



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

April 3, 2020

Janice Castro, Director
Division of Coastal Resources Management
CNMI Bureau of Environmental and Coastal Quality
P.O. Box 501304
Saipan, MP 96950

Dear Ms. Castro:

By this letter, the U.S. Environmental Protection Agency (EPA) provides a consistency determination to the CNMI Division of Coastal Resources Management (DCRM) pursuant to section 307(c)(1) of the Coastal Zone Management Act (CZMA), including implementing regulations at 15 C.F.R. 930.31(d) and 930.36(e). The activity for which EPA has prepared this consistency determination is the proposed issuance of EPA's NPDES 2020 multi-sector general permit (MSGP) for stormwater discharges associated with industrial activity. For the purposes of this permit, "stormwater associated with industrial activity" refers to the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. (40 CFR §122.26(b)(14)).

The proposed 2020 MSGP would authorize discharges from industrial facilities in geographic areas where EPA is the permitting authority including four states, Indian country lands, Puerto Rico, the District of Columbia and the U.S. Pacific Island territories. Once finalized, the proposed permit will replace the existing MSGP, which was issued for a five-year term on June 4, 2015 (see 80 FR 34403). The EPA proposed the draft MSGP for a 60-day public comment period which began March 2, 2020 and will end May 1, 2020. The proposed permit, fact sheet, and all supporting documents are available on the public docket on [regulations.gov](https://www.regulations.gov) (ID# EPA-HQ-OW-2019-0372): <https://www.regulations.gov/docket?D=EPA-HQ-OW-2019-0372>. Copies of the proposed permit and fact sheet are also available on EPA's industrial stormwater website: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>.

EPA has determined that reissuance of the proposed permit is consistent to the maximum extent practicable with the enforceable policies of CNMI's approved Coastal Management Program (CMP) for a number of reasons. First, the permit includes numerous technology-based effluent limitations based upon CWA section 304(b)(2). The permit also ensures that discharges will be in compliance with applicable Territorial water quality standards under CWA section 303, and it establishes requirements for permittees to conduct inspections of their facilities and

implement corrective measures when necessary. In addition, because the permit would be issued by the Federal government, it is subject to Territorial water quality certification requirements under CWA section 401. Under CWA Section 401, the CNMI Bureau of Environmental and Coastal Quality has been asked to certify that the permit will comply with Territorial water quality standards and other appropriate requirements of Territorial law, and the final permit, when issued, will incorporate applicable requirements or conditions required by that certification. A detailed discussion of the permit terms and conditions and their underlying basis is set forth in the proposed permit and the accompanying fact sheet.

In light of the above, pursuant to section 307(c)(1) of the CZMA, EPA has determined that the proposed permit is consistent to the maximum extent practicable with the enforceable policies of CNMI's approved CMP. EPA requests your review, and if necessary, conditions, based on specific enforceable policies, that would permit the CNMI DCRM to concur with EPA's consistency determination.

If you have any questions regarding this matter, please contact Eugene Bromley of the NPDES Permits Section, Water Division at 415-972-3510. Thank you for your cooperation.

Sincerely,

Eugene Bromley
NPDES Permits Section

cc: Eli Cabrera, Administrator, CNMI Bureau of Environmental and Coastal Quality