

# GUAM SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS

## FACT SHEET

Soil erosion and sedimentation is one of the island's most serious nonpoint sources of water pollution. It affects the purity of streams and marine waters of Guam and causes unreasonable damage to fish and marine life in general.

Water generated erosion and sedimentation, especially when influenced by earth-moving operations/activities, can become serious environmental problem when they destroy natural vegetation, expose the soil surface and alter drainage patterns. The accelerated soil erosion must be controlled in order to minimize damage to Guam's waters and land resources.

In addressing the soil erosion problems Guam is experiencing, Guam EPA has promulgated, in December, 1975, the Guam Soil Erosion and Sedimentation Control Regulations under the authority of 10 Guam Code Annotated (GCA), Chapter 47. The regulations were updated and revised in May, 1985

During the current review process, the existing Guam Soil Erosion and Sedimentation Control Regulations were revised and released by Guam EPA for preliminary review by Guam EPA Board of Directors and staff, several GovGuam departments and agencies, military and several consulting Engineers from March, 1994 to November, 1997.

The proposed revisions address important provisions that will eliminate and/or minimize nonpoint source pollution within Guam's waters such as fertilizers, pesticides and other polluting substances carried by sediment, protect property and promote public health, safety and welfare by regulating grading, clearing, grubbing and stockpiling and sets specific requirements for erosion and sedimentation control within the island of Guam.

The proposed regulations expands the purpose and applicability by including grubbing and stockpiling that requires to be permitted and redefine exemptions from the regulations.

The regulations added a section dealing with permit issuance and denials. It defines when a permit is required and establishes the permitting process and requirements needed to be included in the permit application applicable to such activity being

requested to be permitted and factors to be considered in the denial of a permit application which are not included in the previous regulations. It expanded the general policies for Erosion and Sediment Control and defines the contents of the Erosion Control Plan that is approvable by Guam EPA including the construction schedule, control of storm water run-off, disposal of spoil materials, stockpiles and stabilization of affected areas.

A special requirement under the proposed regulations has been added for the protection of adjoining properties by requiring any person performing excavation or fill to provide the necessary means to prevent the movement of earth materials or discharge of storm water run-off to adjoining properties. It also provides provisions for the protection of public utilities, removal of silt or debris in ditches, water courses and drainage facilities and safety precautions for the protections of life, limb and property.

A section on permit fees has been included authorizing the Administrator to assess fees for plan review and inspection for applicant applying for clearing, grading, grubbing and stockpiling permits. The plan review fee schedule was patterned after the fees established by the Uniform Building Code and being implemented by the Department of Public Works. The fees collected shall be deposited to the Water Protection Fund and shall be administered by the Administrator. The fund shall be used for the administration, implementation and enforcement of the Water Pollution Control Act and regulations promulgated from said Act.