

# GEPA Regulatory and Permitting Requirements for Military Construction

OICC MCBCB Environmental Summit Meeting

November 4, 2022



GUAM ENVIRONMENTAL PROTECTION AGENCY  
AHENSIAN PRUTEKSION LINA'LA GUAHAN

# Introductions

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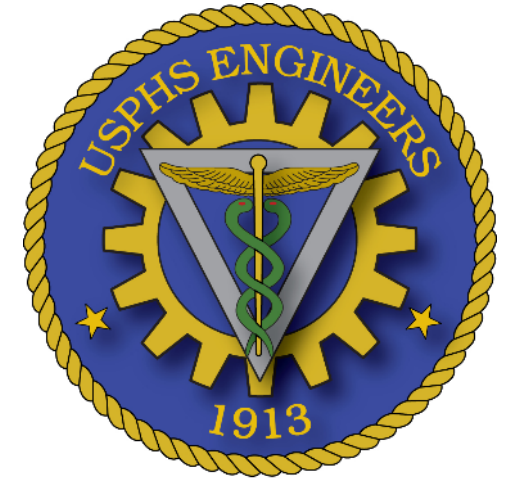
&

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# WHAT GEPA REVIEWS FOR PERMITTING:

- Guam Soil Erosion and Sediment Control Regulations
  - This contains the wrap-around permit for DOD construction
  - Specific components:
    - Erosion & Sediment Control (E&SC) plan
    - Stormwater runoff drainage system plan
    - 2006 CNMI-Guam Stormwater Management Manual



- Wellhead Protection Regulations

- If within 1,000 feet of well or within groundwater protection zone
- Dependent on activity/types of contaminants
- Injection wells – Class V “accidentally” included in many designs



# WHAT GEPA REVIEWS FOR PERMITTING:

- Guam Safe Drinking Water Regulations
  - Under federal SDW regs: Review and approval of any additions or modifications to public water system. Permit is approval.
- Wastewater Disposal
  - Potential sources of contamination – NPDES pretreatment
  - Septic tanks – only allowable for non-residential outside GPZ
  - Holding tanks – not allowable under current Guam law
  - Temporary facilities allowable for construction period



# WHAT GEPA REVIEWS FOR PERMITTING:

- Hazardous Waste Program
  - USTs and ASTs (separate permitting and/or registration process)
  - Pipelines, fuel piping for tanks
  - Other potential hazardous waste issues
- Air Pollution Control
  - Dust control plans
  - Standby generators (separate process)
    - Location, stack height
    - Fuel tanks: AST permitting capacity threshold



# WHAT GEPA REVIEWS FOR PERMITTING:

- Solid Waste Management
  - Solid waste management & disposal plan
  - Site design: dedicated location for waste management (bins) at all sites



# CLEARING/GRUBBING/GRADING/STOCKPILING PERMIT

- Combines activities under one application
- Types of letters issued
  - **Hold** – revisions or additional documentation needed
  - **Conditional/Limited Permit – Clearing and Grading Only**
    - Requires additional information before issuance of full approval letter
    - “No structures/improvements” –activities limited to C&G, E&SC
    - Notes provided on what outstanding item must be submitted
  - **Full Permit – All Construction Approved**
    - Clearly stated in new standard permit letters, not as obvious in older letters
- **12 month** permits – must be renewed annually



# GOALS

- Close gap on outstanding reviews to under a month
  - Design Reviews: 112 days (mean), 109 day (geometric mean)
  - Permit Reviews: 65 days (mean), 60 days (geometric mean)  
(June 2022: based on time elapsed between submission date and issuance of letter)
- Decrease number of Incomplete/Erroneous submissions
  - Relay information to MCBCB EV, KTRs, and Designers
    - Efficiency
    - Prevent permit delays



