



GEPA

RECEIVED

MAR 20 2019

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

CORPORATION

MAR 15 2019

Mr. Baba Hiderasu
Vice President
Coco Palm Resort
756 S. Marine Drive, Suite 201
Tamuning, Guam 96913

SUBJECT: NON-COMPLIANCE WITH THE GUAM SAFE DRINKING WATER ACT
(GSDWA) VIOLATIONS OF TOTAL COLIFORM BACTERIA
FAILURE TO MONITOR FOR TOTAL COLIFORM BACTERIA
COCO PALM RESORT WATER SYSTEM PWS ID #: GU0000017
NOV#2019-003

Hafa Adai Mr. Hiderasu:

I. BACKGROUND

The Guam Environmental Protection Agency (GEPA) did not receive coliform monitoring results for your water system, which are required quarterly based on your coliform monitoring plan approved by GEPA on May 20, 2013. Bacteriological lab results for each quarter must be submitted to GEPA by the 10th day of the following quarter. Accordingly, GEPA determined that you are in violation with the provisions of the Guam Safe Drinking Water Regulations (GSDWR), enacted in P.L. 28-86.

II. VIOLATIONS

1. All public water systems are required to perform monitoring for total coliform bacteria. Public Water Systems (PWS) must collect total coliform samples at sites representative of water throughout the distribution system according to an

Mr. Baba Hiderasu
Coco Palm Resort - MCL
NOV#2019-003

approved sampling siting plan. 40 CFR §141.21(a) adopted by Guam Safe Drinking Water Regulations §6141.21.

According to the approved sampling siting plan, Coco Palm Resort Water System is required to collect 3 routine samples and monitor for bacteriological on a quarterly schedule. Coco Palm Resort Water System failed to properly monitor and collect for total coliform for 4th quarter 2018 (Oct - Dec 2018).

III. COMPLIANCE ORDER

1. Coco Palm Resort Water System must comply with the Guam and Federal Safe Drinking Water Act and take the following actions within the specified timeframe:
 - a. Collect required samples and test for bacteriological from a certified laboratory based on your coliform monitoring plan for total coliform bacteria IMMEDIATELY and submit the analytical test results to GEPA no later than 5 days after receipt of this letter.
 - b. Notify your affected customers of the violation by issuing a Public Notification pursuant to 40 CFR §141.204 adopted by Guam Safe Drinking Water Regulations §6141.204 "Tier 3 Public Notice - Monitoring violations under 40 CFR part 141 , except where a Tier 1 notice is required under §141.202(a) or where the primacy agency determines that a Tier 2 notice is required." You must provide the public notice to your affected customers and submit a copy to Guam EPA not later than one year after receipt of this letter.
 - c. Submit a copy of the public notice and public notification certification to Guam EPA after providing the notification required in Paragraph (b) above.

IV. PENALTY ORDER

Guam EPA hereby imposes a penalty for the violation of the Guam Primary Drinking Water Regulations §6141.21 of \$210 for each day of violation.

Mr. Baba Hiderasu
Coco Palm Resort - MCL
NOV#2019-003

V. NOTICE OF RIGHT TO APPEAL

You may file within ten days of the date of your receipt of this Notice of Violation/Order of Compliance, a Notice of Intent to Appeal also known as a Notice of Defense with the Guam EPA's Board of Directors. A copy of the Notice of Intent to Appeal/Notice of Defense is attached for your convenience.

Unless a written request for a hearing signed by or on behalf of the person, agency or business entity named above in this Notice of Violation/Order of Compliance is hand delivered or mailed to Guam EPA within ten days after the Notice of Violation/Order of Compliance was personally served on you or mailed to you, Guam EPA may proceed upon the Notice of Violation/Order of Compliance without a hearing. A request for hearing may be made by delivering the enclosed form entitled "Notice of Intent to Appeal also known as A Notice of Defense", or by delivering a notice of defense as provided in 5 GCA §9205, to the following address:

Guam Environmental Protection Agency Board of Directors
C/o Administrator Guam Environmental Protection Agency
Building 17-3304 Mariner Avenue
Tiyán Barrigada, Guam 96913

If you file a Notice of Intent to Appeal/Notice of Defense, the Guam EPA's Board of Directors shall hold a public hearing, at which time you may appear and present evidence in person or through counsel in support of this petition.

Failure to file a Notice of Intent to Appeal and Verified Petition within the period specified above will constitute a waiver of your right to a hearing. If you waive your rights to a hearing the Notice of Violation and Order of Compliance will become final, and Guam EPA may proceed upon the Order without a hearing and without further notice to you.

Mr. Baba Hiderasu
Coco Palm Resort - MCL
NOV#2019-003

Should you have questions please contact me at (671) 300-4751 or CMDR Brian Bearden at (671) 300-4779 or Julie Mendoza at (671) 300-9026.

Si Yu'us Ma'ase,



WALTER S. LEON GUERRERO
Administrator

CC: Carl Goldstein, USEPA Region IX
Attorney General Office

Enclosures: Public Notice Templates
Public Notice Certification Form
Notice of Defense