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. MP0020397

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.[1]

Permittee Name	Mobil Oil Mariana Islands, Inc.
Permittee Address	P.O. Box 500367 Saipan, MP - 96950
Facility Name	Mobil Saipan Terminal
Facility Location Address	Petroleum Lane Puerto Rico Village, MP - 96950
Facility Rating	Minor

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Industrial wastewater, hydrostatic test water, and stormwater from containment areas	15°13'29" N	145°44'5" E	Tanapag Harbor

This permit was issued on:	Date of signature below
This permit shall become effective on:	November 1, 2025
Permit reapplication due no later than:	May 6, 2030
This permit shall expire at midnight on:	October 31, 2030

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:

/s/ 9/30/2025

Tomás Torres, Director — Date
Water Division

[1] Any discharges not expressly authorized in the Permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, State, or local authorities after issuance of the Permit via any means, including during an inspection.

Any wastestream or pollutant loading greater than or different than what the Permittee has proposed to discharge is not authorized by this Permit. The Permittee's proposed discharge is based on the chemical-specific data and the facility's design flow as described in the permit application, as well as other information provided to EPA during the permitting process.

To obtain authorization for a new or changed discharge, the Permittee must first submit a request to EPA and EPA will analyze whether additional controls or limitations are necessary. Permit modification or reissuance may be required before the proposed discharge would be authorized.

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Part I. EFFLUENT LIMITS, OTHER LIMITATIONS, AND MONITORING REQUIREMENTS

A. Effluent Limits, Other Limitations, and Monitoring Requirements – Outfall 001

1. The discharger is authorized to discharge treated storage tank bottom water draws, hydrostatic test water, firefighting and system test water, service water system leaks, and water from maintenance activities, as well as treated stormwater from containment areas, in compliance with the effluent limits and monitoring requirements specified in Table 1. The permittee shall monitor the effluent to evaluate compliance.

2. The discharge of pollutants at any point other than Outfall 001 specifically authorized in this permit is prohibited.

3. There shall be no discharge of chemical firefighting foaming agents during testing of firefighting water system(s)or during normal operations.

4. The discharge shall be free from oil and/or grease that results in a film or iridescent appearance in the discharge.

5. The discharge must not contain observable deposits of floating solids, scum, sheen, or other substances.

6. The discharge shall not contain foam or substances that produce an observable change in color, odor, or cloudiness in the discharge.

7. There shall be no discharge of radioactive materials at any level.

B. Effluent Limits and Monitoring Requirements – Outfall Number 001

Table 1. Effluent Limits and Monitoring Requirements

Parameter	Maximum Allowable Discharge Limits		Monitoring Requirements[1]	
	Maximum Daily	Units	Frequency	Sample Type
Flow rate[2][4]	[3]	MGD	Continuous	Metered or Calculated
Oil and grease, total recoverable	15	mg/L	Once/discharge	Grab
Total suspended solids	100	mg/L	Once/discharge	Grab
pH[4]	7.2 to 8.9	S.U.	Once/discharge	Grab
Temperature[4]	[5]	°C	Once/discharge	Grab
Total phosphorous	0.655	mg/L	Once/discharge	Grab
Ammonia, un-ionized	[3]	mg/L	Quarterly	Grab
Arsenic, total recoverable	7.4	µg/L	Once/discharge	Grab
Copper, total recoverable	8.2	µg/L	Once/discharge	Grab
Manganese, total recoverable	220	µg/L	Once/discharge	Grab
Zinc, total recoverable	188.4	µg/L	Once/discharge	Grab
Lead, total recoverable	[3]	µg/L	Quarterly	Grab
Benzene	35.2	µg/L	Once/discharge	Grab
Enterococci	130[6]	MPN/100 mL	Once/discharge	Grab
Biochemical oxygen demand (5-day)	[3]	mg/L	Quarterly	Grab
Salinity	[3]	ppm	Quarterly	Grab
Total Polycyclic Aromatic Hydrocarbons – Group I[7]	[3]	µg/L	Annually	Grab
Total Polycyclic Aromatic Hydrocarbons – Group II[8]	[3]	µg/L	Annually	Grab
Priority Pollutant Scan[9]	[3]	µg/L	Once per permit term	[9]
Dissolved Oxygen	[3] [10]	mg/L	Quarterly	Metered

(1) Monitoring shall occur only when there is discharge from the facility. If no discharge occurs during the reporting period, no monitoring is required, and the DMR for that month shall indicate that no discharge occurred. If additional testing is performed, results must be reported.

(2) All flows shall be monitored throughout the reporting period, and the maximum daily flow shall be reported. The permittee shall specify, to the best of their knowledge, the source of water in each discharge (i.e. stormwater, storage tank bottom water draws, hydrostatic test water, firefighting and system test water, service water system leaks, and/or water from maintenance activities). A list of sources shall be provided as an attachment to each DMR.

(3) No effluent limits are set at this time, but monitoring and reporting is required.

(4) pH, temperature, and flow shall be taken as field measurements at the time of sampling.

(5) Water temperature of the discharge shall not vary by more than 1.0°C from the ambient conditions.

(6) The effluent limit for enterococci will be single sample maximum.

(7) Group I PAHs are comprised of: 1) benzo(a)anthracene, 2) benzo(a)pyrene, 3) benzo(b)fluoranthene, 4) benzo(k)fluoranthene, 5) chrysene, 6) dibenzo(a,h)anthracene, and 7) indeno(1,2,3-cd)pyrene. The permittee shall report the ML for each pollutant that is not detected.

(8) Group II PAHs are comprised of: 1) acenaphthene, 2) acenaphthylene, 3) anthracene, 4) benzo(g,h,i)perylene, 5) fluoranthene, 6) fluorene, 7) naphthalene, 8) phenanthrene, and 9) pyrene. The permittee shall report the ML for each pollutant that is not detected.

(9) See Attachment D for a list of priority pollutants. Note: certain priority pollutants are volatile compounds and should be collected using grab samples; whereas, the remaining priority pollutants are recommended be collected via composite samples. For the most current listing of all priority toxic pollutants see 40 CFR § 423, Appendix A. The priority pollutant scan shall be conducted no later than the end of the fourth year and concurrently with Whole Effluent Toxicity test.

(10) Concentration of dissolved oxygen in the discharge shall not be less than 75% saturation.

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

The permittee may select one of the following test species for monitoring for chronic toxicity during the calendar month for DMR reporting. All sampling shall be for the same species. See "Chronic Test Species and WET Methods" condition of this permit.

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 *Strongylocentrotus purpuratus* fertilization, Method 1008.0 WI33L [4]	Report [1, 2]	Report [1, 3]	Pass (0) or Fail (1), PE, in % effluent	Once per year	Grab
Chronic Toxicity *Dendraster excentricus* fertilization, Method 1008.0 WI33N [4]	Report [1, 2]	Report [1, 3]	Pass (0) or Fail (1), PE, in % effluent	Once per year	Grab
Chronic Toxicity *Macrocystis pyrifera* germination, Method 1009.0 WJK1D[4]	Report [1, 2]	Report [1, 3]	Pass (0) or Fail (1), PE, in % effluent	Once per year	Grab
Chronic Toxicity *Macrocystis pyrifera* germ-tube length, Method 1009.0 WKK1D[4]	Report [1, 2]	Report [1, 3]	Pass (0) or Fail (1), PE, in % effluent	Once per year	Grab
Chronic Toxicity *Atherinops affinis* growth, Method 1006.0 WCP6L [4]	Report [1, 2]	Report [1, 3]	Pass (0) or Fail (1), PE, in % effluent	Once per year	Grab
Chronic Toxicity *Menidia beryllina* growth, Method 1006.0 WCP6J [4]	Report [1, 2]	Report [1, 3]	Pass (0) or Fail (1), PE, in % effluent	Once per year	Grab

(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: **No more than three** chronic toxicity tests may be 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 (Ho) at the required discharge-specific IWC is: **IWC mean response (100% effluent) ≤ 0.75 × 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 individual toxicity test, including every test conducted for determining the median monthly effluent result. PE (also called "Percent (%) Effect" or "% Effect") is calculated as: **PE in % effluent = [(Control mean response − IWC mean response) ÷ Control mean response] × 100**. If more than one toxicity test during the calendar month is coded as **Fail (1)** and the observed (estimated) **PE ≥ 50**, the toxicity test with a **Fail (1)** and the highest **PE** shall be reported on the DMR form. The results of all toxicity tests initiated during the calendar month shall be attached to the DMR form.

(4) The permittee shall report NODI for the species that were not tested.

D. Sampling

1. Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. Samples shall be taken when stormwater or process wastewaters, such as tank bottom water draws or hydrostatic test waters, are released for discharge through Outfall 001.

2. Samples shall be taken at Outfall 001, after the last treatment process and prior to entering the Saipan Seaport storm sewer system, where representative samples can be obtained.

3. Management of yard drainage for areas with no industrial activity that is discharged downstream of Outfall 001 shall be included in the pollution prevention plan.

