's comments. Several comments pertain to the 2015 Mariana Islands Training and Testing EIS/OEIS (2015 MITT), as well as the 2019 MITT Supplemental, as we feel these issues have not been specifically addressed.

1. The Navy does a respectable job of notifying the local regulatory agencies of upcoming underwater Mine Detonation activities within Outer Apra Harbor and Agat Bay. But the public nor the regulatory agencies ever receive any form of feedback/after action reports on outcome of these activities. Specifically if any environmental damages occurred. Guam EPA request that some form of report be produce outlining these activities and highlight any issues regarding water quality, fish kills, protected species sightings, and marine debris be made available to the public and local agencies.
2. In the past, pre-coordination meetings on these activities were conducted with the local regulatory agencies. Guam EPA requests to make these meetings standard operating procedures, at a minimum of bi-annual basis.
3. At a minimum, a yearly report should be produced summarizing all activities identified in the MITT. There is no current mechanism to evaluate if the activities and quantities identified in the MITT are met or exceeded. Report should also address any impacts to stressor types.
4. Neither the 2015 MITT nor the 2019 Supplemental MITT have a discussion on the rational for an increase from a 10 lbs. underwater mine charge to the new standard of a 20 lbs. charge for the listed mine detonation activities. What is the justification for the increase? This needs to be further explained and justified.
5. In the 2015 MITT, page 3.1-18, Section 3.1.3, it states that Amphibious assaults and raids sediment plumes are temporary and since no military materials are expended, "...no further analysis of this

training activity is provided...” In previous assaults on Guam, it has been observed that physical damages (corals crushed or turned over) from these training activities occurred. Further discussion on this activity and a review of the potential impact needs to occur.

6. Neither the 2015 MITT nor the 2019 Supplemental MITT have a discussion in the Cumulative Impacts section that describes the total cumulative impacts that the individual activities impact would have on the environment. For instance, the 2015 MITT states that the impact from two vessel sinking's a year are minimal. But there is no discussion on what the impact would be for a 5 year period where a total of 10 vessels would be sunk. The document continues to state that for Preferred Alternative, 237 tons of metal would be release into the MITT range complex. This is a 1.3% increase over the “No Action” alternative. Expand this out for a 5 year period, this would equate to 6.5% increase and 1,185 tons of metal. At what point does this become significant. There really is no temporal discussion of the additive impact of any stressors to the environment.
7. In the 2019 Supplemental MITT, Section 3.1.2.4 Other Materials explains that detonations, explosions, and other activities may result in dispersant of glass, carbon fibers, plastics, rubber, steel, iron, concrete, etc. There is no discussion if any effort to clean up the marine debris as a result of the MITT activities are completed. There needs to be a discussion on this topic.
8. In the 2019 Supplemental MITT, Section 3.1.3 Public Scoping Comments states that Guam does not maintain screening standards for metals in sediments of water, and sites USEPA thresholds. True? Reference to Suggested Parameters for Bulk Sediment Analyses and Elutriate Analyses under Permit Information Requirements regarding Section 401 Water Quality Certification.
9. In the 2019 Supplemental MITT, Section 5.1.2.2.1.1 Adaptive Management states that the adaptive management process is to help the Navy have better knowledge on ecological systems. The process involves technical review meetings and ongoing discussions between the Navy, NMFS, the Marine Mammal Commission, and other experts in the scientific community. This process makes no mention of local stakeholders or other local natural resources managers like Guam EPA, Department of Agriculture, Bureau of Statistics and Plans, etc. Section should be revised to include all local Agency and Departments.
10. In the 2019 Supplemental MITT, Section 5.1.2.2.3 Incident Reports states that the Navy will submit annual reports to National Marine Fisheries Service (NMFS) that include any incidents that may affect shallow water coral reefs. They will also be reporting on any effects to Endangered Species Act (ESA) listed species. Do these ESA-listed species include the new ESA-listed corals? There needs to be a discussion on this topic.
11. Any and all construction that is related to either the 2015 MITT or the 2019 Supplemental MITT must be permitted by the Guam Environmental Protection Agency (GEPA), and must therefore meet all relevant requirements of GEPA regulations. These include, but are not limited to, clearing and grading requirements as specified in the Guam Soil Erosion and Sediment Control Regulations (22 GAR Chapters 10 and 45) and the 2006 CNMI and Guam Stormwater Management Manual, as adopted through Executive Order 2012-02; groundwater development and protection requirements as specified under the Water Resource Development and Operating Regulations (22 GAR Chapter 7), the Underground Injection Control Regulations (22 GAR Chapter 9), and the Guam Water Quality Standards (22 GAR Chapter 5); wastewater disposal requirements as specified under the Individual Wastewater Disposal Systems Regulations (22 GAR Chapter 12), the Connection to Sewer Regulations (22 GAR Chapter 25), and the Guam Water Quality Standards (22 GAR Chapter 5); requirements pertaining to the design, construction, and operation as contained in the Guam Safe Drinking Water Regulations (22 GAR Chapter 6) the Water Resource

Development and Operating Regulations, Part II: Guidelines for Water Works Development (22 GAR Chapter 7), and the Water and Wastewater Operator Certification Regulations (22 GAR Chapter 11

12. The 2019 MITT Supplemental states there have been no new information since the 2015 MITT, which identifies specific data gaps within the report about the environmental impact of previously used ammunition and/or the degradation products on the marine ecosystems in that area. There needs to be a discussion on this topic.

