NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
Revised FACT SHEET
April 2019

Permittee and Mailing Address: Tasi Tours and Transportation, Inc.
P.O. Box 501023
Beach Road, South Garapan
Saipan, MP 96950

Facility Location: Managaha Island Wastewater Treatment Plant
Saipan, Northern Mariana Islands, MP 96950

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NPDES Permit No.: MP0020371

I. STATUS OF PERMIT

Tasi Tours and Transportation, Inc. ("Tasi Tours" or the "permittee") has applied for renewal of its National Pollutant Discharge Elimination System ("NPDES") permit pursuant to U.S. Environmental Protection Agency ("EPA") regulations set forth in Title 40, U.S. Code of Federal Regulations ("CFR"), Part 122.21. The permit is to authorize the discharge of treated effluent from the Managaha Island wastewater treatment plant ("WWTP") to a nearby leach field distribution box located 150 feet inward of the north shoreline of Managaha Island. The effluent discharge flows into an aquifer matrix comprised of beach sand and saltwater connected to the Class AA marine waters of the Tanapag Harbor in Commonwealth of Northern Marianas Islands ("CNMI"). Because the CNMI Bureau of Environmental and Coastal Quality ("BECQ") does not have primary regulatory responsibility for administering the NPDES permitting program, USEPA Region 9 has primary regulatory responsibility for the discharge. USEPA Region 9 is proposing to renew the NPDES permit incorporating both federal secondary treatment standards and CNMI water quality requirements. This permittee has been classified as a minor discharger.

The permittee is currently discharging under NPDES Permit No. MP0020371, which became effective on August 1, 2013, and expired on July 31, 2018. Pursuant to 40 CFR 122.21, the terms of the existing permit are administratively extended until the issuance of a new permit.

II. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

Permit Condition	Previous Permit (2013 – 2018)	Re-issued permit (2019 – 2024)	Reason for change
DMR submittal	Hardcopy accepted	Switch to e-reporting	EPA e-reporting Rule

Permit Condition	Previous Permit (2013 – 2018)	Re-issued permit (2019 – 2024)	Reason for change
Biosolids report	Hardcopy accepted	Switch to e-reporting	EPA e-reporting Rule
Priority toxic pollutant scan	First year of permit cycle	Fourth year of permit cycle	Previous pollutant scan not done until this year
Copper, nickel and cyanide monitoring	None	New requirement	Reasonable potential analysis
Enterococci compliance	Mean value	Geometric mean	Change in WQS
Enterococci in receiving water monitoring	None	New requirement	Change in WQS
Asset Management Program (AMP)	None	New requirement	Provisions of 40 CFR 122.41(e)

III. GENERAL DESCRIPTION OF FACILITY

The permittee operates the Managaha Island WWTP, which is owned by the Commonwealth of the Northern Mariana Islands and managed by the CNMI Department of Public Lands. Tasi Tours was awarded a concession contract in 2006 to service the small recreational island and operate the WWTP. The concession contract has expired on August 31, 2016, and is in hold over status (month to month) until a new agreement is signed. The tourist day-use islet offers a variety of water sports including scuba diving, snorkeling, parasailing, banana boating and fishing, as well as beaches, picnic spots, a food area, public restrooms and gift shops.

Based on information provided by Tasi Tours, the WWTF serves a tourist population ranging from 800 to 2,000 (average of 1,400) per day and receives only domestic sewage with a design flow of 5,000 gallons per day (or 0.005 million gallons per day - MGD). A vast majority of the tourists stay about five hours, with the first boat arrival at 9:30AM and departure before 4:00PM. All kitchen wastes are removed from the island. Cleaning of the public toilets involves a minimum of disinfectant products and is generally conducted by daily washdowns with reverse osmosis water. There is sufficient storage within the existing septic tanks to control any harmful chemicals.

Managaha Island had an old treatment facility and septic tanks in existence in early 1990's. In 2007, the facility installed a small-scale Japanese Johkasou system made of fiberglass reinforced plastic (FRP) and added refuse piping, sampling points and additional rainwater catchment capacity. Treatment consists of influent flow equalization-denitrification, membrane separation aerated activated sludge with flocculation, nitrification, settling, and disinfection (UV light or chlorination). The plant provides advanced secondary treatment capable of achieving up to 95% removal efficiencies for biochemical oxygen demand (BOD_5) and total suspended solids (TSS). Tasi Tours had assumed full responsibility for the operation and maintenance of the facility.

