

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MARIANA ISLANDS

VOLUME 13 NO. 11



NOVEMBER 15, 1991

COMMONWEALTH

REGISTER

**COMMONWEALTH REGISTER
NOVEMBER 15, 1991
VOLUME 13 NO. 11**

TABLE OF CONTENTS

EXECUTIVE ORDER NO. 01-91 THRU 24-91 8253

EMERGENCY REGULATIONS:

Revenue and Taxation Regulations No. 8301.
Department of Finance, Division of Revenue & Taxation. 8277

Adoption of the Emergency Regulations and Notice of intent
to adopt amendments to the Immigration Regulations.
Office of the Attorney General, Immigration & Naturalization. .8509

First Amendment to Rules for issuance of Gambling exemptions
to Non-Profit Organizations.
Office of the Attorney General 8280

NOTICE OF ADOPTION:

Adoption for the Underground Storage Tank Regulations.
Public Health & Environmental Services, (DEQ) 8281

Adoption for the Amendments to the Water Quality Standards.
Public Health & Environmental Services, (DEQ) 8309

Adoption for the Amendments to Drinking Water Regulations.
Public Health & Environmental Services, (DEQ) 8340

Adoption of Regulations for Engineers, Architect, Land
Surveyors and Landscape Architects.
Board of Professional Licensing 8414

Adoption of the Regulations for the Real Estate Appraisers
Board of Professional Licensing 8465



Commonwealth of the Northern Mariana Islands
 Office of the Governor
 Capitol Hill, Saipan MP/USA 96950



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 Telex: 783-622 Gov. NMI

DATE: 9/5/91
IVY

EXECUTIVE ORDER NO. 01-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Tropical Storm CONDITION II for the island(s) of Rota, _____, _____, effective 7:00 P.M. 9/04/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 7:00 P.M. 9/04/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
 Governor
 Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands
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DATE: 9/05/91
IVY

EXECUTIVE ORDER NO. 02-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Tropical Storm CONDITION II for the island(s) of Saipan, Tinian, _____, effective 2:00 A.M. 9/05/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 2:00 A.M. 9/05/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
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DATE: 9/05/91
IVY

EXECUTIVE ORDER NO. 03-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Tropical Storm CONDITION I for the island(s) of Rota, _____, _____, effective 7:00 A.M. 9/05/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 7:00 A.M. 9/05/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
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Commonwealth of the Northern Mariana Islands



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DATE: 9/05/91

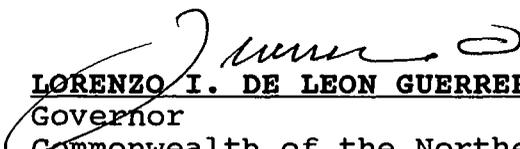
EXECUTIVE ORDER NO. 04-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Tropical Storm CONDITION I for the island(s) of Saipan, Tinian, _____, effective 11:30 A.M. 9/05/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 11:30 A.M. 9/05/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
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DATE: 9/05/91

EXECUTIVE ORDER NO. 05-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Typhoon CONDITION III for the island(s) of Rota, effective 6:30 P.M. 9/05/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically ACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be ACTIVATED, effective, 6:30 P.M. 9/05/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
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DATE: 9/05/91

EXECUTIVE ORDER NO. 06-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Typhoon CONDITION II for the island(s) of Saipan, Tinian, _____, effective 6:30 P.M. 9/05/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 6:30 P.M. 9/05/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
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DATE: 9/05/91

EXECUTIVE ORDER NO. 07-91

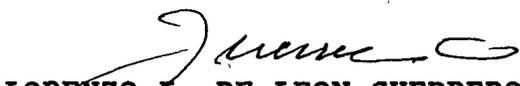
SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Typhoon CONDITION II for the island(s) of Agrihan, _____, _____, effective 7:00 P.M. 9/05/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 7:00 P.M. 9/05/91, continuing (Time and Date)

so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
 Governor
 Commonwealth of the Northern Mariana Islands



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DATE: 9/06/91

EXECUTIVE ORDER NO. 08-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Typhoon CONDITION III for the island(s) of Saipan, Tinian, effective 12:30 A.M. 9/06/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically ACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be ACTIVATED, effective, 12:30 A.M. 9/06/91, continuing (Time and Date)

so long as required by the disaster emergency situation.

Lorenzo I. De Leon Guerrero
Governor
Commonwealth of the Northern Mariana Islands



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DATE: 9/06/91

EXECUTIVE ORDER NO. 09-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared Typhoon CONDITION I for the island(s) of Agrihan, _____, _____, effective 12:30 A.M. 9/06/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 12:30 A.M. 9/06/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
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DATE: 9/06/91

EXECUTIVE ORDER NO. 10-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared "ALL CLEAR" CONDITION _____ for the island(s) of Agrihan, _____, _____, effective 2:00 P.M. 9/06/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 2:00 P.M. 9/06/91, continuing (Time and Date) so long as required by the disaster emergency situation.


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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DATE: 9/19/91

TYPHOON MIREILLE

EXECUTIVE ORDER NO. 11-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared (UPGRADED) Typhoon CONDITION II to the island(s) of Saipan, Tinian, Rota, effective 12:00 P.M. 9/19/91 (Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically ACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be ACTIVATED, effective, 12:00 P.M. 9/19/91, continuing so long as (Time and Date)

required by the emergency situation.

BENJAMIN T. MANGLONA
Acting Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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DATE: 9/19/91

TYPHOON MIREILLE

EXECUTIVE ORDER NO. 12-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared (UPGRADED) TYPHOON CONDITION I to the island(s) of Saipan, Tinian, Rota, effective 2:30 P.M. 9/19/91 (Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically ACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be ACTIVATED, effective, 2:30 P.M. 9/19/91, continuing so long as (Time and Date)

required by the emergency situation.

BENJAMIN T. MANGLONA
Acting Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

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CIVDEF SPN 726

DATE: 9/20/91

TYPHOON MIREILLE

EXECUTIVE ORDER NO. 13-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands has DOWNGRADED Typhoon Condition II to TYPHOON CONDITION III to the island(s) of Saipan, Tinian, Rota, effective 7:00 A.M. 9/20/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration EXTENDS the execution of such plan as mandated by PUBLIC LAW 1-40; NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) execution be EXTENDED, continuing so long as required by the emergency situation.

BENJAMIN T. MANGLONA
Acting Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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DATE: 9/20/91

TYPHOON MIREILLE

EXECUTIVE ORDER NO. 14-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of Saipan, Tinian, Rota effective 5:30 P.M. 9/20/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically DEACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be DEACTIVATED, effective,

5:30 P.M. 9/20/91 (Time and Date)

BENJAMIN T. MANGLONA Acting Governor Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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CIVDEF SPN 726

DATE: NOV. 03, 1991

TYPHOON SETH

EXECUTIVE ORDER NO. 15-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared TYPHOON CONDITION II to the island(s) of SAIPAN, TINIAN, ROTA, effective 7:30 A.M. 11/03/91 (Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically ACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be ACTIVATED, effective, 7:30 A.M. 11/03/91, continuing so long as (Time and Date)

required by the emergency situation.

Lorenzo I. De Leon Guerrero
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

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CIVDEF SPN 726

DATE: NOV. 03, 1991

TYPHOON SETH

EXECUTIVE ORDER NO. 16-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared (UPGRADED) TYPHOON CONDITION

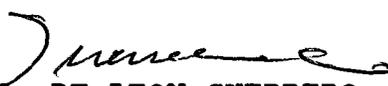
I to the island(s) of SAIPAN, TINIAN,

ROTA, effective 12:00 P.M. 11/03/91
(Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 12:00 P.M. 11/03/91, continuing so long as
(Time and Date)

required by the emergency situation.


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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CIVDEF SPN 726

DATE: 11/04/91

TYPHOON SETH

EXECUTIVE ORDER NO. 17-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared (DOWNGRADED) TYPHOON CONDITION II to the island(s) of SAIPAN, TINIAN, ROTA, effective 6:00 A.M. 11/04/91
(Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 6:00 A.M. 11/04/91, continuing so long as
(Time and Date)

required by the emergency situation.


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

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CIVDEF SPN 726

DATE: 11/04/91

TYPHOON SETH

EXECUTIVE ORDER NO. 18-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

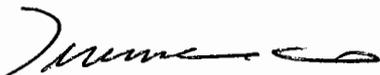
WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands has **DOWNGRADED** Typhoon Condition II to

TYPHOON CONDITION III to the island(s) of

SAIPAN, TINIAN,

effective 1:30 P.M. and 11/04/91 and
(Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration **EXTENDS** the execution of such plan as mandated by PUBLIC LAW 1-40; NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) execution be **EXTENDED**, continuing so long as required by the emergency situation.


LORENZO I. DE LEON GUERRERO
Governor

Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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CIVDEF SPN 726

DATE: 11/04/91

TYPHOON SETH

EXECUTIVE ORDER NO. 19-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of ROTA

effective 1:30 P.M. 11/04/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically DEACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be DEACTIVATED, effective,

1:30 P.M. 11/04/91 (Time and Date)

Lorenzo I. De Leon Guerrero
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands
OFFICE OF CIVIL DEFENSE
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DATE: 11/04/91

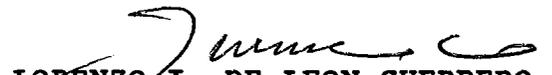
TYPHOON SETH

EXECUTIVE ORDER NO. 20-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of SAIPAN, TINIAN, _____, _____, _____, effective 7:00 P.M. and 11/04/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **DEACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **DEACTIVATED**, effective, 7:00 P.M. and 11/04/91. (Time and Date)


LORENZO I. DE LEON GUERRERO
 Governor
 Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

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DATE: 11/09/91

TROPICAL STORM VERNE

EXECUTIVE ORDER NO. 21-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared TROPICAL STORM CONDITION II to the island(s) of AGRIHAN, effective 7:00 A.M. 11/09/91 (Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically ACTIVATES the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be ACTIVATED, effective, 7:00 A.M. 11/09/91, continuing so long as (Time and Date)

required by the emergency situation.

Lorenzo I. De Leon Guerrero
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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DATE: 11/10/91

TROPICAL STORM VERNE

EXECUTIVE ORDER NO. 22-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared TROPICAL STORM CONDITION I to the island(s) of AGRIHAN, effective 7:00 A.M. and 11/10/91 (Time and Date)

and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **ACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, effective, 7:00 A.M. and 11/10/91, continuing so long as (Time and Date)

required by the emergency situation.


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

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Fax: 322-3598
Cable Address:
728726
CIVDEF SPN 726

DATE: 11/10/91

TROPICAL STORM VERNE

EXECUTIVE ORDER NO. 23-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands has DOWNGRADED TROPICAL STORM CONDITION I to TROPICAL STORM CONDITION III to the island(s) of AGRIHAN,

effective 1:00 P.M. 11/10/91 and (Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration EXTENDS the execution of such plan as mandated by PUBLIC LAW 1-40; NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) execution be EXTENDED, continuing so long as required by the emergency situation.

Lorenzo I. De Leon Guerrero
Governor
Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands

OFFICE OF CIVIL DEFENSE

EMERGENCY OPERATION CENTER

Capitol Hill, Saipan, MP 96950

Tel. 322-9274
322-9529
322-9572
Fax: 322-3598
Cable Address:
728726
CIVDEF SPN 726

DATE: 11/10/91

TROPICAL STORM VERNE

EXECUTIVE ORDER NO. 24-91

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of AGRIHAN, _____,

effective 7:00 P.M. and 11/10/91 and
(Time and Date)

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan (Disaster Emergency Plan), the declaration automatically **DEACTIVATES** the execution of such plan as mandated by PUBLIC LAW 1-40;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **DEACTIVATED**, effective, 7:00 P.M. and 11/10/91.
(Time and Date)


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands



Department of Finance

Office of the Director

Commonwealth of the Northern Mariana Islands

P.O. Box 234 CHRB

Saipan, MP 96950

Cable Address

Gov. NMJ Saipan

Phone: 322-3245-3246

Facsimile: 322-4310

October 22, 1991

PUBLIC NOTICE

EMERGENCY

REVENUE AND TAXATION REGULATIONS NO. 8301

The Director of the Department of Finance hereby finds that the final decision in Criminal Case 91-106 is uncertain. However, due to the significance of the regulatory functions of Revenue and Taxation Regulations 8301, the Director of Finance further finds, in accordance with 1 CMC §2553 and §2557, that it is in the public interest to promulgate Revenue and Taxation Regulations 8301 which were issued on March 31, 1983, and all subsequent amendments thereto as emergency regulations. Such emergency regulations are published in accordance with 1 CMC §9104, and are to be effective for a period of 120 days after promulgation, unless repealed or modified at an earlier time as provided by the laws of the Commonwealth.