If you have any questions or concerns, please contact me directly by email at jesse.cruz@epa.guam.gov or by telephone at 671-300-4795.

Attachment B.

Guam EPA Permits Issued to Department of Defense.

Item No.	DATE ISSUED	GEPA REF. NO.	PROJECT DESCRIPTION	LOCATION
1	27-Apr-12		Clearing	Apra Harbor Reservation F-12-2
2	9-Jan-15		Replace Transmission Line from Tumon Maui Well to Harmon BPS, 30% Design Submittal	WON 1356273 FY15MMRP
3	12-Feb-15		Repair Water Distribution Lines along Carolines Ave. between Chicago & Bonin (Clearing and Grading)	Andersen Air Force Base, Guam
4	23-Mar-15		FY14 MCON P-518 Xray Wharf Improvements, Berth 1	U.S. Naval Base Guam
5	21-Dec-16	CGS1014-12 212016	Clearing, Grubbing, Grading & stockpiling for P-3028 Low Observable/Corrosion Control/Composite Repair Shop	Andersen Air Force Base, Guam
6	21-Dec-16	GG1015-122 12016	Grubbing and Grading to replace existing Fire Alarm System for UH BEQ Buildings 8-10	Naval Base Guam
7	4-Jan-17	G1019-0104 2017	Grading	Haputo Beach, NCTAMS Guam
8	25-Jan-17	G1025-0125 2017	Grubbing / Install Fire Suppression and Alarm System	Andersen Airforce Base
9	21-Feb-17	G1041-0222 2017	Demolition of 93 units at South Finegayan	South Finegayan
10	9-May-17	GS1059-050 92017	Grading permit renewal for Strike Fuel system maintenance hangar	Andersen Airforce Base
11	15-May-17	GS1061-051 52017	Renewal Expired Permit for Tanker group Maintenance FY14 Project No. 3027	Andersen Airforce Base
12	9-Jun-17	C1072-0609 2017	Clearing and Grading for Aircraft Maintenance Bay GUARNG	GUARNG Readiness Center

Attachment B.

Guam EPA Permits Issued to Department of Defense.

Item No.	DATE ISSUED	GEPA REF. NO.	PROJECT DESCRIPTION	LOCATION
13	19-Sep-17	CGGS1100-09192017		Andersen Airforce Base
14	8-Nov-17	C1114-1182017	Clearing of vegetation	Polaris Point Naval Base
15	16-Mar-18	CGS1142-03162018	Clearing, Grubbing, Grading and Stockpiling	West Route 3 and South of Northwest field at Andersen Airforce Base
16	19-Mar-18	CS1144-03192018	Clearing, Grubbing and Stockpiling	Sumay Road Naval Base
17	5-Apr-18	C1147-03072018	Replace Sewer Line running from Naval Hospital to Nambo Insurance	Naval Hospital Sewer line
18	7-May-18	C11158-0502018	Clearing of Vegetation	Andersen Communication Annex No.1 Route 4 Dededo
19	12-May-18	CG11160-05122014	Clearing, Grubbing and Backfilling- Electronic Harbor Security System	Apra Harbor Naval Base
20	26-Jun-18	CGS11180-06262018	APR Installation Control Center & Grading and Stockfiling Permit	Andersen Airforce Base
21	17-Jul-18	CGS11183-07172018	FY16 MCON Project Sanitary Sewer Recapitaliazation	Naval Base Guam
22	23-Jul-18	CGS11184-07212018	Route 3A Rehabilitation and Widening Project (P-715 Live Fire Training Range Complex)	Route 3A Potts Junction to Ritidian Point
23	14-Sep-18	C11194-091418	Historic Inv.	Naval Base Guam
24	17-Sep-18	C11196-091718	Fy16 MCON Project-715 Live Firing Rabge Training	Northwest Field AAFB
25	18-Oct-18	C11195-101818	Demolition of 9 Footers at Robert Terrace Housing	AAFB

Attachment B.

Guam EPA Permits Issued to Department of Defense.

Item No.	DATE ISSUED	GEPA REF. NO.	PROJECT DESCRIPTION	LOCATION
26	27-Nov-18	C11197-112 718	Clearing and grubbing	Navy Base, Santa Rita, Guam
27	9-Nov-18	G11207-110 918	Demolition of 155 housing @AAFB	AAFB
28	27-Dec-18	CGS12212-1 22718	Clearing,Grading /stockpiling	AAFB

