

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



COMMONWEALTH REGISTER

VOLUME 37
NUMBER 10

OCTOBER 28, 2015

COMMONWEALTH REGISTER

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Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

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www.deq.gov.mp and www.cnm.gov.mp



Eloy S. Inos
Governor

Ralph DLG. Torres
Lt. Governor

Frank M. Rabauliman
Administrator

Frances A. Castro
Director, DCRM

PUBLIC NOTICE OF PROPOSED AMENDMENT OF THE CNMI DRINKING WATER REGULATIONS

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Bureau of Environmental and Coastal Quality (BECQ), Division of Environmental Quality intends to adopt as permanent regulations the attached Proposed Amendments to the Drinking Water Regulations, pursuant to the procedures of the Administrative Procedures Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b). (1 CMC § 9105(b))

AUTHORITY: The Administrator of BECQ is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the Commonwealth Environmental Protection Act. 2 CMC § 3122.

THE TERMS AND SUBSTANCE: The proposed revisions pertain to the requirement set forth in the Safe Drinking Water Act that States and Territories periodically review their Drinking Water Regulations, make any necessary changes, and provide for an opportunity for public comment. The revisions proposed include: adopting the Federal Revised Total Coliform Rule; and referencing the July 1, 2014 version of the Code of Federal Regulations.

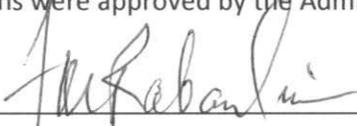
THE SUBJECTS AND ISSUES INVOLVED:

1. The regulations adopt the new Federal Revised Total Coliform Rule by reference; and
2. The regulations reference the July 1, 2014 version of the Code of Federal Regulations, instead of the July 1, 2007 version which the current regulations reference.

DIRECTIONS FOR FILING AND PUBLICATION: These proposed regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(2))

TO PROVIDE COMMENTS: Send or deliver your comments to Jose Kaipat, Drinking Water and Groundwater Management Branch Manager, RE: Drinking Water Regulations, at the above address or to the above fax number. Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC §9104(a)(2))

These proposed regulations were approved by the Administrator on September ____, 2015

Submitted by: 
FRANK M. RABAULIMAN
Administrator, CNMI BECQ

9/28/15
Date

Received by: 
ESTHER S. FLEMING
Governor's Special Assistant
For Administration

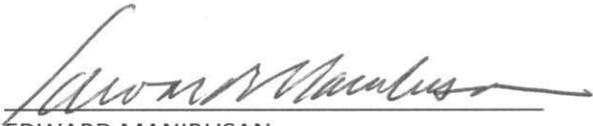
10/27/15
Date

Rile and Recorded by: 
ESTHER NESBIT
Commonwealth Registrar

10-27-2015
Date

Pursuant to 1 CMC § 2153(e) (AG Approval of regulations to be promulgated as to form) and 1 CMC §9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 28 day of October, 2015.


EDWARD MANIBUSAN
Attorney General



Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

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Director, DCRM

ARONGORONGOL TOULAP REL POMMWOL LIWIL REL ALLÉGH

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL KKAAL:

Commonwealth mellól Téél falúw kka faluwasch, Bwulasiyol Sóulem, Bureau of Environmental me Coastal Quality e tipáli ebwe adaptááli allégh bwe ebwe llégh lló bwe allégh ikka e appaaschlong bwe pommwol liwil sáangi *Water Quality Standards Regulations*, arongowoowul mwóghutughutúl *Administrative Procedure Act*, 1 CMC § 9104(a). Allégh kkaal ebwe bwunguló llól seigh (10) ráll mwiril yal lléghló rel 1 CMC §§ 9102 me 9104 (a) me ngare (b). (1 CMC § 9105 (b)).

BWÁNGIL: Sáangi Legislature re ayoora ngáli bwángil *Administrator BECQ* bwe ebwe adaptááli allégh me mwóghutughut ngáli *Administration* me *Enforcement* rel *Commonwealth Environmental Protection Act*. 2 CMC §3122.

KKAPASAL ME AWEWEEL: Pommwol liwil rel mwóghutughutúl *Safe Drinking Water Act* ikka States me Territories rebwe affata kkapasal me mwóghutughutúl owtol *Safe Drinking Water Regulations* me ngaleer publiko bwe rebwe issislong yaar aghiyágh. Pommwol liwil kkal nge rebwe adaptááli mereel *Federal Revised Total Coliform Rule*; me rebwe reference lli July 1, 2014 *Code of Federal Regulations*.

KKAPASAL ME OUTOL:

1. Rebwe adaptááli owtol alléghul *Federal Revised Total Coliform rule* by reference; me
2. Rebwe reference lli July 1, 2014 versionil *Code of Federal Regulations*, me mwal July 1, 2007 version.

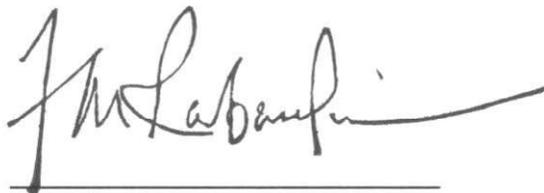
AFALAFAL REEL AMWELIL ME AKKATÉÉL:

Pomwol Allégh kkaal ebwe akkatéélong llól *Commonwealth Registrar* llól tálil ye pommwol me allégh ffé kka aa adaptááli (1 CMC §9102(a)(1)) nge ebwe bwal appasch fetal llól bwuley kka elo *civic center* me bwal llól bwulasiyo kka llól *senatorial district* rel kkasal *English*, Remeraalis me Refaluwasch. (1 CMC § 9104(a)(1))

ISIISILONGOL MWÁLILI: Afanga ngáre bwughiló yóómw mwáliili rel *Jose Kaipat, Safe Drinking Water and Groundwater Management Branch Manager, Re: Drinking Water Regulations*, rel *Address* ie elo weiláng ngáre fax li lló rel numiuro ie e lo weiláng. Mwáliili kkaal nge ebwe

attotoolong llól eliigh (30) ráll mwirilól akkatéewowul arongorong yeel. Ów issislong yáami aghiyágh, mángemáng me ngare angiingi. (1CMC §9104 (a)(2)).

Pomwol allégh kkaal aa llégh lló merel *Administrator* wól Ottuubre ____, 2015.

Isáliiyallong:  10/26/15
Frank M. Rabauliman
Administrator
CNMI Bureau of Environmental and Coastal Quality
Ráll

Mwiir Sángi:  10/27/15
Esther S. Fleming
Governor's Special Assistant
For Administration
Ráll

File me
Rekoodliiyal:  10.27.2015
Esther SN. Nesbitt
Commonwealth Register
Ráll

Sángi 1 CMC § 2153(e) (Allégh kkaal ebwe lléghló sángi AG bwe ebwe akkatéewow reel féerúl) me 1 CMC § 9104 (a)(3) (aa bweibwogh sángi AG) rel pomwol allégh ie e appaschllong, bwe a ttakkal amweeri fiischiy, me angúungú ló fféerúl me *legal sufficiency* sángi CNMI Sówbwungúl Allégh Lapalap me ebwele akkatéewow 1 CMC § 2153(f) (akkatéél allégh kkaal).

Ráll iye 28 Ottuubre 2015.


EDWARD MANIBUSAN
Sówbwungúl Allégh Lapalap

Commonwealth gi Sangkattan na Islas Marianas
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NUTISIAN PUPBLIKU GI MANMAPROPONI NA AMENDASION PARA I REGULASION CNMI POT I HÅNOM MAGIMEN

I AKSION NI MA'INTENSIONA PARA U'MA ADĀPTA ESTE I MANMAPROPONI NA REGULASION: I

Commonwealth gi Sangkattan na Islas Mariānas, Ufisinan Gubietnu, Bureau of Environmental yan Coastal Quality (BECQ), Division of Environmental Quality ha intensiona para u'ma adāpta kumu petmaniente na regulasion I mañechettun i manmaproponi na Amendasion para i hånom magimen na regulasion. I sigun gi manera siha gi åktun i Administrative Procedure 1 CMC § 9104 (a). I regulasion siha para u ifektibu gi hålom i dies (10) dihas pues di makumpli i 1 CMC § 9102 yan i 9104 (a) pat (b). (1 CMC § 9105 (b))

ATURIDĀT: I Administradot i BECQ nina'i fuetsa ni Leyislatura para u'ma adāpta i areklamentu yan regulasion siha para i atministrasion yan i enforcement gi åktun environmental Protection gi Commonwealth 2 CMC § 3122

I TEMA YAN I SUSTĀNSIAN PALĀBRA SIHA: I manmaproponi na ribision ni sasānao gi requirements ma' pega hålom gi åktun i Safe Drinking Water ayu i States yan I Teritorio siha sesso ma atan pot i regulasion siha i Drinking Water, mafatinas todū i tinulaika kumu nisisāriu, yan u'ma na'i opotunidāt i upiñon i pupbliku. I rebision siha manmaproponi konsiste: I ma'adāptan i Federal Revised Total Coliform Rule; yan sasānao gi July 1, 2014 na version i Code pot i regulasion Fidirāt.

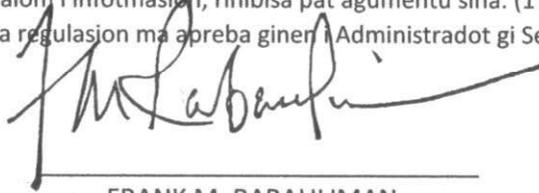
I SUHETU NI MASUMĀRIA YAN ASUNTU NI MANTINEKKA:

1. I regulasion ma'adāpta nuebu na Federal Revised total Coliform Rule by reference; yan
2. I regulasion ni sasānao gi July 1, 2014 version pot i Code of Federal Regulation, alugāt di July 1, 2007 version nu'l presenti na regulasion reference.

DIRIKSION PARA U'MA POLU YAN MAPUPBLIKA: Esti i manmaproponi na regulasion debi na u'ma pupblika gi hålom i rehistran Commonwealth gi hålom i seksiona ni manmaproponi yan i nuebu na ma'adāpta na regulasion (1 CMC § 9102 (a) (1)) yan u'mapega gi hålom i mangkuminienti na lugāt siha gi Ufisinan Aktādi yan gi hålom Ufisina Gubietnamentu siha gi hålom distritun Senadot parehu English yan gi lengguāhi natibu. (1 CMC § 9104 (a) (2))

PARA U MAPRIBENIYI UPIÑON SIHA: Na hanão I upiñon-mu guatu gi as siñot Jose Kaipat, Drinking Water yan Groundwater management Branch Manager, RE: Regulasion i Hånom Magimen siha, gi sanhilo na address pat gi sanhilo na numirun Fax. I upiñon ma ekspekta gi hålom trenta (30) dihas ginen i fetchan publikasion esti na notisia. Pot fabot na' hålom i infotmasion, rinibisa pat águmentu siha. (1 CMC § 9104 (a) (2)
Esti i manmaproponi na regulasion ma apreba ginen i Administradot gi Septiembre _____, 2015.

Nina hålom as:

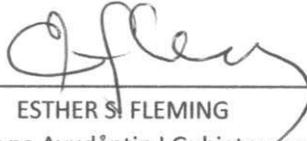


FRANK M. RABAULIMAN
Administradot, CNMI BECQ

10/26/15

FETCHA

Rinisibi as:



ESTHER S. FLEMING
Espisiát na Ayudántin I Gubietnu para
I Administrasion

10/27/15

FETCHA

Pine'lu yan ninota as:



ESTHER NESBITT
Réhistran i Commonwealth

10.27.2015

FETCHA

Sigun i 1 CMC § 2153 (e) (inapreban Abugádu Henerát ni regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104 (a) (3) (inahentan maprueban Abugádu Henerát) i manmaproponi na regulasion siha guini ni manmaribisa yan man'ma apreba kumu fotma yan sufisiente ligát ginen i CNMI Abugádu Henerát yan debi na u'mapublika, 1 CMC § 2153 (f) (publikasion areklamentu yan regulasion siha).

Ma fetcha gi 28 ~~Septiembre~~ ^{Octobre} na diha, 2015.



EDWARD MANIBUSAN
Abugão Henerát



Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

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Administrator

Frances A. Castro
Director, DCRM

PROPOSED AMENDMENT OF THE

CNMI DRINKING WATER REGULATIONS

Citation of Statutory Authority:

The Administrator of the Bureau of Environmental and Coastal Quality (BEEQ) proposes to amend the CNMI Drinking Water Regulations pursuant to the CNMI Environmental Protection Act, P.L. 2-32, 2 CMC §§ 3101 *et seq.* (as amended by P.L. 11-103).

Short Statement of Goals and Objectives:

The proposed revisions pertain to the requirement set forth in the Safe Drinking Water Act that States and Territories periodically review their Drinking Water Regulations, make any necessary changes, and provide for an opportunity for public comment.

Brief Summary of the Proposed Regulations:

The revisions proposed include:

- Adoption of the Federal **Revised Total Coliform Rule**;
- And referencing the **July 1, 2014 version of the Code of Federal Regulations**

For Further Information Contact:

Frank M. Rabauliman., Administrator, Bureau of Environmental and Coastal Quality
P.O. Box 501304, Saipan, MP 96950
Phone: (670) 664-8500/8501, fax (670) 664-8540

Citation of Related and/or Affected Statutes, Regulations, and Orders:

Authorizing statutes are listed above. This action amends the CNMI's Drinking Water Regulations, at 04 Com. Reg. 1576 (Aug 15, 1982); as amended by 11 Com. Reg. 6111 (Mar. 15, 1989), 13 Com. Reg. 8340 (Nov. 15, 1983), 14 Com. Reg. 10212 (Dec. 15, 1992), 15 Com. Reg. 10807 (Aug 15, 1993), 16 Com. Reg. 12242 (July 15, 1994), 16 Com. Reg. 12445 (Sep. 15, 1994), 17 Com. Reg. 13823 (Nov. 15, 1995), 24 Com. Reg. 19005 (Jan. 29, 2002), 27 Com. Reg. 24679 (July 20, 2005) and 30 Com. Reg. 28323 (Feb. 19, 2008).

2015 Revisions to the CNMI Drinking Water Regulations

The following revisions to the CNMI Drinking Water Regulations are proposed -

- The addition of Subpart Y Revised Total Coliform Rule to Part 2. This addition is part of the Federal Revised Total Coliform Rule.
- Revising all of the existing references to the Code of Federal Regulations from the July 1, 2007 edition to the July 1, 2014 edition. Deleting references to Federal Register Vol. 72 No. 195, October 10, 2007, as those references are now incorporated into the July 1, 2014 edition of the Code of Federal Regulations.

A fact sheet from U.S.E.P.A. on Revised Total Coliform Rule that is proposed to be adopted is included here in the Commonwealth Register following this summary of the revisions for more in depth information about the rule.

Organization of the Revisions

Only the sections of the CNMI Drinking Water Regulations that are proposed to be amended have been published in this edition of the Commonwealth Register. Since there were no proposed amendments or revisions to Part 1, they have not been shown here. Only the portions of Part 2 and Part 3 that are proposed to be amended are shown here.

The original text of the regulation as first published in July 2005 and amended in 2008 is shown. A vertical line on the left side of the paper indicates a proposed change to the text. Proposed additions to the text are shown as underlined text. Proposed deletions are shown with a line drawn through the original text.

U.S.E.P.A. Fact Sheet – Revisions to the Total Coliform Rule

The Environmental Protection Agency (EPA) has revised the 1989 Total Coliform Rule (TCR), a national primary drinking water regulation (NPDWR). The purpose of the 1989 TCR is to protect public health by ensuring the integrity of the drinking water distribution system and monitoring for the presence of microbial contamination. EPA anticipates greater public health protection under the revised requirements, which are based on recommendations by a federal advisory committee and the agency's consideration of public comments. The final Revised Total Coliform Rule (RTCR):

- Requires public water systems that are vulnerable to microbial contamination to identify and fix problems; and
- Establishes criteria for public water systems to qualify for and stay on reduced monitoring, which could reduce water system burden and provide incentives for better system operation.

The 1989 TCR remains effective until March 31, 2016. PWSs and primacy agencies must comply with the requirements of the RTCR beginning April 1, 2016.

Where can I find the revisions? Copies of the Federal Register Notice can be downloaded from the Total Coliform Rule Web site at <http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation.cfm>.

What are the basic requirements of the 1989 TCR?

The TCR (published in 1989) is the only microbial drinking water regulation that applies to all public water systems (PWSs). Systems are required to meet legal limits (i.e., Maximum Contaminant Levels (MCL)) for total coliforms, including fecal coliforms, as determined by regular monitoring. The 1989 TCR specifies the frequency and timing of the microbial testing by water systems based on population served. The rule also requires public notification as indicated by monitoring results.

Why did EPA decide to revise the 1989 TCR? The Safe Drinking Water Act, as amended, requires EPA

to review and revise, as appropriate, each NPDWR not less often than every six years. The outcome of the review of the 1989 TCR determined that there was an opportunity to reduce implementation burden and to improve rule effectiveness, and that revising the rule offered an opportunity for greater public health protection against waterborne pathogens in the public drinking water distribution systems.

How have monitoring frequencies changed? While retaining the basic monitoring requirements of the 1989 TCR, the RTCR links monitoring frequency to water quality and system performance by:

- Providing criteria that well-operated small systems must meet to qualify and stay on reduced monitoring;
- Requiring increased monitoring for high-risk small systems with unacceptable compliance history; and
- Requiring some new monitoring requirements for seasonal systems such as campgrounds and some state and national parks.

How has the standard for total coliforms changed? The final RTCR establishes a health goal (Maximum Contaminant Level Goal, or MCLG) and an MCL for E. coli and eliminates the MCLG and MCL for total coliforms, replacing it with a treatment technique for coliforms that requires assessment and corrective action.

- The revised rule is establishing an MCLG of 0 for E. coli, a more specific indicator of fecal contamination and potential harmful pathogens than total coliform. EPA has removed the 1989 MCLG and MCL for total coliform. Many of the organisms detected by total coliform methods are not of fecal origin and do not have any direct public health implication. The "acute" total coliform MCL violation under the 1989 TCR has been maintained as the MCL for E. coli under the RTCR.

U.S.E.P.A. Fact Sheet – Revisions to the Total Coliform Rule

- Under the new treatment technique for coliforms, total coliforms serve as an indicator of a potential pathway of contamination into the distribution system. A PWS that exceeds a specified frequency of total coliform occurrence must conduct an assessment to determine if any sanitary defects exist and, if found, correct them. In addition, under the new treatment technique requirements, a PWS that incurs an E. coli MCL violation must conduct an assessment and correct any sanitary defects found

How has the public notification requirement changed? The revised rule is eliminating monthly public notification requirements based only on the presence of total coliforms. Total coliforms in the distribution system may indicate a potential pathway for contamination but in and of themselves do not indicate a health threat. Instead, the RTCR requires public notification when an E. coli MCL violation occurs, indicating a potential health threat, or when a PWS fails to conduct the required assessment and corrective action.

How did EPA identify the changes to the 1989 TCR? EPA established a federal advisory committee called the Total Coliform Rule Distribution System Advisory Committee in 2007 to recommend revisions to the 1989 TCR. The advisory committee was comprised of a balanced panel of 15 key stakeholder organizations, including EPA, states and tribal representatives, utility associations, and advocacy groups for environment, public health, epidemiology, and consumers. The advisory committee signed an Agreement in Principle (AIP) outlining its recommendations in 2008. In July 2010, EPA proposed a rule that was consistent with the AIP and gave the public an opportunity to review and comment on the proposed rule. EPA considered the comments it received on the proposed rule in finalizing the RTCR.

Who will be affected by the RTCR? The entities potentially affected by this final rule are PWSs that are classified as community water systems (e.g., systems that provide water to year-round residents in places like homes or apartment buildings) or non-community water systems (e.g., systems that provide water to people in locations such as schools, office buildings, restaurants, etc.); state primacy agencies; and local and tribal governments. As with the 1989 TCR, the RTCR will impact approximately 154,000 PWSs. These water systems serve approximately 307 million individuals.

How much will the RTCR cost public water systems and consumers? The estimated net incremental cost of the RTCR is \$14 million annually. This represents total increased costs relative to the 1989 TCR provisions. PWSs are estimated to incur approximately 90 percent of the revised rule's net annualized present value costs. States/primacy agencies incur the remaining costs.

When do public water systems and primacy agencies need to comply with the RTCR? PWSs and primacy agencies must comply with the requirements of the RTCR beginning April 1, 2016.

How can I get more information? For additional information about the rule, please visit the EPA Total Coliform Rule Web site, <http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation.cfm>. You may also visit the EPA Drinking Water Web site at www.water.epa.gov/drink or contact the Safe Drinking Water Hotline at 1-800-426-4791, for more information about the rule or for general information on drinking water. Local or international calls can reach the Hotline at 703-412-3330. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10:00 a.m. to 4:00 p.m. Eastern time.

Commonwealth of the Northern Mariana Islands
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PART 2 – CNMI NATIONAL PRIMARY DRINKING WATER REGULATIONS

Subpart A – General

2141.0 Referenced version of 40 CFR 141

All references to 40 CFR § 141 of the National Primary Drinking Water Regulations in these regulations refer to the version as revised and codified as of ~~July 1, 2007~~ July 1, 2014.

Subpart I – Control of Lead and Copper

2141.80 General requirements

The provisions of 40 CFR §141.80 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference, with the exception of 40 CFR §141.80(a)(2). The requirements set forth in Subpart I of Part 2 of the CNMI Drinking Water Regulations took effect on July 15, 1994.

2141.81 Applicability of corrosion control treatment steps to small, medium-sized and large water systems

The provisions of 40 CFR §141.81 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.82 Description of corrosion control treatment requirements

The provisions of 40 CFR §141.82 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.83 Source water treatment requirements

The provisions of 40 CFR §141.83 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.84 Lead service line replacement requirements

The provisions of 40 CFR §141.84 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.85 Public education and supplemental monitoring requirements

The provisions of 40 CFR §141.85 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference, with the following modifications and additions.

(a) [Reserved]

(b) Delivery of a public education program for non-English speaking users.

(1) Garment manufacturing facilities. Public water systems regulated under §2141.80 that are garment manufacturing facilities with foreign contract workers must provide fully translated public education materials in the appropriate language for the majority of their workers, in addition to an English language version.

(2) Other public water systems regulated under §2141.80 serving non-English speaking populations.

(i) Any public water system serving water to non-English speaking users must insert the following mandatory translation text into their public education materials, in all appropriate languages: “This document contains important information about the chemical lead, which has been found in your drinking water. It discusses the health effects of lead, how lead gets into your drinking water, and actions you can take to reduce your exposure to lead. If you cannot read or understand this document, have someone translate it for you.”

(ii) If the public water system can sufficiently document to the Director that any non-English speaking population comprises ten percent (10%) or less of the total population served by the water system, then the requirements of §2141.85(b)(2)(i) do not apply and the water system does not need to insert the translation text in that particular language into its public education material. The Director may require an affidavit certifying that the particular non-English population comprises ten percent or less of the total population served, or may require additional documentation that supports such claim.

2141.86 Monitoring requirements for lead and copper in tap water

The provisions of 40 CFR §141.86 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference, with the following modifications and additions.

(a) Tier 1 sample sites for community water systems. The text found within 40 CFR §141.86(a)(3)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”

(b) Tier 2 sample sites for community water systems. The text found within 40 CFR §141.86(a)(4)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”

(c) Tier 3 sample sites for community water systems. The first sentence of the text found in 40 CFR §141.86(a)(5) is replaced with, “Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool from ‘tier 3 sampling sites,’ consisting of

single family structures that contain copper pipes with lead solder installed before 1998 or are provided with rainwater that is mixed with water from another source.”

