

JOINT NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency
Region 9 (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105

CNMI Division of Environmental Quality
P.O. Box 501304
Saipan, MP 96950

On Application for a National
Pollutant Discharge Elimination
System (NPDES) Permit to
Discharge Pollutants to Waters
of the United States

On Request for Certification
for Compliance with Applicable
Effluent Limitations and
CNMI Requirements

Public Notice #: GU-09-W-08 (CNMI)
Publication Date of Notice: June 30, 2009
Public Comment Period Closes: July 30, 2009

The Environmental Protection Agency (EPA), Region 9, and the Commonwealth of the Northern Marianas Islands Division of Environmental Quality (CNMI-DEQ) are jointly re-issuing the following notice of proposed action under the Clean Water Act (CWA), as amended, the implementing regulations, and the CNMI Water Quality Standards, as amended. EPA Region 9 is today proposing to reissue an NPDES permit to the following discharger subject to certain effluent limitations and other conditions:

Permit No. MP0020028
Commonwealth Utilities Corporation
P.O. Box 1220
Saipan, MP 96950

The NPDES Permit No. MP0020028 is for the continued discharge of secondary treated wastewater from the CUC – Agingan Wastewater Treatment Plant (WWTP) through the Agingan Ocean Outfall in the Tinian Channel within territorial waters of the Commonwealth of the Northern Mariana Islands. Agingan WWTP serves a population of approximately 18,400 people, receiving mainly domestic wastewaters from a network of wastewater collection and transmission facilities known as the Southern System. The Agingan Ocean Outfall No. 003 discharges to Class A marine receiving waters of Tinian Channel of the Philippine Sea, a water of the U.S. at latitude 15E 07' N and longitude 145E 41' E. Any sampling and monitoring under the proposed permit shall be performed at Outfall No. 003 and/or in the receiving waters.

EPA has made a preliminary determination that the proposed permits would have no effect on any federally-listed threatened or endangered species, and would have no effect on any properties listed or eligible for listing in the National Register of Historic Places.

CNMI-DEQ is considering a request to certify the discharges described above, pursuant to Section 401 of the CWA. The certification will set forth any limitations and monitoring requirements necessary to ensure compliance with water quality standards under Section 303, area-wide waste treatment management plans under Section 208(e), effluent limitations under Sections 301 and 302, standards of performance under Section 306, prohibitions, effluent standards or pretreatment standards under Section 307 of the CWA, and any other appropriate requirement of CNMI law.

CNMI-DEQ may certify conditions that are more stringent than those in the draft permit under its CWA Section 401 authority. For each more stringent condition, CNMI-DEQ shall cite the CWA or CNMI law references upon which the condition is based. Review of appeals of limitations and conditions attributable to CNMI-DEQ certification shall be made through the applicable CNMI procedures.

The Administrative Record, which include the draft permit, fact sheet, and other relevant documents, are available for public review Monday through Friday from 9:00 a.m. to 4:00 pm. at the EPA address listed below or may be obtained by contacting Mr. Mike Lee of EPA by telephone at (415) 972-3769 or electronic mail at lee.michael@epa.gov, or Mr. Brian Bearden by telephone at (670) 664-8510 or electronic mail at brianbearden@deq.gov.mp. The draft permit and fact sheets may also be obtained by visiting EPA website at: <http://www.epa.gov/region09/water/npdes/publicnotices.html>

Persons wishing to comment upon the draft permit or request a public hearing pursuant to 40 CFR 124.12 should submit their comments or request in writing within 30 days from the date of this notice, either in person or by mail to:

U.S. Environmental Protection Agency, Region 9
Chief, NPDES Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, California 94105

All comments submitted within 30 days from the date of this notice will be considered in the formulation of the final permit. If the response to this notice indicates a significant degree of public desire for a public hearing, the Regional Administrator shall hold one in accordance with 40 CFR 124.12. A public notice of such hearing will be issued at least 30 days prior to the hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Upon issuance of a final permit decision and response to comments, the EPA will notify by mail the applicants and persons who submitted written comments or requested notice of the final permit decision. If no comments are submitted on the draft permits, the final permits will become effective three (3) days from the date of mailing. If comments are submitted on the draft permits, the final permits will become effective 33 days from the date of mailing, unless a

petition is filed with the Environmental Appeals Board (EAB) to review any conditions of the final permit under 40 CFR 124.19(a), as revised at 65 Fed. Reg. 30886, 30911 (May 15, 2000). A copy of such petition should be sent to the EPA address above. Persons filing a request for review must have filed comments on the draft permit or participated in a public hearing.

Please bring the foregoing notice to the attention of all persons you know would be interested in this matter.