

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

NPDES PERMIT NO. MP0020028

In compliance with the provisions of the Clean Water Act (“CWA”) (Public Law 92-500, as amended, 33 U.S.C. §§ 1251 et seq.), the following permittee is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

Permittee Name	Commonwealth Utilities Corporation
Permittee Address	P.O. Box 501220 Saipan, MP 96950
Facility Name	Agingan Wastewater Treatment Plant and Collection System
Facility Location Address	Lililok Lane, Agingan Point Saipan, MP 96950
Facility Rating	Major

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Domestic Wastewater	15° 7' 7.88" N	145° 41' 18.29" E	Tinian Channel

This permit was issued on:	Date of signature below
This permit shall become effective on:	August 1, 2023
Permit reapplication due no later than:	February 2, 2028
This permit shall expire at midnight on:	July 31, 2028

In accordance with 40 CFR § 122.21(d), the permittee shall submit a new application for a permit at least 180 days before the expiration date of this permit, unless permission for a date no later than the permit expiration date has been granted by the Director.

Signed for the Regional Administrator:

**TOMAS
TORRES**

Digitally signed by
TOMAS TORRES
Date: 2023.06.21 11:16:22
-07'00'

Tomás Torres, Director
Water Division

Date

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Part I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

A. Effluent Limits and Monitoring Requirements

1. Effluent Limits – Outfall Number 001
The permittee is authorized to discharge treated domestic wastewater in compliance with the effluent limits and monitoring requirements specified in Table 1. The permittee shall monitor both the effluent and influent to evaluate compliance.
2. The discharge of pollutants at any point other than the outfall number 001 to Tinian Channel, as specifically authorized in this permit, is prohibited.
3. There shall be no discharge of pollutants to the receiving water that will:
 - a. Settle to form objectionable deposits; float as debris, scum, oil, or other matter forming nuisances;
 - b. Produce objectionable color, odor, taste, or turbidity;
 - c. Cause injury to, or be toxic to, or produce adverse physiological responses in humans, animals, or plants; or
 - d. Produce undesirable or nuisance aquatic life.
4. Concentration of dissolved oxygen in all waters shall not be less than 75% saturation. Where natural conditions cause lower dissolved oxygen levels, controllable water quality factors shall not cause further reductions.
5. No alterations of the marine environment shall occur that would alter the salinity of marine or estuarine waters more than 10% from ambient conditions or which would otherwise adversely affect the indigenous biota and sedimentary patterns, except when due to natural causes.
6. Water temperature shall not vary by more than 1.0°C from the ambient conditions.
7. Turbidity values (NTU) at any point shall not exceed 1.0 NTU over ambient conditions.
8. Discharge of radioactive materials at any level into any Commonwealth or state waters is strictly prohibited.
9. The concentration of oil or petroleum products in any Commonwealth or state waters shall not:
 - a. Be detectable as a visible film, sheen, or discoloration of the surface or cause an objectionable odor.
 - b. Cause tainting of fish or other aquatic life, be injurious to the indigenous biota, or cause objectionable taste in drinking water.

- c. Form an oil deposit on beaches or shoreline, or on the bottom of a body of water.
10. All waters shall be free from toxic pollutants in concentrations that are lethal to, or that produce detrimental physiological responses in human, plant, or animal life. Detrimental responses include, but are not limited to: decreased growth rate and decreased reproductive success of resident or indicator species; or significant alterations in population, community ecology, or receiving water biota.
 11. The health and life history characteristics of aquatic organisms in waters affected by controllable water quality factors shall not differ significantly from those for the same waters in areas unaffected by controllable water quality factors.
 12. The discharge, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard.

B. Effluent Limits and Monitoring Requirements – Outfall Number 001

Table 1. Effluent Limits and Monitoring Requirements

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements ⁽²⁾	
	Concentration and Loading					
	Average Monthly	Average Weekly	Maximum Daily	Units	Frequency	Sample Type
Flow rate	(1)	(1)	(1)	MGD	Continuous	Metered
Biochemical oxygen demand (5-day)	30	45	—	mg/L	3 days/week	8 hr. composite
	751	1126	—	lbs/day		
	The average monthly percent removal shall not be less than 85 percent. ⁽³⁾			%		
Total Suspended Solids	30	45	—	mg/L	3 days/week	8 hr. composite
	751	1126	—	lbs/day		
	The average monthly percent removal shall not be less than 85 percent. ⁽³⁾			%		
pH	Within 6.0 to 9.0 at all times.			S.U.	3 days/week	Grab
Solids, settleable	1	—	2	mL/L	Once/day	Grab
Oil and grease, total recoverable	—	—	15	mg/L	Quarterly	Grab
Nitrate-nitrogen, dissolved (as N)	—	—	144	mg/L	Quarterly	Grab

Enterococci	10,080 ⁽⁵⁾	—	37,440 ⁽⁶⁾	MPN/100 mL	Weekly	Grab
Priority Pollutant Scan ⁽⁴⁾	—	—	(1)	µg/L	Once per permit term	24-hour composite

- (1) No effluent limits are set at this time, but monitoring and reporting is required.
- (2) At minimum, at least one sample per year must be taken concurrent with the annual sample for whole effluent toxicity.
- (3) Both the influent and the effluent shall be monitored and reported. The average monthly effluent concentration of Biochemical Oxygen Demand (5-day) and Total Suspended Solids shall not exceed 85 percent of the average monthly influent concentration collected at the same time. Mass-based limits were calculated using 3.0 MGD flow.
- (4) See attachment D for list of priority pollutants. Note: certain priority pollutants are volatile compounds and should be collected using grab samples while the remaining priority pollutants are recommended be collected via composite samples. For most current listing of all priority toxic pollutants, see 40 CFR § 423, Appendix A. Priority pollutant scan shall be conducted no later than the end of second year and concurrently with a Chronic Toxicity test.
- (5) Enterococci average monthly effluent limit is applied as 30-day geomean.
- (6) EPA has established a compliance schedule for the enterococcus maximum daily effluent limitation. Compliance with the maximum daily effluent limitation of 37,440 MPN/100mL is required by May 1, 2024. From the permit effective date to May 1, 2024, the maximum daily effluent limitation for enterococcus is 79,488 MPN/100mL. See Part II.I. for more information.

C. Chronic Toxicity Effluent Limits and Monitoring Requirements – Outfall Number 001

Table 2. Effluent Limits and Monitoring Requirements for Chronic Toxicity

Parameter	Maximum Allowable Discharge Limits			Monitoring Requirements	
	Concentration				
	Median Monthly	Maximum Daily	Units	Minimum Frequency	Sample Type
Chronic Toxicity <i>Strongylocentrotus purpuratus</i> fertilization, Method 1008.0 WI33L ⁽⁴⁾	Report ^(1, 2)	Report ^(1, 3)	Pass (0) or Fail (1), Percent Effect, in % effluent	Once per year	24-hour composite
Chronic Toxicity <i>Dendraster excentricus</i> fertilization, Method 1008.0 WI33N ⁽⁴⁾	Report ^(1, 2)	Report ^(1, 3)	Pass (0) or Fail (1), Percent Effect, in % effluent	Once per year	24-hour composite

- (1) “Report” means there is no effluent limit for the coded parameter, chronic toxicity, but monitoring and DMR reporting is required. See Endnotes 2 and 3.
- (2) Median Monthly Effluent result: An exceedance occurs if the median of **Pass–Fail** results is positive **(1)**, using **no more than three** chronic toxicity tests initiated during the calendar month. Pass–Fail results are coded as **Pass (0)** (TST null hypothesis is rejected and the IWC is declared not toxic) and **Fail (1)** (TST null hypothesis is not rejected and the IWC is declared toxic). For this discharge, the TST null hypothesis (H_0) at the required discharge-specific IWC is: **IWC mean response (100% effluent) $\leq 0.75 \times$ Control mean response**. Rejection of the TST null hypothesis is determined by following the step-by-step instructions in *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document*, Appendix B (EPA 833-R-10-004, 2010; TST Technical Document).
- (3) Maximum Daily Effluent result: This is evaluated for each toxicity test conducted for determining the median monthly effluent result. An exceedance occurs if both of the following occur in the same toxicity test: The Pass–Fail result is coded as **Fail (1)** (TST null hypothesis is not rejected and the IWC is declared toxic) and the observed (estimated) **PE ≥ 50** . PE (also called “Percent (%) Effect” or “% Effect”) is calculated as: **PE in % effluent = [(Control mean response – IWC mean response) \div Control mean response] $\times 100$** . If more than one toxicity test is initiated during the calendar month, then those results shall be reported attached to the DMR form, except that the one toxicity test with a **Fail (1)** and the highest PE shall be reported on the DMR form.
- (4) Monitoring is conditional in that only one of these two test species must be monitored for chronic toxicity for DMR reporting. Two species are presented here in case one test species is not available due to seasonal conditions. See “Chronic Test Species and WET Methods” condition of this permit.