4. 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 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 effluent analyses required in this permit, the permittee shall utilize 40 CFR § 136 test methods with method detection limits (MDLs) and minimum levels (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. 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 appropriate NPDES Electronic Tool and electronically submit the following program reports:

NetDMR/Discharge Monitoring Report

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. Monitoring and reporting shall be completed according to the schedule in Table 3. 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 or no numerical values to report for a parameter, the permittee shall submit the appropriate no data indicator (NODI) code in their DMR. For intermittent discharges, the permittee shall monitor required parameters on the first day of discharge. Monitoring for parameters required once per permit term shall occur during discharge unless there is no discharge throughout the permit term. Entering a DMR

comment is recommended if submitting no data indicator code (NODI) other than "C" for no discharge.

9. The permittee shall submit an electronic or paper Discharge Monitoring Report to CNMI BECQ.

   Paper DMR forms shall be mailed to:
   Bureau of Environmental and Coastal Quality
   P.O. Box 501304
   Saipan, MP 96950

   Electronic forms shall be submitted via email to weecbranch.becq@gmail.com

Table 3. Monitoring and Reporting Schedule

Sampling Frequency	Monitoring Period Start Date	Monitoring Period	DMR Due Date
Continuous	Permit effective date	All	Quarterly on the 28th day of first calendar month following the previous calendar quarter (January 28th, April 28th, July 28th, October 28th)
Daily	Permit effective date	(Midnight through 11:59 PM) or any 24-hour period that reasonably represents a calendar day for purposes of sampling	Quarterly on the 28th day of first calendar month following the previous calendar quarter (January 28th, April 28th, July 28th, October 28th)
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	Quarterly on the 28th day of first calendar month following the previous calendar quarter (January 28th, April 28th, July 28th, October 28th)
Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1st day of calendar month through last day of calendar month	Quarterly on the 28th day of first calendar month following the previous calendar quarter (January 28th, April 28th, July 28th, October 28th)
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	Quarterly on the 28th day of first calendar month following the previous calendar quarter (January 28th, April 28th, July 28th, October 28th)

Sampling Frequency	Monitoring Period Start Date	Monitoring Period	DMR Due Date
Semiannually	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through June 30 April 1 through September 30 July 1 through December 31 October 1 through March 31	July 28th, each year January 28th, each year
Annually	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through December 31 April 1 through March 31 July 1 through June 30 October 1 through September 30	January 28th of the following year
Once per permit term	Permit effective date	All	Last quarterly report before permit reapplication due date (January 28th, April 28th, July 28th, or October 28th)

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 toxicity in the effluent as a result of the discharge; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

2. This permit may be modified, or revoked and reissued, based on the results of Magnuson-Stevens Fishery Conservation and Management Act and/or Endangered Species Act (ESA) Section 7 consultation(s) with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service. If monitoring results show elevated levels of pollutants, then EPA may re-open the permit to set effluent limits for specific pollutants in the discharge.

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 enforcement staff person, CNMI BECQ staff person, and NMFS Pacific Islands Regional Office (PIRO) 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) 947-4222

   Administrator CNMI BECQ, (670) 664-8500/8501, 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. All reports shall be emailed to R9NPDES@epa.gov and the EPA staff person initially notified, as well as weecbranch.becq@gmail.com. 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 overflow, anticipated bypass, and/or unanticipated bypass which exceeds any effluent limit in the permit (see Table 1. Effluent Limits and Monitoring Requirements).

   b. Any upset which exceeds any effluent limit in the permit.

   c. Any sanitary sewer overflow (see Section II.G).

   d. 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 Table 1. Effluent Limits and Monitoring Requirements).

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 **45 percent (%) effluent** (i.e., 1/S × 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 4. 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	45%	2.2	1 to 1.2

2. Sampling and Monitoring Frequency

   Toxicity test samples shall be collected for the authorized discharge point in accordance with Sections I.D and 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

   For The permittee shall **conduct toxicity tests with the parameter for chronic toxicity required in Part I, Table 2** (static renewal test with topsmelt, *Atherinops affinis* (Larval Survival and Growth Test Method 1006.0) OR static non-renewal toxicity test with giant kelp, *Macrocystis pyrifera* (Germination and Germ-Tube Length Test Method 1009.0) OR static non-renewal test with purple sea urchin, *Strongylocentrotus purpuratus* or eccentric sand dollar, *Dendraster excentricus* (Fertilization Test Method 1008.0)). If supply cultures of topsmelt are not available for testing, then the permittee shall conduct static renewal toxicity tests with inland silverside, *Menidia beryllina* (Larval Survival and Growth Test Method 1006.0 in the

third edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms* (EPA/821/R-02/014, 2002; Table IA, 40 CFR § 136)). If supply cultures of purple sea urchin are not available for testing, then the permittee shall conduct static non-renewal toxicity tests with the eccentric sand dollar. The permittee shall follow this short-term WET method for this test species for estimating the chronic toxicity of NPDES effluents 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.)

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 I.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_o) 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: % Effect = [(Control mean response − IWC mean response) ÷ Control mean response] × 100.

   e. **Controls.** Effluent dilution water and control water shall be prepared and used as specified in the applicable WET methods manual in I.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 I.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 in the testing 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 I.C.3., above, then the permittee shall resample and retest within 14 days. TAC for each method can be found at https://www.epa.gov/cwa-methods/chronic-toxicity-freshwater-wet-methods. The results of this retest shall only replace that effluent toxicity test that did not meet TAC during the reporting period for the month.

h. **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 conducted, 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
   a. 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.

   b. 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.

   c. 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.

   d. 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).

   e. 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, 10^{th}, 25^{th}, 50^{th}, 60^{th}, 65^{th}, 70^{th}, 75^{th}, 80^{th}, 90^{th}, 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 submit an electronic report to R9NPDES@epa.gov and CNMI BECQ within 14 days of each of the following occurrences: a **Median Monthly Effluent result of Fail (1)** for chronic toxicity, or a **Maximum Daily Effluent result of Fail (1)** combined with PE ≥ 50. If the permittee is reporting a Median Monthly Effluent result of Fail (1), the permittee shall follow required steps listed in Part II.C.6 of this permit.

D. Receiving Water Monitoring – Visual Monitoring for Oil Sheen, Foam, Discoloration, or Floating Debris

1. The permittee shall conduct receiving water visual monitoring in the vicinity of the CPA storm sewer outfall into Tanapag Harbor for oily sheen, foam, discoloration, or floating debris. Visual observations shall be conducted when process wastewater, such as tank bottom water draws or hydrostatic test waters, or treated stormwater is being discharged from the facility.

2. The permittee shall keep a record of any observations of sheen, foam, discoloration, or floating debris and report the findings as an attachment to the Discharge Monitoring Reports.

3. Receiving water visual monitoring may be conducted and submitted to EPA and CNMI BECQ by the Port, instead of by Mobil, if it satisfies the monitoring requirements in the proposed permit.

E. Tiered Outfall Habitat Monitoring

The Permittee shall monitor the benthic habitat within the immediate vicinity of the CPA storm sewer outfall. The habitat monitoring shall follow a tiered approach:

Tier I: The Permittee shall visually monitor for presence of corals, seagrass, habitat substrate or federally-listed species within a 50 ft. radius of the CPA outfall terminus. The Permittee may obtain this monitoring information by use of still photographs and/or video of the habitat taken by underwater camera, remotely operated vehicle, or diver. The Tier I monitoring results shall be submitted to EPA at R9NPDES@epa.gov and NMFS PIRO at efhesaconsult@noaa.gov for review. The Tier I monitoring submittal is due two years after the effective date of the permit. Upon review of the Tier I monitoring submittal, if EPA determines that there is evidence of coral reefs, seagrass beds, hard substrate, or other types of fish habitat, then EPA may require additional monitoring as described in Tier II immediately below.

Tier I submittal	-Photographs and/or video within a 50 ft. radius of the CPA outfall terminus, within two years of the effective date of the permit.

Tier II: If Tier II monitoring is required, the Permittee shall perform additional benthic habitat monitoring to gather more information about pollutant accumulation, foraging resources, and benthic habitat within the 50 ft. radius of the CPA storm sewer outfall. The Permittee shall submit a Tier II sampling and monitoring plan to EPA at R9NPDES@epa.gov for review at least 60 days prior to initiating Tier II monitoring. The Tier II sampling and monitoring plan shall include proposed methods such as surveying percent coverage of seagrass beds, surveying substrate habitat, sediment sampling (chemistry and/or acute toxicity) or fish tissue sampling to gather additional information of the benthic habitat, including chemical and biological monitoring, to characterize the potential impacts from the pollutants in the discharge. Analytical methods are not limited to those methods included in 40 CFR Part 136 since this monitoring will gather baseline information within the receiving waters. The Permittee may proceed after EPA approves the Tier II sampling and monitoring plan OR 60 days after submission if EPA does not respond. The Tier II monitoring data shall be submitted to EPA at R9NPDES@epa.gov and NMFS PIRO at efhesaconsult@noaa.gov within four years after the effective date of the permit.

Tier II submittals	-Tier II sampling and monitoring plan submitted 60 days prior to the planned Tier II monitoring date. -Tier II monitoring data within four years of the effective date of the permit.

If the Permittee plans for divers to perform the assessment and sampling, then EPA recommends including information on minimizing potential introduction of toxicopathological agents by divers to corals (e.g., sunscreens containing oxybenzone, butylparaben, octinoxate, and 4-methylbenzylidene camphor).

Attachment F includes additional requirements and best management practices for the Tiered Outfall Habitat Monitoring.

F. Asset Management

The permittee shall maintain an asset management program (AMP) to cover the treatment plant and collection system. The permittee may use an existing comprehensive AMP for the facility as an equivalent to satisfy this requirement.

1. The permittee shall utilize asset management and/or work order management software. The software shall:

    a. Inventory all critical assets and 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.

    b. Automate work order production and tracking.

    c. Catalogue all daily, weekly, monthly, annual and other regular maintenance tasks.

2. The permittee shall develop an AMP document that contains a description of its selected AMP system and status of its implementation by within two years of permit issuance. The AMP shall include a vulnerability assessment to evaluate effects that may impact:
    a. Facility operation
    b. Water supplies
    c. Collection systems
    d. Water quality, including any projected changes to the influent water temperature and pollutant concentrations.

    The permittee shall also identify new or increased threats to the sewer system that may impact desired levels of service in the next 50 years. For facilities that discharge to the ocean, the AMP shall also assess impacts from sea level rise. A copy of the permittee's AMP document shall be retained on the permittee's premises and available for review by regulatory authorities upon request.

G. Summary of Special Reports

The permittee is required to submit special reports in this permit by the dates listed below in Table 5. For reports that are required to be submitted to R9NPDES@epa.gov, the permittee shall include the following information in the subject line:

1. The permit number (MP0020397)
2. The name of the report as written in Table 5 below.
3. The word "submittal"

Table 5. Special Reports to Submit to EPA.

Special Report Name	Due Date	Section of Permit	Submit Report to:
Pollution Prevention Plan	One year after effective date of permit	Part III.B	R9NPDES@epa.gov
Asset Management Plan	Two years after effective date of permit	Part II.F	Retain on site.
Tiered Outfall Habitat Assessment-Tier I submittal	Two years after effective date of permit.	Part II.E Attachment F	R9NPDES@epa.gov efhesaconsult@noaa.gov
Tiered Outfall Habitat Assessment-Tier II plan (if necessary)	Four years after effective date of permit. 60 days prior to the planned Tier II assessment.	Part II.E Attachment F	R9NPDES@epa.gov efhesaconsult@noaa.gov
Tiered Outfall Habitat Assessment-Tier II final report (if necessary)	Four years after effective date of permit.	Part II.E Attachment F	R9NPDES@epa.gov efhesaconsult@noaa.gov
Emergency Response Plan	Within permit term	Part III.C	R9NPDES@epa.gov efhesaconsult@noaa.gov

H. 401 Water Quality Certification

CNMI BECQ provided a CWA Section 401 Certification and Mixing Zone approval for the Mobil Saipan Terminal Permit on April 16, 2025. See Attachment E.

Part III. BEST MANAGEMENT PRACTICES, POLLUTION PREVENTION PLAN REQUIREMENTS, AND EMERGENCY RESPONSE PLAN

A. Best Management Practices

1. In accordance with section 304(e) of the CWA and 40 CFR § 122.44(k), prior to operation of the treatment facility and prior to any discharge, the permittee shall develop and implement appropriate pollution prevention measures or Best Management Practices ("BMPs"). Appropriate BMPs are those pollution prevention measures necessary to control site runoff, spillage and leaks, sludge and 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 measurable or observable amounts of such pollutants to surface waters.

2. The permittee must implement the BMPs that include, but are not limited to:
   (1) discharge flow controls, including methods for measuring discharge flow, and control measures to prevent discharge exceeding the treatment capacity of the facility;

   (2) engineering controls to prevent the discharge of untreated effluent or free product including:
      i) a containment boom that fully surrounds the point of discharge; and removal of any free product from within the boom;
      ii) if free product or a sheen is observed inside the containment boom, dewatering will be suspended, the treatment system will be inspected, and repairs (or modifications to the system) will be made, as needed to prevent discharge of free product or oil, prior to resuming water processing; and
      iii) if oil is identified in the receiving water within the discharge zone, a fuel fingerprinting sample will be collected and submitted for laboratory analysis within 24 hours, and results shall be compared with fuel fingerprint results from the 2021 removal action to determine if the source is the water treatment plant effluent within 48 hours of receiving the results. If the source is the water treatment plant effluent, the permittee shall follow the procedures in paragraph III.A.2.(2)(ii) to suspend and remedy discharge of free product or oil.

(3) 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 discharges;

i) no trash or debris should be disposed of or otherwise allowed to enter the Pacific Ocean. The permittee shall ensure that trash receptacles wih lids are available onsite or onboard vessels; if debris does enter the Pacific Ocean from the facility, the permittee shall remove it using means that do not cause additional damage to organisms such as coral.

ii) vehicle and equipment storage areas must be regularly inspected and cleaned for spills and leaks (including storm inlets); and have spill response equipment (e.g., drip pans, sorbent pads) to respond immediately to spills or leaks;

iii) vehicle and equipment fueling areas must have measures that prevent or minimize contamination of discharges from these areas such as covering the fueling area, using spill/overflow protection and cleanup equipment, using proper cleaning methods instead of hosing down area, minimizing run-on/runoff to fueling areas, and treating and/or recycling collected effluent; seagoing vessels should be fueled at an approved location;

iv) materials (e.g., greases, used oil/oil filters, cleaning solvents, hydraulic and transmission fluids, petroleum and oil-related products) must be stored in designated storage areas with appropriate storage vessels to contain the materials and prevent contamination of effluent; examples include storing the materials indoors and installing berms/dikes around area(s); proper storage of all materials shall comply with local and federal laws;

v) vehicle and equipment (e.g., tank, fuel lines) cleaning areas must have measures to prevent or minimize contamination of effluent from all areas used for vehicle and equipment cleaning; these areas must have appropriate containment and/or diversionary structures or equipment to ensure wash water is filtered and recycled where feasible; and

vi) vehicle and equipment maintenance areas must have measures that prevent or minimize contamination of effluent from all areas used for vehicle and equipment maintenance such as performing maintenance activities indoor; using drip pans, and treating and/or recycling collected effluent.

(4) minimizing exposure: where practicable, industrial materials and activities must be protected to prevent exposure to rain or runoff.

(5) preventive maintenance program, which includes timely inspections and maintenance of 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; all BMPs must be maintained in effective operating condition to control source runoff.

(6) spill prevention and response procedures: the permittee is required to develop and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with 40 CFR § 112; the SPCC Plan must describe the procedures that will be followed for cleaning up spills or leaks and for disposal of oil and hazardous waste; measures for cleaning up spills or leaks and disposal of such materials must be consistent with applicable RCRA regulations at 40 CFR §§ 264 and 265 and CWA regulations at 40 CFR § 112.

(7) routine facility inspections: qualified personnel must inspect all areas of the facility where industrial materials or activities are exposed to water (i.e., storage areas for vehicles/equipment awaiting maintenance, fueling areas, vehicle/equipment maintenance areas, material storage areas, line-flushing area, vehicle/equipment cleaning areas, and loading/unloading area, location(s) of oil/water separators, storm drains, etc.); inspections must include an evaluation of existing BMPs; and inspections shall occur at least once per week.

(8) pollution prevention training program for the facility; Prior to operating in areas where industrial materials or activities generate effluent, all employees and contractors shall be trained in spill response, good housekeeping and material management practices, proper fueling practices, and proper painting or sandblasting procedures for the removal of paint. All employees and contractors shall be re-trained at least once per year. A log of training dates, the topics covered, and participants in each training must be maintained onsite.

(9) sediment and erosion control: structural, vegetative, and/or stabilization BMPs to limit erosion must be implemented in areas of the facility that have a potential for significant soil erosion.

(10) management of runoff: the Plan must describe the traditional storm water and non-storm water management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for the facility; these BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water or non-storm water discharges from the site; examples include oil/water separators and retention basins.

3. Control measures, including BMPs, must be designed to meet the following non-numeric technology-based limitations:
   (1) Minimize the potential for violations of the terms of this permit, taking corrective actions, when necessary;
   (2) Minimize the number and quantity of pollutants and/or the toxicity generated, discharged, or potentially discharged at the site;
   (3) Minimize discharges of pollutants from the dewatering activities, by preventing contamination of groundwater from material storage areas, treatment and material handling areas, loading and unloading operations, and accidental leaks or spills, and minimizing contamination of groundwater by stormwater on the site through use of on-site control measures and implementation of material compatibility and good housekeeping practices; and
   (4) Use pollution control technologies to meet the discharge limitations and requirements in this permit, including the proper operation and maintenance of the treatment system.

B. Pollution Prevention Plan

1. The permittee shall prepare a Pollution Prevention Plan ("Plan") that describes the pollution prevention measures or BMPs that shall be implemented at the facility, which must meet the minimum requirements detailed under Part III.B of this permit. The Plan must be implemented by 90 days from effective date of permit.

2. The Plan must identify the potential sources of pollution that may reasonably be expected to affect the quality of the effluent discharges from the facility and describe the design specifications and implementation practices that will be used to reduce the pollutants in effluent discharges from the facility and assure compliance with the terms and conditions of this permit. The Plan must be retained onsite.

3. The Plan shall include at a minimum the following contents:
   a. the identification of a pollution prevention committee (with name of each individual member) or individual(s) (by name or title) within the facility organization responsible for developing, implementing and maintaining the Plan.
   b. a description of the facility that includes:
      (i) a description of the nature of the industrial activity(ies) at the facility;
      (ii) a general location map (e.g., USGS quadrangle, or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility;
      (iii) treatment system schematics, drawings, and/or maps, including up-to-date facility site plans;
      (iv) a drainage site map identifying the directions (using arrows) of water flow; locations of all existing structural BMPs and all surface water bodies; locations of potential pollutant sources and locations of significant materials and activities (e.g., fueling stations, vehicle and equipment cleaning areas, loading/unloading areas, locations used for treatment, storage and disposal of wastes, processing and storage areas, liquid storage tanks, location of transfer of substance in bulk, etc.) that exposed to precipitation; and locations of outfalls.

   c. the name of the nearest receiving water(s) that receives or may receive effluent discharges from the facility.

   d. a summary of potential pollutant sources that includes: a description of each separate area of the facility where industrial materials or activities that generate effluent and those that are exposed to stormwater (e.g., on-site waste storage or disposal, dirt/gravel parking areas for vehicles for vehicles awaiting maintenance, fueling areas, bulk storage areas) are located and a list of associate pollutant(s) or parameters (e.g., pH, BOD, etc.) for each material or activity.

e. a plan for compliance with the terms of this permit documenting how control measures will be implemented, including BMPs, to meet the technology-based limitations in Part III.A.3.

f. a description of existing and planned BMPs for discharge controls, including, at a minimum, the BMPs required under Part III.A; the Plan shall describe the type and location of existing non-structural and structural BMPs selected for each of the areas where industrial materials or activities are exposed to stormwater or generate non-stormwater discharges.

g. a copy of this permit.

4. The Plan must have management approval and shall display the date of the most recent management approval.

5. The Plan shall be updated whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the discharge, or potential for discharge, of pollutants from the facility.

6. The Plan shall be updated whenever there is indication of pollutants in the effluent discharge that may impact water quality standards; indication of pollutants requires the permittee to evaluate potential pollutant sources and corresponding BMPs and make appropriate Plan revisions; the permittee shall implement timely corrective actions and revise BMPs, as necessary.

The most current version of the Plan must be retained on-site and be made available, upon request by EPA or CNMI BECQ.

C. Emergency Response Plan

1. The permittee shall review and update their existing plan to address emergencies (e.g., power outages, typhoons) that may negatively affect the treatment system efficiency and result in (untreated or partially treated) discharges which are likely to degrade water quality in receiving waters.

2. In the emergency response plan, the permittee shall describe how to keep the treatment system operational during an emergency, including maintenance activities and frequency of testing.

3. The updated emergency response plan shall be submitted to EPA, CNMI BECQ and NMFS PIRO for review before the end of the permit term and then retained on site and available upon request by EPA or CNMI BECQ.

   R9NPDES@epa.gov, weecbranch.becq@gmail.com, efhesaconsult@noaa.gov

Part IV: 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).

   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.

[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.

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 alternations 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, an 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 of 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.

(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 (l)(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. Existing manufacturing, commercial, mining, and silviculture dischargers; at 40 CFR § 122.42 (a). All existing manufacturing, commercial, mining, and silviculture dischargers must notify the Director as soon as they know or have reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

      (1) One hundred micrograms per liter (100 µg/l);

      (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

      (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or

      (4) The level established by the Director in accordance with 40 CFR § 122.44(f).

   b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

      (1) Five hundred micrograms per liter (500 µg/l);

      (2) One milligram per liter (1 mg/l) for antimony;

      (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7).

      (4) The level established by the Director in accordance with 40 CFR § 122.44(f).

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

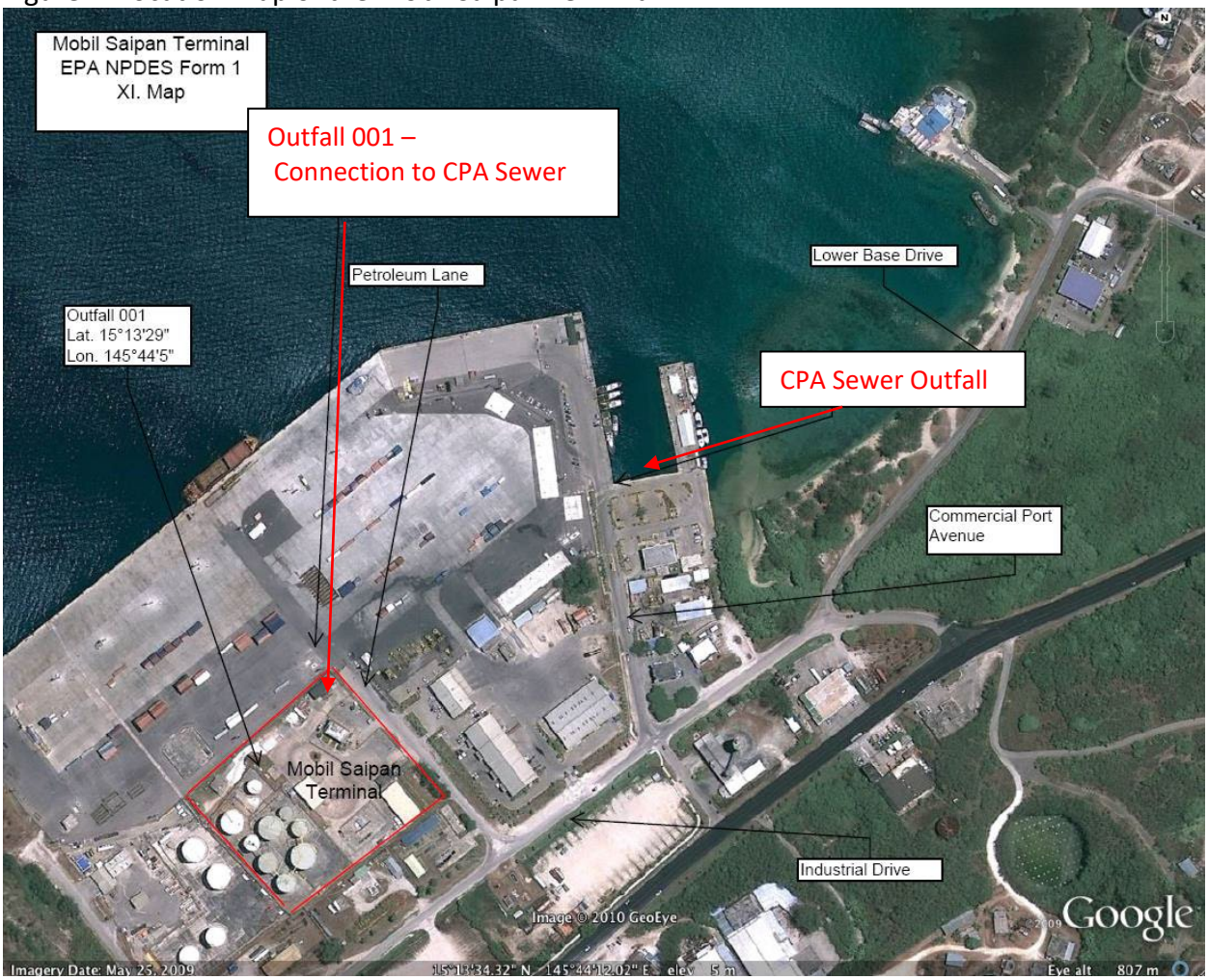
nearest multiple of (1, 2, or 5) x 10n, where n is zero or an integer. (For example, if an MDL is 2.5 µg/l, then the calculated ML is: 2.5 µg/l x 3.18 = 7.95 µg/l. The multiple of (1, 2, or 5) x 10n nearest to 7.95 is 1 x 101 = 10 µg/l, so the calculated ML, rounded to the nearest whole number, is 10 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.

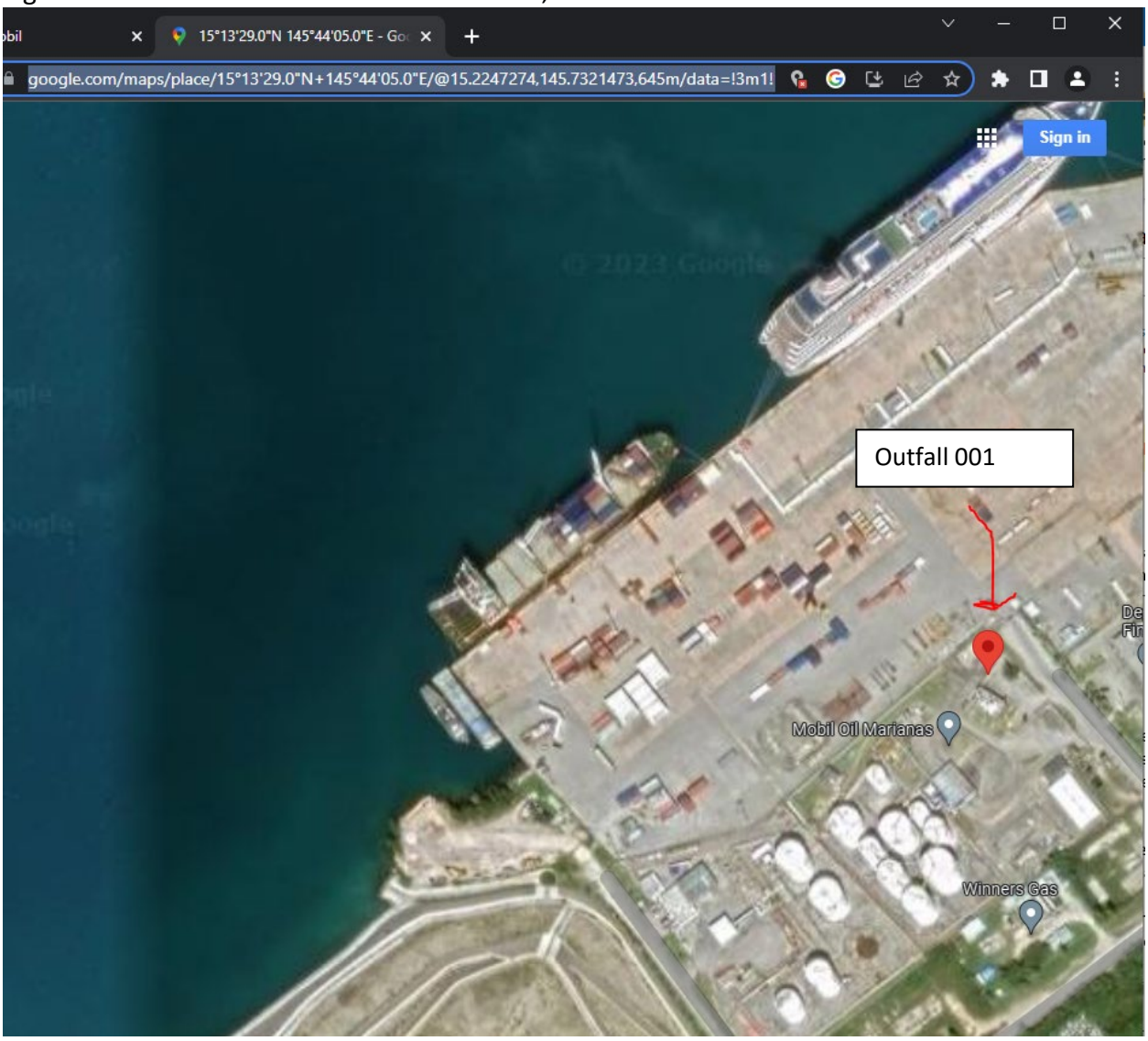
Attachment B: Location Map

Figure 1. Location map of the Mobil Saipan Terminal.



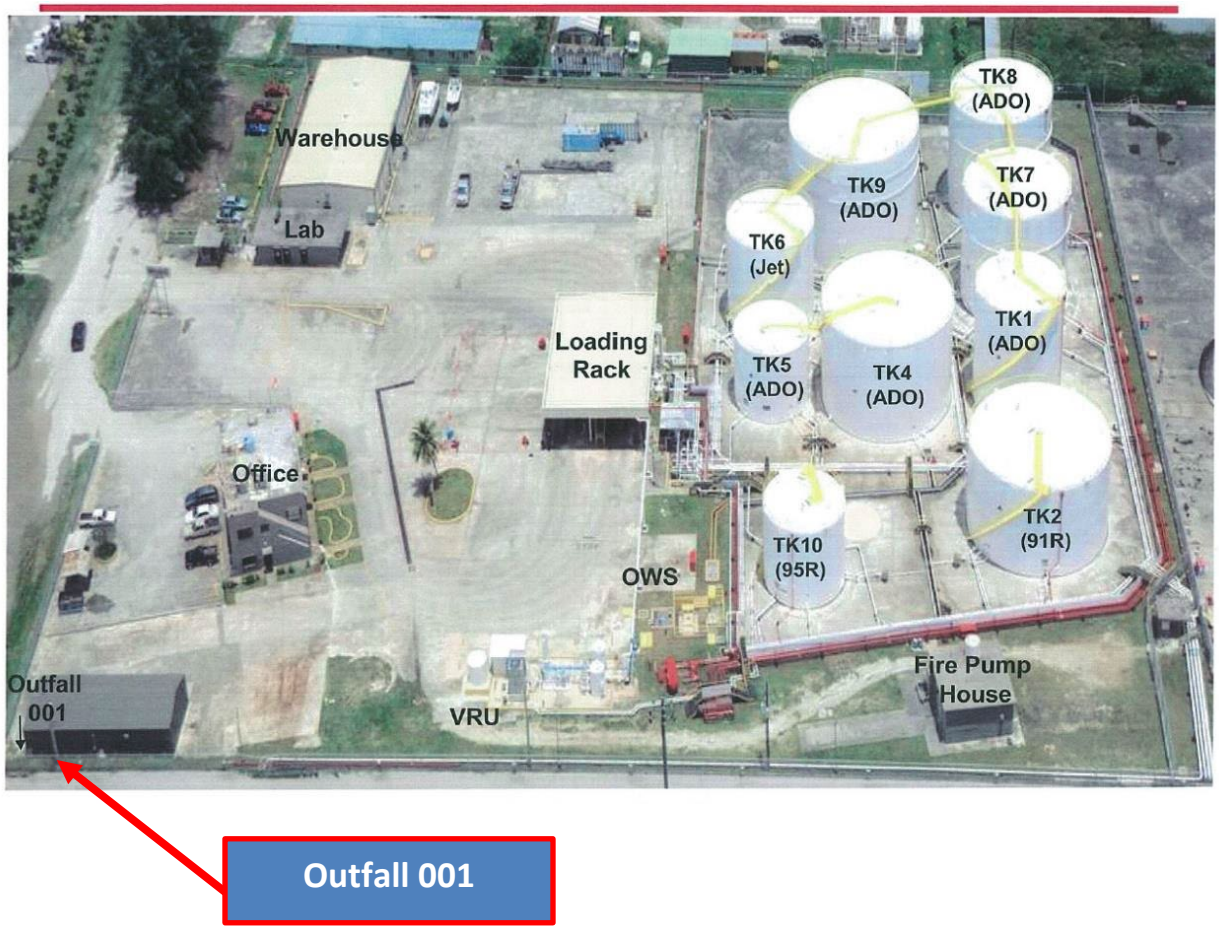
Attachment B: Location and Site Map (continued)

Figure 2. Location of Outfall 001. 15°13’29” N, 145°44’5” E

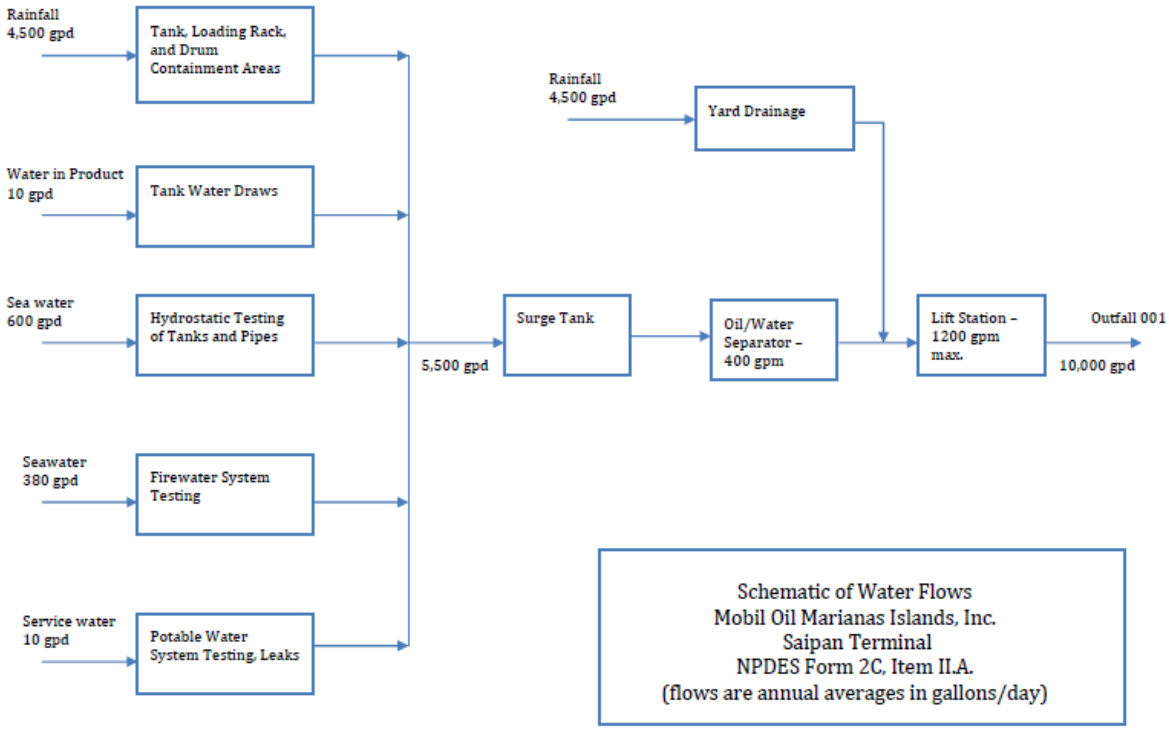


Attachment B: Site Map (continued)

Figure 3. Site map of Mobil Saipan Terminal. Shows location of Outfall 001 and oil-water separator (OWS).



