

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MARIANA ISLANDS

VOLUME 9 NUMBER 1

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF COMMERCE AND LABOR
SAIPAN, MARIANA ISLANDS 96950
4TH FLOOR, NAURU BUILDING

TEL. 7261/2/3/4

Filed this 14th day of

1:20 pm
MC

January 19 87.

Office of Registrar of Corporations

NOTICE OF ADOPTION Commonwealth of the Northern Mariana Islands

ADOPTION OF THE COMMONWEALTH ALCOHOLIC
BEVERAGE CONTROL BOARD RULES AND REGULATIONS

Pursuant to Section 5575 of Title 4 of the Commonwealth Code, the Commonwealth Alcoholic Beverage Control Board hereby adopts, without change, the Rules and Regulations of the Alcoholic Beverage Control Board as published in the Commonwealth Register, Volume 6, No. 11, page 3230.

During the designated period for public comment, no comments were received by the Commonwealth Alcoholic Beverage Control Board.

These adopted regulations are available for public inspection through the Chairman of the Commonwealth Alcoholic Beverage Control Board.

Date: 1-14-87

F. Tomokane
FRANCISCO TOMOKANE
Chairman, Commonwealth Alcoholic
Beverage Control Board

NUTISIA PUT ADAPTASION

Adaptasion i Areklamento yan Regulasion siha para i Konsilion i Commonwealth put Manehan Atkahot na Gimem Maneska.

Sigun gi Titulu 4, Seksiona 5575, gi Kodikon i Commonwealth, i Konsilion i Commonwealth put Manehan Atkahot na Gimem Maneska, ginen este na nutisia ha adapta, sin tinulaika, i Areklamento yan Regulasion siha para i Konsilion i Commonwealth put Manehan Atkahot na Gimem Maneska ni mapupblika gi halom i Rehistran Commonwealth, Baluma 6, Numiru 11, pahina 3230.

Gi duranten i madesikna na tiempo para i pupbliku na hu na'halom rekomendasion siha, taya' rekomendasion marisibi nu i Konsilion i Commonwealth put Manehan Atkahot na Gimem Maneska.

Este i manma'adapta siha na regulasion, sina manma'inspekta ni pupbliku gi ufisinan i Kabesiyon i Konsilion i Commonwealth put Manehan Atkahot na Gimem Maneska, gi ufisinan i Department of Commerce and Labor, 4th Floor, Nauru Building, Saipan.

Fecha: 1-14-87


FRANCISCO TOMOKANE
Chairman, Commonwealth Alcoholic
Beverage Control Board



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF COMMERCE AND LABOR
SAIPAN, MARIANA ISLANDS 96950
4TH FLOOR, NAURU BUILDING

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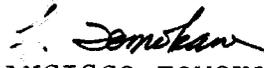
ARONGORONGOL ALLÉGHÉLÓÓL ALLÉGH
ALLÉGHÉLÓÓL ALLÉGHÚL SCHÓÓL ALLÉGHÚL ASCHIIY

Sáangi allégh ye llól táliil 5575 mellól afawuwal Commonwealth Code, schóól Alcoholic Beverage Control Board re ayoorá alléghúl aschiiy llól Commonwealth Register llól awloowal Volume 6, Numuro 11, Peigh 3230.

Llól ráálil kka re ayoorá ngáliir towlap bwe rebwe isiisilong mengemengiir reel allégh kkaal nge esóór le e isiisilong.

Iwe aa alléghélob allégh kkaal nge esóór lliwel mellól. Tilighil allégh kkaal nge eyoor reel Samwoolul schóól lemelemil Commonwealth Alcoholic Beverage Control Board, nge emmwel towlap rebwe mwir sangi.

Rál: 1-14-87


FRANCISCO TOMOKANE
Samwoolul Schóól
Alléghúl Aschiiy



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

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Filed this 15th day of DEPT. or ACTIVITY

January 19 87. 2:15 PM

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE

Notice of Adopted Amendments for Fish and Game
Regulations

The Director of Natural Resources, in accordance with Chapter 13, Public Law 1-8 and Public Law 2-51 has published the amendments to the Regulations for Fish and Game in the Commonwealth Register, Volume 8 No. 9, dated December 16, 1986.

Notice is hereby given that the Director of Natural Resources adopted such amendments as published, without change, effective January 16, 1987.

These adopted amendments are available for public inspection at the Office of the Director of Natural Resources on Capitol Hill, Saipan, or at the Division of Fish and Wildlife, Charlie Dock, Saipan.

Certified by:

Nicolas M. Leon Guerrero
Nicolas M. Leon Guerrero

Director, Natural Resources

Date:

1/15/87



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

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DEPT. or ACTIVITY

January 19 87.

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Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands
NUTISIAN PUPBLEKO

Nutisian i Ma'adoptan Rigulasion Put Guihan yan Manmachalek Na Ga'ga'

I Direktot i Naturat na Guinahan Tano' sigun gi kapituku 13, gi Lain Pubbleku 1-8 yan Lain Pubbleku 2-51 ha pubbleka i ma'amendan i Rigulasion put i Guihan yan manmachalek na ga'ga' gi Rehistran i 'Commonwealth' Baluma (Volume) 8 numiru 9, mafecha gi Decembre dia 16, 1986.

Ilek-na i nutisia na i Direktot i Naturat na Guinahan Tano' ha adopta este siha na amendasion gi ma'emprenta-na sin tinilaika, ifektibu gi Eneru dia 16, 1987.

Este siha na amendasion i manma'adopta mana'fangguahayi i pubbleku para u ma'ina gi ufisinan i Direktot i Naturat na Guinahan Tano' gi 'Capitol Hill', Saipan, osino gi lugat Dibision Guihan yan Manmachalek na Ga'ga, 'Charlie Dock' (Pantalan), Saipan.

Sinettefika as:

Nicolas M. Leon Guerrero
Nicolas M. Leon Guerrero
Direktot, Natural Na Guinahan Tano'

Fecha

1/15/87

The following are proposed amendments to the "Fish and Game" Regulations.

1. Part 3, Section 1c
 - insert "5) Animal part and amount given" after the last sentence.
2. Part 3, Section 1g (7)
 - insert "or coconut crabs" after the last sentence.
3. Part 3, Section 2 - Table I
 - Sambar Deer (everywhere but Rota) change season to read 9/01-10/15.
 - Sambar Deer (Rota change season to read 5/01 - 5/31 and 9/01 - 10/15.

4. Part 5, Section 1b

- after Lovebirds, all Species (Agapornis Spp.)

add: African Grey Parrot (Psittacus erithacus)

Blue and Gold Macaw (Ara ararauna)

Scarlet Macaw (Ara macao)

Green Wing Macaw (Ara chloro*tera)

Military Macaw (Ara militaris)

- Under list of Mammals;

add: Domestic Goat (Capra hircus) after Domestic Cattle (Bos taurus)

delete: Domestic, Brown or Norwegian Rat (Rattus norveicus)

Domestic or House Mouse (Mus musculus)

Part 5, Section 1f

- delete entirely and replace with the following:

f. The Division of Fish and Wildlife will accept applications for addition to the list of admissible animals in (b). Applicants must furnish the Division the following information:

1. Common and Scientific name of Species.
2. Source of Species.
3. Finding of a comprehensive literature search documenting native range, habitat and food habits of the species, history in captivity, and any known cases of feral populations, particularly in similar island ecosystems such as Hawaii.
4. Evidence of possession of an escape - proof cage.

The Chief will consult with the Chief, Division of Animal Health and Industry in reviewing the application. The Chief will inform the applicant and Chief of Animal Health and Industry of his findings within sixty (60) days. Upon approval by the Chief; the Chief of Animal Health and Industry may then issue a permit to the applicant allowing for the importation of the approved species.



Commonwealth of the Northern Mariana Islands
 Department of Public Safety
 Saipan, CM 96950



Tel: 6333/6431 (Emergency)
 6952/7271

PUBLIC NOTICE

ADOPTION OF AMENDED BOATING
 SAFETY REGULATIONS

Filed this 19th day of Jan 1987
 Office of Registrar of Corporations
 Commonwealth of the Northern Mariana Islands

On September 15, 1986 the Department of Public Safety proposed amendments to the Boating Safety Rules and Regulations under the authority of 3 CMC 5459 concerning the operation of jet skis in the Saipan Lagoon and other matters. As a result of public comment, changes were made in the proposed amendments including the following:

- 1) Launching and landing areas were added at Chalan Kanoa Susupe Regional Park and south of the Saipan Beach Hotel.
- 2) A requirement for insurance coverage was added.
- 3) Section 802 was amended to provide for penalties of up to \$1,000 or one year imprisonment for violation of the Regulations pursuant to 3 CMC § 5462.

The final regulations, as amended, follow this notice in the Commonwealth Register and are hereby adopted. Copies may be obtained from the Department of Public Safety, Susupe Saipan CM 96950.

Date: 1-19-87

EDWARD MANIBUSAN
 Director of Public Safety



Commonwealth of the Northern Mariana Islands
 Department of Public Safety
 Saipan, CM 96950



Tel: 6333/6431 (Emergency)
 6952/7271

NUTISIA PARA I PUBLIKU

ADAPTASION I MANMA'AMENDA NA REGULASION

POT SIGURIDAT BOTI SIHA

Gi September 15, 1986, Dipattamenton Seguridat Publico ha prupohi amendasion para i areklamento yan Regulasion i Dipattamenton Publico Saipan put siguridat boti siha i attoridat i 3 CMC 5459 put i operasion Jet Skis gi halom i laguhan Saipan uan bapotsitu otro siha na manera. Komu i rosuttan i rekomendasion ginen i publiku, guaha siha tini-laika manmafatinas gi manmapupoñi na amendasion siha ya ha engklusu i sigiente siha:

1. Lugat siha ni sina muna'huyong yan muna'halom Jet Skis ma'amenta i manahalom gi Chalan Kanoa Susupe Regional Park yan gi lichen i Saipan Beach Hotel.
2. I nisisidat para u tinampe ni insurance ma'amenda.
3. Siksiona 802 ma'amenta ni para u na'guaha muttan salappi' sin mas ki mit pesos (\$1,000) pat penan un anu gi preso put kontradision i regulasion siha sigun gi 3CMC 5462.

I fotmat na regulasion siha, komu manma'amenda, ha tattitutugi este na nutisia gi halom i Rehistran Commonwealth yan ginen eson mismo lokuie na nutisia manma'amenda. I kopia siha sina manmachulie' ginen i ufisinan i Public Safety, Susupe, Saipan, CM 96950.