D. Sampling

1. Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The Permittee shall identify the effluent sampling location used for each discharge.
2. Samples shall be taken at the following locations:
 - a. Influent samples shall be taken after the last addition to the collection system and prior to inplant return flow and the first treatment process, where representative samples can be obtained.
 - b. Effluent samples shall be taken after inplant return flows and the last treatment process and prior to mixing with the receiving water, where representative samples can be obtained.
3. For intermittent discharges, the permittee shall monitor on the first day of discharge. The permittee is not required to monitor in excess of the minimum frequency required in Table 1. If there is no discharge, the permittee is not required to monitor either influent or effluent.

E. General Monitoring and Reporting

1. All monitoring shall be conducted in accordance with 40 CFR § 136 test methods, unless otherwise specified in this permit. For influent and effluent analyses required in this permit, the permittee shall utilize 40 CFR § 136 test methods with MDLs and

MLs that are lower than the effluent limits in this permit. For parameters without an effluent limit, the permittee must use an analytical method at or below the level of the applicable water quality criterion for the measured pollutant. If all MDLs or MLs are higher than these effluent limits or criteria concentrations, then the permittee shall utilize the test method with the lowest MDL or ML. In this context, the permittee shall ensure that the laboratory utilizes a standard calibration where the lowest standard point is equal to or less than the ML. Influent and effluent analyses for metals shall measure “total recoverable metal”, except as provided under 40 CFR § 122.45(c).

2. As an attachment to the first DMR, the permittee shall submit, for all parameters with monitoring requirements specified in this permit:
 - a. The test method number or title and published MDL or ML,
 - b. The preparation procedure used by the laboratory,
 - c. The laboratory’s MDL for the test method computed in accordance with Appendix B of 40 CFR § 136,
 - d. The standard deviation (S) from the laboratory’s MDL study,
 - e. The number of replicate analyses (n) used to compute the laboratory’s MDL, and
 - f. The laboratory’s lowest calibration standard.

As part of each DMR submittal, the permittee shall notify EPA of any changes to the laboratory’s test methods, MDLs, MLs, or calibration standards. If there are any changes to the laboratory’s test methods, MDLs, MLs, or calibration standards, these changes shall be summarized in an attachment to the subsequent DMR submittal.

3. The permittee shall develop a Quality Assurance (“QA”) Manual for the field collection and laboratory analysis of samples. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. The QA Manual shall be developed (or updated) within 90 days of the permit effective date. At a minimum, the QA Manual shall include the following:
 - a. Identification of project management and a description of the roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples;
 - b. Description of sample collection procedures; equipment used; the type and number of samples to be collected including QA/Quality Control (“QC”) samples; preservatives and holding times for the samples (see 40 CFR § 136.3); and chain of custody procedures;
 - c. Identification of the laboratory used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after

contract award such as passing a performance evaluation sample; analytical method to be used; MDL and ML to be reported; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, blank contamination, laboratory control sample recoveries, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken in response to problems identified during QC checks; and

- d. Discussion of how the permittee will perform data review, report results, and resolve data quality issues and identify limits on the use of data.
4. Throughout all field collection and laboratory analyses of samples, the permittee shall use the QA/QC procedures documented in their QA Manual. If samples are tested by a contract laboratory, the permittee shall ensure that the laboratory has a QA Manual on file. A copy of the permittee's QA Manual shall be retained on the permittee's premises and available for review by regulatory authorities upon request. The permittee shall review its QA Manual annually and revise it, as appropriate.
 5. Samples collected during each month of the reporting period must be reported on Discharge Monitoring Report forms, as follows:
 - a. For a *maximum daily* permit limit or monitoring requirement when one or more samples are collected during the month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.
 - b. For an *average weekly* or *average monthly* permit limit or monitoring requirement when only one sample is collected during the week or month, report either:

The *maximum value*, if the maximum value of all analytical results is greater than or equal to the ML; or
NODI (Q), if the maximum value of all analytical results is greater than or equal to the laboratory's MDL, but less than the ML; or
NODI (B), if the maximum value of all analytical results is less than the laboratory's MDL.
 - c. For an *average weekly* or *average monthly* permit limit or monitoring requirement when more than one sample is collected during the week or month, report:

The *average value* of all analytical results where 0 (zero) is substituted for *NODI (B)* and the laboratory's MDL is substituted for *NODI (Q)*.

6. In addition to information requirements specified under 40 CFR § 122.41(j)(3), records of monitoring information shall include: the laboratory which performed the analyses and any comment, case narrative, or summary of results produced by the laboratory. The records should identify and discuss QA/QC analyses performed concurrently during sample analyses and whether project and 40 CFR § 136 requirements were met. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, and sample condition upon receipt, holding time, and preservation.
7. The permittee shall use CDX (<https://cdx.epa.gov/>) to access the NPDES Electronic Tool (NeT) and electronically submit the following program reports:
 - NetDMR/Discharge Monitoring Report (<http://www.epa.gov/netdmr>)
 - NeT Sewer Overflow and Bypass
 - NeT Biosolids
 - NeT Agriculture
 - NeT Construction General Permit
 - NeT Multi Sector General Permit
 - NeT MS4
 - NeT Pesticide General Permit
 - Groundwater Remediation dewater & Hydrostatic Testing

If NeT reporting through CDX is not yet available for a particular program report, the permittee shall report in NeT as soon as reporting for that program is available in NeT and no later than December 21, 2025.

In accordance with the NPDES Electronic Reporting Rule, these program reports must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.

8. Monthly DMRs shall be submitted quarterly, by the 28th day of the month following the previous calendar quarter. For example, the three DMR forms for January, February, and March are due on April 28th. Annual and quarterly monitoring must be conducted starting in the first complete quarter or calendar year following the permit effective date. Reporting for annual monitoring is due on January 28th of the following year. A DMR must be submitted for the reporting period even if there was not any discharge. If there is no discharge from the facility during the reporting period, the permittee shall submit a DMR indicating no discharge as required.
9. The permittee shall submit an electronic or paper Discharge Monitoring Report to CNMI Bureau of Environmental and Coastal Quality.

Electronic DMR forms shall be emailed to:

weecbranch.becq@gmail.com

Paper DMR forms shall be mailed to:

Bureau of Environmental and Coastal Quality
P.O. Box 501304
Saipan, MP 96950

F. Receiving Water Monitoring

The permittee shall conduct receiving water monitoring for the pollutants at the locations identified in Table 3 and frequencies identified in Table 4, below. See Attachment B for receiving water monitoring location map. All samples shall be water column samples collected subsurface (approximately 1 ft below surface).

The permittee shall retain and submit all receiving water monitoring data along with future applications, or at the request of EPA or BECQ. The permittee shall submit summary data as part of their regular DMR submissions by reporting average monthly data for each parameter and station.

Table 3. Receiving Water Monitoring Locations

Station	Name	Description
ZID 3	Edge of ZOM	200 ft. seaward from terminus of Tinian Channel Outfall, on the axis of the outfall/diffuser system
ZID 4	Edge of ZOM	200 ft. shoreward from terminus of Tinian Channel Outfall, on the axis of the outfall/diffuser system.
Site 41	Ambient Control Station	1,000 to 1,200 meters up current and away from edge of ZOM. Free of influence from ZOM.

Table 4. Receiving Water Monitoring Requirements

Parameter ¹	Units	Frequency ²	Depth	Sample Type
Stations ZID 3, ZID 4, Site 41				
Temperature	°C	Quarterly	Top	Grab
Dissolved Oxygen	mg/L	Quarterly	Top	Grab
pH	S.U.	Quarterly	Top	Grab
Enterococcus	MPN /100mL	Quarterly	Top (subsurface)	Grab
Turbidity	NTU	Quarterly	Top	Grab
Total nitrogen	mg/L	Twice per year	Top	Grab
Total phosphorus	mg/L	Twice per year	Top	Grab

Orthophosphate	mg/L	Twice per year	Top	Grab
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- (1) All individual measurement values shall be reported in the DMR form or, if necessary, as an attachment.
- (2) If ocean conditions prevent the permittee from safely obtaining a representative sample, then receiving water monitoring is not required. In such instances, the permittee shall report “N/A – sample could not be obtained due to environmental conditions.”

Part II. SPECIAL CONDITIONS

A. *Permit Reopener(s)*

1. In accordance with 40 CFR §§ 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information including but not limited to, indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards. EPA may also need to modify the permit conditions based on Endangered Species Act consultations with US Fish and Wildlife and/or NOAA/National Marine Fisheries Service. EPA may need to modify the permit conditions based on Essential Fish Habitat consultations with NOAA/National Marine Fisheries Service.
2. In accordance with 40 CFR §§ 122 and 124, this permit may be re-opened or modified by EPA to address changes to receiving monitoring requirements. The permittee may propose to EPA a revised “receiving water monitoring plan” to replace the receiving water monitoring outlined in Part I, F of this permit. This plan may adjust the locations, frequency and parameters and therefore it may include reductions in monitoring that EPA will need to review and approve. If submitted, EPA will review the proposed revised receiving water monitoring plan and either approve or disapprove the plan. If EPA approves revisions to the receiving water monitoring, EPA may need to re-open the permit to make such modifications.
3. In accordance with 40 CFR § 122.44(c), EPA may promptly modify or revoke and reissue any permit issued to a treatment works treating domestic sewage (including “sludge only facilities”) to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA, if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.
4. In accordance with 40 CFR 122 and 124, this permit may be modified to include effluent limits or permit conditions to address toxicity (acute and/or chronic) in the effluent or receiving waterbody, as a result of the discharge; or to implement new, revised, or newly interpreted water quality standards applicable to toxicity.