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 listed in 40 CFR § 423, Appendix A. 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-trichloreothane**
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. Parachlorometa cresol
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(a,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-TCD

Attachment E: 401 Water Quality Certification

CNMI BECQ provided a CWA Section 401 Certification and Mixing Zone Approval on April 16, 2025.

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
P.O. Box 501304, Saipan, MP 96950-1304
DEQ Tel.: (670) 664-8500/01; Fax: (670) 664-8540
www.deq.gov.mp

April 16, 2025

OWNER and OPERATOR:
Mobil Oil Marianas Islands, Inc.
Jimmy Tim Chau Hau,
President
P.O. Box 500367 C.K.
Saipan, MP 96950

RE: Section 401 Water Quality Certification WQC-2025-002 and Mixing Zone Approval ZOM-2025-002
Mobil Oil Saipan Terminal

Dear Ms. Santos:

The CNMI Bureau of Environmental and Coastal Quality (BECQ) Division of Environmental Quality (DEQ) has completed review of all application materials, public comments, and other information related to your application for Clean Water Act Section 401 Water Quality Certification and CNMI Mixing Zone Approval for the subject activity, and have granted certification and approval in accordance with all applicable requirements of the CNMI Water Quality Standards.

Pursuant to Parts 500 and 600 of the CNMI Water Quality Standards (NMIAC Chapter 65-130), the attached certification and mixing zone approval are granted **with conditions** as specified in the attached 401 Water Quality Certification (Number WQC-2025-002) and Mixing Zone Approval (Number ZOM-2025-002). Please make sure that you carefully read, and fully understand these conditions. Failure to follow the conditions specified in the attached certification will constitute a violation of the CNMI Water Quality Standards.

If you have any comments or questions regarding this 401 Water Quality Certification, please contact our office at telephone numbers 664-8500.

Sincerely,

Floyd R. Masga
Acting Administrator, BECQ

(2 Attachments: WQC-2025-002, ZOM-2025-002)

cc: Director, DEQ
Director, DCRM
USEPA Region 9

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
P O Box 501304, Saipan, MP 96950-1304
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CNMI 401 WATER QUALITY CERTIFICATION

Certification No. WQC-2025-002
Mobil Oil SaipanTerminal

THIS CERTIFICATION is issued by the CNMI Bureau of Environmental and Coastal Quality (BECQ) Division of Environmental Quality (DEQ) 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. §§ 1251-1387, and subject to the CNMI Water Quality Standards, 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 continued operation of a petroleum bulk storage terminal located at the Saipan Seaport which discharges industrial stormwater and wastewater to the Saipan Seaport's storm sewer system, which in turn discharges to Tanapag Harbor, pursuant to a Section 401 Water Quality Certification Request filed by USEPA on December 18, 2024.

The required pre-application conference was held on April 26, 2024, and the thirty (30) day public comment period began on March 5, 2025. DEQ determined that since there were no comments received during the public comment period, a public hearing was not required.

DEQ 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, DEQ certifies that this activity will not violate the applicable provisions 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):

   OWNER and OPERATOR:

   Mobil Oil Marianas Islands, Inc.
   Jimmy Tim Chau Hau,
   President
   P.O. Box 500367 C.K.
   Saipan, MP 96950

2. Application Materials Evaluated:

   a. Application letter for 401 WQC, dated April 19, 2023, along with attached application documentation.

   b. Draft U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheets provided to DEQ on December 18, 2024

   c. Updated Draft U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheets provided to DEQ on December 18, 2024.

3. Anti-degradation Review

   Part 600 of the CNMI Water Quality Standards ("the Standards"), NMIAC § 65-130-601, requires DEQ to issue a Section 401 Water Quality Certification for any proposed activity that complies with applicable provisions of the CWA and the Standards, preserves existing uses of CNMI waters, and minimizes potential adverse impacts of the discharge through appropriate and practicable means. NMIAC § 65-130-615(b) prohibits the issuance of a Certification unless the proposed activity has been determined to be consistent with the anti-degradation policy through the satisfaction of all applicable provisions contained in NMIAC § 65-130-010. In accordance with NMIAC § 65-130- 615(c)(4), the subject application for the proposed wastewater treatment facility has been determined to be consistent with the anti-degradation policy as follows:

   a. Existing water quality and tier classification: The waters of Tanapag Harbor at the location of the Mobil Saipan Terminal are classified as Class "A" marine waters. Water quality data for the waters adjacent to the existing Mobil Oil Saipan Terminal indicate occasional to frequent violations of various water quality criteria, and the constituent waterbodies are classified as "**impaired**" under the CNMI's most recent Clean Water Act Section 303(d) for **nitrate, phosphate, pH, dissolved oxygen, lead, copper, and mercury in fish**. In addition, the surrounding waters are subject to the requirements of the 2017 **Total Maximum Daily Load (TMDL) for enterococci**. By definition, water quality in this area does not meet the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in

and on the water. Thus, the subject activity falls under the antidegradation requirements for "**Tier 1**" as described under NMIAC § 65-130-010(a)(3)(i).

b. Extent to which proposed action is expected to lower water quality: The proposed permit reissuance is for the continued operation of an existing discharge, with increased requirements intended to reduce the impacts to the surrounding water bodies in order to meet CNMI water quality criteria. Provided that the applicant operates their facility in accordance with all permit requirements, the continued discharge from their facility is not anticipated to cause water quality to exceed CNMI water quality criteria beyond the approved zone of mixing.

c. Conformance with antidegradation requirements: The requirements under Tier 1 of the anti-degradation policy at NMIAC § 65-130-010(a)(3)(i), state that "in no case shall any action be allowed which would lower water quality below that necessary to maintain and protect designated and existing uses. The minimum level of water quality necessary to protect a designated or existing use shall be the water quality criteria for the corresponding designated use classification. In water bodies or segments of water bodies where the existing level of water quality routinely falls below or just above the applicable water quality criteria for designated uses, actions that would further lower water quality are prohibited"

The proposed permit reissuance is for the continued operation of an existing discharge, not a new discharge, and is issued with increased requirements intended to reduce the impacts to the surrounding water bodies in order to meet CNMI water quality criteria. Provided that the applicant operates their facility in accordance with all permit requirements, the continued discharge from their facility is not anticipated to cause water quality to exceed CNMI water quality criteria beyond the approved zone of mixing, thus meeting the Tier I requirements of the CNMI antidegradation policy.

5. Conditions

a. The applicant(s) shall comply with all terms, conditions, and monitoring requirements of the USEPA NPDES Permit. Failure to comply with the NPDES Permit shall constitute a violation of this Water Quality Certification. The applicant(s) shall obtain written DEQ 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 DEQ copies of all monitoring reports (DMRs) required under the NPDES Permit.

c. The applicant(s) shall inform DEQ of all equipment failures that have the potential to adversely affect effluent quality within 24 hours of knowledge of such failure.

d. In accordance with NMIAC § 65-130-901 and 2 CMC § 3132, the applicant(s) shall allow prompt access to the Director or his/her 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 Director, but shall be made at reasonable times unless an emergency dictates otherwise.

e. This WQC covers only the operation of the stormwater and industrial discharges treatment system described in the application materials. The applicant(s) must inform DEQ in writing of any changes to the project which may affect water quality.

f. In accordance with NMIAC § 65-130-625, this WQC shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are adopted, by DEQ.

g. This WQC does not relieve the applicant(s) from obtaining other applicable local or federal permits.

6. Period of Certification

a. 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, DEQ reserves the right to require a new Water Quality Certification in the event of changes in construction practices, site conditions, or for other reasons justified, in writing, by DEQ. A new NPDES permit will require application for a new 401 Water Quality Certification. The applicant(s) 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 Director of the Division of Environmental Quality.

Floyd R. Masga
Acting Admnistrator, BECQ

4.16.2025
Date

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CNMI MIXING ZONE APPROVAL ZOM-2025-002

Re: Water Quality Certification No. WQC-2025-002
Mobil Oil Saipan Terminal

THIS MIXING ZONE APPROVAL is issued in conformance with the requirements of the CNMI Water Quality Standards (WQS), NMIAC Chapter 65-130 for the for the continued operation of a petroleum bulk storage terminal located at the Saipan Seaport which discharges industrial stormwater and wastewater to the Saipan Seaport's storm sewer system, which in turn discharges to Tanapag Harbor, pursuant to an application filed by the U.S. Environmental Protection Agency on December 18, 2024.

