

Exhibit 4

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July 30, 2025

U.S. Environmental Protection Agency
Region 9, Water Division
Attn: Prasad Gullapalli
NPDES Permits Section (WTR-2-3)
75 Hawthorne Street
San Francisco, CA 94105-3901

Re: Draft National Pollutant Discharge Elimination System ("NPDES")
NPDES Permit No. MP0020397 for Bulk Fuel Storage Facilities in Saipan
Supplemental Comments - Part II.E. Tiered Outfall Habitat Assessment and Reporting

Dear Mr. Gullapalli,

Mobil Oil Mariana Islands, Inc. (Mobil) appreciated the opportunity to meet with you and Ms. Copson on July 17, 2025, to discuss Mobil's comments on the draft NPDES permit for discharges from its bulk fuel facility located in Saipan. Considering the additional information obtained during the July 17th meeting, Mobil is submitting these supplemental comments.

In Mobil's comments on the draft NPDES permit dated May 8, 2025 (Attachment 1), Mobil objected to the inclusion of the subject habitat assessment for several reasons, including that the draft permit Fact Sheet provided no regulatory basis supporting the provision. On our July 17th call with you and Ms. Copson you both cited that the basis for this provision is proposed rules (88 Fed. Reg. 46572 and 80 Fed. Reg. 83644) by the National Marine Fisheries Service (NMFS) to designate critical habitat for green sea turtles and Indo-Pacific corals. However, Mobil objects because (1) the final NMFS rule specifically excludes Saipan Harbor (location where the ExxonMobil Saipan's Terminal intermittently discharges) as critical coral habitat, (2) the critical habitat rules relating to the green sea turtle are proposed rules, and even if they were finalized as written, they would not support the proposed inclusion of the Part II.E. Tiered Outfall Habitat Assessment and Reporting requirement in the draft NPDES permit, and (3) inconsistent application of Outfall Habitat Assessment and Reporting Requirements in other Pacific Islands Territories NPDES permits issued by EPA Region 9.

The NMFS rule excludes Saipan Harbor as critical coral habitat.

The final NMFS rule establishing designated critical habitat locations for Indo-Pacific corals was adopted on July 15, 2025, at 50 CFR 226.232 (90 Fed. Reg. 31800). The final rule at 50 CFR 226.232(d) identifies "Areas not included in critical habitat". The list of areas not included in critical habitat for Indo-Pacific corals identifies Saipan Harbor [50 CFR 226.232(d)(2)(xii)]. The final rule describes the reasons for identifying "areas not included in critical habitat" and these reasons are consistent with Mobil's May 8th comments on the proposed permit¹. Appendix B of the National Oceanic and Atmospheric Administration's (NOAA) Critical Habitat

¹ "Managed areas that do not provide the quality of substrate essential for the conservation of the five Indo-Pacific corals are defined as

particular areas whose consistently disturbed nature renders them poor habitat for coral growth and survival over time. These managed areas include specific areas where the substrate has been disturbed by planned management authorized by local, territorial, state, or Federal governmental entities at the time of critical habitat designation, and will continue to be periodically disturbed by such management. Examples include, but are not necessarily limited to, dredged navigation channels, shipping basins, vessel berths, and active anchorages."

Information Report (Existing Artificial Substrates and Managed Areas within the Critical Habitat Units of Final Coral Critical Habitat, May 2024, page 5) specifically excludes “All harbors and their entrance channels, navigation channels, turning basins, and berthing areas managed by the Commonwealth Ports Authority” as critical habitat identified by the final rule.

The final NMFS rule assessed and specifically excludes Saipan Harbor (location where the ExxonMobil Saipan’s Terminal intermittently discharges) as critical coral habitat and therefore does not justify the proposed Part II.E. Tiered Outfall Habitat Assessment and Reporting requirement in the draft NPDES permit.

The critical habitat rules relating to the green sea turtle are proposed rules.