B. Twenty-four Hour Reporting of Noncompliance

1. The permittee shall report any noncompliance which may endanger human health or the environment. The permittee is required to provide an oral report by directly speaking with an EPA CWA Enforcement staff person and CNMI Bureau of Environmental and Coastal Quality staff person within 24 hours from the time the permittee becomes aware of the noncompliance. If the permittee is unsuccessful in reaching a staff person, the permittee shall provide notification by 9 a.m. on the first business day following the noncompliance to:

USEPA Region 9

Wastewater Enforcement Section Manager
415-947-4442 or (415) 972-3327

CNMI BECQ

Administrator
(671) 475-1635/1636
weecbranch.becq@gmail.com

The permittee shall follow up with a written submission within five days of the time the permittee becomes aware of the noncompliance. The written submission shall be emailed to R9NPDES@epa.gov and/or the EPA staff person initially notified. The submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limit in the permit (see 40 CFR § 122.44(g)).
 - b. Any upset which exceeds any effluent limit in the permit.
 - c. Violation of a maximum daily discharge limit for any of the pollutants listed by the director in the permit to be reported within 24 hours (see 40 CFR § 122.44(g)).
3. EPA may waive the written report on a case-by-case basis for reports required under paragraph B.2, if the oral report has been received within 24 hours.

C. Whole Effluent Toxicity Requirements

1. Instream Waste Concentration (IWC) for Chronic Toxicity

The chronic toxicity IWC required for the authorized discharge point is expressed as **100 percent (%) effluent** (i.e., $1/S \times 100$, also 1 part effluent to S-1 parts dilutant). The toxicity laboratory making the IWC for chronic toxicity testing shall use 1 part effluent to S-1 parts dilutant for a total of S parts.

Table 5. Facility-specific Chronic Toxicity IWC.

Authorized discharge point number	Required chronic toxicity instream waste concentration (IWC) in % effluent	S	1 part effluent to S-1 parts dilutant
Outfall 001	100	1	1 to 0

2. Sampling and Monitoring Frequency

Toxicity test samples shall be collected for the authorized discharge point in accordance with Part I.D. and Part I.E. of this Permit. The total sample volume shall be determined both by the WET method used (including, for non-continuous discharges, the additional sample volume necessary to complete the toxicity test) and the additional sample volume necessary for Toxicity Identification Evaluation (TIE) studies.

The permittee shall use the test species, WET method, monitoring frequency, and sample type specified in Part I, Table 2. A split of each effluent sample for toxicity testing shall be analyzed for all other monitored parameters (conventional, non-conventional, and priority toxic pollutants), at the minimum frequency of analysis specified during the reporting period for the month by the effluent monitoring program. All toxicity tests for the month shall be initiated during that calendar month.

3. Chronic Test Species and WET Methods

The permittee shall **conduct toxicity tests with the parameter for chronic toxicity required in Part I, Table 2** (i.e., static non-renewal test with Pacific purple sea urchin, (*Strongylocentrotus purpuratus*) or eccentric sand dollar (*Dendraster excentricus*) (Fertilization Test Method 1008.0)). If supply cultures of purple sea urchin are not available for testing, then the permittee shall conduct static non-renewal toxicity tests with eccentric sand dollar. The permittee shall follow this short-term WET method for these test species for estimating the chronic toxicity of NPDES effluent in the first edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms* (EPA/600/R-95/136, 1995) and applicable water quality standards. (Also see 40 CFR 122.41(j)(4) and 122.44(d)(1)(iv), and 40 CFR 122.21(j)(5)(viii) for POTWs.).

Conditional Species Sensitivity Screening Report. The permitting authority may require by letter—signed by the NPDES Permits Section Manager—the permittee to conduct and submit the results of species sensitivity screening for the discharge at the chronic toxicity IWC. Screening is defined as one round of concurrent chronic

toxicity tests conducted each month, repeated over no more than three consecutive months. The total number of monthly rounds is specified by the permitting authority (i.e., 1 to 3). A round shall consist of one test using a fish, one test using an invertebrate, and one test using an alga and the applicable WET methods listed under this condition. The permittee shall conduct the screening and a final report is due to EPA no more than 12 months after the permittee is notified by letter of the requirement to conduct species sensitivity screening (e.g., if letter date is during January 2023, then the final report is due January 31, 2023). The permittee shall report **Pass (0)** or **Fail (1)** and the associated value for **PE** for each chronic toxicity test conducted for species sensitivity screening. For the TST statistical approach used by this permit, the most sensitive test species is the species which demonstrates the most number of Fail (1) results for routine monitoring tests and species sensitivity screening tests. If no test results are Fail (1), then the most sensitive test species is the species which demonstrates the highest $PE \geq 10$ at the IWC for routine monitoring tests and species sensitivity screening tests.

4. Quality Assurance

- a. The permittee shall follow all Quality Assurance specifications listed in each paragraph below in this section.
- b. Quality assurance measures, instructions, and other recommendations and requirements are found in the WET methods manual(s) specified in II.C.3, above. Additional requirements are specified below.
- c. **Pacific Island Territory NPDES permittees and WET sample hold time.** The WET methods manual hold time for NPDES samples used for toxicity testing begins when the 24-hour composite sampling period is completed, or the last grab sample in a series of grab samples is taken. It ends at the first time of sample use (initiation of toxicity test). 40 CFR 136.3(e) states that the WET method's 36-hour hold time cannot be exceeded unless a variance of up to 72-hours is authorized by EPA. In a June 29, 2015 inter-office memorandum, EPA Region 9 has authorized a hold time variance of up to 72-hours applicable only to Pacific Island Territory permittees **which ship the NPDES sample to the continental U.S. for toxicity testing**, with conditions.
- d. The discharge is subject to a determination of rejection or non-rejection of the TST null hypothesis (H_0) from a chronic toxicity test at the required IWC. For statistical flowchart and procedures using the TST statistical approach see Appendix B of *National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document* (EPA 833-R-10-004, 2010; TST Technical Document). For the TST statistical approach, the associated value for "Percent (%) Effect" (also called "% Effect" or "PE") at the required IWC is calculated as: $\% \text{ Effect} = [(Control \text{ mean response} - IWC \text{ mean response}) \div Control \text{ mean response}] \times 100$.
- e. **Controls.** Effluent dilution water and control water shall be prepared and used as specified in the applicable WET methods manual in II.C.3, above. If the dilution

water is different from test organism culture water, then a second control using culture water shall also be used. If the effluent sample at the IWC is adjusted using artificial sea salts or a saltwater brine, a “salting up/brine” control shall be prepared and used as specified in the applicable WET methods manual in II.C.3, above.

- f. If organisms are not cultured in-house in the testing laboratory, then concurrent testing with a reference toxicant shall be conducted. If organisms are cultured in-house laboratory, then monthly reference toxicant testing is sufficient. Reference toxicant tests and effluent toxicity tests shall be conducted using the same test conditions (e.g., same test duration, etc.).
 - g. If the effluent toxicity test during the reporting period for the month does not meet the Test Acceptability Criteria (TAC) described in the WET method specified in II.C.3, above, then the permittee shall resample and retest within 14 days. The results of this retest shall only replace that effluent toxicity test that did not meet TAC during the reporting period for the month.
 - g. **Removed Toxicants (chlorine, ammonia).** If the discharged effluent is chlorinated, then chlorine shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority. Ammonia shall not be removed from the effluent sample prior to toxicity testing without written approval by the permitting authority.
5. Initial Investigation Toxicity Reduction Evaluation (TRE) Work Plan

Within 90 days of the permit effective date, the permittee shall prepare its Initial Investigation TRE Work Plan (1-2 pages). A copy of the permittee’s Initial Investigation TRE Work Plan shall be retained on the permittee’s premises and available for review by regulatory authorities upon request. This plan shall include steps the permittee intends to follow if a Median Monthly Effluent result for chronic toxicity is reported as Fail (1) for the reporting month (see Part I, Table 2, Endnote 2), and should include the following, at minimum:

- a. A description of the investigation and evaluation techniques that would be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
 - b. A description of methods for maximizing in-house treatment system efficiency, good housekeeping practices, and a list of all chemicals used in operations at the facility.
 - c. If a TRE and Toxicity Identification Evaluation (TIE) are necessary, an indication of who would conduct these studies (i.e., an in-house expert or outside contractor).
6. Chronic Toxicity Median Monthly Effluent Result of **Fail (1)** Proceeding to TRE

If the chronic toxicity Median Monthly Effluent result is reported as **Fail (1)** for the calendar month (see Part I, Table 2, Endnote 2), then—regardless of the minimum monitoring frequency in Part I, Table 2—the permittee shall conduct effluent monitoring using no more than three chronic toxicity tests **during the next consecutive calendar month** and implement its Initial Investigation TRE Work Plan.