(d) Tier 1 sample sites for non-transient non-community water systems. (1) The text found within 40 CFR §141.86(a)(6)(i) is replaced with, “Contain copper pipes with lead solder installed after 1997 or contain lead pipes or are provided with either centrally-treated reverse osmosis water or pure rainwater; and/or”

(e) Tier 2 sample sites for non-transient non-community water systems. The first sentence of the text found in 40 CFR §141.86(a)(7) is replaced with, “A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in paragraph (a)(6) of this section shall complete its sampling pool with sample sites that contain copper pipes with lead solder installed before 1998 or that are provided with rainwater that is mixed with water from another source.”

(f) Water systems providing reverse osmosis water or rainwater. Any public water system that provides centrally treated reverse osmosis water or pure rainwater (rainwater that is not mixed with water from another water source) must collect at least 50% of their lead and copper samples from sample sites served with that water.

2141.87 Monitoring requirements for water quality parameters

The provisions of 40 CFR §141.87 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.88 Monitoring requirements for lead and copper in source water

The provisions of 40 CFR §141.88 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.89 Analytical methods

The provisions of 40 CFR §141.89 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.90 Reporting requirements

The provisions of 40 CFR §141.90 of the National Primary Drinking Water Regulations, ~~as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.91 Recordkeeping requirements

The provisions of 40 CFR §141.91 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Subpart O – Consumer Confidence Reports

2141.151 Purpose and applicability of this subpart

The provisions of 40 CFR §141.151 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.152 Effective dates

The provisions of 40 CFR §141.152 of the National Primary Drinking Water Regulations are hereby adopted by reference. The effective dates listed in the Code of Federal Regulations only pertain to federal standards and requirements

2141.153 Content of the reports

The provisions of 40 CFR §141.153 of the National Primary Drinking Water Regulations are hereby adopted by reference, with the following additions.

(a) Garment manufacturing facilities. Public water systems that are regulated under §2141.151 that are garment manufacturing facilities with foreign contract workers must produce fully translated consumer confidence reports in the appropriate language for the majority of their workers, in addition to an English language version.

(b) Other public water systems regulated under §2141.151 serving non-English speaking populations.

(1) Any other public water system serving water to non-English speaking users must insert the following or similar translation text into their consumer confidence report in all appropriate languages: “This document contains important information about your drinking water. If you cannot read or understand this document, have someone translate it for you, or speak with someone who understands it.”

(2) If the public water system can sufficiently document to the Director that any non-English speaking population comprises ten percent (10%) or less of the total population served by the water system, then the requirements of §2141.153(b)(i) do not apply and the water system does not need to insert the translation text in that particular language into its consumer confidence report. The Director may require an affidavit certifying that the particular non-English population comprises ten percent or less of the total population served, or may require additional documentation that supports such a claim.

2141.154 Required additional health information

The provisions of 40 CFR §141.154 of the National Primary Drinking Water Regulations, ~~and as amended in Federal Register Vol. 72, No. 195, October 10, 2007,~~ are hereby adopted by reference.

2141.155 Report delivery and recordkeeping

The provisions of 40 CFR §141.155 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Appendix A to Subpart O of Part 2 – Regulated Contaminants

The provisions of Appendix A to Subpart O of 40 CFR Part 141 of the National Primary Drinking Water Regulations are hereby adopted by reference.

Subpart Y – Revised Total Coliform Rule

Section

2141.851 General.

2141.852 Analytical methods and laboratory certification.

2141.853 General monitoring requirements for all public water systems.

2141.854 Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water.

2141.855 Routine monitoring requirements for community water systems serving 1,000 or fewer people using only ground water.

2141.856 Routing monitoring requirements for subpart H public water systems of this part serving 1,000 or fewer people.

2141.857 Routine monitoring requirements for public water systems serving more than 1,000 people.

2141.858 Repeat monitoring and *E. Coli* requirements.

2141.859 Coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination.

2141.860 Violations.

2141.861 Reporting and recordkeeping.

2141.851 General.

The provisions of 40 CFR §§141.851 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.851 Analytical methods and laboratory certification.

The provisions of 40 CFR §§141.852 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.853 General monitoring requirements for all public water systems.

The provisions of 40 CFR §§141.853 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.854 Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water.

The provisions of 40 CFR §§141.854 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.855 Routing monitoring requirements for community water systems serving 1,000 or fewer people using only ground water.

The provisions of 40 CFR §§141.855 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.856 Routine monitoring requirements for subpart H public water systems serving 1,000 or fewer people.

The provisions of 40 CFR §§141.856 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.857 Routine monitoring requirements for public water systems serving more than 1,000 people.

The provisions of 40 CFR §§141.857 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.858 Repeat monitoring and *E. Coli* requirements.

The provisions of 40 CFR §§141.858 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.859 Coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination.

The provisions of 40 CFR §§141.859 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.860 Violations.

The provisions of 40 CFR §§141.860 of the National Primary Drinking Water Regulations are hereby adopted by reference.

2141.861 Reporting and recordkeeping.

The provisions of 40 CFR §§141.861 of the National Primary Drinking Water Regulations are hereby adopted by reference.

PART 3 – CNMI NATIONAL SECONDARY DRINKING WATER REGULATIONS

Subpart A – National Secondary Drinking Water Regulations

3143.0 Referenced version of 40 CFR 143

All references to 40 CFR § 143 of the National Secondary Drinking Water Regulations mentioned in these CNMI Drinking Water Regulations, refer to version as revised and codified as of ~~July 1, 2007~~July 1, 2014.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER No. 2015-15

RENEWAL OF DECLARATION OF MAJOR DISASTER AND SIGNIFICANT EMERGENCY IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

WHEREAS, on August 2, 2015, Typhoon Soudelor struck the Commonwealth of the Northern Mariana Islands;

WHEREAS, Typhoon Soudelor caused significant damage to public and private property;

WHEREAS, on August 3, 2015, Acting Governor Ralph DLG. Torres issued a Declaration of Major Disaster and Significant Emergency;

WHEREAS, on August 5, 2015, President Barack H. Obama issued a major disaster declaration for the Commonwealth under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq.;

WHEREAS, on September 3, 2015, Governor Eloy S. Inos renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency;

WHEREAS, full utility services have not yet been restored to the island of Saipan;

WHEREAS, the disruption of critical infrastructure poses a significant threat to the peace, health, and safety of the Commonwealth's residents;

NOW, THEREFORE, I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and by the Homeland Security and Emergency Management Act of 2013, 1 CMC §§ 20141-20147, do hereby again renew the August 3, 2015 Declaration of Major Disaster and Significant Emergency in the Commonwealth of the Northern Mariana Islands that was previously renewed on September 3, 2015.

I HEREBY INVOKE MY AUTHORITY under Article III, § 10 of the Northern Mariana Islands Constitution and under 1 CMC § 20144 to protect the health and safety of the people of the Commonwealth. Accordingly, the following is hereby **ORDERED**:

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 237-2200 Facsimile: (670) 664-2211/2311

I. RENEWAL OF DECLARATION OF MAJOR DISASTER AND STATE OF SIGNIFICANT EMERGENCY

The August 3, 2015 Declaration of Major Disaster and Significant Emergency issued by Acting Governor Ralph DLG. Torres, and renewed for a first time on September 3, 2015, is hereby again renewed in its entirety without change, except that the report from the Homeland Security and Emergency Management Office to the Office of the Governor (as described in Section I of the Declaration) shall be submitted on or about November 15, 2015, and the expiration of the Declaration (as described in Section VII) shall be extended an additional thirty (30) days from the date of this Executive Order.

II. EFFECTIVE DATE

This second Renewal of the August 3, 2015 Declaration of Major Disaster and State of Significant Emergency shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with the August 3, 2015 Declaration shall also remain in effect for thirty (30) days from the date of this Executive Order.

Done this 2nd day of October, 2015.



ELOY S. INOS



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER No. 2015-16

ESTABLISHMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS INTERAGENCY WAR ON ICE TASK FORCE

WHEREAS, the highly addictive and destructive stimulant drug crystal methamphetamine, commonly known as "ice," is spreading through the community of the Commonwealth of the Northern Mariana Islands at an alarming rate;

WHEREAS, the smuggling, distribution, and use of crystal methamphetamine has disrupted, ruined, and negatively impacted the lives and health of many in our community, most especially young people;

WHEREAS, crystal methamphetamine is tearing apart the fabric of our community, destroying our families, and has become the leading driver behind thefts and crime in the Commonwealth; and

WHEREAS, solving the problem of crystal methamphetamine in the Commonwealth will require extensive interagency collaboration, the sharing of ideas and law-enforcement related intelligence, and addressing the issue of crystal methamphetamine use from multiple perspectives; and

WHEREAS, the formation of a task force to address the problem of crystal methamphetamine in the Commonwealth will significantly promote such necessary interagency collaboration, sharing of ideas and law-enforcement related intelligence, and will allow for the issue of crystal methamphetamine use to be addressed from multiple perspectives;

NOW, THEREFORE, I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands, do hereby establish the Commonwealth of the Northern Mariana Islands Interagency War on Ice Task Force ("War on Ice Task Force" or "Task Force"). The Task Force shall address the proliferation and negative impact of crystal methamphetamine within the Commonwealth.

I HEREBY INVOKE MY AUTHORITY AND ORDER THE FOLLOWING:

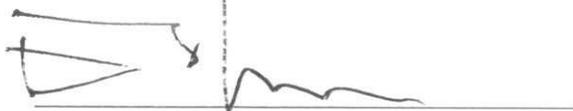
1. The Commonwealth of the Northern Mariana Islands Interagency War on Ice Task Force is hereby established.