Date: 1-19-87

EDWARD MANIBUSAN
 Director Public Safety



Commonwealth of the Northern Mariana Islands
 Department of Public Safety
 Saipan, CM 96950



Tel: 6333/6431 (Emergency)
 6952/7271

LIIWELIL FFEERUL ALLEGH REEL TATTAAL WAA GHIKKIT

Wool September 15, 1986 nge Depattementool Public Safety aa aghiy me liwiiliy mwoghutughutul allegh ye elo faal 3 CMC 5459 bwelle reel mwoghutughutul afaaraghil mille Jet Skis llo! satil seipel me akkaaw aghiyagh. Ebwaalo mereel yaar aghiyagh towap, bwe eyoor lliiwel reel allegh yeel, ikka e tattalitiw:

1. Bwuley ye waa kkaal ebwe ghal toowow me toolong iye nge Chalan Kanoa Susupe Regional Park me bwal bwuley ye eerul Saipan Beach Hotel.
2. Ebwal yoor alleghul mwoghutughutul mile insurance.
3. Ebwal lliiwel lo talil ye 802 bwe rebwe ayoora gheegheel aramas, gheeghe yeel nge, emmwel ebwe kalaboos eew raagh, ebwe obwoos sangaras doola (\$1,000), ngare aramas yeel ese attabweey allegh ye elo faal 3 CMC me 5962.

Iyeel allegh ye e lliiwel, attabweey arongorong ye etowow mereel Commonwealth Register. Kopyaal milleel nge emmwel ubwe lo bwughi mereel Depattementool Public Safety, Susupe Saipan CM 96950.

1-19-87
 Maram, Ra1, Raagh

Edward Manibusan
 EDWARD MANIBUSAN
 Samwoolul Public Safety

BOATING SAFETY RULES AND REGULATIONS

I. Operation of Vessels

Section 101. Operation Near Shoreline.

a. No person shall operate a motorboat, aqua-plane, or watercraft of any description at a speed greater than five (5) miles per hour within 200 yards of the shore.

b. No person shall operate a motorboat towing a person on water skis, surfboard or similar device within 200 yards of the shore.

Section 102. Operating In Swimming Zones.

a. No person shall operate a watercraft or vessel of any description within a Swimming Zone.

b. No person shall operate a watercraft or vessel of any description at a speed of greater than five (5) miles per hour within 200 yards of any swimming zone.

Section 103. Operation Near Diving Flags.

a. Skin divers and scuba divers who dive near any area of boating activity are advised to display a diver's flag so that it can be seen by boat operators.

b. An operator of a motorboat or any type of watercraft with a motor shall stay well clear of any diver's flag.

c. A diver's flag is described as a red or orange flag with a white diagonal stripe from the top left corner to the lower right corner.

Section 104. Operation of Motorboat Near Other Water Activities.

An operator of a motorboat or any type of watercraft with a propeller in the water shall stay reasonably clear of any swimmer, sailboat, sailboard or other vessel not propelled by a motor.

Section 105. Operation in Exclusion Areas.

No person shall operate a vessel in an area from which a vessel of that type has been excluded under these regulations.

Section 106. Vessels Carrying Passengers or Cargo Inter-Island.

An operator of any type of vessel for hire which intends to carry either cargo or passengers between one island and another must file a float plan with the Department of Public Safety before embarking on the voyage. The float plan shall be on a form provided by the Boating Safety Division.

II. Safety Equipment

Section 201. Lifesaving Devices.

a. Any vessel carrying passengers for hire shall place signs on board the vessel indicating the location of lifesaving devices so that any reasonable passenger would not have difficulty locating the lifesaving devices.

b. No boat livery shall allow a jet ski or aquaplane to be rented to a person without requiring that person and each passenger to wear a personal flotation device for each person on board.

Section 202. Fire Extinguishers, Flame Arrestors, Lifesaving Devices.

All vessels shall comply with 3 CMC Section 5451(b)(c)(e) and (f), when applicable. The Director of Public Safety hereby prescribes such devices as are approved by the United States Coast Guard.

III. Boating Safety Program

Section 301. Boat Liveries and Boat Tours.

a. The Director of Public Safety shall establish by November 1, 1984 a Boating Safety Education Program in cooperation with the United States Coast Guard. The program shall consist of two segments: the Commonwealth Boating Safety Act of 1982 and its regulations and the United States Coast Guard rules applicable to boat liveries and boat tours in the Northern Mariana Islands.

b. The owners, operators and employees of every livery and boat tour that is in operation in the Commonwealth as of the effective date of these regulations shall attend and successfully complete the Boating Safety Education Program before January 1, 1985. Businesses which go into operation after the effective date of the regulations shall have ninety (90) days from the start of their operation for their owners, operators, and employees to attend and successfully complete the Boating safety Education Program. Owners, operators and employees which become employed by or associated with a boat livery or boat tour which is in operation on the effective date of these regulations, after the effective date shall have ninety (90) days from the date of their employment or association in which to attend and successfully complete the Boating Safety Educational Program.

c. Failure to comply with section 301(b) of these regulations will result in an order from the Director that the boat livery or boat tour not charter, rent or lease vessels on the waters within the Commonwealth and not carry passengers for hire on the waters within the Commonwealth.

d. Failure to obey an order of the Director of Public Safety is a criminal offense for which a person may be fined not more than \$1,000.00 or imprisoned not more than one year, or both, and may result in a court order depriving the offender person or corporation of the privilege of operating any vessel on the waters of the Commonwealth for a period of two years, as provided in 3 CMC Section 5462.

- e. A "boat livery" is defined at 3 CMC Section 5412(a).
- f. A "boat tour" is any vessel which carries passengers for hire for any purpose.

IV. Swimmin• Zones

Section 401. Operation of Swimming zones

- a. The Director of Public Safety or his designee may designate Swimming Zones. A public notice of this designation shall be published in the Commonwealth Register and at least in two (2) consecutive weekly issues of a newspaper of general circulation in the Commonwealth. Additionally, a public notice must be posted in at least one (1) public place each on Saipan, Rota and Tinian for designation of Swimming Zones on each island respectively.
- b. A swimming zone must be conspicuously marked so as to inform a reasonable boating operator that a specific area is a swimming zone.
- c. All Swimming Zones shall be measured not more than 200 feet in length and measured not more than 100 feet in width.
- d. All buoys marking Swimming Zones shall be of a type and size that does not conflict the Code of Federal Boating Safety navigational regulations.

Section 402. Designation of Swimmin• zones

Swimming Zones shall be established and marked in consultation with Coastal Resources Management Office, Marianas Visitors Bureau and adjacent land owners in the following areas:

Areas desi•nated are:

- * The beach in front of Hyatt Regency Hotel.
- * The beach in front of Saipan Beach Hotel.
- * The beach in front of Diamond Hotel.
- * The beach in front of Saipan Grand Hotel.
- * The beach in front of Chalan Kanoa Beach Club Hotel.
- * The beach in front of Surf Hotel.
- * The beach on the southern and western portions of Managaha Island.

V. Jet Ski Operations

501. Application

All jet skis are subject to this section and all other applicable sections of these regulations and the Boating Safety Act of 1982 as amended from time to time.

502. Exclusion Areas

No jet ski may be landed, launched or operated within the following areas:

- A. North Lagoon:
All of the water extending from the mean high water line seaward to the outer shelf of the barrier reef north of a line beginning at the tip of Punta Flores and extending due north.
- B. South Lagoon:
All of the water extending from the mean high water line beginning at a point on the shoreline 30 feet south of Sugar Dock and extending due west.
- C. Micro Beach:
An area extending 200 yards seaward from the mean low water line from the northern end of the Saipan Beach Hotel tennis courts north to the tip of Point Muchot.
- D. An area extending 200 yards seaward from the mean low water line from the pier adjacent to the Carolinian Cultural Center north to the northern edge of the Hafa Adai Hotel.
- E. Grand/Diamond:
An area extending 200 yards seaward from the mean low water line from the southern edge of the Saipan Grand Hotel north to the northern edge of the Diamond Hotel.
- F. Chalan Laulau:
An area extending 200 yards seaward from the mean low water line from the northern edge of Civic Center Beach north to the Garapan Fishing Center dock.
- G. Managaha:
An area surrounding Managaha Island bounded by lines running at latitude 15° 14' 0" N; latitude 15° 14' 45" N; longitude 145° 41' 30" E; longitude 145° 42' 50" E.
- H. Lake Susupe:
The entire area of Lake Susupe.

VI. Jet Ski Rental Operations

601. Definition

A Jet Ski Rental operation is the rental of a jet ski to others on a regular basis for the purpose of operating the jet ski.

602. Launching and Landing

Jet Ski Rental operations shall only stage their operation and allow the launching and landing of their jet skis at the following locations:

- a) The Chalan Kanoa Susupe Regional Park
- b) The southern end of Civic Center Beach.
- c) The Samoan housing in Garapan north of the Hafa Adai Hotel.
- d) The public beach adjacent to Martiu's Bar and Grill.
- e) The Sea Plane Ramp.

603. Operation

Jet Ski Rental operations shall only allow their patrons to operate jet skis on marked courses in the areas of the lagoon adjacent to the launching and landing areas set forth in Section 602 as specified in the operator's Coastal Permit issued by the Coastal Management Program. Such areas are incorporated into these regulations by reference and are subject to enforcement by Boating Safety as part of these regulations. The Jet Ski Rental operators shall be responsible for installing and maintaining all buoys and other markings required for their operation by permit or law.

604. Hours of Operation

Jet Ski Rental operations shall only operate between eight o'clock a.m. and six o'clock p.m.

605. Insurance

All Jet Ski Rental Operators must carry liability insurance in such amounts as may be required by the Coastal Resources Management Office.

606. CRM Permit

No person may conduct a Jet Ski Rental operation without a Coastal Permit issued by the Coastal Resources Management Program.

VII. WATER SKI OPERATIONS

701. No one may water ski in the Managaha exclusion area described in Section 502(F).

VIII. Miscellaneous

801. Severability

Should any section, paragraph, sentence, clause, phrase or application of the rules and regulations be declared unconstitutional or invalid for any reason by competent authority, the remainder or any other application of these rules and regulations shall not be affected in any way thereby.

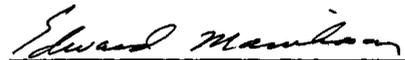
802. Enforcement & Penalties

- a. These rules and regulations shall be enforceable by the Division of Boating Safety in the manner and to the full extent authorized by the Boating Safety Act of 1982 3 CMC Section 5401 et. seq.
- b. Any person who violates any provision of these Regulations shall pursuant to the 3 CMC 5462 be fined not more than \$1,000 or imprisoned not more than one year, or both; provided, that in addition to, or as a condition to the suspension of, such fines and penalties, the Court may deprive the offender of the privilege of operating any vessel on the waters of the Commonwealth for a period of not more than two years.

803. Certification

The undersigned hereby certifies that these rules and regulations have been officially promulgated and adopted as regulations pursuant to the authority contained in the Boating Safety Act of 1982 3 CMC Section 5401 et. seq.

Dated: 1-19-87


EDWARD MANIBUSAN
Director of Public Safety

Filed this 7th day of January 19 87. 4:00 PM
Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE

FINAL ADOPTION OF AMENDED
AIR POLLUTION CONTROL REGULATIONS

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES
DIVISION OF ENVIRONMENTAL QUALITY

On April 17, 1986, the Director of the Department of Public Health and Environmental Services of the Commonwealth of the Northern Mariana Islands proposed amendments to the Air Pollution Control Regulations. The final amended regulations include numerous editorial changes, clarification of the timelines for consideration of applications and public hearings in Part V(E) and the new Part VIII (D)(3) providing a general prohibition of emissions which may be detrimental to health. The attached amended regulations are hereby adopted.

Copies of the amended regulations may be obtained from the Division of Environmental Quality, Department of Public Health and Environmental Services, As Terlaje, Saipan, CM 96950, phone 234-6114/6984.


DR. JOSE T. VILLAGOMEZ, Director
Department of Public Health and
Environmental Services

Date: 10/16/86

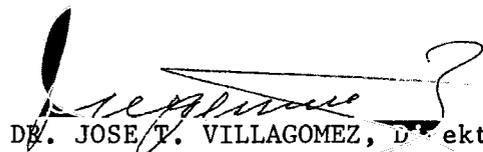
Filed this 7th day of
January 1987 4:00pm
Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

NOTISIAN PUBLIKO

UTTIMO NA ADOPTION POT I MAAMENDA MASUHETAN INAPLACHA' AIRE
DEPATTAMENTON HINEMLO' PUBLIKO YAN SETBISION ENVIRONMENTAL

Gi Abrit dia 17, 1986, i Direktot i Depattamenton Hinemlo' yan Setbision Environmental gi Commonwealth i Sankattan na Islas Marianas ha publika i ma proposa na amendasion para Masuhetan Inaplacha' Aire na regulasion. I uttimo na maamendan regulasion siha inkusu megai siha na tinelaikan editoriat, klarifikasion pot i tiempo para considerasion pot i aplikasion siha yan hiningok publiko gi halom i Patti V(E) yan i nuevo na Patti VIII(D)(3) nina guahayi un henerat na prohibision pot nilaknos ni sina peligru para hinemlo. I maamenda ni manafandana' siha na regulasion man maadopta.

Kopian i man maamenda na regulasion siha sina machuli' ginen i Dibision i Kualidat i Environmental, Depattamenton Hinemlo' Publiko yan Setbision Environmental, As Terlaje, Saipan, CM 96950, telefon numero 234-6984 yan 234-6114.


DR. JOSE Y. VILLAGOMEZ, Direktot
Depattamenton Hinemlo' Publiko
yan Setbision Environmental

Fecha:

2/13/86

CNMI AIR POLLUTION CONTROL REGULATIONS

CNMI AIR POLLUTION CONTROL REGULATIONS

PART I

AUTHORITY

These regulations have been promulgated by the Department of Public Health and Environmental Services in accordance with Commonwealth of the Northern Mariana Islands Public Law 3-23, and the provisions of the Clean Air Act of 1977, as amended. These regulations shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

PART II

PURPOSE AND POLICY

The purpose of these regulations, technical provisions and specifications is to establish certain minimum standards and requirements as determined by the Department to be necessary for the public health and safety to insure that air resources are protected against pollution and do not constitute a health hazard.

PART III

POLICY

It shall be the policy of the Department of Public Health and Environmental Services, Division of Environmental Quality to:

1. Affirmatively protect the right of each person to a clean and healthful public environment, as guaranteed by Section 9 of Article I of the Constitution;
2. Maintain optimum levels of air quality in order to protect and preserve public health and general welfare;
3. Assure that necessary or desirable economic and social development proceeds in an environmentally responsible manner in order to promote the highest attainable quality of life for present and future generations;
4. Preserve, protect, and improve the aesthetic quality of the air in order to promote the beauty of the Commonwealth for the enjoyment of its residents and visitors.

PART IV

DEFINITIONS

Definitions found in PART IV apply to these regulations and to the CNMI State Implementation Plan. All terms used in these regulations, and not defined herein shall have the meanings given them in the Clean Air Act, as amended.

CNMI AIR POLLUTION CONTROL REGULATIONS

- (a) "Act" means the Clean Air Act (42 U.S.C. 1857-18571, as amended by Public Law 91-604, 84 Stat. 1676).
- (b) "Administrator" means the Administrator of the U.S. Environmental Protection Agency (EPA) or his authorized representative.
- (c) "Agricultural burning" shall mean open outdoor fires used in agricultural operations, in the growing of crops, raising of fowl or animals, forest management or range improvement.
- (d) "Air pollutant" shall mean any air pollution agent or combination of such agents, including any physical, chemical biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air, which includes but is not limited to dust, fumes, mist, smoke, other particulate matter, vapor, gas odorous substances, or any combination thereof.
- (e) "Air pollution" shall mean the presence in the outdoor atmosphere of one or more air pollutant in such concentration quantity and duration as is potentially injurious to human health or welfare, animal or plant life, or property or as potentially interfere with the enjoyment of life or property.
- (f) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subjected to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following:
 - (1) Applicable standards as set forth in 40 CFR Part 60 and Part 61,
 - (2) The applicable State implementation plan emission limitation, or
 - (3) The emission rate specified as a permit condition.
- (g) "Ambient air" shall mean the general outdoor atmosphere.
- (h) "Area source" means any residential, governmental institutional, commercial, or industrial fuel combustion operations; Onsite solid waste disposal facility; motor vehicles, aircraft, vessels, or other transportation facilities; or other miscellaneous sources as identified through inventory techniques similar to those described in: "A Rapid Survey Technique for Estimating Community Air Pollution Emissions," Public Health Service Publication No. 999-AP-29, October 1966.
- (i) "Baseline concentration" means that ambient concentration level which exists at the time of the applicable baseline data, minus any contribution from major stationary sources and major modifications thereto on which construction commenced on or after January 6, 1975. The baseline concentration shall include contributions from:

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- (1) The actual emissions of other sources in existence on the applicable baseline date, except that contributions from such existing sources to the extent that a plant revision proposing less restrictive requirements affects such sources was submitted on or before the baseline date and was pending actions by the Administrator on that date shall be determined from the allowable emissions under the plan was revised; and
 - (2) The allowable emissions of major stationary sources and major modifications which commenced construction January 6, 1975, but were not in operation by the applicable baseline date.
- (j) "Baseline date" means, for every part of an Air Quality Control Region (AQCR) designed as unclassifiable or attainment under section 107(d)(1)(D) or (E) of the Act, the date of the first complete application after August 7, 1977 for a permit under this section for any major stationary source or major modification, in any part of the AQCR.
- (k) "Best available control technology" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the act which would be emitted from any proposed major stationary source of major modification which the permitting authority on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques for control of such pollutant. In no event shall application of the best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achieved by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.
- (l) "Capacity factor" means the ratio of the average load on a machine or piece of equipment for the period of time considered, to the capacity rating of the machine or piece of equipment.
- (m) "Chief" shall mean the Chief of the Division of Environmental Quality, Department of Public Health and Environmental Services.
- (n) "Construction" means fabrication, erection, installation, or modification of a source.

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- (o) "Control Strategy" means a combination of measures designated to achieve the aggregate reduction of emissions necessary for attainment and maintenance of a national standard, including, but not limited to, measures such as:
- (1) Emission limitations.
 - (2) Federal, State or Commonwealth emission charges or taxes or other economic incentives or disincentives.
 - (3) Closing or relocation of residential, commercial, or industrial facilities.
 - (4) Changes in schedules or methods of operation of commercial or industrial facilities or transportation systems, including, but not limited to, short-term changes made in accordance with standby plans.
 - (5) Periodic inspection and testing of motor vehicle emission control systems.
 - (6) Emission control measures applicable to in-use motor vehicles, including, but not limited to, measures such as mandatory maintenance, installation of emission control devices, and conversion to gaseous fuels.
 - (7) Measures to reduce motor vehicle traffic, including, but not limited to, measures such as appropriate parking restrictions and traffic operations restrictions.
 - (8) Expansion or promotion of the use of mass transportation facilities through measures such as increases in the frequency, convenience, and passenger-carrying capacity of mass transportation systems.
 - (9) Any land use or transportation control measures not specifically delineated herein.
 - (10) Any variation of, or alternative to, any measure delineated herein.
- (p) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals and either has:
- (1) Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time; or
 - (2) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

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- (q) "Compliance schedule" means the date or dates by which a source or category of sources is required to comply with specific emission limitations contained in an implementation plan and with any increments of progress toward such compliance.
- (r) "Department" shall mean the Department of Public Health and Environmental Services of CNMI or its duly authorized agent, officer, or inspector.
- (s) "Director" shall mean the director of the Department of Public Health and Environmental Services.
- (t) "Division" shall mean the Division of Environmental Quality, Department of Public Health and Environmental Services.
- (u) "Effluent water separator" shall mean any tank, box, sump or other container in which any volatile organic compound floating on entrained or contained in water entering such tank, box sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- (v) "Emission" shall mean the release or discharge of air pollutants into the ambient air from any source.
- (w) "Emission standard" means a regulation (or portion thereof) setting forth an allowable rate of emission, level of opacity, or prescribing equipment or fuel specifications that result in control of air pollution emissions.
- (x) "Emission unit" means any part of a stationary source which emits or has the potential to emit any pollutant regulated under the Act.
- (y) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.
- (z) "Existing source" shall mean any stationary source other than a new source, or other than those new sources subject to the Federal Clean Air Act.
- (aa) "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.
- (bb) "Fixed capital cost" means the capital needed to provide all the depreciable components.
- (cc) "Fossil fuel-fixed steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
- (dd) "Fuel-burning equipment" shall mean any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

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- (ee) "Fugitive dust" shall mean uncontrolled emission of solid airborne particulate matter from any source other than combustion.
- (ff) "Fugitive emissions" means those emissions which do not pass through a stack, chimney, vent, or other functionally equivalent opening.
- (gg) "High terrain" means any area having an elevation of 900 feet or more above the base of the stack of a facility.
- (hh) "Increments of progress" means steps toward compliance which will be taken by a specific source, including:
- (1) Date of submittal of the source's final control plan to the appropriate air pollution control agency;
 - (2) Date by which contracts for emission control systems or process modifications will be awarded; or date by which order will be issued for the purchase of component parts to accomplish emission control or process modification;
 - (3) Date of initiation of on-site construction or installation of emission control equipment or process change;
 - (4) Date by which on-site construction or installation of emission control equipment or process modification is completed; and
 - (5) Date by which final compliance is to be achieved.
- (ii) "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emission reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality of environmental impacts.
- (jj) "Low terrain" means any area other than high terrain.
- (kk) "Major modification" means:
- (1) Any physical change in, or change in the method of operation of, a major stationary source, or series of contemporaneous physical changes in or changes in, the method of operation of, a major stationary source, that would result in a significant net increase in that source's potential to emit the pollutant for which the stationary source is major (or that would make the stationary source major taking into account all accumulated net increases in potential emissions occurring at the source, including any initial construction since August 7, 1977). The term "major modification" serves as the definition of "modification" or "modified" when used in the Act in reference to a major stationary source.

