

THIRD REGULAR SESSION, 1999

AN ACT

To amend 2 CMC, Division 3, Chapter 1, Article 3, §3131 by adding a new subsection (i) and amending §3131(c) and (h); Amend 2 CMC, Division 3, Chapter 1, Article 3, §3132(a); Amend 2 CMC, Division 3, Chapter 1, Article 3 by adding a new §3135; Amend 2 CMC, Division 3, Chapter 5, §3513 by adding a new subsection (m); Amend 2 CMC, Division 3, Chapter 5, §3515(b) and §3518(b); Amend 2 CMC, Division 3, Chapter 5, §3520; and for other purposes.

**BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

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 3. Amendments. 2 CMC, Division 3, Chapter 1, Article 3, §3131 is hereby amended by adding a new subsection (i) and amending §3131(c) and (h) to read as follows:

“(i) After exhausting administrative appeals procedures, a person shall be allowed under this Chapter, as a matter of right, to file a civil action within the limits prescribed by law.

§3131(c). If any person fails to comply with any provision of this chapter, or any regulation or order issued under this chapter, or any term of a permit granted pursuant to this chapter, after notice of failure and the expiration of any reasonable period allowed for corrective action, the person is liable for a civil penalty of not more than \$25,000 for each day of the continuance of the violation. A person is liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any necessary action to reverse or reduce any

significant adverse effect of the violation when the person is unwilling or unable to do so. If appropriate, any permit granted to a person pursuant to this chapter may be revoked, suspended, or modified. The director may assess, collect, and compromise any penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing before the Director or a person designated by the Director for that purpose; provided, in emergencies the Director may summarily suspend a permit pending proceedings under this subsection.

§3131(h). Any penalty or fine collected pursuant to this section and any permit fee collected pursuant to regulations issued under the authority of 2 CMC § 3121 shall be deposited in the special Division of Environmental Quality fund account established by the Secretary of Finance.”

Section 4. Amendment. 2 CMC, Division 3, Chapter 1, Article 3, Section 3132(a) is hereby amended to read as follows:

“(a) The Director or his authorized representative shall have access to any facility or records, subject to the regulations under this Act, for the purpose of inspecting the premises and appropriate documents to determine compliance with applicable regulations and/or the terms of any permit. The inspection may be made with or without advance notice to any organization if done for a good purpose, at the discretion of the Director, but shall be made at reasonable times unless an emergency dictates otherwise.”

Section 5. Amendments. 2 CMC, Division 3, Chapter 1, Article 3 is hereby amended by adding a new §3135 to read as follows:

“§3135. Division of Environmental Quality Special Fund Account. The Secretary of Finance shall establish a special fund account called the Division of Environmental Quality Special Fund Account. All penalties and fines collected pursuant to this section and any permit fee collected pursuant to regulations issued under the authority of 2 CMC §3121 shall be deposited in this account. Such funds shall not be subject to fiscal year limitation. The Director, or his or her designee, shall be the expenditure authority for the funds deposited and shall be expended solely for the administration of the Division of Environmental Quality.”

Section 6. Amendments. 2 CMC, Division 3, Chapter 5, §3513 is hereby amended by adding a new subsection (m) to read as follows:

“(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.”

Section 7. Amendments. 2 CMC, Division 3, Chapter 5, §3515(b) is hereby amended to read as follows:

“(b) The Director of the Division of Environmental Quality is authorized to issue emergency permits for debris staging areas.

(1) Emergency permits must be countersigned by the Governor of the Commonwealth.

(2) Notice of an emergency permit must be advertised through at least two forms of public media one week prior to becoming effective.”

Section 8. Amendments. 2 CMC, Division 3, Chapter 5, §3518(b) is hereby amended to read as follows:

“(b) Own, operate, or use debris staging areas for disposal of solid waste without an emergency permit issued pursuant to this chapter. The use of open dumps for disposal of solid waste is strictly prohibited.”

Section 9. Amendments. 2 CMC, Division 3, Chapter 5, §3520 is hereby amended to read as follows:

“§3520. Deposits. All monies, including fees and civil fines, collected by the Director of the Division of Environmental Quality under the provisions of this chapter shall be deposited to the Division of Environmental Quality Special Fund Account.”

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.

Section 12. Effective Date. This Act shall take effect as upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Jesus T. Attao
JESUS T. ATTAO
Acting Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 29th day of September, 1999

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands