

AN ACT

To facilitate immediate, emergency implementation of the design and construction of the sanitary landfill project on Saipan and closure of the Puerto Rico Dump; to authorize the Department of Public Works to implement the project with a turn-key approach; and for other purposes.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Title. This Act shall be cited as the "Emergency Puerto Rico Dumpsite Closure Act of 1994".

Section 2. Findings. The Legislature makes the following findings:

(a) Article I, Section 9 of the Commonwealth Constitution states that each person in the Northern Mariana Islands has the right to a clean and healthy environment, including the air, land, and water.

(b) The Puerto Rico Dump has been used since the end of World War II as a repository for military hardware, including live ordinance, as well as garbage, refuse, trash, used automobile parts, garment wastes, dead animals, household and industrial toxins.

(c) The health, safety and economy of the people are severely threatened by the rodents, flies, dogs, cats and other pests that reside in or near the dump and carry disease. In addition, the highly toxic smoke from uncontrolled burning of such refuse creates an additional threat to the health of all local residents and visitors alike and the water seepage and runoff (leachate) threatens the ground water and lagoon resources.

(d) Public Law 9-1 calls for the expenditure of \$16 million in capital improvement funds for a sanitary landfill "project." Such project includes a sanitary landfill, transfer stations, incinerator and recycling centers.

(e) Both houses of the Legislature have been focusing on the grave public health issues faced by the Commonwealth as long as the Puerto Rico Dump remains open. There have been many proposed solutions from conscientious concerned members of both the House of Representatives and the Senate. In fact the House, just last month, passed a bill with one proposed solution. Now, however, in light of extensive discussions with the Department of Public Works and considering many other relevant factors which have come to light in the past weeks, the Legislature has formulated this bill as a more specifically

tailored solution while also incorporating many of the good points of the original House bill.

(f) The Legislature believes that a turn-key construction contract to accomplish the integrated approach to fulfilling the project would best serve the intent of the law, allow the project to proceed without delay and enable the Department of Public Works efficiently to monitor the progress of the project. For the purposes of this Act, turn-key shall mean the award of the construction management contracts by the Department of Public Works, through competitive sealed proposals, in order to expedite the simultaneous or phased construction of a sanitary landfill, transfer stations, recycling centers, and incinerator within the time frames specified by this Act.

(g) A turn-key construction contract to accomplish an integrated approach to construction would allow a contractor selected by competitive proposal to immediately and expeditiously begin to construct and complete the sanitary landfill and related facilities and close the Puerto Rico Dump in accordance with this Act and the intent of Public Law 9-1.

Section 3. The Sanitary Landfill. The Department of Public Works shall immediately commence developing and constructing the sanitary landfill project on a five-acre cell by five-acre cell basis, with appropriate corresponding incinerator, transfer stations, and related equipment. The project shall be implemented through a turn-key approach that will accomplish integrated implementation of the project. The construction shall be completed within eight months thereafter.

Section 4. Interim Closure of the Puerto Rico Dump. "Interim Closure" for the purposes of this Act shall mean the cessation of waste acceptance and operations and implementation of temporary improvements at the Puerto Rico Dump site. The Governor shall effect Interim Closure of the Puerto Rico Dump in compliance with any procedures required to qualify for federal funding from the Department of Defense, in addition to local resources, to prepare for the Final Closure of the Puerto Rico Dump. The Interim Closure of the Puerto Rico Dump and commencement of the cleanup for the Final Closure shall occur on the earlier of the opening date of the new sanitary landfill, appropriate incinerator, transfer stations, recycling centers, and other waste management facilities or fourteen (14) months after the effective date of this Act.

Section 5. Notice of Closure. The Governor shall provide notice to the general public of the official Interim Closure date for the Puerto Rico Dump Site, by running an announcement in a newspaper of popular circulation for five days prior to closure and by posting notice at the Dump Site. After this noticed closure date, it will be unlawful for any person or entity, real or corporate, private or governmental to use the Puerto Rico Dump.

Section 6. Final Closure of the Puerto Rico Dump. For the purposes of this Act, "Final Closure" means capping, containment, site restoration, and environmental monitoring of the Puerto Rico Dump in accordance with applicable federal requirements including, but not limited to, the applicable provisions of the Resources Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), and the Comprehensive Environmental Response and Liability Act (CERCLA). The Governor shall immediately pursue any funding which may be available from the U.S. Government, including the Department of Defense (DOD), Environmental Protection Agency (USEPA), and Department of Interior (DOI), in addition to local resources, to develop plans for and implement the Final Closure of the Puerto Rico Dump.

Section 7. Criminal Penalty. Any person or entity who violates any provision of this Act shall be guilty of a misdemeanor and, upon conviction, for each violation of a provision shall be fined Six Hundred Dollars (\$600.00) or be imprisoned for three months, or both. Ongoing violations shall incur the foregoing penalties per day for as long as the violation continues.

Section 8. Severability. If any provision of this Act is held invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 9. 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 at the date this Act becomes effective.

Section 10. Effective Date. This Act shall take effect upon its approval by the Governor, or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ Juan S. Demapan
JUAN S. DEMAPAN
PRESIDENT OF THE SENATE

/s/ David M. Cing
DAVID M. CING
SENATE LEGISLATIVE SECRETARY

Approved this 30th day of June, 1995.

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS