

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 3: THE ENVIRONMENT**

**§ 3532. Advance Disposal Fees.**

There is hereby established, within the Division of Environmental Quality, the authority to develop Advance Disposal Fees (ADFs) for specific materials deemed viable for diversion. Those items taxed under 4 CMC § 1405 shall be exempt from any advance disposal fee under this chapter. The division is hereby authorized to evaluate those specific materials and develop a fee structure through regulation which will provide the proper economic support for diversion programs.

In evaluating the benefits of diverting various materials from disposal, the DEQ should consider the environmental and economic benefits of diversion, the existing and potential markets for the material, and the existing collection and processing infrastructure.

The evaluation should be based on the following:

- (a) The environmental impacts of the material, both from disposal and from improper management;
- (b) The toxicity of the material within the waste stream;
- (c) The quantities of the material within the waste stream;
- (d) The strength and stability of markets for the material;
- (e) The ease of separation and collection of the material using existing equipment and technology; and
- (f) The local benefits, both environmental and economic of on-island uses for products produced from the material.

**Source:** PL 11-122, § 4, modified.

**Commission Comment:** The subsections in this section that have been designated in numerals have been changed to lower case alphabets to comply with standard code formatting pursuant to the authority provided in 1 CMC § 3806.