Sludge is dewatered, thickened and stored for disposal at the Marpi Solid Waste Landfill, or for hauling off-site to the nearby Commonwealth Utilities Corporation's Sadog Tasi WWTP (NPDES Permit No. MP0020010). Approximately every three (3) months when the sludge volume reaches a specified level, the sludge holding tank would be pumped and solids taken by boat to the Sadog Tasi WWTP.

IV. DESCRIPTION OF RECEIVING WATER

CNMI Department of Environmental Quality ("BECQ") has two classifications (AA and A) for marine waters. The coastal and oceanic waters surrounding Saipan and nearby Tanapag Harbor in the vicinity of the plant discharge outfall are classified as a Class AA marine receiving waterbody, according to *CNMI Water Quality Standards, 2014 Revision* [Public Law 26-113, June 18, 2014]. Class AA coastal and oceanic waters are protected for their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-related source or actions. Other uses to be protected are the support and propagation of shellfish and other marine life, conservation of coral reefs and wilderness areas, oceanographic research, and aesthetic enjoyment and compatible recreation with risk of water ingestion by humans.

During facility operations, the permitted discharge to the leach field hereby designated as Discharge Outfall No. 001 to Class AA receiving marine waters of Saipan, as follows:

Discharge No.	North Latitude	East Longitude	Description
001	15° 14' 31.1"	145° 42' 44.7"	Discharge flows from a leach field distribution box into beach sand and saltwater connected to the marine waters by Tanapag Harbor of the Philippine Sea.

V. RECEIVING WATER MONITORING

The permittee will be required to develop and conduct a receiving water monitoring program in Class AA marine receiving waters in Tanapag Harbor of the Philippine Sea. The permittee shall verify all station locations (latitude and longitude) and submit this information with a map showing the locations of these stations in the first quarterly receiving water monitoring report. Any sampling and monitoring under the proposed permit shall be performed at the following receiving water monitoring stations, as well as the leach field Outfall No. 001.

Station ID(s)	Location
Station 1	At the north shoreline, at a water depth of 12 inches, directly opposite from the leaching field distribution box. A permanent marker shall be established and maintained in a location far enough inland to be protected from erosion and storm damage, but visible enough to easily serve as the sampling location reference.
Station 2	Shoreline 75 feet **west** of Station 1, at the water depth of 12 inches.
Station 3	Shoreline 75 feet **east** of Station 1, at the water depth of 12 inches.

VI. DESCRIPTION OF DISCHARGE

A. Application Discharge Data

As part of the application for permit renewal, the permittee provided data from an analysis of the facility's treated wastewater discharge, shown in Table 1.

Table 1. Application Discharge Data.

Effluent Parameter	Units	Discharge Data[(1)]	
		Maximum Daily Discharge	Average Daily Discharge
Flow	MGD	0.0050	0.0049
pH	standard units	7.00 to 8.60	
Biochemical Oxygen Demand, 5-day (BOD_5)	mg/L	10.40	6.33
Total Suspended Solids (TSS)	mg/L	2.00	1.95
Fecal Coliform	CFU/100 mL	10.00	10.00
Enterococci	CFU/100 mL	15.75	15.75

[(1)] Based on permittee's NPDES renewal application and supplemental data including DMRs

B. Recent Discharge Monitoring Report (DMR) Data (January 2013 to June 2018)

Review of DMRs from this time frame showed that the permittee had experienced numerous deficient reporting and non-DMR submittal violations. During the reporting period, the facility was found to exceed the monthly average mass and concentration limits for BOD_5 in April 2017 and achieve a less than 85% removal efficiency for TSS in August 2014 and October 2016. No monitoring data for enterococci were found during 2014, 2016 and 2017, and missing data during several quarters in 2013 and 2015. The permittee is currently working with EPA's NPDES Data Team to ensure that reports are submitted on a timely manner.

C. Inspection Report

On January 24, 2014, EPA conducted a compliance evaluation inspection at the facility and noted effluent was recycled for non-potable usage for toilets and service lines for non-potable water were not marked. The EPA inspector then recommended that all non-potable piping be color coded to purple and tagged as non-potable to prevent cross-contamination. No other deficiencies were found.

VII. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

Typical pollutants of concern in untreated and treated domestic wastewater include ammonia nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. EPA proposes the following provisions and effluent discharge limitations for flow, BOD_5, TSS, *Enterococci*, pH measurements, and total residual chlorine ("TRC") if chlorination is used as disinfection. Samples taken in compliance with the effluent monitoring requirements must be taken at a point representative of the discharge prior to entry into the receiving water.

A. Applicable Federal Technology-Based Effluent Limitations

EPA developed technology-based treatment standards for wastewater treatment plants in accordance with Section 301(b)(1)(B) of the Clean Water Act. The minimum levels of effluent

quality attainable by secondary treatment for BOD_5 and TSS, as defined in 40 CFR 133.102, are listed below. Mass limits, as required by 40 CFR 122.45(f), are included for BOD_5 and TSS.

BOD_5 and TSS
Concentration-based Limits
30-day average – 30 mg/L
7-day average – 45 mg/L
Removal Efficiency – minimum of 85%

Mass-based Limits
30-day average – (30 mg/L)(0.005 MGD)(8.345 conversion factor) = 1.3 lbs/day
7-day average – (45 mg/L)(0.005 MGD)(8.345 conversion factor) = 1.9 lbs/day

During the fourth year of the permit cycle, the permittee is required to monitor for the full list of priority pollutants in the Code of Federal Register (CFR) at 40 CFR Part 423, Appendix A. The permittee must collect 24-*hour composite samples* for metals, 2,3,7,8-TCDD (dioxin), pesticides, base-neutral extractables, and acid-extractables, and *discrete samples* for cyanide, total phenolic compounds and volatile organics. No limit is set at this time.

B. Water Quality-Based Effluent Limitations

Water quality-based effluent limitations, or WQBELs, are required in NPDES permits when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above any water quality standard. (40 CFR 122.44(d)(1)).

When determining whether an effluent discharge causes, has the reasonable potential to cause, or contributes to an excursion above narrative or numeric criteria, the permitting authority shall use procedures which account for existing controls on point and non-point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity) and where appropriate, the dilution of the effluent in the receiving water [40 CFR 122.44 (d)(1)(ii)].

EPA evaluated the reasonable potential to discharge toxic pollutants according to guidance provided in the *Technical Support Document for Water Quality-Based Toxics Control* (TSD) (Office of Water Enforcement and Permits, U.S. EPA, March 1991) and the *U.S. EPA NPDES Permit Writers Manual* (Office of Water, U.S. EPA, December 1996). These factors include:

1. Applicable standards, designated uses and impairments of receiving water
2. Dilution in the receiving water
3. Type of industry
4. History of compliance problems and toxic impacts
5. Existing data on toxic pollutants - Reasonable Potential analysis

1. Applicable Standards, Designated Uses and Impairments of Receiving Water

The CNMI water quality standards (adopted by CNMI BECQ in 1997 and approved in 2002 and amended in 2004 and 2014) establish water quality criteria for marine waters which for the protection of designated beneficial uses. The CNMI water quality standards have two classifications (AA and A) for Saipan waters. Class AA coastal and oceanic waters surrounding

Saipan are protected for their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of waters quality from any human-related source or actions. Other uses are allowed as long as they are compatible the support and propagation of shellfish, and other marine life, conservation of coral reefs and wilderness areas, oceanographic research, and aesthetic enjoyment and recreational use in and on these waters.

The 2014 amendment to CNMI's water quality standards included the following information relevant to monitoring microbiology (bacteria) in receiving waters for NPDES permits:

- For NPDES permittees, permit compliance for marine receiving waters shall be determined utilizing the geometric mean of all discrete measurements (all depths, all stations, as required in the permit) over a 30-day period.
- It is recommended that the permittee consider multiple sampling events in any 30-day period in order to obtain a representative geometric mean.
- The use of water quality based effluent limitations for bacteria with end-of-pipe limits which are calculated based on critical initial dilution is permissible for NPDES permits.

Saipan waterbody and Tanapag Harbor are not listed as impaired according to the CWA Section 303(d) List of Water Quality Limited Segments.

2. Dilution in the receiving water

The treatment facility discharges to Outfall 001, which is an existing leach field in an aquifer matrix of beach sand and saltwater connected to the marine waters of Tanapag Harbor. The leach field is approximately 150 feet inward of the north shoreline of Managaha Island by the Tanapag Harbor. Because the facility is located in Class AA waters, and no mixing zones are allowed in Class AA waters under the CNMI standards, no dilution of the effluent has been considered in the development of water quality based effluent limits applicable to the discharge.

3. Type of industry

Typical pollutants of concern in untreated and treated domestic wastewater include ammonia, nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids.

4. History of compliance problems and toxic impacts

As noted in Part V above, minor violations of permit limitations were found during review of January 2013 to June 2018 DMRs data which reportedly indicated better than 85% and up to 99% removal efficiencies for BOD_5 and TSS. The reports were often submitted late with missing data.

5. Existing data on toxic pollutants – Reasonable Potential Analysis

The permittee did not provide expanded effluent testing data for the facility's treated wastewater discharge as part of the application for permit renewal. The current permit requires a priority toxic pollutant scan be conducted during Year 1 of the permit cycle however the permittee has not performed one until this year. The results of the pollutant scan indicated results of Non-Detect for all parameters with the exception of arsenic, chromium, copper, cyanide and nickel.

For pollutants with effluent data available, EPA has conducted a reasonable potential analysis based on statistical procedures outlined in EPA's *Technical Support Document for Water Quality-based Toxics Control* herein after referred to as EPA's TSD (EPA 1991). These statistical procedures result in the calculation of the projected maximum effluent concentration based on monitoring data to account for effluent variability and a limited data set. The projected maximum effluent concentrations were estimated assuming a coefficient of variation of 0.6 and the 99 percent confidence interval of the 99th percentile based on an assumed lognormal distribution of daily effluent values (Sections 3.3.2 and 5.5.2 of EPA's TSD). EPA calculated the projected maximum effluent concentration for each pollutant using the following equation:

Projected maximum concentration = Ce × *reasonable potential multiplier factor*.

Where, "Ce" is the reported maximum effluent value and the multiplier factor is obtained from Table 3-1 of the TSD. The projected maximum effluent concentration is compared directly to the applicable water quality criterion to determine the reasonable potential for effluent concentration to exceed the receiving water criterion.

Effluent Parameter[1]	Observed Value	*n*	RP Multiplier	Projected Maximum Effluent Concentration	Most Stringent Water Quality Criterion	Statistical Reasonable Potential?
Enterococcus	15.75 CFU/100 mL	>20	2.3	**36.2**	35	**Y**
Arsenic - total	5.1 µg/l	>20	2.3	11.7	36	N
Chromium, hexavalent	0.22 µg/l	>20	2.3	0.5	-	N
Chromium, trivalent	0.518 µg/l	>20	2.3	1.2	50	N
Copper - total	6 µg/l	>20	2.3	**13.8**	3.1	**Y**
Cyanide - total	38 µg/l	>20	2.3	**87.4**	1	**Y**
Nickel - total	5.2 µg/l	>20	2.3	**12.0**	8.2	**Y**

(1) For purposes of RP analysis, parameters measured as Non-Detect are considered to be zeroes. Only parameters with Maximum Observed Concentration >0 are included in this analysis.

C. Rationale for Numeric Effluent Limits and Monitoring

EPA evaluated the typical pollutants expected to be present in the effluent and selected the most stringent of applicable technology-based standards or water quality-based effluent limitations. Where effluent concentrations of toxic parameters are unknown or are not reasonably expected to be discharged in concentration that have the reasonable potential to cause or contribute to water quality violations, EPA may establish monitoring requirements in the permit. Where monitoring is required, data will be re-evaluated and the permit may be re-opened to incorporate effluent limitations as necessary.

Flow

40 CFR 122.41(e) states that a permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by a permittee to achieve compliance with the conditions of a permit. Operating at design capacity is critical to ensuring that a treatment system functions properly. As stated in the application, the design capacity for the treatment facility is 0.005 MGD. Mass-based limits have been established for flow consistent with the design capacity of the facility.

BOD_5 and TSS

Limits for BOD_5 and TSS are established for POTWs as described in section A above and are incorporated into the permit. Under 40 CFR Section 122.45(f), mass limits are also required for BOD_5 and TSS. Based on the design flow, the mass-based limits are included in the permit.

pH

The CNMI water quality standards require pH limits to be no lower than 7.6 or higher than 8.6 Standard Units.

Enterococci

The CNMI water quality standards establish criteria for marine waters for enterococcus. The reasonable potential analysis demonstrated a potential to exceed water quality standards for enterococcus. Therefore, limitations have been established consistent with water quality objectives for enterococcus as the representative indicator pathogen.

Total Residual Chlorine

The discharger currently uses UV or chlorination for disinfection. If chlorination is used, there is a reasonable potential to exceed water quality standards for chlorine. Therefore, limitations have been established consistent with water quality objectives for TRC.

Copper, Nickel and Cyanide

Based on the reasonable potential analysis, EPA has determined that the discharge has a reasonable potential to cause or contribute to an exceedance of applicable water quality standards for copper, nickel, and cyanide. Due to limited data and a lack of information regarding the source of these pollutants as there are no industrial sources, the permit includes additional monitoring and a reopener to include a limit if the monitoring indicates continued reasonable potential.

In accordance with 40 CFR 122.44(d), the need for discharge limitations and monitoring requirements have been evaluated and established under the proposed permit to ensure the discharge will meet the applicable CNMI specific water quality criteria for Class AA marine waters surrounding Saipan. The permittee is required to meet discharge limitations to be monitored in the receiving waters in accordance with a receiving water monitoring plan as approved by the CNMI BECQ.

Effluent Characteristic				
Enterococci	35 CFU/100 mL	130 CFU/100 mL	Quarterly	Grab
TRC[2]	7.5 µg/l	13 µg/l	"	"
pH	Between 7.6 and 8.6 at all times		"	"
Nitrate-Nitrogen	0.2 mg/l	0.2 mg/l	"	"
Total Nitrogen	0.4 mg/l	0.4 mg/l	"	"
Total Phosphorous	0.025 mg/l	0.025 mg/l	"	"
NH_3 (as unionized ammonia)	0.02 mg/l	0.02 mg/l	"	"

Footnotes:
(1) Monitoring and reporting required. No limitation is proposed at this time.
(2) TRC monitoring is required if chlorination is used as disinfection
CFU = colony forming units

D. Anti-Backsliding

Section 402(o) of the CWA prohibits the renewal or reissuance of an NPDES permit that contains effluent limits less stringent than those established in the previous permit, except as provided in the statute. The proposed permit does not establish any effluent limits less stringent than those in the previous permit and therefore does not allow backsliding.

E. Antidegradation Policy

EPA's antidegradation policy at 40 CFR 131.12 and the CNMI water quality standards require that existing water uses and the level of water quality necessary to protect the existing uses be maintained. As described in this fact sheet, the permit establishes effluent limits and monitoring requirements to ensure that all applicable water quality standards are met. The permit does not include a mixing zone; therefore, these limits will apply at the end of pipe without consideration of dilution in the receiving water. Therefore, due to the low levels of pollutants present in the effluent, high level of treatment being obtained, and water quality-based effluent limitations, the discharge is not expected to adversely affect receiving water bodies or result in any degradation of water quality.

VIII. NARRATIVE WATER QUALITY-BASED EFFLUENT LIMITS

Sections 5103 and 5104 of CNMI water quality standards contains narrative water quality standards applicable to the receiving water. Therefore, the permit incorporates applicable narrative water quality standards.

IX. MONITORING AND REPORTING REQUIREMENTS

The permit requires the permittee to conduct monitoring for all pollutants or parameters where effluent limits have been established, at the minimum frequency specified. Additionally, where effluent concentrations of toxic parameters are unknown or where data are insufficient to determine reasonable potential, monitoring may be required for pollutants or parameters where effluent limits have not been established.

A. Effluent Monitoring and Reporting

The permittee must conduct effluent monitoring to evaluate compliance with the proposed permit conditions. The permittee must perform all monitoring, sampling and analyses in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit. All monitoring data must be reported on monthly DMRs and submitted quarterly as specified in the proposed permit. All DMRs are to be submitted electronically to EPA using NetDMR.

B. Priority Toxic Pollutants Scan

A Priority Toxic Pollutants scan shall be conducted during the **fourth** year of the five-year permit term to ensure that the discharge does not contain toxic pollutants in concentrations that may cause a violation of water quality standards. The permittee must perform all effluent sampling

and analyses for the priority pollutants scan in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit or by EPA. 40 CFR 131.36 provides a complete list of Priority Toxic Pollutants.

C. Receiving Water Monitoring

The permit incorporates receiving water monitoring requirements for nutrients as well as pH and *Enterococcus*. The permit requires quarterly monitoring by grab sampling method at 3 stations with specific latitude and longitude locations for the duration of the permit. All monitoring data must be reported on monthly DMR and submitted quarterly as specified in the proposed permit. All DMRs are to be submitted electronically to EPA using NetDMR.

X. SPECIAL CONDITIONS

A. Biosolids

Standard requirements for the monitoring, reporting, recordkeeping, and handling of biosolids in accordance with 40 CFR Part 503 are incorporated into the permit. The permit also includes, for dischargers who are required to submit biosolids annual reports, which include major POTWs that prepare sewage sludge and other facilities designated as "Class 1 sludge management facilities", electronic reporting requirements. Permittees shall submit biosolids annual reports using EPA's NPDES Electronic Reporting Tool ("NeT") by February 19th of the following year.

B. Asset Management Plan

40 CFR 122.41(e) requires permittees to properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit. Asset management planning provides a framework for setting and operating quality assurance procedures and ensuring the permittee has sufficient financial and technical resources to continually maintain a targeted level of service. Asset management requirements have been established in the permit to ensure compliance with the provisions of 40 CFR 122.41(e).

XI. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. Consideration of Environmental Justice Impact

EPA conducted a screening level evaluation of vulnerabilities in the community posed to local residents near the vicinity of the permitted Managaha wastewater treatment facility using EPA's EJSCREEN tool. The purpose of the screening is to identify areas disproportionately burdened by pollutant loadings and to consider demographic characteristics of the population living in the vicinity of the discharge when drafting permit conditions. On September 10, 2018, EPA conducted the analysis and found that the area is too small or sparsely populated to generate an EJSCREEN report.

B. Impact to Threatened and Endangered Species

Section 7 of the Endangered Species Act (ESA) of 1973 (16 U.S.C. § 1536) requires federal agencies to ensure that any action authorized, funded, or carried out by the federal agency is not likely to jeopardize the continued existence of a listed endangered, threatened or candidate species, or result in the destruction or adverse modification of its habitat.

Since the issuance of NPDES permits by EPA is a Federal action, consideration of a permitted discharge and its effect on any listed species is appropriate. In response to EPA's June 4, 2018 request for ESA species listing and informal consultation, the Pacific Islands Fish and Wildlife Service (FWS) Office provided the information on July 11, 2018, as follows:

- Micronesian Megapode *(Megapodius laperouse)* has been observed in the vicinity of the project. This habitat also contains many species protected by the Migratory Bird Treaty Act including Wedge-Tailed Shearwater *(Puffinus pacificus),* Black Noddies *(Anous minutus),* and multiple species of heron.
- Federally threatened Green Sea Turtle *(Chelonia mydas)* and endangered Hawksbill Turtle *(Eretmochelys imbricata)* may nest on beaches near the permittee's area. National Marine Fisheries (NMFS) is the federal agency that consults on potential in-water impacts to sea turtles or listed corals.
- FWS has determined that no designated critical habitat occurs within the proposed project footprint.

The proposed permit requires compliance with technology-based effluent limits, and numerical and narrative CNMI water quality standards designed to be compatible with the protection and propagation of fish, shellfish, and wildlife. The effluent limitations in the permit are all as stringent as or equally protective as those in the previous permit. EPA is not aware of any scientific information or studies documenting negative effects on sea turtles from these types of leach field and low-volume discharges. Furthermore, EPA believes that the listed sea turtle species have no nexus with the discharge beyond speculative incidental contact. EPA provided the FWS with a copy of the draft permit and fact sheet during the public notice period and had several communications to provide further clarifications on the permitted facility. The permit is a reissuance for an existing facility with no new construction, modification or hydrology alterations. Therefore, EPA has determined that reissuance of this NPDES permit will have no effect on the above listed species, or critical habitat. If in the future EPA obtains information or is provided information that indicates that there may be adverse impacts to federally listed species, EPA will contact the appropriate agency(ies) and initiate consultation to ensure that such impacts are minimized or mitigated.