If the chronic toxicity Median Monthly Effluent result **during this next consecutive calendar month** is **Pass (0)**, then the permittee shall return to the minimum monitoring frequency in Part I, Table 2. However, if this result is **Fail (1)**, then the permittee shall immediately initiate a TRE using—according to the type of treatment facility—EPA manual *Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants* (EPA/833/B-99/002, 1999), or EPA manual *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600/2-88/070, 1989)—and return to the monitoring frequency in Part I, Table 2.

In conjunction with TRE initiation, the permittee shall immediately develop and implement a Detailed TRE Work Plan which shall include the following: further actions undertaken by the permittee to investigate, identify, and correct the causes of toxicity; actions the permittee will take to mitigate the effects of the discharge and prevent the recurrence of toxicity; and a schedule for these actions. This detailed work plan shall be submitted to the permitting authority as an attachment to the permittee's next toxicity DMR submittal.

The permittee may initiate a TIE as part of a TRE to identify the causes of toxicity using, as guidance, EPA manuals: *Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures* (EPA/600/6-91/003, 1991); *Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/080, 1993); *Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600/R-92/081, 1993); and *Marine Toxicity Identification Evaluation (TIE): Phase I Guidance Document* (EPA/600/R-96-054, 1996).

During a TRE, the chronic toxicity effluent monitoring results conducted for the TRE/TIE that meet the WET method's Test Acceptability Criteria at the IWC shall be reported on the DMR following the Endnotes in Part I, Table 2.

7. Reporting of Toxicity Monitoring Results on DMR

- a. **Report no effluent monitoring result for Chronic Toxicity.** If no toxicity test monitoring for the calendar month is required and toxicity monitoring is not conducted, then the permittee shall report "NODI(9)" (i.e., Conditional Monitoring – Not Required for This Period) on the DMR form.

Report Median Monthly Effluent result for Chronic Toxicity. See Part I, Table 2, Endnote 2.

Report Maximum Daily Effluent result(s) for Chronic Toxicity. See Part I, Table 2, Endnote 3.

- b. The permittee shall submit the full toxicity laboratory report for all toxicity testing as an attachment to the DMR for the month in which the toxicity tests are initiated. The laboratory report shall contain: all toxicity test results (raw data and statistical analyses) for each effluent and related reference toxicant tested; chain-of custody; the dates of sample collection and initiation of each toxicity test; control performance; all results for other effluent parameters monitored concurrently with the effluent toxicity tests; and schedule and progress reports on TRE/TIE studies.

Quality-control reporting for toxicity laboratory control group. To assist in reviewing within-test variability, the toxicity laboratory report must include, for each test species/WET method: quality-control charts for the mean, standard deviation and coefficient of variation of the control group. Each toxicity laboratory report attached to the DMR shall include both a graphical control chart (with a long-term average printed below the chart) and a table of control-group data for the WET method/test species. These data shall be listed in the table: sample date, type of dilution water, number of replicates (n), control mean (cM), control standard deviation (cS), and control coefficient of variation (cK). The quality-control chart and the table shall report data for the last 50 toxicity tests conducted by the laboratory. If there are more than 30 tests with a different number of replicates (e.g., 20 tests of n=10 and 30 tests of n=20), then use separate control charts and tables. The table shall also report the following summary statistics separately for cM, cS, and cK: number of observations, average, standard deviation, and percentiles (minimum, 10th, 25th, 50th, 60th, 65th, 70th, 75th, 80th, 90th, and maximum). This information is required for review of toxicity test results and the toxicity laboratory's performance of the test species/WET method by the permittee and permitting authority. Also, see test species/WET method-specific percentiles for the mean, coefficient of variation, and standard deviation of control-group data in section 3 tables of the TST Technical Document.

- c. **Notification reporting.** The permittee shall notify the permitting authority in writing within 14 days of a **Median Monthly Effluent result of Fail (1)** for chronic toxicity. The permittee shall notify the permitting authority in writing within 14 days of a **Maximum Daily Effluent result of Fail (1) and ≥ 50 PE.** The permittee shall notify the permitting authority in writing within 14 days of **two consecutive Median Monthly Effluent results of Fail (1)** for chronic toxicity. Such notification shall describe actions the permittee has taken (or will take) to investigate, identify, and correct the causes of toxicity; the status of actions required by this permit; and schedule for actions not yet completed; or reason(s) that no action has been taken.

D. Best Management Practices and Pollution Prevention

1. In accordance with section 304(e) of the CWA and 40 CFR § 122.44(k), the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices (BMPs) designed to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which are associated with or ancillary to the maintenance, transportation, and storage of petroleum products or other potential pollutants at the facility that may contribute significant amounts of such pollutants to surface waters. This includes, but it not limited to:
 - a. Good housekeeping: the permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water and non-storm water discharges;
 - b. Minimizing exposure: where practicable, industrial materials and activities should be protected to prevent exposure to rain or runoff.
 - c. Preventive inspections and maintenance: timely inspections and maintenance of storm water and non-storm water management devices, (e.g., cleaning oil/water separators) as well as inspecting, testing, maintaining, and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters,
 - d. BMPS for seagoing vessels:
 - i. No trash or other debris should be disposed of or otherwise allowed to enter the Pacific Ocean. The permittee shall ensure that trash receptacles with lids are available onboard vessels. If debris does enter the ocean from the vessel, then the permittee shall remove it using means that do not cause additional damage to aquatic organisms, including corals.
 - ii. Minimize water contamination due to fueling or vessel engine fluids, including fueling at an approved location and carrying a fuel spill kit/boom.
 - iii. Minimize direct physical impact by anchors or anchor deployment to coral or essential fish habitat in the outfall area.
 - iv. Avoidance with and/or special attention to any Essential Fish Habitat and Endangered Species Act-listed marine species during transit to receiving water locations and sample collection. For example, operation of vessels at 'no wake/idle' speeds at all times while in water depths where the draft of the vessel provides less than a 2-meter (6 foot) clearance, preferably using deeper water routes or marked channels whenever possible.
 - v. Ensure that all sampler or diver activities minimize potential introduction of toxicopathological agents to corals (e.g., sunscreens containing oxybenzone, butylparaben, octinoxate, and 4-methylbenzylidene camphor). Educate divers prior to in-water activities by providing or requiring safe sunscreens or by providing or requiring alternative sun protection.

E. Biosolids

1. General Requirements

- a. All biosolids generated by the permittee shall be used or disposed of in compliance with the applicable portions of 40 CFR §§ 258 and 503. The permittee is responsible for assuring that all biosolids produced at the facility are used or disposed of in accordance with these rules, whether the permittee uses or disposes of the biosolids itself or transfers them to another party for further treatment and use or disposal. The permittee is responsible for informing subsequent preparers, applicers, and disposers of the requirements that they must meet under these rules, and any monitoring requirements, including required frequencies of monitoring and maximum hold times for pathogen and indicator organism samples.
- b. Duty to mitigate: The permittee shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.
- c. No biosolids shall be allowed to enter wetlands or other waters of the United States.
- d. Biosolids treatment, storage, and use or disposal shall not contaminate groundwater.
- e. Biosolids treatment, storage, and use or disposal shall be performed in a manner as to minimize nuisances such as objectionable odors or flies.
- f. The permittee shall assure that haulers transporting biosolids off site for further treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. The permittee shall maintain and have haulers adhere to a spill clean-up plan. Any spills shall be reported to USEPA and BECQ within 24 hours from the time the permittee became aware of the spill. All trucks hauling biosolids shall be thoroughly washed after unloading at the field or at the receiving facility.
- g. Trucks used to haul Class B biosolids shall not be used to haul animal feed or food on the return trip, unless approved by USEPA after a demonstration of the truck cleaning methods at the unloading site has been made.
- h. Biosolids shall not be stored for over two years from the time they are generated unless the permittee submits a written notification to USEPA, demonstrating a need for longer temporary storage and plan for removal in accordance with 40 CFR § 503.20(b).
- i. Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials in the site to escape from the site. Adequate protection is defined as protection from at least a 100-year storm and from the highest tidal stage that may occur.

2. Requirements for Land Application

“Land application” is the placement of biosolids on the land for the specific purpose of growing a crop or other vegetation. Land application requirements are addressed in 40 CFR § 503 Subpart B. The following monitoring requirements are applicable to land application:

- a. A representative sample shall be collected and analyzed for the pollutants required under 40 CFR § 503.13 and for Total Kjeldahl nitrogen, and ammonium nitrogen, at the following frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis):
< 290 dry metric tons/year: once/year

Volume Generated (dry metric tons per year)	Monitoring Frequency *
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year
≥15,000	12 times per year

* If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage.

All results shall be reported on a 100% dry weight basis.

- b. The permittee shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR § 503.32.
- c. If Class B is demonstrated by testing fecal coliform, during each sampling event, 7 grab samples must be collected and analyzed, and the geometric mean of these samples calculated to determine the fecal coliform level for the sampling period.
- d. When using fecal coliforms to demonstrate Class A, in conjunction with operational parameters or in conjunction with testing of enteric viruses and helminth ova, four grab samples of fecal coliform shall be collected and analyzed each sampling period. Each of these samples must have levels of < 1,000 mpn/gram, dry weight basis.

