

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

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In re:)	
)	
Mobil Oil Mariana Islands, Inc.)	Appeal No.: NPDES 25-03
Mobil Saipan Terminal)	
)	
NPDES Permit No. MP0020397)	
)	

REGION 9’S MOTION TO DISMISS

The United States Environmental Protection Agency Region 9 (Region 9) respectfully moves the Environmental Appeals Board (Board) to dismiss as moot the Petition for Review (NPDES Permit Appeal 25-03) filed by Mobil Oil Mariana Islands, Inc. (Mobil) in the above-captioned matter. The Petition for Review is moot because the Region has withdrawn the provisions of the Permit contested by the Petitioner pursuant to 40 C.F.R. § 124.19(j).

BACKGROUND

On September 30, 2025, Region 9 issued National Pollutant Discharge Elimination System (NPDES) Permit No. MP0020397 (Permit) to Mobil for discharges from its Mobil Saipan Terminal into Tanapag Harbor, in the Commonwealth of the Northern Mariana Islands (CNMI).

On October 30, 2025, Mobil filed a Petition seeking review by the Board of one condition set forth in two provisions of the Permit – the Tiered Outfall Habitat Monitoring provisions in Part II.E and Attachment F of the Permit.

By letter dated November 25, 2025, Region 9 provided notice to the Board, Mobil and interested parties that it was withdrawing the contested monitoring provisions of the Permit, specifically Part II.E (“Tiered Outfall Habitat Monitoring”), and Attachment F (“Additional Requirements for the Tiered Outfall Habitat Monitoring”). See Attachment. The letter also provided notice that since all remaining conditions of the Permit are uncontested and severable from the contested and now withdrawn portions, the remaining conditions are fully effective thirty (30) days after the date of the notice letter, pursuant to 40 C.F.R. §§ 124.16(a)(2) and 124.60(b)(I).

Region 9 will reevaluate the withdrawn provisions and determine how to proceed with the preparation of a new draft permit, including public comment and opportunity for a public hearing, in accordance with 40 C.F.R. § 124.6.

DISCUSSION

At any time prior to thirty (30) days after filing the response to a petition, a Region may withdraw a permit or portion of a permit and prepare a new draft permit addressing the portions so withdrawn. See 40 C.F.R. § 124.19(j). See *In re Savoy Energy, L.P.*, 17 E.A.D. 200, 202-03 (EAB 2016) (“[B]efore the 30-day window closes under section 124.19(j), a Region may unilaterally withdraw a permit and re-issue a new draft permit, so long as it contemporaneously notifies the Board and interested parties of the withdrawal and reissuance.”).

Prior to filing a response to the petition, Region 9 notified the Board, Mobil and interested parties by letter on November 25, 2025, that it was withdrawing the challenged permit conditions. Since the withdrawn conditions were severable from all other conditions of the Permit, the notice letter also provided that all other conditions of the Permit are fully effective thirty (30) days after the date of the notice letter, in accordance with 40 C.F.R. §§ 124.16(a)(2) and 124.60(b)(I). Region 9 will determine how to proceed with the preparation of a new draft permit.

The Petition for Review is now moot because Region 9 has withdrawn all provisions of the Permit that Mobil appealed. Prior Board decisions support dismissing a petition as moot with respect to withdrawn permits or permit provisions. See, e.g., *In re City of Port St. Joe, Florida*, 5 E.A.D. 6, 8-9 (EAB 1994) (finding that the Region's withdrawal of a permit "mooted any issue relative to the ... permit" and removed the Board's jurisdiction to review the permit on appeal); *In re City of Haverhill Wastewater Treatment Facility*, NPDES Appeal No. 08-01, slip op. at 1-2 (EAB Feb 28, 2008) (holding appeal mooted by Region's withdrawal of the only contested permit condition).

Region 9 discussed this matter with Mobil, and Mobil has informed Region 9 that it does not oppose the Region filing a motion to dismiss the Petition as moot.

Accordingly, Region 9 respectfully requests that the Board dismiss the Petition for Review as moot.

Date: December 1, 2025

Respectfully submitted,

Brett Moffatt
Office of Regional Counsel

Attachment: Region 9 Notice of Partial Withdrawal to the Clerk of the Environmental Appeals Board and Mobil Oil Mariana Islands, Inc., November 25, 2025.

CERTIFICATE OF SERVICE

I, Brett Moffatt, hereby certify that on the date of my electronic signature below, I caused to be served the attached REGION 9'S MOTION TO DISMISS PETITION FOR REVIEW (NPDES Appeal No. 25-03), via the Environmental Appeals Board's electronic filing system, and by sending a true and correct copy, via e-mail, to the following:

Erika H. Spanton
Beveridge & Diamond
600 University Street, Suite 1601
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Date: December 1, 2025

Brett Moffatt
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REGION 9

SAN FRANCISCO, CA 94105

VIA ELECTRONIC FILING AND EMAIL

Tommie Madison
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RE: Mobil Oil Mariana Islands, Inc. - Mobil Saipan Terminal, NPDES Permit No. MP0020397, EAB Appeal No. NPDES 25-03. Notice of Partial Withdrawal and Notice of Effective Date of Applicable (uncontested and severable) Permit Conditions

Dear Tommie Madison and Analissa Mercado,

Pursuant to 40 C.F.R. § 124.19(j), the U.S. Environmental Protection Agency, Region 9 (EPA) hereby withdraws certain provisions of National Pollutant Discharge Elimination System (NPDES) Permit No. MP0020397 (Permit) issued on September 30, 2025, to Mobil Oil Mariana Islands, Inc. (Mobil). On October 30, 2025, Mobil filed a petition (Petition) seeking review by the Environmental Appeals Board (EAB) of one condition in the Permit, the Tiered Outfall Habitat Monitoring provisions in Part II.E and Attachment F of the Permit.

Partial Withdrawal of Permit

Under the regulations governing the EAB appeal process, at any time prior to thirty (30) days after filing the response to a petition, EPA may withdraw a permit or portion of a permit and prepare a new draft permit addressing the portions so withdrawn. *See* 40 C.F.R. § 124.19(j). EPA's initial review of the Petition suggests that further consideration of the Tiered Outfall Habitat Monitoring provisions may be appropriate; consequently EPA is withdrawing the following provisions in the Permit: Part II.E ("Tiered Outfall Habitat Monitoring"), and

Attachment F (“Additional Requirements for the Tiered Outfall Habitat Monitoring”). Since EPA has not filed a response to the Petition, this withdrawal is timely; moreover, since Mobil is not contesting any other permit provisions, all other requirements in the Permit will continue to apply.

Notice of Effective Date of Applicable (Uncontested and Severable) Permit Terms

The contested monitoring provisions in Part II.E and Attachment F are hereby withdrawn and are no longer part of the Permit. All remaining portions of the Permit are uncontested and will become effective thirty (30) days from the date of this Notice, pursuant to 40C.F.R. §§124.16(a)(2) and 124.60(b)(I). If you have any questions regarding this notification, please contact Brett Moffatt, Assistant Regional Counsel, at (415) 972-3946.

Sincerely,

Tomás Torres
Director, Water Division

Cc: Floyd Masga, Acting Administrator, CNMI Bureau of Environmental and Coastal Quality, weecbranch.becq@gmail.com
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