Certified By: *Eloy S. Inos* 10/22/91
ELOY S. INOS Date
Director of Finance

Concurred By: *Lorenzo I. de Leon Guerrerro* 10/22/91
LORENZO I. DE LEON GUERRERRO Date
Governor

10/22/91 *Semedio C. Inopas*
Date of Filing with Registrar Registrar of Corporations

I HEREBY CERTIFY this document to be a true copy of the original document on file in this office

DATE: 10/22/91

Semedio C. Inopas
REGISTRAR OF CORPORATIONS
Office of the Attorney General
Commonwealth of the Northern Mariana
Saipan, CM 96950

CERTIFICATION OF ADOPTION OF EMERGENCY REGULATIONS

I, Eloy S. Inos, the Director of the Department of Finance which is promulgating the Emergency Revenue & Taxation Regulations No. 8301 hereinabove set forth, by signature below hereby certify that such Regulations are a true, complete and correct copy of the Emergency Revenue & Taxation Regulations No. 8301 formally adopted by the Department of Finance.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 22nd day of October, 1991 at Saipan, Commonwealth of the Northern Mariana Islands.



Eloy S. Inos, Director
Department of Finance



Department of Finance
Office of the Director
 Commonwealth of the Northern Mariana Islands
 P.O. Box 234 CHRB
 Saipan, MP 96950

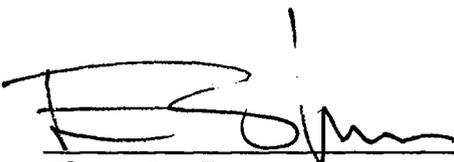
Cable Address
 Gov. NMJ Saipan
 Phone: 322-3245-3246
 Facsimile: 322-4310

Octobre 22, 1991

NOTISIAN PARA I PUBLICO

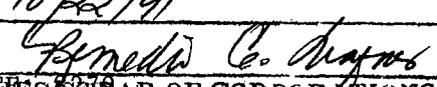
EMERGENCY REVENUE AND TAXATIONS NO. 8301

I Direkto i Depattamento Fainansiat hasoda na i disision nui ha lagnos i Commonwealth Superior Court gi kaosan criminat 91-106 sina ha afekta i impotanti na operasion yan responsabilidad i Depattamento gi asunton Customs yan Revenue yan Taxation. Mientras ma i ina este na disision koti hasoda i Direkto na nisesario para proteksion yan enteres publico henerat nau publica ensegidas komo emergency na regulasion segun i ginagagao gi seksiona 2523 yan 2551, 1 CMC, eyo siha na regulasion i manma publika gi Matso 31, 1983 gi Commonwealth Register, yan todo tinilaika despues de ayo na fecha yan man efektibo antis di ifechan i desision i Superior Court gi kaosa numero 91-106. Este na emergency regulations mapublica segun i probision 1 CMC, setsiona 9104, ya para u efektibo para sientu biente dias ginen pago na fecha solu matolaika osino ma repeal gi halom i sientu biente dias na tiempo segun gi lai.