- e. If Class A or B pathogen requirements are met by monitoring pathogens and/or indicator organisms, samples must be collected in sterile containers, immediately cooled, and analysis started within the USEPA-specified holding times for these analyses: 8 hours for fecal coliform (24 hours for fecal coliform if the biosolids have been digested or composted), 24 hours for salmonella, 2 weeks for enteric viruses when frozen, 1 month for helminth ova when cooled to 4 degrees C).
- f. If pathogen reduction is demonstrated using a Process to Significantly / Further Reduce Pathogens, the permittee shall maintain daily records of the operating parameters used to achieve this reduction.
- g. The permittee shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction (VAR) requirements in 40 CFR § 503.33(b). If VAR is met at the application site by incorporation or covering, the permittee must obtain certification that these requirements have been met from the land applier or surface disposal site operator, and maintain these with their records.

3. Requirements for Surface Disposal

“Surface disposal” is the placement of biosolids on the land in a sludge-only dedicated land disposal site or monofill for the purpose of disposal. Surface disposal requirements are addressed in 40 CFR § 503 Subpart C.

- a. If the surface disposal site is unlined, a representative sample shall be collected and analyzed for the pollutants required under 40 CFR § 503.23, at the following frequency, based on the tonnage of biosolids produced per year (as expressed on a 100% solids basis:

Volume Generated (dry metric tons per year)	Monitoring Frequency *
>0 - <290	Once per year
290 - <1,500	Four times per year
1,500 - <15,000	Six times per year
≥15,000	12 times per year

* If biosolids are removed for use or disposal on a routine basis, then monitoring should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period of time prior to use or disposal, then monitoring may occur either at regular intervals, or prior to use or disposal corresponding to tonnage accumulated during the period of storage.

All results shall be reported on a 100% dry weight basis.

- b. The permittee shall demonstrate that the biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed in 40 CFR § 503.32, or cover the site at the end of each operating day.
- c. If Class B is demonstrated by testing fecal coliform, during each sampling event, 7 grab samples must be collected and analyzed, and the geometric mean of these samples calculated to determine the fecal coliform level for the sampling period.
- d. If Class A or B pathogen requirements are met by monitoring pathogens and/or indicator organisms, samples must be collected in sterile containers, immediately cooled, and analysis started within the USEPA-specified holding times for these analyses: 8 hours for fecal coliform (24 hours for fecal coliform if the biosolids have been digested or composted), 24 hours for salmonella, 2 weeks for enteric viruses when frozen, 1 month for helminth ova when cooled to 4 degrees C).
- e. If pathogen reduction is demonstrated using a Process to Significantly / Further Reduce Pathogens, the permittee shall maintain daily records of the operating parameters used to achieve this reduction.
- f. The permittee shall track and keep records of the operational parameters used to achieve Vector Attraction Reduction (VAR) requirements in 40 CFR § 503.33(b). If VAR is met at the surface disposal site by incorporation or covering, the permittee must obtain certification that these requirements have been met from the land applier or surface disposal site operator, and maintain these with their records.

4. Requirements for Disposal in a Municipal Landfill

“Disposal in a municipal landfill” is the placement of biosolids in a landfill subject to the requirements in 40 CFR § 258 where it is mixed with other materials being placed in the landfill, or used as alternative daily or final cover at the landfill.

- a. The permittee shall ensure that the landfill used is in compliance with 40 CFR § 258 requirements and applicable state or tribal requirements.
- b. If the biosolids are less than 15% solids, the permittee shall run a paint filter test on an as-needed basis to demonstrate that the biosolids does not contain free liquids.

5. Notification Requirements

The permittee either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements:

- a. Notification of non-compliance: The permittee shall notify USEPA Region 9 and BECQ of any non-compliance within 24 hours by phone or e-mail if the non-compliance may seriously endanger public health or the environment. A written report shall also be submitted within 5 working days of knowing the non-compliance. For other instances of non-compliance, the permittee shall notify USEPA Region 9 and BECQ of the non-compliance in writing within 5 working days of becoming aware of the non-compliance. The permittee shall require their biosolids management contractors to notify USEPA Region 9 and BECQ of any non-compliance within the same time-frames.
 - b. If biosolids are shipped to another state or to Tribal Lands, the permittee shall send 30 days prior notice of the shipment to the USEPA and permitting authorities in the receiving State/Tribal authority.
 - c. The permittee shall notify USEPA at R9NPDES@epa.gov and BECQ at weecbranch.becq@gmail.com at least 60 days prior to starting a new biosolids use or disposal practice.
6. Reporting requirements (facilities with design flows of equal to or greater than 1 mgd, and other facilities designated by EPA as Class 1 Sludge Management Facilities)
- a. The permittee shall submit an annual biosolids report into EPA's CDX electronic reporting system, per I.E.7., above, by February 19 of each year for the period covering the previous calendar year. The report shall include the tonnages of biosolids (reported in dry metric tons, 100% dry weight) that were land applied (without further treatment by another party), land applied after further treatment by another preparer, disposed in a sludge-only surface disposal site, sent to a landfill for alternative cover or fill, stored on site or off site, or used for another purpose. The report shall include the following attachments:
 - (1) Copies of the original monitoring reports from laboratories (results only, QA/QC pages not required). The lab reports must indicate whether the results are on a 100% dry weight basis. Lab reports for fecal coliforms must show the time the samples were collected, and the time analysis was started.
 - (2) If operational parameters were used to demonstrate compliance with pathogen reduction and vector attraction reduction, the ranges of these parameters for each sampling period (i.e. ranges of times and temperatures).
 - (3) If biosolids are stored on-site or off-site for more than 2 years, the information required in 40 CFR § 503.20(b) to demonstrate that the storage is temporary.

If biosolids were land applied, the permittee shall have the person applying the biosolids submit a pdf report to U.S. EPA Region 9 at R9NPDES@epa.gov and BECQ at weecbranch.becq@gmail.com showing the name of each field; location, ownership, size in acres; the dates of applications, seedings and crop seeded, harvesting and crop yield; the tonnage

applied to field, in actual and dry weight; the calculated Plant Available Nitrogen; and copies of applicator's certifications of management practices and site restrictions.

F. Sanitary Sewer Overflows

1. A Sanitary Sewer Overflow (SSO) is an overflow, spill, release, or diversion of wastewater from a sanitary sewer collection system that occurs prior to a treatment plant. Sanitary sewer overflows include a) overflows or releases of wastewater that reach waters of the US, b) overflows or releases of wastewater that do not reach waters of the US, and c) wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral. SSOs are generally caused by high volumes of infiltration and inflow (I/I), pipe blockages, pipe breaks, power failure, and insufficient system capacity.
2. All Sanitary Sewer Overflows are prohibited.
3. The permittee shall identify all SSOs. The permittee shall submit with its DMR, the following information for each SSO that occurs during the reporting period covered by the DMR:
 - a. The cause of the SSO;
 - b. Duration and volume (estimate, if unknown);
 - c. Description of the source (e.g., manhole cover, pump station, etc.);
 - d. Location by street address, or any other appropriate method providing a location;
 - e. Date(s) and time(s) of SSO;
 - f. The ultimate destination of the overflow, e.g., surface water body, land use location, via municipal separate storm sewer system to a surface water body (show location on a USGS map or copy thereof); and
 - g. Corrective action taken and steps taken or planned to eliminate recurrence of SSOs.

The permittee shall refer to Part II.B (Twenty-four hour reporting on noncompliance) of this permit which contains information about reporting any noncompliance that may endanger human health or the environment. Part II.B applies to SSOs. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.

G. Asset Management

The permittee shall develop an asset management program to cover the treatment plant and collection system. The permittee shall:

1. Procure, populate, and utilize asset management and/or work order management software within two years of permit effective date. The software shall:
 - a. Inventory all critical assets valued over \$5,000 into a single database. Assets may include, but are not limited to, sewer lines, manholes, outfalls, pump stations, force mains, catch basins, and wastewater treatment facility assets. Each entry shall include:
 - (1) Name and identification number.
 - (2) Location (GPS coordinate or equivalent identifier).
 - (3) Current performance/condition.
 - (4) Purchase and installation date.
 - (5) Purchase price.
 - (6) Replacement cost.
 - (7) Quantitative consequence of failure.
 - (8) Quantitative likelihood of failure.
 - b. Automate work order production and tracking.
 - c. Prioritize system maintenance and rehabilitation projects.
2. Develop and implement an Asset Management Plan (“AMP”) for the treatment system and collection system within two years of the effective date of this permit. . A copy of the permittee’s AMP shall be submitted to USEPA within two years of the effective date of this permit. The AMP shall be continuously updated and, at a minimum, re-evaluated every three years. The AMP shall be retained on the permittee’s premises and available for review by regulatory authorities upon request. The components of the AMP shall include:
 - a. **Rehabilitation and Replacement Plan.** The plan shall identify and prioritize upcoming asset rehabilitation and replacement projects costing greater than \$5,000 and outline a proposed schedule for completion of each project.
 - b. **Maintenance Plan.** The plan shall identify individual or categories of maintenance activities and frequency with which they are performed. The plan shall estimate ongoing and projected cost of maintenance activities.
 - c. **System Map.** A sewer collection system map shall incorporate assets from the asset management inventory. The map shall be color-coded to identify maintenance and rehabilitation priorities.
 - d. **Funding.** The plan shall create an accounting of current and projected funding sources, relevant expenses, and financial reserves. Expenses may include

operational, administrative, interest, or capital expenses. Funding sources may include federal, state, local or private grants, loans, or bonds, as well as connection and user fees.