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- (2) A physical change shall not include routine maintenance, repair and replacement.
- (3) A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:
 - (i) Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), a prohibition under the Power Plant and Industrial Fuel Use Act of 1978 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
 - (ii) Use of an alternative fuel or raw material, if prior to January 6, 1975, the source was capable of accommodating such fuel or material;
 - (iii) Use of an alternative fuel by reason of an order or rule under section 125 of the Act;
 - (iv) Change in ownership of the stationary source; or
 - (v) Use of refuse derived fuel generated from municipal solid waste.
- (4) Changes are "contemporaneous" only if reductions occur after a notice is filed pursuant to paragraph X(B)(1) and before operation of the emission unit or units that will result in emission increases. Also, to be "contemporaneous" all of the emission reductions must be completed and enforceable under the state plan before operation of the emission unit or units that will result in any emission increase. Where that new emission unit is a replacement for an emission unit that is being shut down in order to provide the necessary reductions, the reviewing authority may allow up to ±80 days for shakedown of the new emission unit before the existing emission unit is required to cease operation.
- (5) For a series of changes in a stationary source to satisfy the requirement of "no net increase," all of the following must be satisfied:
 - (i) All reductions and all increases must be for the same pollutant;
 - (ii) The sum of all decreases must be greater than or equal to the sum of all increases;
 - (iii) On balance the air quality of the affected area must not be adversely impacted.

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- (6) In performing the calculation in paragraph (kk)(5) of this section (to determine whether the sum of all decreases is greater than or equal to the sum of all increases) the following rules shall apply:
- (i) Subject to the following adjustments, the size of an increase or decrease is determined by the difference between the potential or emit of the change of emissions unit before and after the change.
 - (ii) If potential to emit for a changed emission unit was initially higher than allowable emissions, then no offset credit may be taken for decreasing potential to emit down to allowable emissions.
 - (iii) The requirement of 40 CFR Part 51, Appendix S, sections IV.C.2 and 4 shall apply involving the amount of credit permissible for changing fuels and for replacing one hydrocarbon compound with another of lesser reactivity.
- (11) "Major stationary source" means:
- (1) Any of the following stationary sources of air pollutants which emit, or have the potential to emit, 100 tons per year or more of any pollutant regulated under the Clean Air Act (the "Act"): Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil-fuel boiler (or combination thereof) totalling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capability exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;
 - (2) Notwithstanding the stationary source sizes specified in paragraph (11)(1) of this section, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant regulated under the Act.
 - (3) Any stationary source with the potential to emit 5 tons of lead or more per year.

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- (mm) "Modification" shall mean any physical change to or change in the method of operation, including switching to a fuel with a higher sulfur and/or ash content, of a stationary source which changes the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.
- (nn) "National Standard" means either a primary or a secondary standard.
- (oo) "Necessary preconstruction approvals or permits" means those permits or approvals required under Federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.
- (pp) "New source" shall mean any stationary source, the construction or modification of which is commenced after adoption of any applicable regulation and which is not covered by the New Source Performance Standards section of the Federal Clean Air Act (Section III) and the regulations promulgated thereunder.
- (qq) "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.
- (rr) "Odors" shall mean smells or aromas which are unpleasant to persons, or which interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or create symptoms of nausea, or which are or may be detrimental or dangerous to health.
- (ss) "Opacity" shall mean a state which renders material partially or wholly impervious to rays of light and causes obstruction to an observer's view.
- (tt) "Open burning" shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flare.
- (uu) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect.
- (vv) "Particulate matter" shall mean any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.
- (ww) "Person" shall mean any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, or any State or political subdivision or agency thereof or any legal predecessor, successor, agent, assign representative, or representative agency of the foregoing.

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(xx) "Point Source" means:

- (1) Any stationary source causing emissions in excess of 100 tons (90.7 metric tons) per year of any pollutant for which there is a national standard in a region containing an area whose 1970 "urban place" population, as defined by the Bureau of Census, was equal to or greater than 1 million; or
- (2) Any stationary source causing emissions in excess of 25 tons (22.7 metric tons) per year of any pollutant for which there is a national standard in a region containing an area whose 1970 "urban place" population, as defined by the U.S. Bureau of the Census, was less than 1 million.

(yy) "Potential to emit" means the capability at maximum design capacity to emit a pollutant after the application of air pollution control equipment. Annual potential shall be based on the maximum annual rated capacity of the stationary source assuming continuous year-round operation. Enforceable permit conditions on the type of materials combusted or processed may be used in determining the annual potential. Secondary emissions do not count in determining annual potential. Fugitive emissions also do not count, except with respect to the following stationary sources and then only to the extent quantifiable.

- (1) Coal cleaning plants
- (2) Kraft Pulp mill
- (3) Portland cement plants
- (4) Primary zinc smelters
- (5) Iron and steel mill plants
- (6) Primary aluminum ore reduction plants
- (7) Primary copper smelters
- (8) Municipal incinerators
- (9) Hydrofluoric, sulfuric, or nitric acid plants
- (10) Petroleum refineries
- (11) Lime plants
- (12) Phosphate rock processing plants
- (13) Coke oven batteries
- (14) Sulfur recovery plants
- (15) Carbon black plants
- (16) Primary lead smelters
- (17) Fuel conversion plants
- (18) Sintering plants
- (19) Secondary metal production plants
- (20) Chemical process plants
- (21) Fossil fuel-fired boilers
- (22) Petroleum storage and transfer units
- (23) Taconite ore processing plants
- (24) Glass fiber processing plants
- (25) Charcoal production plants
- (26) Fossil fuel-fired steam electric plants
- (27) Any other stationary source category which, at the time of the applicability determination, is being regulated under section 111 or 112 of the Act.

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- (zz) "Primary standard" means a national primary ambient air quality standard promulgated pursuant to section 109 of the Act.
- (aaa) "Reasonable Available Control Technology" or "RACT" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- (bbb) "Reconstruction" will be presumed to have taken place where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source. However, any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of 40 CFR 60.15(f)(1)-(3). A reconstructed stationary source will be treated as a new stationary source for purposes of this section, except that use of an alternative fuel or raw material by reason of an order in effect under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the Act, shall not be considered reconstruction. In determining best available control technology for a reconstructed stationary source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such stationary source.
- (ccc) "Region" means (1) an air quality control region designated by the Administrator, (2) any area designated by a State agency as an air quality control region and approved by the Administrator, or (3) any area of a State or designated as an air quality control region under paragraph (hh) (1) or (2) of this section.
- (ddd) "Regional Office" means one of the ten (10) EPA Regional Offices.
- (eee) "Ringlemann Chart" shall mean the chart published and described in the U.S. Bureau of Mines Information Circular 8333.
- (fff) "Roadway type" means any class of roadway facility that can be broadly categorized as to function and assigned average speed and capacity values, e.g., expressway, arterial, collector, and local.
- (ggg) "Secondary emission" means emissions which occur or would occur as a result of the construction or operation of a major stationary source or major modification, but do not necessarily come from the major stationary source or major modification itself. For purposes of this section, secondary emissions must be specific and well defined, must be quantifiable, and must impact the same general area as the stationary source or modification which causes the secondary emission. Secondary emissions may include but are not limited to:
- (1) Emissions from ships or trains coming to or from the stationary source or modification; and

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- (2) Emissions from any offsite support source which would be constructed or would not otherwise increase its emissions.
- (hhh) "Secondary standard" means a national secondary ambient air quality standard promulgated pursuant to section 109 of the Act.
- (iii) "Smoke" shall mean the gaseous products of burning carbonaceous materials made visible by the presence of small particles of carbon.
- (jjj) "Stack" shall mean any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.
- (kkk) "Standard stack conditions" shall mean a dry gas temperature of 70 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute (21.1 degrees C, 760 mm Hg.).
- (lll) "State Implementation Plan" (or "SIP") shall mean the Air Pollution Implementation Plan for the CNMI as submitted to the U.S. Environmental Protection Agency on or about May 1980 as amended from time to time.
- (mmm) "Stationary source" means any structure, building, facility or installation which emits or may emit any air pollutant regulated under the Act.
- (nnn) "Structure, building, facility or installation" means any grouping of pollutant-emitting activities which are located on one or more contiguous or adjacent properties and which are owned or operated by the same person (or by persons under common control).
- (ooo) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
- (ppp) "Time period" means any period of time designated by hour, month, season, calendar year, averaging time, or other suitable characteristics, for which ambient air quality is estimated.
- (qqq) "Total Suspended Particulates (TSP)" means the total amount of finely divided solid or liquid material, other than uncombined water, which is suspended in gaseous emissions, as measured by reference methods specified in 40 CFR, Part 60 and its subparts.
- (rrr) "Traffic flow measure" means any measure, such as signal light synchronization and curbside parking restrictions, that is taken for the purpose of improving the flow of traffic and thereby reducing emissions of air pollutant from motor vehicles.