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2. The War on Ice Task Force shall consist of the following persons:
 - a. The Lieutenant Governor.
 - b. The Commissioner of the Department of Public Safety.
 - c. The Commissioner of the Department of Corrections.
 - d. The Special Assistant for Homeland Security and Emergency Management.
 - e. The Chief of Customs of the Customs Service of the Department of Finance.
 - f. The Chief of the Commonwealth Ports Authority Police.
 - g. One senior staff member from the Commonwealth Healthcare Corporation (CHCC) appointed by the CHCC Chief Executive Officer.
 - h. One senior staff member from the Community Guidance Center (CGC) appointed by the Director of the Community Guidance Center.
 - i. One senior staff member from the Public School System (PSS) appointed by the Commissioner of the Public School System.
 - j. One judge or justice from the Commonwealth Judiciary appointed by the Chief Justice of the Commonwealth Supreme Court.
 - k. One member of the Commonwealth House of Representatives appointed by the Speaker of the House.
 - l. One member of the Commonwealth Senate appointed by the President of the Senate.
 - m. The Attorney General (or designee).
 - n. One assistant attorney general (or higher ranking attorney) from the Office of the Attorney General. If the Attorney General designates an attorney from outside the Criminal Division as his or her designee to the War on Ice Task Force, the second attorney assigned from the Office of the Attorney General must be from the Criminal Division.
3. Individually appointed members of the War on Ice Task Force shall serve until they are removed by the appointing authority, they resign from the Task Force, they resign or are terminated from their position of employment, or until the Task Force is dissolved.
4. Members of the War on Ice Task Force serving by virtue of holding a specific position shall serve until they no longer hold that position or until the Task Force is dissolved.
5. The Lieutenant Governor shall serve as Chair of the War on Ice Task Force. In the event the Lieutenant Governor cannot attend a meeting, he or she shall designate an acting chair. If no such designation is made, the Task Force may elect a member by majority vote to chair the single meeting for which the Lieutenant Governor is absent.

6. The War on Ice Task Force shall remain in existence for two years after the date this order is signed. While the Task Force's existence may be extended past that date by an additional executive order, the Task Force will be dissolved on that date unless any such action is taken to extend its existence.
7. Functions and meetings of the War on Ice Task Force are exempt from the Open Government Act, as the Task Force is not the governing body of a public agency. However, minutes shall be taken of all meetings, and the Task Force shall make its minutes and activities as open as possible to the public in so far as doing so does not compromise law enforcement intelligence or otherwise jeopardize the Task Force's efforts.
8. The War on Ice Task Force is responsible for formulating policy at all levels aimed at combating the epidemic and coordinating and planning all possible means of tackling the problem of crystal methamphetamine in the Commonwealth.
9. The War on Ice Task Force is responsible for the promotion of interagency collaboration and sharing of ideas and law-enforcement related intelligence as related to combating the problem of crystal methamphetamine in the Commonwealth.
10. In carrying out its various functions, the War on Ice Task Force shall have at least three Task Force Committees: the Committee on Enforcement, the Committee on Mental Health, and the Committee on Community Use and Prevention. Members of each committee shall be appointed by the Lieutenant Governor in accordance with their respective skills, interests, and areas of expertise.
11. The War on Ice Task Force shall file a report with the Office of the Governor every six months detailing its efforts and progress in finding solutions to combat the problem of crystal methamphetamine in the Commonwealth. The report shall be in writing, and reviewed and approved by the Task Force.
12. All members of the War on Ice Task Force shall sign a confidentiality agreement before the Task Force begins its work. Such agreement shall only restrict the public discussion of law enforcement intelligence or other information that would jeopardize the Task Force's efforts. When such information is discussed or distributed within the Task Force, its confidential nature should be made clear to all Task Force members reviewing or hearing it.

Done this 18th day of October, 2015.



ELOY S. INOS



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Ralph DLG. Torres
Lieutenant Governor

EXECUTIVE ORDER NO. 2015-17

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

AUTHORITY: I, RALPH DLG. TORRES, pursuant to the authority vested in me as Acting Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

WHEREAS, WITHOUT CUC ELECTRICITY:

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited fuel supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;

- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup fuel supplies for emergency generators were exhausted; and
- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed over \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by other users;
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to

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nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law*. 4 CMC § 8123(h);

- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I,

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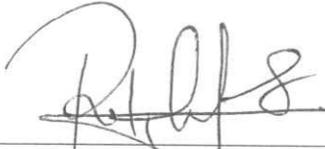
prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

DIRECTIVE: Insofar as it applies to CUC, 3 CMC § 4531 is hereby suspended. As a result of the suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directive is in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

SIGNED AND PROMULGATED on this 19th day of October 2015.



RALPH DLG. TORRES
Acting Governor