- e. **System Projections.** Evaluate growth projections of population and service area and potential vulnerabilities resulting from climate change over the next 30 years.
- f. **Emergency Response Plan:** Within the permit term, the permittee shall review and update their existing plan to address emergencies (e.g., power outages) that negatively affect the treatment system efficiency and result in (untreated or partially treated) discharges which are likely to degrade water quality in receiving waters. The updated emergency response plan shall be submitted to EPA for review before the end of the permit term and then retained on site and available upon request by EPA or BECQ.

In the emergency response plan, the permittee shall describe backup power sources (e.g. backup generator), including maintenance activities and frequency of testing.

H. Special Study – Outfall Inspection, Repairs and Reporting

The permittee shall conduct monitoring of the outfall and diffuser to evaluate the condition and identify potential repairs. Within the first three years after the effective date of this permit, the outfall and diffuser must be inspected at least once along its entire length, from, and including, the discharge connection at Agingan WWTP pump to the junction of the outfall pipe(s) and including the diffuser ports at the termination of the outfall.

The inspection shall include complete video recording of all submerged piping, anchors, fastening hardware, cathodic protection, and diffuser ports. To the extent possible, the video recording shall include an audio portion that describes in detail the video captured. Where piping is located above the water surface, still photographs shall be acceptable. The inspection may be conducted by remotely operated vehicle, diver, or manned submarine.

This inspection will concurrently assess the ocean floor (e.g., sand, hard bottom, reef) and benthic habitat via visual observation of corals and habitat for corals and fish that may exist within a 200 ft. radius of the outfall terminus.

The permittee shall share a draft inspection and habitat assessment plan with EPA at R9NPDES@epa.gov and NMFS Pacific Islands Regional Office (PIRO) at efhesaconsult@noaa.gov for review and recommendations at least 60 days prior to the planned date of the outfall inspection and habitat assessment. See section J, below, for submittal email addresses.

All circumstances that may possibly threaten the integrity of the outfall and diffusers, and which may impede its normal operation and function, in the present or future, such as

deteriorated hardware and fasteners, anchoring, pipe alignment, presence and accumulation of sediment, debris or biological matter, shall be specifically highlighted in the inspection report.

Within 180 days of completion of the inspection of outfall and diffuser system and visual assessment of the ocean floor and benthic habitat, the permittee shall provide a summary report of the inspection, including video recording (with audio) and/or photographic images to EPA and NMFS PIRO. This summary report will also include analysis of the impacts of discharge flows (through length of outfall pipe and diffuser ports) due to presence of pipe leaks, breaks or accumulation of sediment and/or biofouling (barnacle collar). If the summary report and its findings identify needed repairs or maintenance of the outfall pipe and/or diffuser ports, the permittee shall also include a description and timeline of maintenance repairs.

I. Compliance Schedule for Maximum Daily Enterococcus Effluent Limitation

By May 1, 2024, the permittee shall comply with the enterococcus maximum daily effluent limitation by completing all treatment plant upgrades specified in the ASADRA workplan. Within 14 days of May 1, 2024, the permittee shall report to EPA compliance or non-compliance with final requirements contained in the compliance schedule of this permit. The permittee shall comply with the following enterococcus maximum daily effluent limitations during the specified dates:

Parameter	Maximum Daily Effluent Limitation	Dates
Enterococcus	79,488 MPN/100mL	Permit effective date to April 30, 2024
Enterococcus	37,440 MPN/100mL	May 1, 2024, until permit expiration or reissuance

J. Capacity Attainment and Planning

The permittee shall file a written report to USEPA at R9NPDES@epa.gov within ninety (90) days if the average dry weather wastewater treatment flow for any month exceeds 90 percent of the annual dry weather design capacity of the waste treatment and/or disposal facilities.

K. Summary of Special Reports

The permittee is required to submit special reports in this permit by the dates listed below in Table 6. For reports that are required to be submitted to “R9NPDES”, the permittee shall email reports to R9NPDES@epa.gov and include the following information in the subject line:

1. The permit number (MP0020028)
2. The name of the report as written in the table below.

3. The word “submittal”

Table 6. Special Reports to Submit to EPA.

Special Report Name	Due Date	Section of Permit	Submit Report to:
Biosolids Annual Report	February 19 th of each year	Section II.E.	cdx.epa.gov
Asset Management Plan	Two years after effective date of permit	Section II.G.	R9NPDES@epa.gov
Outfall Inspection Plan	At least 60 days prior to planned inspection date	Section II.H.	R9NPDES@epa.gov EFHESAconsult@noaa.gov
Outfall Inspection Report	Within three years of effective date of permit	Section II.H.	R9NPDES@epa.gov EFHESAconsult@noaa.gov

L. 401 Water Quality Certification

The permittee shall comply with all requirements set forth in BECQ’s 401 Water Quality Certification issued on December 6, 2022. See Attachment E.

Part III. STANDARD CONDITIONS

The permittee shall comply with all EPA Region 9 Standard Conditions below.

A. All NPDES Permits

In accordance with 40 CFR § 122.41, the following conditions apply to all NPDES permits and are expressly incorporated into this permit.

1. Duty to comply; at 40 CFR § 122.41(a).

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under 405(d) of the CWA within the time provided in the regulations that established these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

- b. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.¹
- c. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.¹

2. Duty to reapply; at 40 CFR § 122.41(b).

¹ The civil and administrative penalty amounts are adjusted annually for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and the current penalty amounts are set forth in 40 CFR § 19.4.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. Any permittee with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director.

3. Need to halt or reduce activity not a defense; at 40 CFR § 122.41(c).

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate; at 40 CFR § 122.41(d).

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper operation and maintenance; at 40 CFR § 122.41(e).

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

6. Permit actions; at 40 CFR § 122.41(f).

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property rights; at 40 CFR § 122.41(g).

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to provide information; at 40 CFR § 122.41(h).

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

9. Inspection and entry; at 40 CFR § 122.41(i).

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

10. Monitoring and records; at 40 CFR § 122.41(j).

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR § 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed
 - (4) The individuals(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and

(6) The results of such analyses.

- d. Monitoring must be conducted according to test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 136 unless otherwise specified in 40 CFR § 503, unless other test procedures have been specified in the permit.
 - e. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
11. Signatory requirement; at 40 CFR § 122.41(k).
- a. All applications, reports, or information submitted to the Director shall be signed and certified. (See 40 CFR § 122.22.) All permit applications shall be signed as follows:

(1) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in 40 CFR § 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under 40 CFR § 122.22(a)(1)(ii) rather than to specific individuals.

- (2) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph (a) of this section;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters of the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
 - (3) The written authorization is submitted to the Director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:
- “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- e. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting requirements; at 40 CFR § 122.41(l).

- a. Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42(a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- b. Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- c. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR § 122.61; in some cases, modification or revocation and reissuance is mandatory.)
 - (1) Transfers by modification. Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under 40 CFR § 122.62(b)(2)), or a minor modification made (under 40 CFR § 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

- (2) Automatic transfers. As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - (A) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;
 - (B) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - (C) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subparagraph may also be a minor modification under 40 CFR § 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.
- d. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. As of December 21, 2016 all reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127.
 - (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR § 136 or, in the case of sludge use or disposal, approved under 40 CFR § 503, or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
- e. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- f. Twenty-four hour reporting.

- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As soon as sewer overflow reporting is available in NeT, and no later than December 21, 2025, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127. The permittee shall electronically submit all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events using the NPDES electronic Tool (NeT) through CDX (<https://cdx.epa.gov/>) in accordance with the reporting requirements specified in this permit. The permittee must also sign and certify all electronic submissions in accordance with the signatory requirements specified at 40 CFR § 122.41(k).
- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (i) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR § 122.41(g).)
 - (ii) Any upset which exceeds any effluent limitation in the permit.
 - (iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See 40 CFR § 122.44(g).)
- (3) The Director may waive the written report on a case-by-case basis for reports under 40 CFR § 122.41(l)(6)(ii) of this section if the oral report has been received within 24 hours.

- g. Other noncompliance. The permittee shall report all instances of noncompliance not reported under 40 CFR § 122.41(l)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.
 - h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
13. Bypass; at 40 CFR § 122.41(m).
- a. Definitions.
 - (1) “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 40 CFR § 122.41(m)(3) and (m)(4) of this section.
 - c. Notice.
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).
 - (3) As of December 21, 2025 all notices submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR § 127.2(b), in compliance with this section and 40 CFR § 3 (including, in all cases, subpart D to part 3), 40 CFR § 122.22, and 40 CFR § 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to report

electronically if specified by a particular permit or if required to do so by state law.

d. Prohibition of bypass.