Part 500 of the CNMI WQS states that DEQ may allow a limited zone of mixing in the immediate area of a point source of pollution, provided the mixing zone is not granted in lieu of reasonable control measures, and if the requirements of Part 500 are met. In granting a mixing zone, BECQ must specify alternative criteria that must be met within the zone of mixing.

BECQ has determined that the application materials support a finding that the mixing zone is not being granted in lieu of reasonable control measures, and that, in conjunction with the conditions set forth herein, reasonable assurance has been provided that water quality criteria will not be exceeded beyond the zone of initial dilution, which is established herein as the mixing zone. In the remainder of this document, BECQ will show how this approval meets the requirements of Part 500, and will specify alternative criteria that must be met within the zone of mixing.

1. Applicant(s):

   OWNER and OPERATOR:

   Mobil Oil Marianas Islands, Inc.
   Jimmy Tim Chau Hau,
   President
   P.O. Box 500367 C.K.
   Saipan, MP 96950

2. Application Materials Evaluated:

   a. Application for 401 WQC and Mixing Zone approval, dated April 19, 2023, along with attached application documentation, Addendum Mixing Analysis for Mobil Oil Saipan Terminal.

b. Draft U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheets provided to DEQ on December 18, 2024.

c. Updated Draft U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheets provided to DEQ on December 18, 2024.

d. Mixing Zone Analysis for Mobil Oil Saipan Terminal (NPDES Permit No. MP0020397) by Tischler/Kocurek Environmental Engineers, August 2017 (attachment to 2023 & 3034 permit application documents)

3. Mixing Zone Characteristics:

a. Critical initial dilution ratio:

Based on the approved application documents, including the results of water quality modeling performed by Tischler/Kocurek (Mobil Oil Mariana's contractor) using a design flow of 600 gpm under two conditions: a discharge outlet above the water surface (at low tide); and a discharge outlet below the water surface (at high tide) two mixing zones and dilution factors are approved for different groups of contaminants to ensure that the mixing zone is as small as possible and to prevent lethality to passing organisms. The models result in **a critical initial dilution of 2.2:1 for pH, arsenic, copper, manganese, zinc, benzene, ammonia, enterococci, and chronic toxicity** (parameters listed in paragraph 5 below) and is hereby approved in the location and within the dimensions described below, and a **critical initial dilution of 13.1:1 for phosphorus** (listed in paragraph 5 below) is hereby approved in the location and within the dimensions described below.

b. Location and description of discharge point:

The discharge point outfall 001 on the NPDES permit (which is also the place where samples are to be collected) is the point at which the 12-inch diameter PVC pipe from the storm water pumping station discharges into the CPA storm sewer, at the following coordinates (WGS-84 coordinate system):

15° 13' 29" north latitude
145° 44' 5" east longitude

The CPA storm sewer, a 6-foot wide, 3-foot high box culvert, discharges into the Tanapag lagoon at the following coordinates (WGS-84 coordinate system):

15° 13' 34.5" north latitude
145° 44' 12" east longitude

The dimensions and location of the mixing zone are based on the location of the CPA storm sewer discharge point into the Tanapag lagoon.

c. Dimensions / orientation of mixing zone

This document approves two mixing zones. The first is 63.8-meter (209 ft) radius from the CPA sewer outfall. This mixing zone has a dilution factor of 2.2 for pH, arsenic, copper, manganese, zinc, benzene, ammonia, enterococci, and chronic toxicity. The second mixing zone is 18.95-meter (61.7 ft) radius from the CPA sewer outfall. This mixing zone has a dilution factor of 13.1 and is for phosphorus.

The WQS allow for a sub area within the immediate vicinity of the discharge point termed a zone of initial dilution (ZID). In this case the ZID and the mixing zone have the same dimensions (the ZID extends to the boundary of the mixing zone).

4. Period of Mixing Zone Approval:
This mixing zone approval is valid only for the specified term of the associated NPDES Permit, and shall not exceed five (5) years. The applicant must submit any request for a new mixing zone approval at least 180 days prior to the expiration of this approval to avoid delay in the issuance of a new approval.

5. Mixing Zone Parameters and Alternative Criteria
   a. Numeric water quality criteria are waived within the mixing zone for the following constituents:
      - Microbiological indicators: Enterococci, E. Coli
      - Nitrate-Nitrogen
      - Total Nitrogen
      - Orthophosphate
      - Total Phosphorus
      - Ammonia (un-ionized)
      - Dissolved Oxygen
      - pH
      - Salinity
      - Temperature
      - Turbidity
      - Toxic Pollutants

   b. Alternative Criteria: *

Within the mixing zone, the discharge shall be free from:

i Materials that will settle to form objectionable sludge or bottom deposits.
ii Floating debris, oil, grease, scum, or other floating materials.
iii Substances in amounts sufficient to produce taste or odor in the water or detectable off flavor in the flesh of fish, or in amounts sufficient to produce objectionable odor, turbidity, or other conditions in the receiving waters.
iv High temperatures; biocides; pathogenic organisms; toxic, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or

harmful to human health or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water.

v Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life.

vi 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 and/or significant alterations in population or community ecology or receiving water biota.

*NOTE: the alternative water quality criteria specified within this document are NOT effluent limitations. Effluent limitations are specified in the associated NPDES Permit and Water Quality Certification.

6. Statement of Compliance with Mixing Zone Rules

Part 500 of the CNMI Water Quality Standards states that the water quality criteria in the standards shall apply within a mixing zone unless specific alternative criteria have been approved by the Bureau of Environmental and Coastal Quality. Mixing Zones are not to be granted in lieu of reasonable control measures to reduce point source pollutant discharges but will be granted to complement the applicable controls. A limited mixing zone in the immediate area of a point source of pollution may be allowed if the conditions set out in this part are met.

This section details BECQ's findings, with respect to how this mixing zone approval meets the requirements of Part 500 of the standards. Sub-parts of the standards are reproduced below in italics, followed by BECQ's findings.

NMIAC § 65-130-505 Establishment of Mixing Zone

No mixing zone shall be established unless the continuation of the function or operation involved in the discharge by the granting of the mixing zone is in the public interest, and the discharge occurring or proposed to occur does not substantially endanger public health and safety.

The Mobil Oil Saipan Terminal oil-water separator treatment system discharge is in the public interest, and the discharge does not substantially endanger public health and safety. The facility is constructed on land leased from the Port and is operated by the permittee. Bulk petroleum products are delivered to the terminal at the commercial dock. Products managed at the terminal include motor gasoline, jet fuel, and diesel. Bulk fuels are stored at the facility and distributed by tank trucks to company-owned service stations and to commercial and government accounts throughout Saipan. The terminal also supplies diesel fuel to marine vessels at the Port's dock. There are no drinking water intakes and limited public interaction within the vicinity of the discharge since the dock is owned by the Port.

In view of these facts, BECQ finds that the continued operation of the Mobil Oil Saipan Terminal oil-water separator treatment system is in the public interest, and as set forth in more detail below, does not represent a substantial danger to public health and safety.

NMIAC § 65-130-510 Prevention, Control, and Abatement

If the mixing zone is established on the grounds that there is no reasonable means known or available for the adequate prevention, control, or abatement of the discharge involved, it may be allowed until the necessary means for prevention, control or abatement become practicable, and subject to the taking of any substitute or alternative measures that the Administrator may prescribe. No renewal of a mixing zone shall be allowed without a thorough review of known and available means of preventing, controlling, or abating the discharge involved.

The permittee uses an oil-water separator to treat the wastewater prior discharge, in addition to pollution prevention best management practices for facility operation and maintenance. There is no other reasonable, practicable technology available that would improve upon the existing technology and BMPs for the prevention, control, or abatement of the discharge, nor has any additional technology been developed which would apply since the issuance of the last approval. Therefore, the discharge and establishment of a mixing zone is allowed until such means become practicable. For phosphorus, there is no technology available for oil terminals, as the source of phosphorus is likely due to background and the large amount of stormwater present in the discharge. The permit requires the facility to implement a stormwater management plan, which will help reduce phosphorus concentrations present in stormwater

NMIAC § 65-130-515 Time Limit for Mixing Zone

The Administrator may issue an approval for the establishment of a mixing zone for a period not to exceed five years.

Section 4 of this approval sets the term of this approval to coincide with the term of the associated NPDES permit, and to not exceed five (5) years.

NMIAC § 65-130-520 Mixing Zone Characteristics

An allowable mixing zone shall be defined by all or some of the following characteristics: receiving water; discharge location; volume of discharge; specific linear distance; area or volume; mixing velocities and other pertinent hydrologic, biological, chemical, and physical characteristics.