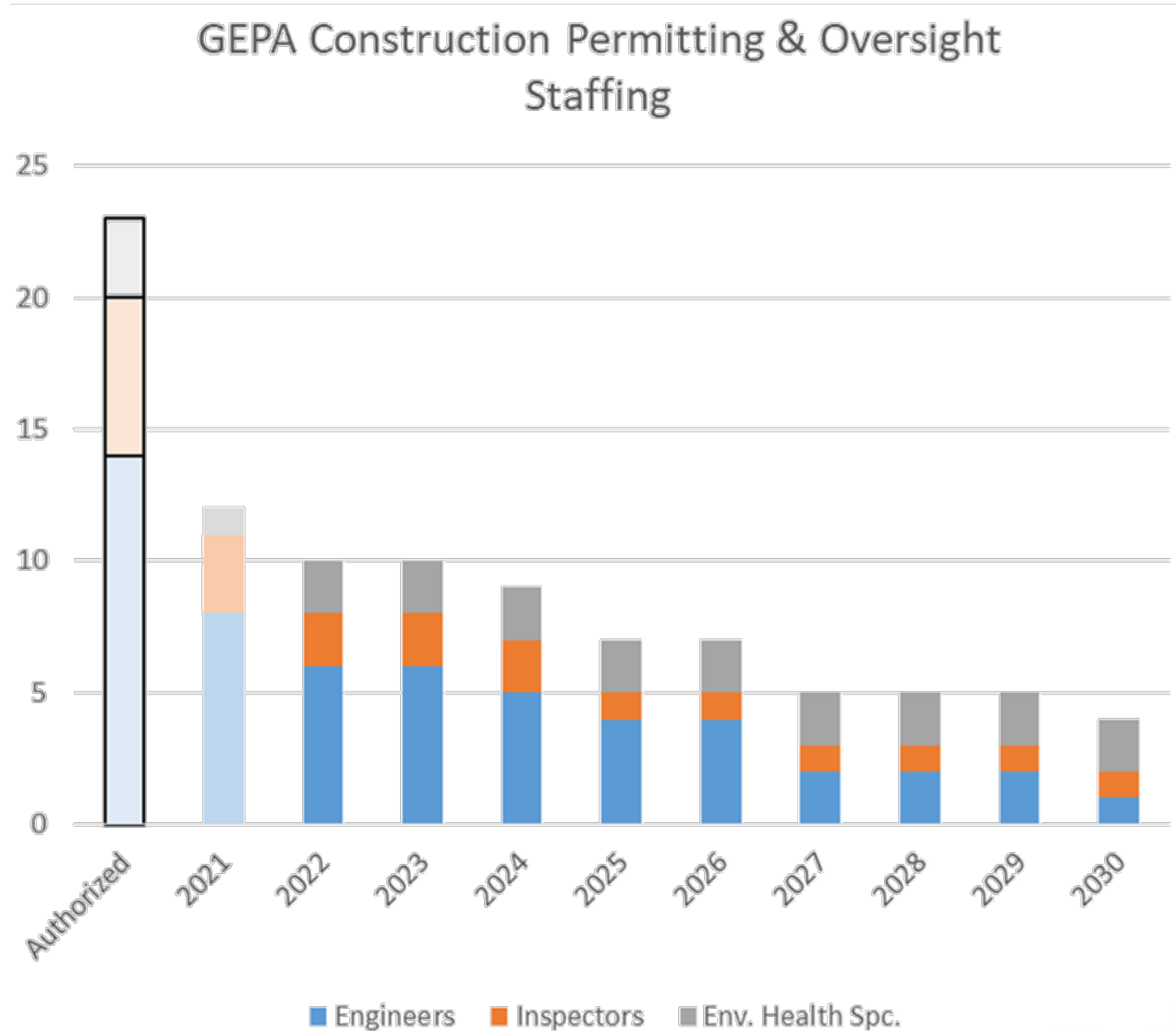


# CHALLENGES - GEPA

- Under-staffed
- Many staff covering 2 or more jobs
- Difficult to recruit – non-competitive salaries
- Duties tied to Federal (EPA) funding
  - Guam funds limited to fees & penalties
  - Permitting only small piece of duties
- Vehicle shortages & maintenance difficulties
- Admin support & procurement



- 57% vacancies by end of 2022
- Another 50% reduction by 2025



# CHALLENGES CAUSED BY CONTRACTORS

- Incomplete permit applications – ties up review time
- Violations – takes away from review time
- Unsatisfactory design submissions – tedious review
- Permittee misunderstanding of permit conditions
- Lapse in permit coverage
- Communication with prime contractors and their sub-contractors