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The permittee submitted notices as required under paragraph (m)(3) of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

14. Upset; at 40 CFR § 122.41(n).

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent cause by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

- (2) The permitted facility was at the time being properly operated; and
- (3) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).
- (4) The permittee complied with any remedial measures required under paragraph (d) of this section.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Reopener Clause; at 40 CFR § 122.44(c).

For any permit issued to a treatment works treating domestic sewage (including “sludge-only facilities”), the Director shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The Director may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

16. Minor modifications of permits; at 40 CFR § 122.63.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 40 CFR § 124. Any permit modification not processed as a minor modification under this section must be made for cause and with 40 CFR § 124 draft permit and public notice as required in 40 CFR § 122.62. Minor modifications may only:

- a. Correct typographical errors;
- b. Require more frequent monitoring or reporting by the permittee;
- c. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
or
- d. Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.
- e. Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger’s obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR § 122.29.

- f. Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- g. Incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in 40 CFR § 403.11 (or a modification thereto that has been approved in accordance with the procedures in 40 CFR § 403.18) as enforceable conditions of the POTW's permits.

17. Termination of permits; at 40 CFR § 122.64.

- a. The following are causes for terminating a permit during its term, or for denying a permit renewal application:
 - (1) Noncompliance by the permittee with any conditions of the permit;
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
 - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - (4) A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

18. Availability of Reports; pursuant to CWA § 308

Except for data determined to be confidential under 40 CFR § 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the CWA, permit applications, permits, and effluent data shall not be considered confidential.

19. Removed Substances; pursuant to CWA § 301

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials entering waters of the U.S.

20. Severability; pursuant to CWA § 512

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and remainder of this permit, shall not be affected thereby.

21. Civil and Criminal Liability; pursuant to CWA § 309

Except as provided in permit conditions on “Bypass” and “Upset”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

22. Oil and Hazardous Substances Liability; pursuant to CWA § 311

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.

23. State, Tribe, or Territory Law; pursuant to CWA § 510

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State, Tribe, or Territory law or regulation under authorities preserved by CWA § 510.

B. *Specific Categories of NPDES Permits*

In accordance with 40 CFR § 122.42, the following conditions, in addition to those set forth at 40 CFR § 122.41, apply to all NPDES permits within the category specified below and are expressly incorporated into this permit.

1. Publicly owned treatment works; at 40 CFR 122.42(b).

a. All POTWs must provide adequate notice to the Director of the following:

- (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 and 306 of the CWA if it were directly discharging those pollutants; and
- (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

b. The following condition has been established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act. Publicly owned treatment works may not receive hazardous waste by truck, rail, or dedicated pipe except as provided under 40 CFR 270. Hazardous wastes are defined at 40 CFR 261 and include any mixture containing any waste listed under

40 CFR 261.31 through 261-33. The Domestic Sewage Exclusion (40 CFR 261.4) applies only to wastes mixed with domestic sewage in a sewer leading to a publicly owned treatment works and not to mixtures of hazardous wastes and sewage or septage delivered to the treatment plant by truck.

Attachment A: Definitions

1. “Average monthly discharge limitation” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
2. “Average weekly discharge limitation” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
3. “Best Management Practices” or “BMPs” are schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the U.S. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may further be characterized as operational, source control, erosion and sediment control, and treatment BMPs.
4. A “composite” sample means a time-proportioned mixture of not less than eight discrete aliquots obtained at equal time intervals (e.g., 24-hour composite means a minimum of eight samples collected every three hours). The volume of each aliquot shall be directly proportional to the discharge flow rate at the time of sampling, but not less than 100 ml. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.
5. A “daily discharge” means the “discharge of a pollutant” measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
6. A “daily maximum allowable effluent limitation” means the highest allowable “daily discharge.”
7. A “DMR” is a “Discharge Monitoring Report” that is an EPA uniform national form, including any subsequent additions, revisions, or modifications for reporting of self-monitoring results by the permittee.
8. A “grab” sample is a single sample collected at a particular time and place that represents the composition of the discharge only at that time and place. Sample collection, preservation, and handling shall be performed as described in the most recent edition of 40 CFR § 136.3, Table II. Where collection, preservation, and handling procedures are

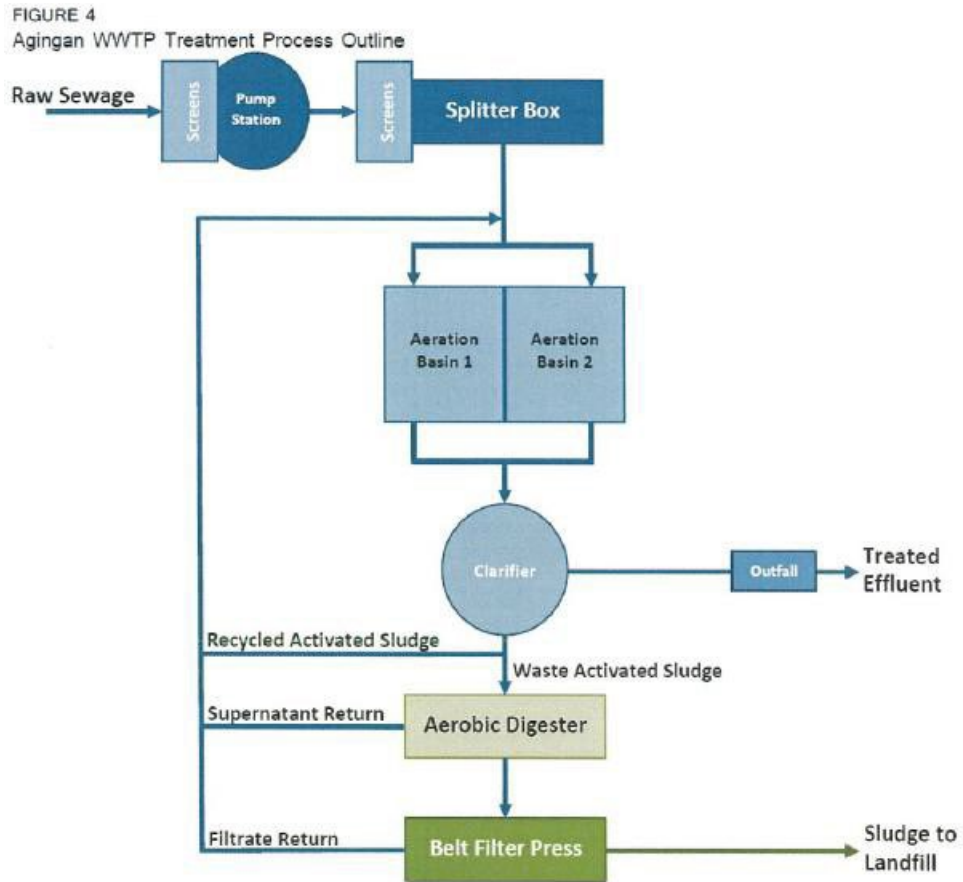
not outlined in 40 CFR § 136.3, procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater shall be used.

9. The “method detection limit” or “MDL” is the minimum concentration of an analyte that can be detected with 99% confidence that the analyte concentration is distinguishable from the method blank results, as defined by a specific laboratory method in 40 CFR § 136. The procedure for determination of a laboratory MDL is in 40 CFR § 136, Appendix B.
10. The “minimum level” or “ML” is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed (as defined in EPA’s draft National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-Based Effluent Limitations Set Below Analytical Detection/Quantitative Levels, March 22, 1994). If a published method-specific ML is not available, then an interim ML shall be calculated. The interim ML is equal to 3.18 times the published method-specific MDL rounded to the nearest multiple of 1, 2, 5, 10, 20, 50, etc. (When neither an ML nor MDL are available under 40 CFR § 136, an interim ML should be calculated by multiplying the best estimate of detection by a factor of 3.18; when a range of detection is given, the lower end value of the range of detection should be used to calculate the ML.) At this point in the calculation, a different procedure is used for metals, than non-metals:
 - a. For metals, due to laboratory calibration practices, calculated MLs may be rounded to the nearest whole number.
 - b. For non-metals, because analytical instruments are generally calibrated using the ML as the lowest calibration standard, the calculated ML is then rounded to the nearest multiple of (1, 2, or 5) x 10ⁿ, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: 2.5 µg/l x 3.18 = 7.95 µg/l. The multiple of (1, 2, or 5) x 10ⁿ nearest to 7.95 is 1 x 10¹ = 10 µg/l, so the calculated ML, rounded to the nearest whole number, is 10 µg/l.)
11. A “NODI(B)” means that the concentration of the pollutant in a sample is not detected. NODI(B) is reported when a sample result is less than the laboratory’s MDL.
12. A “NODI(Q)” means that the concentration of the pollutant in a sample is detected but not quantified. NODI(Q) is reported when a sample result is greater than or equal to the laboratory’s MDL, but less than the ML.