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- (sss) "Transportation control measure" means any measure, such as reducing vehicle use, changing traffic flow patterns, decreasing emissions from individual motor vehicles, or altering existing modal split patterns that is directed toward reducing emissions of air pollutants from transportation sources.
- (ttt) "Trip type" means any class of vehicle trips possessing one or more characteristics (e.g., work, nonwork, peak, off-peak) that distinguish vehicle trips in the class from vehicle trips not in the class.
- (uuu) "Variance" means the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source.
- (vvv) "Vehicle trip" means any movement of a motor vehicle from one location to another that results in the emission of air pollutants by the motor vehicle.
- (www) "Vehicle type" means any class of motor vehicles (e.g., precontrolled, heavy duty vehicles, gasoline powered trucks) whose emissions characteristics are significantly different from the emissions characteristics of motor vehicles not in the class.

PART V

PERMITTING OF NEW SOURCES OR MODIFICATIONS

A. PERMIT REQUIRED

This section applies to all new sources or modifications of major sources of airborne emissions. A permit shall be required for the construction and operation of all new sources or modifications of major sources of emissions.

1. Permit to Construct and Operate

No person shall cause or permit the construction, operation or modification of any new source the use of which may cause the emission of air pollutants without first obtaining a Permit to Construct and Operate for such construction, operation or modification from the Chief. Upon receipt of such permit the applicant is authorized to construct, operate or modify the source in the manner specified by the permit, these regulations, and other applicable Commonwealth and Federal laws, rules and regulations.

B. LIST OF EXEMPTIONS

A Permit to Construct and Operate shall not be required for the following:

1. The installation or altering of an air pollutant detector, air pollution recorder, combustion controller or combustion shut-off.

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2. Air conditioning or ventilating system not designed to remove air pollutants generated by or released from equipment.
3. Fuel burning equipment, other than smoke house generators, which is used in a private dwelling; or has a BTU gross input rate of less than 500,000 BTU per hour; or is used for space heating, other than boilers and hot air furnaces.
4. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum gross heat input rate of less than 250 million BTU per hour singly or in combination for all systems located at any one site, and are fired exclusively with one of the following: 1) natural or synthetic gas; 2) Liquified petroleum gas; 3) a combination of natural or synthetic and/or liquified petroleum gas.
5. Mobile internal combustion engines.
6. Laboratory equipment used exclusively for chemical or physical analyses.
7. Ocean-going vessels.
8. Other sources of minor significance as specified by the Chief.

C. VIOLATORS NOT EXEMPT

Issuance of a Permit to Construct and Operate shall not exempt any person owning or operating a source from prosecution for violations of applicable rules, regulations and permit conditions.

D. APPLICATIONS

1. Application for a permit to Construct and Operate as required by this section shall be made on forms furnished by the Chief and shall be accompanied by two copies of complete data, siting information, plan description, specifications, drawings, and other detailed information necessary to determine in what manner the new sources will be operated and controlled.
2. Each application shall be signed by the applicant and shall constitute a formal agreement that the applicant will assume responsibility for the construction or modification and operation of the equipment in accordance with these rules and regulations.
3. If the applicant is a partnership or group other than a corporation, the application shall be made by one individual who is a member of the group having sufficient authority to legally commit such partnership or group. If the applicant is a corporation, the application shall be made by an officer of the corporation or general manager of the facility.

E. CONDITIONS FOR CONSIDERING APPLICATIONS

1. Within 14 days after receipt of an application for a Permit to Construct and Operate, or any addition to such application, the Chief shall advise the applicant of any deficiency in the application or in the information submitted. The Chief may also request other additional information from the applicant at any time.
2. If the application is for a major permit, as determined by the Chief, the public must be afforded an adequate opportunity to comment prior to the application being deemed complete. The Chief may hold a hearing if the Chief determines such is necessary.
3. An application will be deemed complete for the purposes of this section either on the date of the close of the public comment period, if any, or the date on which applicant provides the Chief with all required information, whichever date is later. Within 21 days, or if the application is a major permit as determined by the Chief, within 45 days, after receipt of a complete application, the Chief shall make a final determination on the application. The Chief shall notify the applicant in writing of his approval, conditional approval or denial. If the application is for a major permit, prior to a final determination, the following requirements must be met:
 - a. The Chief shall make a preliminary determination whether construction and operation should be approved, approved with conditions, or disapproved;
 - b. The applicant shall have the opportunity to submit a written response to the Chief to any comments submitted by the public not later than 10 days after the close of the public comment period.

4. Approval

The Chief shall approve an application for a Permit to Construct and Operate if the applicant can show to the satisfaction of the Chief that:

- a. The new source is designed, built, and equipped in accordance with reasonably available control technology,
- b. The new source is designed and will be constructed or modified to operate without causing a violation of applicable rules and regulations, and
- c. The new source will not endanger the maintenance or attainment of applicable national ambient air quality standards or ambient air increments as set forth as Maximum Allowable Increases for Class II areas for sulfur dioxide and particulate matter in 40 Code of Federal Regulations §52.21 (c) and (d).

A Permit to Construct and Operate shall be issued for any term not to exceed five years, if the Chief determines that such will be in the public interest. The Chief, on application, may renew a permit for additional terms each not to exceed five years.

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5. Conditional Approval

Before granting a Permit to Construct and Operate, the Chief may require the applicant to provide such facilities as are necessary for sampling and testing to determine the air pollutant discharged into the atmosphere and may specify any other conditions which will bring the operation of any new source described in the application within the conditions of this section. Sampling and testing facilities may include but are not limited to the following:

1. Sampling ports of a size, number and location as specified by the Chief.
2. Safe access to the port.
3. Instrumentation for monitoring and recording emission data.

6. Denial

The Chief may deny an application for a Permit to Construct and Operate, if the information submitted shows that the new source described in the application cannot conditionally or otherwise meet the conditions of these regulations, and all fees paid shall be forfeited.

F. PERFORMANCE TESTING

If required by the Chief, the applicant shall conduct performance tests in order to determine compliance with applicable rules and regulations in accordance with the test methods as specified by the Chief with the tests being made at the expense of the applicant. The Chief may monitor or conduct such test at the expense of the applicant.

G. CANCELLATION OF PERMIT TO CONSTRUCT AND OPERATE

1. The Chief may cancel a Permit to Construct and Operate if the approved work is not begun within one year from the date of issuance, or if the work involved in the construction, operation or modification is suspended by the applicant for one year or more.
2. An applicant may request an extension of the cancellation date by writing to the Chief and stating reasons for the request. Extensions may be granted for a period of not more than six months after the cancellation date.

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H. SUSPENSION OR REVOCATION OF PERMIT TO CONSTRUCT AND OPERATE

Any violation of these rules and regulations shall be cause for the Chief to suspend or revoke a Permit to Construct and Operate. Suspension or revocation of a Permit to Construct and Operate shall become final ten days after service of notice on the holder of the permit. A Permit to Construct and Operate which has been revoked shall be surrendered forthwith to the Chief, and all fees paid shall be forfeited.

I. TRANSFER OF PERMIT TO CONSTRUCT AND OPERATE

A Permit to Construct and Operate shall not be transferrable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another, without the Chief's approval or approval with conditions. The Chief may deny any such transfer and require a new application for a permit to construct and operate.

J. REPORTING DISCONTINUANCE OR DISMANTLEMENT

It shall be required of holder of the Permit to Construct and Operate to report to the Chief within thirty days of permanent discontinuance or dismantlement of the source for which the Permit to Construct and Operate has been issued. Such permit shall then be surrendered forthwith to the Chief.

K. POSTING OF PERMIT TO CONSTRUCT AND OPERATE

Upon granting of a Permit to Construct and Operate, the applicant shall post a facsimile of such permit in a conspicuous place at or near the source for which the permit was issued.

L. FALSIFYING OR ALTERING A PERMIT TO CONSTRUCT AND OPERATE

A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Construct and Operate.

M. AIR POLLUTION CONTROL TECHNIQUES

The use of dispersion techniques, as defined at 40 CFR §§ 51.1 (hh),(jj) and (kk) as a form of controlling air pollution are not acceptable unless an exemption from those requirements of the Clean Air Act and EPA policy is granted by EPA to the CNMI under Section 325 of the Clean Air Act.

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PART VI

REGISTRATION OF EXISTING SOURCES

A. REGISTRATION REQUIRED

Any person responsible for the operation of existing sources, the use of which may cause emission of air pollutants shall be required to register with the Chief not later than six months after the effective date of this regulation.

B. LIST OF EXEMPTIONS

Registration shall not be required for the following:

1. An air pollutant detector, air pollutant recorder, combustion controller, or combustion shutoff.
2. Air conditioning or ventilating systems not designed to remove air pollutants generated or released from equipment.
3. Fuel burning equipment, other than smoke house generators, which is used in a private dwelling; or has a BTU gross input rate of less than 500,000 BTU per hour; or is used for space heating, other than boilers and hot air furnaces.
4. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum gross heat input rate of less than 250 million BTU per hour singly or in combination for all systems located at any one site, and are fired exclusively with one of the following: 1) natural or synthetic gas; 2) Liquefied petroleum gas; 3) a combination of natural or synthetic and/or liquefied petroleum gas.
5. Mobile internal combustion engines.
6. Laboratory equipment used exclusively for chemical or physical analyses.
7. Ocean-going vessels.
8. Other sources of minor significance as specified by the Chief.

C. REGISTRATION FORMS

Registration shall be made on forms provided for this purpose by the Chief and shall include such information as may be necessary to enable the Chief to evaluate the nature and extent of emissions.

D. VIOLATORS NOT EXEMPT

Registration shall not exempt any person owning or operating a source from prosecution for violation of applicable rules and regulations.

CNMI AIR POLLUTION CONTROL REGULATIONS

PART VII

SAMPLING, TESTING AND REPORTING METHODS

A. APPROVED SAMPLING AND TESTING TECHNIQUES

1. All sampling and testing shall be made and the results calculated in accordance with test procedures approved by the Chief. All tests shall be made under the direction of persons knowledgeable in the field of air pollution control.
2. The Chief is authorized to conduct tests of emissions of air pollutants from any source. Upon request of the Chief, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air pollutants.

B. RECORD KEEPING AND REPORTING

1. The owner or operator of any stationary source in the CNMI shall, upon notification from the Chief, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Chief to determine whether such source is in compliance with applicable emissions limitations or other requirements.
2. The information recorded shall be summarized and reported to the Chief, on forms furnished by the Chief, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31, except that the initial reporting period shall commence on the date the Chief issues notification of the record-keeping requirements.
3. Information recorded by the owner or operator and copies of the summarizing reports submitted to the Chief shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.
4. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other requirements and will be made available to the public during normal business hours at the Division.