The critical habitat rules relating to the green sea turtle are proposed rules (88 Fed. Reg. 46376, July 19, 2023; 88 Fed. Reg. 46572, July 19, 2023). Because these are not final rules and are subject to change, they should not be used as the basis for the proposed Part II.E. Tiered Outfall Habitat Assessment and Reporting requirement in the draft NPDES permit. Although a proposed rule is not a regulatory basis for the habitat assessment requirement in the proposed NPDES permit, the rule proposal at 88 Fed. Reg. 46524-46525 (maps and descriptions of proposed critical habitat) identifies no critical habitat for the green sea turtle at the location of the Commonwealth Port Authority (CPA) harbor where the Mobil Saipan Terminal discharges. The critical habitat designation in this proposed rule is intended to protect turtle nesting areas that are sandy beaches. There are no sandy beaches within the CPA harbor area as shown by the maps in the proposed regulation. Thus, the proposed rule relating to green sea turtle onshore critical habitat would not support the proposed inclusion of the Part II.E. Tiered Outfall Habitat Assessment and Reporting requirement in the draft NPDES permit, even if the proposed rule was finalized as written.

The second proposed green sea turtle critical habitat rule (88 Fed. Reg. 46572, July 19, 2023) designates areas from the mean highwater line to a 20-meter depth around the entire island as critical habitat to protect turtle migratory and related essential conditions (88 Fed. Reg. 46574-46575). Again, recognizing that this is a proposed rule and not a regulatory basis for an NPDES permit limit or condition, the intermittent, short-duration discharges from the Mobil Saipan Terminal as related to other discharges from the same CPA outfall, as described in Mobil’s May 8, 2025 comment letter, cannot reasonably be expected to have any measurable effects on water quality in the critical habitat area described in the proposed rule (i.e., the entire offshore waters to a 20-meter depth), even on a short-term basis², and would not support the proposed inclusion of the Part II.E. Tiered Outfall Habitat Assessment and Reporting requirement in the draft NPDES permit, even if the proposed rule was finalized as written.

Mobil has identified other NOAA documents that support the site’s position that the proposed Part II.E. Tiered Outfall Habitat Assessment and Reporting requirement is not justified for this permit. The attached NOAA aerial map identifies dredged areas leading into and surrounding the Saipan Harbor (middle bottom of map at bottom – text indicating Mobil Saipan Terminal added). Saipan Terminal’s outfall discharges into a CPA managed dredged area. Areas that are maintained by dredging to accommodate marine traffic described by NMFS in Appendix B of the Critical Habitat Information Report as cited above are designated as “managed areas” and are not considered to be critical habitats. Maintenance dredging conducted by others, independent of terminal operations, directly affect the localized benthic habitat including green turtle foraging and resting areas than highly infrequent, small-volume discharges from the Saipan Terminal are regulated by the NPDES permit, which have effluent limits and conditions in the permit that comply with water quality standards. In line with the critical habitat exclusions under 50 CFR 226.232(d)(2) for Indo-Pacific Corals, Mobil believes similar exclusions would be applicable towards potential Sea Turtle Habitat located in “*managed areas*”, based on the agencies acknowledgement that habitat will be impacted.

² The Saipan Terminal has an approved mixing zone, see Attachment 3. The Saipan Terminal discharge is diluted by a factor of 13.1 to 1 at a distance of 19 m from the CPA outfall, which is within the confines of Tanapag Harbor. The rapid dilution of the effluent that occurs during a terminal discharge and the short duration and low volume of the discharge will not have any measurable effect on the offshore waters identified in the proposed rule.

"These managed areas include specific areas where the substrate has been disturbed by planned management authorized by local, territorial, state, or Federal governmental entities at the time of critical habitat designation and will continue to be periodically disturbed by such management".

Inconsistent application of Outfall Habitat Assessment and Reporting Requirements.