Supporting Attachments

Add Supporting Attachment

Routing/Reviews

Add Routing/Review

Reviewer	Review Status	Comments	Order	Last Edited Date&Time	Delete
Air Program	Approved		10	6/2/22, 3:03 PM	⊗
Water Pollution Control	Approved		10	6/14/22, 3:04 PM	⊗
Safe Drinking Water				6/9/22, 3:04 PM	⊗
Pesticides Program	Approved		10	6/6/22, 3:13 PM	⊗
Solid Waste Management Program	Approved		10	6/3/22, 8:19 AM	⊗
Chief Engineer	Needs to Review		20	6/2/22, 2:50 PM	⊗
Administrator	Needs to Review		30	6/2/22, 2:50 PM	⊗

TIPS

Approve Reject Close



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# PLAN FOR SUCCESS

- **Best chance for approval is the first review!**
  - Errors and omissions place the application back in the queue
  - MILCON reviews require large blocks of time – hard to come by
- **The Best Plan:**
  - A complete application and correct design on the first submittal



# TOP CAUSES OF PERMIT DELAYS

- Incomplete and/or Erroneous Permit Applications/Design Reviews
  - Missing BOD/E&SC Plans for Stormwater Drainage System and Calculations
    - During and post/permanent construction
  - Inadequate sediment basin/trap sizing
  - Lack of BMPs in all project areas (laydown, stockpile, perimeter, etc.)
  - Solid Waste Authorization/Certifications Letters or Service Agreements
  - Differing SWMP and Disposal Plan information
  - Other missing plans (plumbing, floor plans, etc.)



# PREVENTING DELAYS

- Trimming drawings and documents from submittals is likely to result in GEPA coming back to ask for them
  - Don't assume GEPA does not need to see them
  - When in doubt, more is always better



# PREVENTING DELAYS - submittals

- Plans required:
  - Full Site Civil Plans and Basis of Design – to include:
    - Erosion and Sediment Control
    - Site layout
    - Grading and Drainage
    - Utilities (water, sewer, storm drain etc.)
  - Architectural Plans
    - Annotated floor plans – sources of contamination (wellhead, sewer & water review)
  - Plumbing Plans
    - Floor drains, kitchens, maintenance areas
    - ***A floor drain connected to a drywell is an injection well!***





# PREVENTING DELAYS

- E&SC Pointers:

- Ensure E&SC plan is official engineering design – sealed and stamped
  - Unsigned PDF annotations on the site topo is not up to standard
- Ensure contractor laydown/stockpiling areas are served by E&SC plan
  - Sediment traps required unless very small (less than 100 feet across)
- Sediment basin sizing is 5,500 cf per acre served
  - This includes laydown areas, stockpiles – any location where ground is bare
  - Don't calculate runoff for 1.5 inch storm, don't account for infiltration
  - Calculations so simple they can be put right on the plan
- Starting January 1:
  - Proof of E&SC Training for site manager/superintendent – with permit application



# PREVENTING DELAYS

- Solid Waste Pointers:

- Make sure to submit Solid Waste Authorization/Certification Letters or Service Agreements with application
- Ensure SWMP and Disposal Plan information matches – common error!

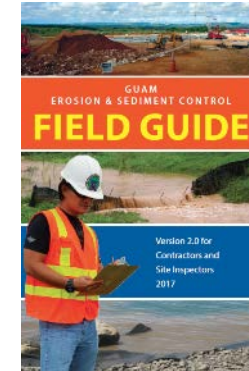
- Stormwater Design Pointers:

- In-depth engineer knowledge required
- Manuals available on GEPA website
- Reference the GEPA-DOD Design Review Checklist (provided)
- The best applications clearly demonstrate compliance in Basis of Design
  - drainage basin diagrams and table showing volume required/provided