C. SHUTDOWN OF AIR POLLUTION CONTROL EQUIPMENT REPORT

In case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Chief at least twenty-four hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

1. Identification of the specific facility to be taken out of service as well as its location and permit number.

CNMI AIR POLLUTION CONTROL REGULATIONS

2. The expected length of time that the air pollution control equipment will be out of service.
3. The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period.
4. Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.
5. The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

D. AIR POLLUTION CONTROL EQUIPMENT FAILURE REPORT

1. In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air pollutants in violation of applicable rules and regulation, the owner or operator of such equipment shall immediately notify the Chief of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Chief shall also be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation.

PART VIII

PROHIBITION OF AIR POLLUTION

A. CONTROL OF OPEN BURNING

1. No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire. This section shall not apply to:
 - a. Open fires for the cooking of food.
 - b. Fires for recreational, decorative, or ceremonial purposes.
 - c. Fires to abate a fire hazard, providing hazard is so declared by the CNMI Department of Public Safety.
 - d. Fires for the prevention or control of disease or pests.
 - e. Fires for training personnel in the method of fighting fires.
 - f. Fires for the burning of leaves, grass, weeds, wood, paper and similar materials on one's own premises, and provided further that such burning shall not be in violation of other applicable fire control regulations.

CNMI AIR POLLUTION CONTROL REGULATIONS

2. Agricultural burning
 - a. No person shall cause or permit agricultural burning unless a permit has been applied for and obtained from the Chief, provided that this permit is valid only if the conditions specified in the permit are complied with, that the permit is not valid on "no burn" days and provided further that no permit shall be granted for the open burning of trash and other wastes that have been handled or processed by factory operations.
 - b. Applications shall be made on forms specified by the Chief and shall be accompanied by two copies of any data required by the Chief.
 - c. Each application shall be signed by the applicant and shall constitute an agreement that the applicant will assume responsibility for the open agricultural burning in accordance with these rules and regulations.
 - d. The Chief is authorized to declare "no-burn" days for the purpose of reducing the levels of suspended particulate matter which result from atmospheric and environmental conditions.
 - e. Each permittee shall maintain a record of conditions existing at the time of each burn to include the location and identification of burn area, size of area, date and time of day, prevailing wind direction and speed, rainfall in preceding 24 hours, type of materials burned, and any other pertinent data as required by the Chief.
 - f. The Chief shall act on an application within a reasonable period of time, but not to exceed 30 calendar days from the date a complete application is received and shall notify the applicant in writing of its approval or denial of the application. If the Chief has not acted within the 30 calendar day period, the application shall be deemed to have been approved, provided that the Chief may request additional information from the applicant and the 30 calendar day period shall commence on the day the supplementary information is received.
 - g. The permit may be granted for a period of up to one year from the date of approval.
 - h. The Chief may, on his own motion or the application of any person, modify, suspend, or revoke a permit if, after affording the applicant a hearing, he determines that, any condition of the permit has been violated, or the maintenance or attainment of a national air quality standard will be interfered with, or that such is in the public interest.
 - i. The permit shall not be transferrable, whether by operation of law or otherwise or from one person to another.

CNMI AIR POLLUTION CONTROL REGULATIONS

B. CONTROL OF VISIBLE EMISSIONS

1. Existing stationary sources

- a. No person shall cause or permit the emission of visible air pollutants from an existing stationary source of a shade or density equal to or darker than that designated as No. 2 on the Ringelmann Chart or 40 percent opacity, except as provided in Part VIII paragraph B(1)(b).
- b. A person may discharge into the atmosphere from any single source of emission, for a period or periods aggregating not more than 3 minutes in any 60 minutes, air pollutants of a shade or density not darker than No.3 on the Ringelmann Chart or 60 percent opacity.

2. New stationary sources

- a. No person shall cause or permit the emission of visible air pollutants from a new stationary source of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or 20 percent opacity, except as provided in Part paragraph B(2)(b).
 - b. A person may discharge into the atmosphere from any single source of emission, for a period or periods aggregating not more than 3 minutes in any 60 minutes, air pollutants of a shade or density not darker than No.3 on the Ringelmann Chart or 60 percent opacity.
3. The provisions of this Section B shall not apply to any emission which, except for the presence of uncombined water, such as condensed water vapor, would not be in violation of such provisions.

C. CONTROL OF EMISSIONS FROM MOTOR VEHICLES

- 1. No gasoline-powered motor vehicle shall be operated which emits visible smoke while moving upon streets, roads, and highways.
- 2. No diesel-powered motor vehicle shall be operated which emits visible smoke for a period of more than five consecutive seconds while upon streets, roads, and highways.
- 3. No person shall cause, suffer or allow to keep any engine in operation while the motor vehicle is stationary at a loading zone, parking or servicing area, route terminal or other off-street areas, except:
 - a. During the adjustment or repair of such engine at a garage or similar place of repair.
 - b. During operation of ready-mix trucks, cranes, hoists, and certain bulk carriers or other auxillary equipment built onto the vehicle or equipment that require power take-off from the engine, provided that there is not visible discharge or smoke and the equipment is being used and operated for the purposes as originally designed and intended. This exception does not apply to operations of air conditioning equipment or systems.

CNMI AIR POLLUTION CONTROL REGULATIONS

4. If, in the professional opinion of the Chief, fugitive emissions from motor vehicles at a garage or similar place of repair cause a nuisance or pose a threat to the health of persons in the vicinity of the said establishment then the Chief may require the owner and/or operator of the said establishment to provide mitigation of the fugitive emissions to an acceptable mitigation is not achieved in a timely manner, then the said establishment shall be considered in violation of these regulations.

D. CONTROL OF FUGITIVE DUST AND OTHER PARTICULATE MATTER

1. No person shall cause or permit any materials to be handled, transported or stored, or a building or its appurtenances, or a road to be constructed, altered, repaired or demolished without taking reasonable precautions as determined and approved by the Chief, to prevent particulate matter from becoming airborne.
2. No person shall cause or permit the discharge of visible emissions of fugitive dust beyond the lot line of the property on which the emissions originate.
3. No person shall cause or permit the discharge of any vapors, odors or other emissions which are noxious to persons, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, create symptoms of nausea or which are or may be detrimental or dangerous to health.

E. CONTROL OF INCINERATION

1. No person shall cause or permit the emission from any incinerator of particulate matter to exceed 0.20 pounds per 100 pounds of refuse charged.
2. Emission tests shall be conducted at maximum burning capacity of the incinerator.
3. The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Chief in accordance with good engineering practices. In cases of conflict, the determination made by the Chief shall govern.
4. For the purposes of this regulation, the total of the capacities of all furnaces within one system shall be considered the incinerator's capacity.

F. CONTROL OF PROCESS INDUSTRIES

1. No person shall cause or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table VIII-1 for the process weight rate allocated to such source.

CNMI AIR POLLUTION CONTROL REGULATIONS

2. Process weight per hour is the total weight of all materials introduced into any specific process that may cause any emission of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by the number of hours of such period.
3. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the minimum value for allowable emission shall apply.
4. For purposes of this regulation, a process is any method, reaction, or operation whereby materials introduced into the process undergo physical or chemical change. A specific process, independent or production unit, is one which includes all of the equipment and facilities necessary for the completion of the transformation of the materials to produce a physical or chemical change. There may be several specific processes in series necessary to the manufacture of a product. However, where there are parallel series of specific processes, the similar parallel specific processes shall be considered as a specific process for emission regulation.

CNMI AIR POLLUTION CONTROL REGULATIONS

TABLE VIII-1

PROCESS WEIGHT RATE

Process Weight Rate (lb./hr.)	Rate of Emission (lb./hr.)
100	0.551
200	0.877
400	1.40
600	1.83
800	2.22
1,000	2.58
1,500	3.38
2,000	4.10
2,500	4.76
3,000	5.38
3,500	5.96
4,000	6.52
5,000	7.58
6,000	8.56
7,000	9.49
8,000	10.4
9,000	11.2
12,000	13.6
16,000	16.5
18,000	17.9
20,000	19.2
30,000	25.2
40,000	30.5
50,000	35.4
60,000 or more	40.0

Interpolation of the data in this table for process weight rates up to 60,000 lb./hr. shall be accomplished by use of the equation:

$$E = 4.10(p^{0.07})$$

where E = rate of emission in lb./hr. and p = process weight rate in tons/year.

CNMI AIR POLLUTION CONTROL REGULATIONS

G. CONTROL OF SULFUR OXIDES FROM FUEL COMBUSTION

1. No person shall burn, sell, or make available for sale for burning within the CNMI, any fuel containing in excess of 3.5 percent sulfur by weight except for fuel used in ocean-going vessels.
2. The sale and use of fuels prohibited by (1) above may be allowed when the Chief has determined that the use of such fuels will not violate the ambient air quality standards or increments for oxides of sulfur.

H. VARIANCES TO PROHIBITION OF AIR POLLUTION

1. Every application for a variance shall be made on forms furnished by the Chief and shall be accompanied by a complete and detailed description of present conditions, how present conditions do not conform to standards, and such other information as the Chief may prescribe.
2. Each application for a variance shall be reviewed in light of the descriptions, statements, plans, histories, and other supporting information submitted with the application, such additional information as may be submitted upon the request of the Chief, and the effect or probable effect upon the air quality standards established by these rules and regulations.
3. Whenever an application for a variance is approved, the Chief shall issue a variance authorizing the emission in excess of applicable standards. Approval of a variance shall be made only after a public hearing is held by the Chief on the island where the source is to be situated. No variance shall be granted unless the application and the supporting information clearly show that:
 - a. The continuation of the function or operation involved in the emissions by the granting of the variance is in the public interest; and
 - b. The emission occurring or proposed to occur does not substantially endanger human health or safety; and
 - c. Compliance with the rules, regulations, or standards from which the variance is sought would produce serious hardship without equal or greater benefits to the public.
4. Any variance or renewal thereof shall be granted with the requirements of this section and for time periods and other conditions consistent with the reasons therefore, and within the following limitation:
 - a. If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, control or abatement of the emission involved, it shall be only until the necessary means for prevention, control or abatement becomes practicable and subject to the taking of any substitute or alternate measures that the Chief may prescribe. No renewal of variance granted under this subsection shall be allowed without a thorough review of known and available means of preventing, controlling, or abating the emission involved.

