



Ralph DLG. Torres  
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## Commonwealth of the Northern Mariana Islands

### OFFICE OF THE GOVERNOR

#### Bureau of Environmental and Coastal Quality

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Eli D. Cabrera  
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Jonathan I. Arriola  
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November 13, 2020

John F. Salas  
Environmental Director  
NAVFAC Marianas  
PSC 455, Box 195  
FPO AP 96940-2937

**RE: Waiver of Water Quality Certification with Conditions – Tinian Harbor Topside Repair - WQC-2020-005**

Dear Mr. Salas:

We have received your Water Quality Certification (WQC) application for a Clean Water Act Section 401 WQC waiver submitted on October 13, 2020 for the **Tinian Harbor Topside Repair**, to be conducted in the waters of Tinian Harbor, San Jose, Tinian, CNMI. NMIAC 65-130-615(g) of the CNMI Water Quality Standards authorizes the Administrator of BECQ to waive the requirement for a Section 401 WQC for activities which receive a U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP), and which are considered by DEQ to be “minor and non-controversial.” Additionally, the Administrator may elect to specify conditions under which any such waiver is valid.

BECQ has reviewed your application package and has determined that NAVFAC’s (the Permittee) proposed Topside Repair of the Tinian Harbor is a “minor and non-controversial” project. The scope of the work to be permitted under this NWP includes repair of the pile cap fenders and associated construction and demolition activities on the North Quay Wall. USACE has stated that they intend to authorize the project under Nationwide Permit No. 9 (NWP-9 for Structures in Fleeting and Anchorage). Therefore, BECQ hereby waives, with the following conditions, the requirement to obtain a Section 401 WQC for this project as authorized under NMIAC 65-130-615(g) of the CNMI Water Quality Standards. You must notify BECQ of any substantial changes to the project that may require reconsideration of this waiver determination.

**Conditions on this waiver are as follows:**

- 1) The Permittee shall prevent violation of any Water Quality Standards to preclude degradation of the physical, chemical, biological, or radiological integrity of the surrounding waters by alteration, or introduction of toxins, biological contaminants, litter, or other marine debris.
- 2) All Protective Measures and BMPs listed in Appendix A of the *Section 401 Water Quality Certification Application – Supplemental Information for Topside Tinian Harbor Repairs*

submitted to BECQ by NAVFAC shall be followed. This includes the use of catchment devices to ensure that no debris enters the water during demolition activities. Rather than storing demolished material in a pile surrounded by straw wattles, demolished material shall be stored in a covered container, such as a roll-off dumpster, located at least 100ft (30m) from the seawall, until such time the material can be removed from the site.

- 3) The Permittee shall allow prompt access to the Administrator or his authorized representative for the purpose of inspecting the premises for the purposes of determining whether the discharge from the project will violate the conditions of this waiver. The inspection may be made with or without advance notice to the permit holder, with good purpose, at the discretion of the Administrator, but shall be made at reasonable times unless an emergency dictates otherwise.
- 4) The WQC waiver does not relieve the Permittee from obtaining other applicable local or federal permits.

Please make sure that you and your contractors carefully read and fully understand these conditions. Failure to follow the conditions specified above will constitute a violation of the CNMI Water Quality Standards. If you have any questions regarding this Water Quality Certification waiver with conditions, please contact our office at telephone numbers 664-8500/8501.

Sincerely,



Eli D. Cabrera,  
Administrator

cc: Director, DCRM; Director, DEQ; Albert Williams-USACE