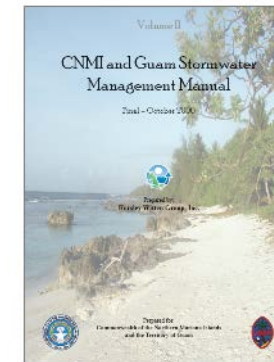
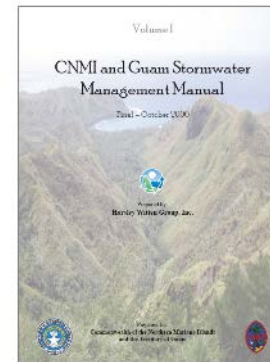


# PREVENTING DELAYS – education

- **Guam Trades Academy – Guam Erosion & Sediment Control Course available**
- **GEPA Manuals:**
  - [epa.guam.gov](http://epa.guam.gov)
  - Programs >> Water Pollution Control
  - <http://epa.guam.gov/programs/water-pollution-control/>
- 22 GAR Chapter 10 Guam Soil Erosion and Sediment Control Regulations
  - <http://www.guamcourts.org/CompilerofLaws/GAR/22GAR/22GAR002-10.pdf>



Guam Erosion & Sediment Control Field Guide (2018)



CNMI & Guam Stormwater Management Manual Vols. I & II(2006)



# AVOIDING ENFORCEMENT

- Enforcement takes resources away from permit review
- GEPA WILL drop permit review activities to prioritize enforcement
- One bad contractor = loss of GEPA review time for 20 or more MILCON-sized permits, 100+ civilian permits




# AVOIDING ENFORCEMENT

- READ all permit conditions
- Properly install and maintain BMPs
  - Become educated & certified
  - E&SC BMPs are a public display of contractor knowledge & responsibility
- Renew permit on-time
  - 12 months after issuance
- Get FULL construction permit prior to any structures or hardscape
- GEPA approval required for changes to relevant project components



# How to get FULL construction permit approval

- Submit GEPA Clearing, Grubbing, Grading & Stockpiling Application
- Submit missing design documents
  - Drawings
  - Basis of Design
  - Etc.
- Pay permit fee
- Receive signed Approval Letter