C. Impact to Coastal Zones

The Coastal Zone Management Act (CZMA) requires that Federal activities and licenses, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CZMA Sections 307(c)(1) through (3)). Section 307(c) of the CZMA and implementing regulations at 40 CFR 930 prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State (or Territory) Coastal Zone Management program, and the State (or Territory) or its designated agency concurs with the certification.

CNMI Bureau of Environmental and Coastal Quality issued a CZMA consistency letter, dated August 6, 2018.

D. Impact to Essential Fish Habitat

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act (MSA) set forth a number of new mandates for the National Marine Fisheries Service (NMFS),

regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish species and habitat. The MSA requires Federal agencies to make a determination on Federal actions that may adversely impact Essential Fish Habitat (EFH) in marine environments.

EPA initiated contact with the offices of NMFS and NOAA on June 7, 2018 to request EFH species listings and informal consultation(s) on the proposed action. EPA provided both agencies with copies of this draft permit and fact sheet during the public notice period. On October 16, 2018, EPA received a telephone call with follow-up electronic mail from NOAA's Randy McIntosh, Endangered Species Biologist, Pacific Islands Regional Office. The email stated:

"[We] have reviewed the proposal for an NPDES permit to be issued by the EPA to Tasi Tours and Transportation, Inc., for the Managaha Island wastewater treatment facility located near Saipan, Northern Mariana Islands. Despite a hydrological connection of the proposed leach field to nearby Class A marine waters by Tanapag Harbor, Saipan, we can envision no direct impacts to ESA-listed marine species under NOAAs jurisdiction as a result of proposed project actions. We expect that monitoring will take place and that effluent contaminant levels will remain within the maximum allowable discharge limits stated in the NPDES permit."

The proposed permit requires compliance with technology-based effluent limits, and numerical and narrative CNMI water quality standards designed to be compatible with the protection and propagation of fish, shellfish, and wildlife. EPA believes that the discharge in compliance with this permit will have no effect on essential fish habitat and is proposing to issue the permit. A reopener clause has been included in the permit should new information become available to indicate that the requirements of the permit need to be modified.

E. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. Pursuant to the NHPA and 36 CFR §800.3(a)(1), EPA is making a determination that issuing this proposed NPDES permit does not have the potential to affect any historic properties or cultural properties. As a result, Section 106 does not require EPA to undertake additional consulting on this permit issuance.

XII. STANDARD CONDITIONS

A. Reopener Provision

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedances of water quality standards.

B. Standard Provisions

The permit requires the permittee to comply with EPA Region IX Standard Federal NPDES Permit Conditions.

XIII. ADMINISTRATIVE INFORMATION

A. Public Notice (40 CFR 124.10)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft NPDES permit or other significant action with respect to an NPDES permit or application.

B. Public Comment Period (40 CFR 124.10)

EPA issued a public notice from September 27 to November 30, 2018, soliciting public comment on the draft permit. No comments were received.

C. Public Hearing (40 CFR 124.12(c))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if EPA determines there is a significant amount of interest expressed during the 30-day public comment period or when it is necessary to clarify the issues involved in the permit decision.

D. Water Quality Certification Requirements (40 CFR 124.53 and 124.54)

For States, Territories, or Tribes with EPA approved water quality standards, the discharger is required to seek certification (including paying applicable fees) from the affected State, Territory or Tribe that the proposed permit will meet all applicable water quality standards. EPA has forwarded the draft permit and fact sheet to CNMI Bureau of Environmental Quality ("BECQ") and requested certification. Certification under section 401 of the CWA shall be in writing and include the conditions necessary to assure compliance with referenced applicable provisions of sections 208(e), 301, 302, 303, 306, and 307 of the CWA and appropriate requirements of Territory law. As part of the 401-water quality certification process, the permittee also is required to public notice that BECQ is considering a request to certify the discharge. These public notices occurred on February 21, 2019 in the Saipan Tribune and the Marianas Variety News and Views newspapers and again on March 7, 2019 in Saipan Tribune newspaper. CNMI BECQ provided certification on April 2, 2019.

XIV. CONTACT INFORMATION

Comments, submittals and additional information relating to this permit may be directed to:

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