There also appears to be a lack of consistency in how this provision is being applied to the proposed Mobil Saipan NPDES permit when compared to other recent EPA Region 9 NPDES permits in the Pacific Islands Territories that have discharges that may affect the green sea turtle and Indo Pacific corals. For example, the U.S. Navy Apra Harbor wastewater treatment plant permit (GU0110019) that was issued in May 2025, does not include the tiered habitat assessment and reporting requirement even though the Central West Pacific green sea turtle and Indo Pacific corals are located near or within the discharge area. This WWTP is classified as a major discharger that is permitted to discharge treated wastewater on a continuous basis at a monthly average discharge flow rate of 2-3 million gallons/day and has effluent limits for fifteen (15) metals, ammonia and nitrate nitrogen, phosphorus, and the priority volatile, semi-volatile and base-neutral organic pollutants, including 2,3,7,8-tetrachlorodibenzo-p-dioxin. The Fact Sheet to the permit states "EPA has determined that reissuance of the NPDES permit may affect, but is not likely to adversely affect, the Central West Pacific green sea turtle, hawksbill sea turtle, Indo-West Pacific scalloped hammerhead shark, giant manta ray, and the coral species *Acropora globiceps*. EPA also determined that the proposed permitting action will not destroy or adversely modify the proposed critical habitats for the central-west Pacific DPS green sea turtle or the Indo-Pacific corals."

The Fact Sheet to the Mobil Saipan Terminal NPDES permit includes similar language regarding the effects of the discharge on the proposed critical habitat for the green sea turtle and Indo Pacific corals as the Fact Sheet to the Navy's WWTP NPDES permit. The Fact Sheet to the Mobil Saipan Terminal NPDES permit includes the following statements "EPA has concluded the permit is not likely to destroy or adversely modify the proposed green sea turtle critical habitat in the greater Tanapag Harbor" and "EPA has concluded the permit is not likely to destroy or adversely modify the proposed coral critical habitat in the greater Tanapag Harbor." The Fact Sheet also includes the following statement "For the marine species, EPA concludes the continued discharge may affect but not likely to adversely affect the federally listed threatened and endangered turtles, sharks, corals, and giant clams under the NOAA NMFS jurisdictions. The effluent limits in the permit will not result in acute or chronic exposures to contaminants that would affect federally listed threatened and endangered species or impair any designated critical habitat. The effluent limits and monitoring requirements in the permit are designed to be fully protective of the beneficial uses of the receiving waters. Proposed critical habitat for the green sea turtle and coral species may be affected but are not likely to be adversely affected by the permit reissuance."

When comparing the similar critical habitat determinations by EPA in the Fact Sheets of the Mobil Saipan Terminal NPDES permit and the US Navy's NPDES permit and considering the infrequent, low volume discharge from the Mobil Saipan Terminal to the continuous large volume discharge from the US Navy's Apra Harbor WWTP, one would expect that since the Navy WWTP NPDES permit does not include the Tiered Outfall Critical Habitat Assessment requirement, then neither would the Mobil Saipan Terminal. However, that is not the case. Therefore, Mobil requests that EPA remove the Tiered Outfall Critical Habitat Assessment requirement from the Mobil Saipan Terminal's NPDES permit to be consistent with other Pacific Islands Territories NPDES permits issued by EPA Region 9.

Mobil appreciates the opportunity to provide these comments. Should you have any questions or comments, please contact Analissa Mariano Mercado, APFO Regulatory/Environmental Compliance Advisor, at 671-687-7178 (analissa.mercado@exxonmobil.com).

Very truly yours,



Pedro G. Ortiz
CNMI Field Operations Manager
Mobil Oil Mariana Islands, Inc.

Attachments

1. May 8, 2025 Mobil Comments on proposed permit
2. Saipan Benthic Habitat Map
3. Commonwealth of the Northern Marianas Islands, Bureau of Environmental and Coastal Quality,
April 16, 2025, Section 401 Water Quality Certification WQC-2025-002 and Mixing Zone Approval
ZOM 2025-002 Mobil Oil Saipan Terminal

ATTACHMENT 1

May 8, 2025 Mobil Comments on Proposed Permit

ATTACHMENT 2

SAIPAN Benthic Habitat Map

ATTACHMENT 3

Commonwealth of the Northern Marianas Islands, Bureau of
Environmental and Coastal Quality, April 16, 2025, Section 401
Water Quality Certification WQC-2025-002 and Mixing Zone
Approval ZOM 2025-002 Mobil Oil Saipan Terminal