CNMI AIR POLLUTION CONTROL REGULATIONS

- b. The Chief issues a variance for a period not exceeding one year.
- c. Every variance granted under this section shall include conditions requiring the owner or operator to guarantee to perform air sampling and report the results to the Chief.
5. Any variance granted pursuant to this section may be renewed from time to time on terms and conditions and for periods not exceeding ten years which would be appropriate on initial granting of a variance; provided that the applicant for renewal has met all of the conditions specified in the immediately preceding variance; and provided, further that the renewal, and the variance issued pursuant thereto, shall provide for emission not greater than that attained pursuant to the terms of the immediately preceding variance at its expiration. No renewal shall be granted except on application therefor. Any such application shall be made at least 60 days prior to the expiration of the variance.
6. No variance shall be granted unless the Chief finds that public health, welfare and safety will not be endangered thereby and that the attainment or maintenance of a National Ambient Air Quality Standard or increment will not be prevented or interfered with.
7. No variance granted pursuant to this part shall be construed to prevent or limit the application of any emergency provisions and procedures provided by law.
8. Variances are SIP revisions and must be approved in advance by the EPA Administrator after approval by the Chief.

PART IX

FEES

A. PAYMENT IN FULL

1. The Chief shall not initiate any action authorized by these rules and regulations which requires a fee prior to receipt of full payment of such fee.

B. REQUIRED FEES

1. Fees shall be as determined by the Chief in accordance with individual cost accounting principles. In no case shall the Chief charge and collect a fee less than \$25.00 unless otherwise stated. Any CNMI or Federal government agency shall be exempt from paying any fee prescribed herein.
2. Fees shall be required for the following:
 - a. Filing Fee for each application for a Permit to Construct and Operate;

CNMI AIR POLLUTION CONTROL REGULATIONS

- b. Where an application is filed for a Permit to Construct and Operate any new source by reason of an alteration or addition and where a Permit to Construct and Operate has been granted.
- c. Where an application is filed for Permit to Construct and Operate by reason of a transfer from one person to another, and no alteration, addition, or transfer of location has been made.
- d. Where an application is filed for a Permit to Construct and Operate by reason of transfer from one location to another permanent location, and no alteration, addition, or transfer of person has been made.
- e. Where a request for a duplicate Permit to Construct and Operate is received by the Chief within 10 days after the destruction, loss or defacement of the permit. Such fee shall be \$5.00.
- f. Registration for each type of existing or new source or modification.
- g. Variances

PART X

PUBLIC PARTICIPATION

A. AVAILABILITY OF INFORMATION

- 1. Prior to approval of an application to Construct and Operate for a major siting, the Chief shall make available on the island which is the site of the proposed source or modification, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in the preliminary determination.

B. PUBLIC NOTICE

- 1. The Chief shall notify the public of a major siting by advertisement in a newspaper of general circulation on the island in which the proposed source would be constructed or modified, of the application, the preliminary determination, the degree of increment consumption, that is expected from the source or modification, and of the opportunity for comment at a public hearing as well as written public comment during a minimum period of 30 days.
- 2. The Chief shall send the notice of public comment to the applicant and to officials and agencies having cognizance over the location where the proposed action would occur.

C. PUBLIC HEARING

- 1. The Chief shall provide an opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, the control technology required, and other appropriate considerations.

CNMI AIR POLLUTION CONTROL REGULATIONS

D. AVAILABILITY OF RESULTS

1. The Chief shall make all comments and the notice of final determination available for public inspection in the same location where preconstruction information was made available.

E. OTHER REQUIREMENTS

1. The Chief shall notify the public on a regular basis of instances or areas in which any primary standard was exceeded during any portion of the preceding calendar year.
2. The Chief shall advise the public of any health hazard associated with such an exceedance of a primary standard.
3. The Chief shall increase the public awareness of measures which can be taken to prevent a primary standard from being exceeded, and ways in which the public can participate in regulatory and other efforts to improve air quality.

PART XI

ENFORCEMENT

A. Administrative Order

The Chief of the Division, shall have the power to issue any necessary order to enforce these regulations and any term of a permit granted pursuant to these regulations. Such order may require that any person violating such provision or term cease and desist from such violation immediately or within a stated period of time, and may require that such person take such mitigating measures as may be necessary to reverse or reduce any significant adverse effect of such violation. Such order may apply to any person in addition to the violator when necessary to protect the public health or welfare.

B. Injunctive Relief

At the request of the department, the Attorney General shall institute a civil action in the Commonwealth Trial Court for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of these regulations order issued under these regulations, or any term of a permit granted pursuant to these regulations.

C. Penalties and Damages

1. Penalties and damages any person who fails to comply with any provision of these regulations or any order issued under these regulations or any term of a permit granted pursuant to these regulations after notice of the failure and the expiration of any reasonable period allowed for corrective action shall be liable for a civil penalty of not more than \$1,000 for each day of the continuance of such failure.
2. A person shall be 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 failure when the person is unwilling or unable to do so.
3. If appropriate, any permit granted to a person pursuant to these regulations may be revoked, suspended, or modified. The Director may assess, collect, compromise any penalty.
4. Any person who knowingly and willfully -
 - (a) violates any provision of these regulations or any order issued under these regulations, or any term of a permit granted pursuant to these regulations;
 - (b) makes any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under these regulations; or
 - (c) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under these regulations, shall, upon conviction, be punished by a fine of not more than \$50,000, or by imprisonment for not more than one year, or both. Each day that a violation under clause (a) of this subsection continues, or each day that any device or method of record remains inaccurate or inoperative because of any activity described in clause (c) of this subsection, shall constitute a separate violation.
5. Whenever a corporation or other entity is subject to prosecution under subsection (4) of this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the prescribed activity shall be subject to the same fines or imprisonment, or both, as provided for under such subsection.

CNMI AIR POLLUTION CONTROL REGULATIONS

6. The remedies and penalties prescribed in this action shall be concurrent and cumulative, and the exercise of one shall not preclude the exercise of the others, and such remedies and penalties shall be in addition to any other remedy or penalty afforded by any other law or regulation.

D. Hearings and Appeals

1. No penalty shall be assessed pursuant to Section XXIII(C) of these regulations until the person charged with violation has been given an opportunity for a hearing before the Chief or a person designated by the Chief for that purpose; provided, however, that in emergencies the Chief may summarily suspend a permit pending proceedings under this subsection.
2. Appeals from and judicial review of any adverse administrative action or decision under this Act shall be conducted as otherwise provided by law.

E. Right of Entry

1. As a condition for the issuance and continuation of any permit granted under these regulations, the holder of a permit shall allow prompt access to the premises covered by the permit to the Chief or his authorized representative for the purpose of inspecting the premises for compliance with the terms of the permit. The inspection may be made with or without advance notice to the permit holder, with good purpose, at the discretion of the Chief, but shall be made at reasonable times unless an emergency dictates otherwise.
2. The Chief or his authorized representative may, with the consent of the owner or occupant, enter upon any property for the purpose of carrying out his duties under this Act.
3. If the Chief has probable cause to believe a violation of these regulations or any order issued under these regulations, or any term of a permit granted that these regulations has occurred or is imminent, or if it is necessary to permit the Chief to perform his duties under this Act, the Chief shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.
4. The Chief or his authorized representative may enter upon any property for the purpose set forth in subsection (3) of this section without an order or warrant if he has probable cause to believe;

CNMI AIR POLLUTION CONTROL REGULATIONS

- (a) that a violation described in the subsection has occurred or is imminent;
- (b) that the violation poses a serious, substantial, and immediate threat to the public health or welfare; and
- (c) that the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of the violation or the taking of any necessary mitigating or remedial measure.

PART XIII

SEVERABILITY

Should any section, paragraph, sentence, clause, phrase or application of these rules and regulations be declared unconstitutional or invalid for any reason by competent authority, the remainder or any other application of these rules and regulations shall not be affected thereby.

PART XIII

EFFECTIVE DATE

The effective date shall be immediately upon adoption of these regulations by the Division of Environmental Quality; provided that, for the date by which modification to existing sources shall have occurred not later than 18 months from the adoption date of these regulations.

PART XIV

CERTIFICATION

The undersigned hereby certifies that these regulations have been officially promulgated and adopted as final regulations pursuant to the authority contained in the Commonwealth of the Northern Mariana Islands Public Law 3-23.


DR. JOSE T. VILLAGOMEZ
Director, Public Health
and Environmental Services


Date



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF COMMERCE AND LABOR
SAIPAN, MARIANA ISLANDS 96950
4TH FLOOR, NAURU BUILDING

Filed this 22nd day of

TEL. 7261/2/3/4

December 19 86. 3:00pm
nr

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE

PROPOSED FOREIGN CURRENCY EXCHANGE RULES AND REGULATIONS

The Director of the Department of Commerce and Labor of the Commonwealth of the Northern Mariana Islands, in accordance with Section 2454 of 1 CMC 2 and Sections 6108 and 6351 of 4 CMC 6, is proposing to promulgate new Rules and Regulations for the provision to implement and provide uniform enforcement of foreign currency exchange.

Copies of the Rules and Regulations may be obtained from the Director, Department of Commerce and Labor, 4th Floor, Nauru Building, Saipan.

The Office of the Department of Commerce and Labor is soliciting views, opinions, facts and data, for or against, the Proposed Rules and Regulations from the general public.

Anyone interested in commenting on the Proposed Rules and Regulations may do so by submitting in writing to the:

Director
Department of Commerce and Labor
Commonwealth of the Northern Mariana Islands
4th Floor, Nauru Building
Saipan, CM 96950

within 30 days from the date this notice is published in the Commonwealth Register.

12-18-86

Date

J. Sablan
JESUS R. SABLAN

Director of Commerce and Labor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 DEPARTMENT OF COMMERCE AND LABOR
 SAIPAN, MARIANA ISLANDS 96950
 4TH FLOOR, NAURU BUILDING

TEL. 7261/2/3/4

Filed this 12nd day of
December 1987 3:00 pm
 ru

Office of Registrar of Corporations
 Commonwealth of the Northern Mariana Islands
NOTISIAN PUPBLIKU

PROPONIN PARA U MA'EMPLEMENTA I AREKLAMENTO PUT MATULAIKAN SALAPPE'

I Direkto i Dipattamenton i Commerce yan Labor gi halom is Commonwealth gi sankattan siha na isla, segun gi Seksiona 2454 gi 1 CMC 2 yan Seksiona 6108 yan 6351 gi 4 CMC 6, ha propoconi para u na'matungo' gi pupbliku i nuebu na aksion yan areklamento para prubison ni para u ma'emplementa yan u pribiniyi un fotmat na inenfuetsa put matulaikan salappe'.