GUAM ENVIRONMENTAL PROTECTION AGENCY CLEARING, GRUBBING, GRADING & STOCKPILING PERMIT APPLICATION			
1. APPLICANT: Name: <u>Gilbane SMCC ECC (GSE) LLC</u> <small>(If the applicant is not the property owner, a letter agreement or written authorization from the owner is required or an NTP for federal projects)</small>			
Mailing Address: <u>134 W. Soledad Ave, Suite 403, Hagatna, GU 96910</u>			
Contact Person: <u>James Brundage</u> Telephone No.: <u>671-685-7702</u>			
2. CONTRACTOR: Company Name: <u>GSE</u> Address: <u>see above</u>			
Contractor's License No.: <u>2218435</u>	Phone No.: <u>671-697-4880</u>	Project Name: <u>P-307 Consolidated Army</u>	Plan Prepared By: <u>Vincard M. Quimson</u>
Expiration Date: <u>10/31/2022</u>	Email: <u>VQuimson@Gilbane.com</u>		
3. TYPE OF PERMIT: <input checked="" type="checkbox"/> Clearing Permit <input checked="" type="checkbox"/> Grubbing Permit <input checked="" type="checkbox"/> Grading Permit <input checked="" type="checkbox"/> Stockpiling Permit			
4. PROJECT SITE INFORMATION:			
City of Rd4 and Rd7 app: <u>N/A</u>		Block No. (non-federal projects): <u>N/A</u>	
Village (non-federal projects): <u>N/A</u>		Tract No. (non-federal projects): <u>N/A</u>	
Actual Lot Area		Actual Lot Area to be Disturbed	
266,119 Area (ft <sup>2</sup> )	6.1 Area (Acres)	163,276 Area (ft <sup>2</sup> )	1,679 (perimeter) Overall Dimensions (ft)
Stockpiling Data		Grading/Fill Data	
130,000 Volume (ft <sup>3</sup> )	12 ft Maximum Height (ft)	430,000 Grading Volume (ft <sup>3</sup> )	130,000 Fill Volume (ft <sup>3</sup> )
Linear distance(s) (ft.) between site and all of the nearest water(s) of Guam: <u>15,230 ft</u>			
Anticipated Start Date: <u>08/31/2022</u>		Anticipated Completion Date: <u>02/28/2024</u>	
Does the project include any in-water work in any of the waters of Guam? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>If yes, submit a U.S. Army Corps of Engineer (USACE) permit and a GEPA-approved 401 Water Quality Certification (WQC).</small>			
Does the project have a sinkhole within the clearing, grubbing, grading or stockpiling footprint? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>If yes, no clearing, grubbing, grading or stockpiling shall be performed within close proximity without prior approval.</small>			
Does the project include the use of a detention basin during the clearing, grubbing and/or grading? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>If yes, attach a detention basin design indicating type &amp; location of basin and direction of runoff flow.</small>			
5. GEPA-REQUIRED DOCUMENTS ATTACHED TO THIS APPLICATION: <small>(Please check all applicable boxes)</small>			
<input checked="" type="checkbox"/> Clearing, Grubbing, Grading, and/or Stockpiling Plan	<input checked="" type="checkbox"/> Solid Waste Disposal Plan		
<input checked="" type="checkbox"/> Environmental Protection Plan Erosion Control Plan	<input checked="" type="checkbox"/> Engineer Soils Report		
<input type="checkbox"/> GEPA-approved 401-WQC Permit - N/A	<input type="checkbox"/> Wetland Determination	N/A	
<input checked="" type="checkbox"/> USEPA receipt acknowledgement of NOI	<input checked="" type="checkbox"/> Storm Water Pollution Prevention Plan		
<input checked="" type="checkbox"/> Site & Topographic Plan showing all waters of Guam and existing/proposed storm drains and culverts within the project footprint or drainage area.	<input checked="" type="checkbox"/> Lease Agreement or written authorization from property owner <small>(Notice to Proceed for federal projects)</small>		
<input checked="" type="checkbox"/> For stockpiling permit only: a site plan showing property boundaries; easement type & source of stockpile material; & stockpile's height, setbacks & location(s)	<input checked="" type="checkbox"/> Storm water runoff drainage system plan with design calculation based on actual precipitation rate that shows type & location of detention basin and the direction of runoff flow		
<input type="checkbox"/> Maps signed by a registered land surveyor and approved by the Department of Land Management from federal projects only - N/A	<input type="checkbox"/> Storm Water Use Certification - Notice of Action - N/A	Department of Land Management from federal projects only - N/A	
<input checked="" type="checkbox"/> Environmental Impact Assessment (or NEPA documentation)	<input type="checkbox"/> Utilities Clearance (non-federal projects only) - N/A		
6. NON-GEPA DOCUMENTS: <small>(The following documents may be required for this project, but are independent of the permit application)</small>			
<input type="checkbox"/> USACE 404 or Nationwide Permit - N/A	<input checked="" type="checkbox"/> State Historic Preservation Office Clearance		
<input checked="" type="checkbox"/> U.S. Fish & Wildlife Consultation or Department of Agriculture's Division Aquatic & Wildlife Resources Approval Clearance	<input type="checkbox"/> Other: <small>(Please specify)</small>		
7. SIGNATURE OF APPLICANT: <small>I, the undersigned, hereby declare under penalty of perjury that I am an authorized signatory for the above contractor and this permit.</small>			
Date Signed: <u>7/1/2022</u>		Print Name: <u>James Brundage</u>	
Signature of Authorized Representative: 		Title of Signatory: <u>Project Manager</u>	



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# Questions

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# Helpful Links

- GEPA Water Pollution Control Program Page: <http://epa.guam.gov/programs/water-pollution-control/>
- GEPA Safe Drinking Water Program Page: <http://epa.guam.gov/programs/safe-drinking-water/>
- GEPA Air Pollution Control Program Page: <http://epa.guam.gov/programs/air-pollution/>
- GEPA Solid Waste Management Program Page: <http://epa.guam.gov/programs/solid-waste-before-import/>
- GEPA Hazardous Waste Management Program Page: <http://epa.guam.gov/programs/hazardous-waste/>



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