



AHENSIAN PRUTEKSION LINA'LA GUÁHAN

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WALTER S. LEON GUERRERO, ADMINISTRATOR



JAN 30 2019

MR. Miguel C. Bordallo, P.E.  
General Manager  
Guam Waterworks Authority

**SUBJECT: NON-COMPLIANCE WITH THE GUAM SAFE DRINKING WATER ACT (GSDWA) VIOLATIONS OF TOTAL COLIFORM BACTERIA –FTC REPEATS GUAM WATERWORKS NORTHERN WATER SYSTEM PWS ID #: GU0000006 NOV#2019-002**

Hafa Adai Mr. Bordallo:

## I. BACKGROUND

The Guam Environmental Protection Agency (GEPA) received the Guam Waterworks Authority Northern Water System week 1 (Nov 05 – 09, 2018) bacteriological water quality report on November 16, 2018. The report entails the follow up repeats analytical test results of water sample with a Sample Laboratory I.D. #8110604-01 that was collected at the Dededo – E. Salas Residence #473 on November 06, 2018 and analyzed on November 07, 2018.

The Dededo – E. Sala Residence #473 sampling point is one of the 120 representative sampling points that was approved by the Guam EPA for the Guam Waterworks Authority Northern Water System for compliance with the Revised Total Coliform Rule (RTCR). A monthly routine sample, Lab Sample no. 8110508-02, was taken from Dededo - E. Salas Residence #473 on November 05, 2018 at 10:05 a.m. The sample was analyzed and tested positive for total coliform. A follow up repeat sample Lab Sample no. 8110604-01, was taken at the original sample location, and at sites upstream and downstream on November 06, 2018 at 2:27 p.m. The sample taken from the original sample location at Dededo - E. Salas Residence #473 again tested positive. On November 07, 2018, a second follow up repeat sample Lab Sample no. 8110705-01 was

taken at the original sample location at Dededo - E. Salas Residence #473, but not at the upstream and downstream locations as required. Based on the failure to collect required follow up repeat samples, and on the observation and analytical test results, Guam Waterworks Authority Northern Water System is in violation of the Guam Safe Drinking Water Act and the Guam Primary Drinking Water Regulations as enacted in P.L. 28-86.

## II. VIOLATIONS

1. Guam Waterworks Authority Northern Water System collected one repeat sample on November 07, 2018 at the Dededo – E. Salas Residence #473 but failed to also collect one required repeat sample from the upstream and one repeat sample from the downstream of the original sampling site.

When repeat monitoring is required under the Guam Primary Drinking Water Regulations §6141.21, states “(b) The system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site.” 40 CFR §141.21(b)(2) 2003, adopted by reference in the Guam Primary Drinking Water Regulations §6141.21.

2. The violation described above may subject you to a penalty not to exceed \$5,000 for each day of violation. 10 GCA § 53114(a).

## III. COMPLIANCE ORDER

1. Guam Waterworks Authority Northern Water System must comply with the Guam and Federal Safe Drinking Water Act and take the following actions within the specified timeframe:
  - a. Notify your affected customers of the violation pursuant to Guam Primary Drinking Water Regulations §6141.203 (b)(1) ‘Tier 2 Public

Notice - Form, Manner, and Frequency of Notice, Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation.”

- b. Submit a copy of the notice to Guam EPA after providing the notification required in Paragraph (a) above.
- c. Conduct a Level 1 Assessment and associated corrective actions and submit results to Guam EPA on/or before December 07, 2018 as described in 40 CFR 141.859. Because Guam has not adopted 40 CFR 141.859, we are referring this matter to USEPA Region IX.

#### IV. 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, setting forth in such Notice of Intent to Appeal/Notice of Defense, a verified petition outlining the legal and factual bases for such an appeal. 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.

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



# GUAM ENVIRONMENTAL PROTECTION AGENCY

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EPA.GUAM.GOV

Guam EPA Case# \_\_\_\_\_

## NOTICE OF DEFENSE

I, \_\_\_\_\_, have received your Notice of Violations and/or Order of Compliance, dated \_\_\_\_\_, charging me for violations, and I wish to:

(Please check appropriate sections)

A. Request for a hearing and

1. Object to the accusation on the ground that it does not state acts or omissions upon which the Agency can proceed.

2. Object to the form of accusation on the ground that it is so indefinite or ambiguous that I cannot identify the infraction or prepare my defense.

3. Wish to prepare new matter in my defense.

4. Admit to the accusation in part.

B. Admit the accusation in whole.

My mailing address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

# IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

## Tests Show Coliform Bacteria in [System] Water

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. We took [number] samples for coliform bacteria during [month]. [Number/percentage] of those samples showed the presence of coliform bacteria. The standard is that no more than [1 sample per month/5 percent of our samples] may do so.

### What should I do?

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

### What does this mean?

This is not an emergency. If it had been you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing.** If we had, we would have notified you immediately. However, we are still finding coliforms in the drinking water.

### What happened? What is being done?

[Describe corrective action.]

We are still detecting coliform bacteria. We will inform you when our sampling shows that no bacteria are present. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by [system].

PWS ID#:

Date distributed:

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# Public Notice Certification

I \_\_\_\_\_ certify that the public notice(s) that I am submitting here before you have been posted , hand delivered, mailed, published in the newspaper, or submitted to the media (T.V. / Radio station). I also acknowledge that anybody who knowingly and willfully makes false statement, presentation, or certification in any application, records, report plan or other documentation filed or required to be maintained under the Guam Safe Drinking Water Regulations, or by any certification, or order issued under the Guam Safe Drinking Water Regulations, or who falsifies, tampers with or knowingly renders inaccurate information shall be subject to the penalties.

Notice distributed by \_\_\_\_\_ on \_\_\_\_\_.  
(Method of Notification) (Date of Notification)

Public Notice Locations: \_\_\_\_\_.

Public Notice has required Elements;

- A description of the violation (MCL or FTM, etc...)
- When the violation or situation occurred (MCL or FTM, etc...)
- Potential adverse health effects, using the standard mandatory language(MCL)
- Population at risk (MCL)
- Whether alternative water supply is needed (MCL or FTM, etc...)
- Actions consumers should take to reduce their exposure to the contaminant (MCL)
- What are you doing to correct the violation or situation (MCL or FTM, etc...)
- When you expect to return to compliance (MCL or FTM, etc...)
- Name, business address, and phone number for additional information, and (MCL or FTM, etc...)
- Standard language encouraging distribution to all persons served. (Where applicable)

\_\_\_\_\_  
(Signature of PWS contact)

\_\_\_\_\_  
(PWS contact title)

\_\_\_\_\_  
(PWS Name)

\_\_\_\_\_  
(PWS I.D. Number)