Sina machule' i kopian este na aksion yan areklamento ginen i Direktot i Dipattamenton i Commerce yan Labor gi mina'kuattro bibienda gi gima' Nauru giya Saipan.

Manggagagao i ufisinan i Dipattamenton i Commerce yan Labor idea, upinion yan emfotmasion ni sumapopotta pat kumokontra i mapresenta na aksion yan areklamento ginen i pupblikon hinerat.

Maseha hayi ni gai interes manna'i upinion gi mapresentan este na aksion yan areklamento sina en satmiti gi tinige' guato gi

Direkto
 Dipattamenton i Commerce yan Labor
 Commonwealth of the Northern Mariana Islands
 4th Floor, Nauru Building
 Saipan, CM 96950

gi halom i trenta (30) dias ginen este na fecha nai mapupblika gi rehistran i Commonwealth.

12-18-86
 Fecha

 JESUS R. SABLAN
 Direktot



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 DEPARTMENT OF COMMERCE AND LABOR
 SAIPAN, MARIANA ISLANDS 96950
 4TH FLOOR, NAURU BUILDING

TEL. 7261/2/3/4

Filed this 23rd day of
December 1986. 3:00 pm
RU

Office of Registrar of Corporations
 Commonwealth of the Northern Mariana Islands

ARONGORONGOL TOULAP

TONGOROL ALLEGHUL LLIWELIL SALAAPIL AKKAAW FALIW

Samwoolul Bwulasiyool Commerce me Labor mellól téel Faliw kka Marianas, sáangi allegh ye 2454 mellól 1 CMC 2 me 6110 me bwal 6351 mellól 4 CMC 6, nge ekke tungor bwe ebwe ayoora allegh ffé, reel ebwe aweweey ppaghúuw lemelemil Lliiwelil Salaapiil akkaaw Faliw.

Tilighiil allegh kkaal emmwel ebwe bweibwogh mereel Samwoolul Commerce me Labor mellól Imwal Nauru ye Seipel, afaawuwal nikay.

Bwulasiyool Commerce me Labor ekke tungor yaami mangemang, mafiyami me ngare obwutayemi reel allegh kkaal.

Ngare uobwe issisilong yaami ppalawal, ou ischiiy ngali:

Samwoolul
 Bwulasiyool Commerce me Labor
 Téel Faliw kka Marianas
 Seipel, CM 96950

Llól eliigh (30) ral sáangi ráalil ye e issisilong llól Commonwealth Registrar.

12-18-86
 Ral

J. Sablan

 JESUS R. SABLAN
 Samwoolul Commerce me Labor

PROPOSED FOREIGN CURRENCY EXCHANGE
RULES AND REGULATIONS

1. AUTHORITY AND PURPOSE:

- (a) Authority. The authority for the promulgation and issuance of Foreign Exchange Rules and Regulations is by virtue of Section 2454 of 1 CMC 2 and Sections 6351 and 6108 of 4 CMC 6.
- (b) Purpose. The purpose of the regulations is to establish policy and procedures to implement and provide uniform enforcement of the business of selling foreign currency notes or in the business of receiving money for the purpose of transmitting the same or its equivalent to any country outside the Commonwealth of the Northern Mariana Islands; to require, administer, comply and enforce all licenses issuable under this regulations; and to establish administrative and appeal procedures.

2. DEFINITIONS.

- (a) "Director" means the Director of Banking.
- (b) "Licensee" means any person licensed pursuant to these regulations.

3. FOREIGN EXCHANGE LICENSE. No person shall engage in the business of selling foreign currency notes or in the business of receiving money for the purpose of transmitting the same or its equivalent to any country outside the Northern Mariana Islands without first obtaining a license from the Director. Provisions of these regulations shall not apply to -

- (a) a bank licensed to do business in the Commonwealth or
- (b) the receipt of money by an agent of an incorporated telegraph company at any regular office of such company for immediate transmission by telegraph.

4. FOREIGN EXCHANGE LICENSE FEE. Every licensee shall pay annually a license fee of Two Hundred Fifty Dollars (\$250.00).

5. FOREIGN EXCHANGE LICENSE APPLICATION. The application for a license shall be in writing and shall contain the following information:
- (a) The name, address and nationality of the applicant, and the address from which the business is to take place. If the applicant is a corporation, the names, addresses and nationality of the shareholders, directors and officers and the number of shares held by each shareholder are also required.
 - (b) The name, address and nationality of every agent of the applicant.
 - (c) Whether the license applied for is to be used for the sale of foreign currency notes or the transmittal of money or both.
 - (d) Any other information which the Director may require.
6. DENIAL OF FOREIGN EXCHANGE LICENSE. The Director may deny an application for a license to be issued under these regulations if, after a hearing pursuant to the provisions of the Administrative Procedures Act, he finds that
- (a) granting of the license will be against the public interest.
 - (b) the applicant does not intend actively and in good faith to carry on as a business with the general public the transactions which would be permitted by the issuance of the license applied for.
 - (c) the applicant, and if a corporation, a shareholder, director or officer thereof, is not of good business reputation or is lacking in integrity.
 - (d) The applicant has knowingly or willfully made a misstatement in an application to the Director for a license, or any document filed in support of such application, or has made a false statement in testimony given under oath before the Director or any other person acting in his stead.
 - (e) The applicant has permitted any person in his employ to violate any provision of these regulations.

7. ISSUANCE OF FOREIGN EXCHANGE LICENSE. If the application is approved by the Director, he shall, upon receipt of the license fee, issue to the applicant a license to engage in business in accordance with these regulations.
8. EXPIRATION AND RENEWAL OF FOREIGN EXCHANGE LICENSE.
 - (a) The license is not transferrable or assignable.
 - (b) License expires on the 31st day December following the date of issuance, unless on or before the 15th day of December prior to the expiration date the licensee files an application for renewal and pays to the Director the license fee as prescribed in these regulations.
9. REGISTRATION OF AGENTS. Every agent of a licensee employed within the Commonwealth shall register with the Director and shall pay annually on or before December 1st a registration fee of Twenty Dollars (\$25.00).
10. EXAMINATION. The Director may at any time and from time to time examine the business of any licensee or its agents in order to ascertain whether such business is being conducted in a lawful manner and whether all moneys received for transmission are properly accounted for. Each licensee and its agents shall keep books, records and accounts in such form or manner as the Director may prescribe.
11. MAINTENANCE OF FORMS. Each licensee will obtain and continue to hold for three (3) years a true copy of every receipt form used by it and by its agents for selling foreign currency notes or for money received for transmission. The receipts used shall be printed and prenumbered and consist of at least two (2) copies, one (1) to be given to the customer, the other to be retained by the licensee for record keeping purposes. A receipt used for the sale of foreign currency notes shall contain not less than the following information:
 - (a) The amount and country of origin of the foreign currency notes involved in the transactions.
 - (b) The rate of exchange of the transaction.
 - (c) The U.S. Dollar amount involved in the transaction.

- (d) The commission or other charge received by the licensee for carrying out the transaction.

A receipt used for the transmittal of money shall contain in addition to the above information required for the sale of foreign currency notes, the name and address of the beneficiary and the method in which the beneficiary is to receive the funds transmitted.

No licensee or its agents shall use any receipts, a certified copy of which has not first been filed with the Director. Every licensee violating the requirement of this section shall be subject to a fine of Fifty Dollars (\$50.00) for each violation.

12. FORWARDING OF FUNDS. Every licensee or its agents shall forward all moneys received for transmission to a foreign country or give instructions committing equivalent funds to the person designated by the depositor within ten (10) days after receiving such money, unless otherwise ordered by his customer.

13. SECURITY DEPOSIT.

(a) As security for the faithful performance of its obligations, each licensee before engaging in the business of transmitting money shall deposit with the Treasurer of the Commonwealth Fifteen Thousand Dollars (\$25,000.00) in cash or securities quoted on a recognized stock exchange, this value to be maintained at all times.

(b) In lieu of the deposit of money and securities pursuant to Subsection (a) of this Section, a licensee may deliver to the Director the bond of a surety company, in a form and written by a corporation satisfactory to the Director, in the principal sum of Fifteen Thousand Dollars (\$25,000.00), conditioned upon the faithful holding and transmission of all moneys received by such licensee or its agents for such purpose. The Director shall deposit such bond with the Treasurer of the Commonwealth.

14. TRUST FUND. The money and securities deposited with the Treasurer of the Commonwealth pursuant to Section 13(a) of these regulations and proceeds of any bond held by the Treasurer of the Commonwealth pursuant to Section 13(b) shall constitute a fund for the

benefit of such persons as shall deliver to any such licensee or its agents money for transmission. Suit to recover on any such bond may be brought by any party aggrieved in a court of competent jurisdiction. The service of summons on any agent of such licensee shall constitute service upon such licensee.

15. OWNERSHIP OF FUNDS FOR TRANSMISSION TO A FOREIGN COUNTRY.

All funds, less fees, received by a licensee or its agents for transmission to a foreign country shall constitute trust funds owned by and belonging to the person from whom they were received until such time as directions have been given by the licensee or its agents for payment abroad of the remittance and funds provided for such payment.

16. ORDER TO CEASE UNLAWFUL PRACTICE. If it appears to the Director that the licensee is violating or failing to comply to these regulations, the Director shall direct the licensee to comply with these regulations or if it appears to the Director that any licensee is conducting his business in an unsafe or injurious manner he shall in like manner direct the licensee to discontinue practice. The Order shall require the licensee to show cause before the Director at the time and place to be fixed by him why the Order should not be observed.

17. SUSPENSION OR REVOCATION OF LICENSE. The Director may suspend any license issued pursuant to these regulations if he finds that -

- (a) The licensee has violated a provision of these regulations or any rule issued thereunder.
- (b) Any fact or condition exists which, if it had existed at the time of the original application of such license, would be grounds for denying an application for a license under Section 5 of these regulations.
- (c) The licensee is conducting his business in an unsound manner.

The Director may revoke a license after a hearing held pursuant to the Administrative Procedures Act following a suspension.

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18. CRIMINAL PENALTY FOR VIOLATION. Every person who violates or fails to comply with any of these regulations or who, without complying with the provisions of these regulations, represents that he is authorized to receive, or who solicits or receives, money or the equivalent for transmission to a foreign country, is guilty of a felony.
 19. EFFECTIVE DATE. These regulations are to take effect on January 1, 1987.