

TITLE 2: NATURAL RESOURCES
DIVISION 3: THE ENVIRONMENT

§ 3513. Definitions.

(a) “Chief” shall mean the Chief of the Division of Environmental Quality, Department of Public Health and Environmental Services.

(b) “Collection” shall mean the act of removing solid waste from a storage container at the source of generation or at a transfer station and the subsequent transport of the solid waste to the site of disposal.

(c) “Director” shall mean the Director of the Department of Public Works.

(d) “Disposal” shall mean and include the siting, design, construction or operation of any solid waste management facility, including but not limited to sanitary landfills, transfer stations, recycling operations, or incinerators.

(e) “Hazardous waste” shall mean any material which because of its quantity, concentration, physical, chemical, radiological, toxic, or infectious characteristics, may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly managed.

(f) “Open burning” means burning of solid waste in the open, such as in an open dump.

(g) “Open dump” shall mean a land site at which solid wastes are disposed of in a manner that does not protect the environment, are susceptible to open burning, or are exposed to the elements, vectors, or scavengers.

(h) “Person” shall mean any individual, partnership, corporation, association, or government entity, corporation, or agency.

(i) “Sanitary landfill” shall mean a solid waste management facility employing an engineered method of disposing of solid wastes on land in a manner that minimized environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

(j) “Solid waste,” shall mean and include any garbage, refuse, sludge from a water supply or waste treatment plant, or other discarded material whether solid, liquid, semisolid, or contained gaseous material, excluding domestic sewage or discharge of dredged material subject to the U.S. Clean Water Act, as amended [33 U.S.C. § 1251 et seq.].

(k) “Solid waste management facility” means any site at which solid wastes are aggregated for storage, transfer, transformation, processing, or disposal, including but not limited to sanitary landfills, transfer stations, recycling operations, or incinerators, but not including sites where a single person has collected its own solid wastes for a brief period prior to removal to a solid waste management facility, unless such person has created thereby a public nuisance or health hazard.

(l) “Transfer station” means a site to which solid wastes are brought from their point of generation and where such wastes are temporarily stored prior to transfer to a site of permanent storage, processing, or other method of disposal.

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(m) “Debris staging areas” means storage of rubble, wreckage and vegetation remains from typhoons, storms or other destructive events of an emergency nature as determined by the director.

Source: PL 6-30, § 3; new subsection (m) added by PL 11-103, § 6.

Commission Comment: With respect to the references to the “Chief of the Division of Environmental Quality” and the “Director of the Department of Public Works,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 11-103 took effect on September 29, 1999. PL 11-103 contained short title, findings, severability, and savings clause provisions as follows:

Section 1. Short Title. This act may be cited as the “Commonwealth Environmental Amendments Act of 1999”.

Section 2. Findings. The Legislature finds and declares that as a policy, the Commonwealth should update its environmental laws to be consistent and compatible with applicable federal EPA requirements. Towards that end, the amendments made in this Act will make our present environmental laws consistent with applicable federal laws and regulations.

. . .

Section 10. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 11. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.