The mixing zone is defined with specified dimensions: a 63.8-meter (209 ft) radius from the CPA sewer and a corresponding dilution factor of 2.2 for pH, copper, arsenic, manganese, zinc, benzene, ammonia, enterococci, and chronic toxicity; and a 18.95-meter (61.7 ft) radius from the CPA sewer and a corresponding dilution factor of 13.1 for phosphorus. The dilution factor is volumetric dilution (i.e. total flow/volume to effluent)

as opposed to part receiving water to part effluent. The 63.8-meter (209 ft) mixing zone is less than half of the length of the harbor and ensures adequate passage for aquatic life within the harbor because the mixing zone is only 0.6 to 2.8% of the water column and mixes in less than 22 minutes. For phosphorus, different assumptions were used to model the dilution (i.e. normal tide as opposed to maximum high tide). The free fall condition is estimated to occur 99% of the time. The drift time through the phosphorus mixing zone less than 6 minutes and is 2.8% of the water depth. BECQ believes that the description in Section 3 is adequate to define the physical characteristics of the mixing zone.

NMIAC § 65-130-525 Criteria for Mixing Zone

The following criteria shall be met in determining the location, size, shape, out-fall design and in-zone quality of mixing zones.

(a) Mixing zones shall be used solely for mixing of the discharge in Commonwealth waters. Mixing within the zone must be achieved as quickly as possible through the use of a diffuser or other apparatus that ensures the discharge is mixed within the allocated dilution water in the smallest practicable area.

Per the WQS, mixing must be achieved as quickly as possible using a diffuser or other apparatus that ensures the discharge is mixed within the allocated dilution water in the smallest practicable area. The discharge authorized by this permit is unique in that effluent flows through Outfall 001, located onsite, and then through 900 ft of storm sewer owned by the CPA. The discharge to the receiving water is at this CPA sewer location. The CPA sewer is a 6-ft. wide, 3-ft. high outfall. The limited duration and volume of the discharge ensures that the discharge is mixed within the harbor in the smallest practicable area.

The CPA sewer also may be above the water surface or at the water surface depending on tide. The mixing zone analysis models these two scenarios (i.e. free fall and at the water surface). This Mixing Zone Approval is applying the more conservative scenario with maximum high tides to parameters that could cause acute toxicity or have a higher likelihood of bioaccumulating. For phosphorus, normal tidal conditions are appropriate since impacts associated with nutrient occur over a longer time-period (i.e. days, months, or years as opposed to minutes).

(b) A mixing zone may have a sub area within the immediate vicinity of the discharge point termed a zone of initial dilution (ZID).

For this Mixing Zone Approval, the ZID and the mixing zone have the same dimensions. The ZID extends to the boundary of the mixing zone. This configuration makes the mixing zone as small as possible. Because of the intermittent nature of the discharge, acute conditions are applicable. Therefore, the dilution for this discharge is limited by the ZID (i.e. the ZID is the authorized regulatory mixing zone). The facility discharges intermittently (i.e. 97 days during 2012-2015 or 6.6% of the time) and at a low velocity. Given the maximum effluent discharged during this timeframe, the discharge would occur

over 99 minutes. The ZID is the regulatory mixing zone, identified as a 63.8-meter (209 ft) radius from the CPA sewer for pH, arsenic, copper, manganese, zinc, benzene, ammonia, enterococci, and chronic toxicity; and a 18.95-meter (61.7 ft) radius from the CPA sewer for phosphorus.

(c) The concentrations of toxic pollutants at or beyond the limit of the zone of initial dilution shall not exceed the acute aquatic life water quality criteria of § 65-130-450. The dimensions of the zone of initial dilution must be such that lethality to organisms passing through the zone of initial dilution is prevented.

For this Mixing Zone Approval, the zone of initial dilution and the mixing zone have the same dimensions. Lethality must be prevented within the ZID and is the reason that the authorized mixing zones are based on the ZID. Rapid dilution is critical to this effort because it quickly reduces pollutant concentrations within the mixing zone, which results in less exposure of organisms to high pollutant concentrations. The drift time ranges between just less than 6 minutes to less than 22 minutes based on tidal conditions. However, this discharge is intermittent, with the maximum duration of the discharge being 99 minutes. Average flows result in the discharge occurring over 43 minutes/day with long-term average flows resulting in discharging only 14.8 minutes/day. These conditions ensure that lethality is prevented in the authorized mixing zones.

(d) At the boundary of the mixing zone the water shall comply with the water quality standards set forth for the water classification in these regulations.

Numeric water quality criteria mentioned in paragraph 5 (a) are waived within the mixing zone, however the numeric water quality criteria become enforceable at the boundary of the mixing zone and beyond.

(e) Where two or more mixing zones are in close proximity, they shall be so defined that a continuous zone of passage for aquatic life is available.

BECQ finds that this requirement is not applicable in this case. There are no other nearby zones of mixing.

(f) For the protection of aquatic life resources, including species listed as threatened or endangered under Section 4 of the Endangered Species Act, a mixing zone cannot be used for, or considered as, a substitute for waste treatment.

The facility utilizes an oil-water separator for wastewater treatment and discharges intermittently. In addition, the facility utilizes pollution prevention best management practices to minimize the presence of pollutants in its stormwater discharges. Therefore, the mixing zone is not a substitute for waste treatment and is consistent with this water quality standard.

(g) Chronic aquatic life and human health criteria apply at and beyond the boundary of the zone of mixing.

Numeric water quality criteria mentioned in paragraph 5 (a) are waived within the mixing zone, however the numeric water quality criteria become enforceable at the boundary of the mixing zone and beyond.

(h) Mixing zones shall not be allowed in Commonwealth waters with insufficient currents available for dispersion of pollutants.

The mixing zone is authorized for the discharge in the Tanapag Harbor, which is influenced by ocean currents and tides. However, a minimal current was used in the mixing zone analysis to provide for conservative dilution values (i.e. 0.164 feet/second). Normal and maximum high tides were modeled and used to determine available dilution and mixing zone size.

(i) Mixing zones shall be limited in extent as practicable, and dimensions shall be stablished through the application of a publicly available or proprietary plume dispersion model, as approved by BECQ.

The mixing zone is limited in extent as practicable. The dimensions are established based on the mixing zone analysis (i.e. CORMIX). The effluent plume thickness will vary depending on the depth of the discharge (i.e. tidal influence) and will range from 0.03 to 0.14 meters (0.1 to 0.5 feet thick). The effluent plume will represent at most 2.8% of the water column.

(j) All discharges to marine waters will comply with the Ocean Discharge Criteria promulgated under Section 403 (c) of the CWA.

The Clean Water Act (CWA) Part 403(c) criteria are codified as 40 CFR 125 Subpart M. BECQ has determined that 40 CFR 125.123 (a) applies in this case, which states that an NPDES Permit may be issued if, prior to permit issuance, it is determined that the discharge will not cause "unreasonable degradation of the marine environment" after application of any necessary conditions. 40 CFR 125.122(b) then states that discharges in compliance with State water quality standards "shall be presumed not to cause unreasonable degradation of the marine environment, for any specific pollutants or conditions specified in the variance or the standard."

As detailed elsewhere in this document, BECQ does not foresee that the granting of this mixing zone approval will result in the violation of any provisions of the CNMI water quality standards. Provided that the applicant follows all terms and conditions of their NPDES Permit and Section 401 Water Quality Certification with respect to controls for these parameters the discharge should be in compliance with all provisions of the CNMI standards, and thus should not cause "unreasonable degradation." BECQ therefore finds that this mixing zone approval to be in compliance with Part 403 (c) of the CWA.

7. Authorization
   This Mixing Zone Approval 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.

Floyd R. Masga
Acting Admnistrator, BECQ

4.16.2025
Date

Attachment F: Additional Requirements for the Tiered Outfall Habitat Monitoring

The following are additional requirements and best management practices for performing the Tiered Outfall Habitat Monitoring:

1. The permittee will use live boating techniques (rather than anchoring) during outfall inspections or habitat surveys to minimize or eliminate direct physical impact by anchors or anchor deployment to coral or essential fish habitat in the outfall area.
2. The permittee will avoid ESA or EFH principal benthic organisms (e.g., corals or seagrass) during vessel transit to receiving water locations and during 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.
3. The permittee will ensure that 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.
4. While in water depths where the draft of the vessel provides less than a 2 m (6 ft.) clearance, all vessels should operate at "no wake/idle" speeds at all times and should preferentially follow deep-water routes (e.g., marked channels) whenever possible. If operating in shallow water, all vessels should employ a dedicated "lookout" to assist the pilot with avoiding large coral colonies and other benthic organisms that might extend up from the bottom.
5. Boat engines will be checked prior to leaving the dock to ensure they are in good condition and are not leaking contaminants. If an engine is found to be leaking contaminants, the vessel will not be used until the engine is operating correctly.
6. All project-related materials and equipment placed in the water will be free of pollutants. The project manager and heavy equipment operators shall perform daily pre-work equipment inspections for cleanliness and leaks. All heavy equipment operations shall be postponed or halted should a leak be detected and shall not proceed until the leak is repaired and equipment cleaned.
7. All equipment and materials entering the water will be examined prior to use or deployment to ensure no organisms (e.g., invasive species) are being introduced.
8. All physical contact with the bottom will be limited to unconsolidated sediments devoid of coral and seagrass. No anchors, tools or equipment will be placed on any organism, especially live coral. Divers will avoid contact with organisms wherever possible.