Attachment B: Location Map



Attachment C: Wastewater Flow Schematic



Attachment D: List of Priority Pollutants

Priority Pollutants are a set of chemical pollutants for which EPA has developed analytical methods. The permittee shall test for all priority pollutants in 40 CFR § 423, Appendix A. Note: certain priority pollutants (in BOLD) are volatile compounds and should be collected using grab samples; whereas, the remaining priority pollutants are recommended to be collected via composite samples. For reference, the 126 priority pollutants at time of issuance include:

1. Acenaphthene
2. **Acrolein**
3. **Acrylonitrile**
4. **Benzene**
5. Benzidine
6. **Carbon tetrachloride**
7. **Chlorobenzene**
8. **1,2,4-trichlorobenzene**
9. **Hexachlorobenzene**
10. **1,2-dichloroethane**
11. **1,1,1-trichloroethane**
12. **Hexachloroethane**
13. **1,1-dichloroethane**
14. **1,1,2-trichloroethane**
15. **1,1,2,2-tetrachloroethane**
16. **Chloroethane**
17. (Removed)
18. **Bis(2-chloroethyl) ether**
19. **2-chloroethyl vinyl ethers**
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. Parachlorometacresol
23. **Chloroform**
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3-dichlorobenzidine
29. **1,1-dichloroethylene**
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. **1,2-dichloropropane**
33. **1,3-dichloropropylene**
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. **Ethylbenzene**
39. Fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. Bis(2-chloroisopropyl) ether
43. Bis(2-chloroethoxy) methane
44. **Methylene chloride**
45. **Methyl chloride**
46. **Methyl bromide**
47. **Bromoform**
48. **Dichlorobromomethane**
49. (Removed)
50. (Removed)
51. **Chlorodibromomethane**
52. Hexachlorobutadiene
53. Hexachlorocyclopentadiene
54. Isophorone
55. Naphthalene
56. Nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. Pentachlorophenol
65. Phenol
66. Bis(2-ethylhexyl) phthalate
67. Butyl benzyl phthalate
68. Di-N-Butyl Phthalate
69. Di-n-octyl phthalate
70. Diethyl Phthalate
71. Dimethyl phthalate
72. Benzo(a) anthracene
73. Benzo(a) pyrene

74. Benzo(b) fluoranthene
75. Benzo(k) fluoranthene
76. Chrysene
77. Acenaphthylene
78. Anthracene
79. Benzo(ghi) perylene
80. Fluorene
81. Phenanthrene
82. Dibenzo(h) anthracene
83. Indeno (1,2,3-cd) pyrene
84. Pyrene
- 85. Tetrachloroethylene**
- 86. Toluene**
- 87. Trichloroethylene**
- 88. Vinyl chloride**
89. Aldrin
90. Dieldrin
91. Chlordane
92. 4,4-DDT
93. 4,4-DDE
94. 4,4-DDD
95. Alpha-endosulfan
96. Beta-endosulfan
97. Endosulfan sulfate
98. Endrin
99. Endrin aldehyde
100. Heptachlor
101. Heptachlor epoxide
102. Alpha-BHC
103. Beta-BHC
104. Gamma-BHC
105. Delta-BHC
106. PCB-1242 (Arochlor 1242)
107. PCB-1254 (Arochlor 1254)
108. PCB-1221 (Arochlor 1221)
109. PCB-1232 (Arochlor 1232)
110. PCB-1248 (Arochlor 1248)
111. PCB-1260 (Arochlor 1260)
112. PCB-1016 (Arochlor 1016)
113. Toxaphene
114. Antimony
115. Arsenic
116. Asbestos
117. Beryllium
118. Cadmium
119. Chromium
120. Copper
121. Cyanide, Total
122. Lead
123. Mercury
124. Nickel
125. Selenium
126. Silver
127. Thallium
128. Zinc
129. 2,3,7,8-TCDD

Attachment E: CWA Section 401 Water Quality Certification [December 6, 2022]



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality

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Eli D. Cabrera
Administrator



Zabrina S. Cruz
Director, DEQ

CNMI 401 WATER QUALITY CERTIFICATION

Water Quality Certification No. WQC-2022-004

Agingan Wastewater Treatment Plant

THIS CERTIFICATION is issued in conformance with the requirements of Section 401 of the Clean Water Act (CWA), Public Law 92-500 of the United States, 33 U.S.C. 55 1251-1387, and subject to the CNMI Water Quality Standards, as published in the Commonwealth Register, Volume 43 Number 09, NMIAC Chapter 65-130, for the issuance of a National Pollution Discharge Elimination System (NPDES) Permit by the U.S. Environmental Protection Agency (USEPA) for the operation of the Agingan Wastewater Treatment Plant located in Agingan Point, Saipan, with discharge through the Agingan Wastewater Treatment Plant Outfall, located in the Class A marine receiving waters of Tinian Channel of the Philippine Sea, approximately 650 feet offshore, pursuant to an application filed on March 22, 2022.

A Mixing Zone is also granted in conjunction with this certification, through BECQ Mixing Zone Approval ZOM-2022-002, which is attached and shall be considered part of this certification.

No comments were received during the thirty (30) day public comment period that began on June 9, 2022 and ended on July 11, 2022.

BECQ has determined that the application and supporting documentation provide adequate assurance that the proposed discharge will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the CNMI Bureau of Environmental and Coastal Quality (BECQ) certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of the CWA if conducted in accordance with the application, the supporting documentation, all conditions of the associated USEPA NPDES permit, and all conditions hereinafter set forth.

1. Applicant(s):

Commonwealth Utilities Corporation
Gary Camacho, Executive Director PO Box 501220
Saipan, MP 96950

2. Application Materials Evaluated:

- a. Application letter from CUC to BECQ for 401 WQC, dated March 17, 2022, along with attached application documentation, including map of outfall location in Tinian Channel.
- b. Application for Mixing Zone Approval, letter from CUC to BECQ dated April 19, 2022 with attached Agingan Outfall Assessment pages from 2015 Draft Final Saipan Wastewater Master Plan.
- c. Draft U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Permit, dated May 31, 2022.
- d. USEPA Fact Sheet dated May 2022.
- e. Application for NPDES Permit Renewal, CUC to USEPA, dated October 29, 2021.

3. Antidegradation Review:

In accordance with NMIAC 5 65-130-615(c)(4), the issuance of this water quality certification for the continued operation of the Agingan WWTP and outfall has been determined to be consistent with the antidegradation policy as detailed in Appendix A.

4. Mixing Zone

A mixing zone has been granted for the subject discharge, and is detailed in Appendix B (Mixing Zone Approval ZOM-2022-002).

5. Conditions.

- a. The applicant(s) shall comply with all terms, conditions, and monitoring requirements of the USEPA NPDES Permit, and any associated order or schedule of compliance. Failure to comply with the NPDES Permit and any associated enforcement order or schedule of compliance shall also constitute a violation of this Water Quality Certification. The applicant(s) shall obtain written BECQ approval for any changes to the terms and conditions included in the NPDES Permit.
- b. The applicant(s) shall promptly (within one working week) provide BECQ copies of all monitoring reports (e.g., DMRs) required under the NPDES Permit.
- c. The applicant(s) shall inform BECQ of all equipment failures that have the potential to adversely affect effluent quality within 24 hours of knowledge of such failure.
- d. CUC shall inform BECQ of all bypasses to the collection and treatment system, including all sanitary sewer overflows (SSOs) immediately (within one hour) upon knowledge of the bypass/SSO. Additionally, CUC shall provide written monthly bypass/SSO summary reports to BECQ on or before the 15th of each month. These reports shall list the time, date, and location of all bypasses and SSOs, estimate the volume of each wastewater release, indicate if discharge reached any surface water (including wetlands and storm drains), and a brief description of the cause of each bypass/SSO and corrective actions taken by CUC.

- e. The diffuser at the outfall location in Tinian Channel shall be kept in good working condition in accordance with best practices. The diffuser and outfall shall be inspected by CUC at least once per permit term and maintained to ensure that it structurally intact, and is free from blockages or excessive algal or microorganism growth.
- f. In accordance with NMIAC 5 65-130-801, the applicant shall allow prompt access to the Administrator or his authorized representative for the purpose of inspecting the premises for compliance with the terms of this certification. The inspection may be made with or without advance notice to the certification holder, with good purpose, at the discretion of the Administrator, but shall be made at reasonable times unless an emergency dictates otherwise.
- g. This WQC covers only the operation of the wastewater treatment system described in the application materials. The applicant must inform BECQ in writing of any changes to the project which may affect water quality.
- h. This WQC does not relieve the applicant from obtaining other applicable local or federal permits.

6. Period of Certification

This Water Quality Certification is valid only for the specified duration of the NPDES permit.

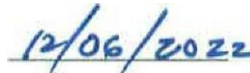
Extensions may be granted upon submission of evidence of authorized extension of the original NPDES permit, however, BECQ reserves the right to require a new Water Quality Certification in the event of changes in treatment processes, site conditions, or for other reasons justified, in writing, by BECQ. A new NPDES permit will require application for a new 401 Water Quality Certification. The applicant is encouraged to apply for an extension or new Certification well in advance of the anticipated start of the proposed activity.

7. Authorization

This Water Quality Certification shall remain in full force and effect for the period specified, subject to the conditions as set forth herein, and as authorized by the Administrator of the Bureau of Environmental and Coastal Quality.



Eli D. Cabrera



Date te Date

Administrator, BECQ