Pineblika:  10/22/91
 Eloy S. Inos
 Director of Finance
 Fecha

Ha Apreba:  10/22/91
 LORENZO I. DE LEON GUERRERO
 GOVERNOR
 Fecha

Ha Rehista:  10/22/91
 Soledad B. Samamoto
 Registrar of Corporations
 Fecha

I HEREBY CERTIFY this document to be a true and correct copy of the original document on file in this office.
 DATE: 10/22/91

 REMEDIO C. INOS
 ATTORNEY GENERAL
 Office of the Attorney General
 Commonwealth of the Northern Mariana Islands

**FIRST AMENDMENT TO RULES FOR THE ISSUANCE
OF GAMBLING EXEMPTIONS TO NON-PROFIT ORGANIZATIONS**

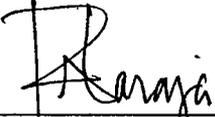
The Rules For The Issuance Of Gambling Exemptions To Non-Profit Organizations originally published in the April 15, 1991 edition of the Commonwealth Register are hereby amended by adding thereto the following language which shall be deemed inserted between paragraphs No. 6 and 7 and read as follows:

6A. Signing of Financial Summary -- Each Financial Summary Report shall be signed, under oath, before a notary or other person authorized to take an oath in the CNMI, by an officer or other person authorized to act for and on behalf of the organization filing such Financial Summary Report.

Effective date -- This amendment shall, pursuant to 1 CMC §9105(b), become effective ten (10) days after its publication in the Commonwealth Registrar which publication occurred on 15th day of November, 1991 with any and all other aspects of the Rules previously promulgated being deemed unaffected by this amendment and in full force and effect at all times subsequent to their original effective date of April 25, 1991.

The Attorney General who is promulgating the First Amendment Of Rules for the Issuance of Gaming Exemptions to Non-Profit Organizations hereinabove set forth by signature below hereby certifies that such Amendment is a true, correct and complete copy of the First Amendment of Rules For the Issuance of Gaming Exemptions to Non-Profit Organizations formally adopted by the Attorney Generals Office. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of November, 1991 at Saipan, Commonwealth of the Northern Mariana Islands.

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: <u>11/15/91</u>
TIME: <u>9:00</u> (AM) PM
BY: <u>Benedict C. Meynas</u>
REGISTRAR OF CORPORATIONS
Commonwealth of the Northern Mariana Islands



Robert C. Maraja
Attorney General

NOTICE OF ADOPTION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

FOR UNDERGROUND STORAGE TANK REGULATIONS
FOR PUBLIC LAW 1-8 AND PUBLIC LAW 3-23

The Director of the Department of Public Health and Environmental Services, of the Northern Mariana Islands (CNMI), in accordance with Public Law 1-8 and Public Law 3-23, has adopted Underground Storage Tank Regulations. The final regulations include substantive changes from the proposed regulations promulgated September 15, 1991.

The regulations apply to Underground Storage Tanks (USTs) containing regulated substances such as petroleum products. Storage of Hazardous substances or waste in UST systems is prohibited by the regulations. Included are requirements for permitting, installation, monitoring, and removal of USTs. The purpose of these requirements is to prevent UST leaks and spills, and to find leaks and spills and correct the problems that they create. In addition, the regulations contain provisions for financial responsibility in order to make sure that owners and operations of USTs can pay for correcting the problems created if their USTs leak.

Copies of the UST regulations may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, located at Dr. Torres Hospital, Saipan, MP 96950.

Date: 11/15/91


PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: <u>11-15-91</u>
TIME: <u>11:30</u> (AM) PM
BY: <u>Benedict C. Magpas</u>
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

NOTISIAN PUPBLIKU

NA ESTA HA ADAPTA I REGULASION PUT TANGKE SIHA GI PAPA TANO
PARA I LAI PUPBLIKU NUMIRU 1-8 YAN 3-23

DEPATTAMENTON HINEMLO I PUPBLIKU YAN ENVIRONMENTAL SERVICES

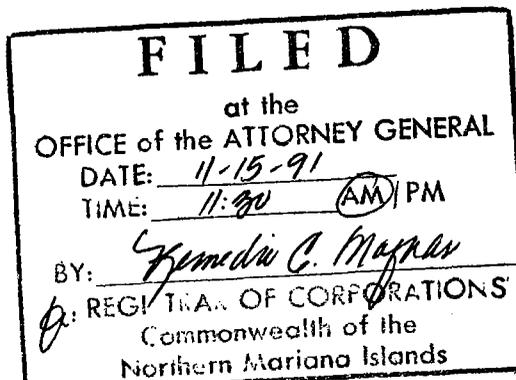
I Direktot i Depattamenton Hinemlo i Pupbliku yan Environmental Services. Commonwealth of the Northern Mariana Islands (CNMI), sigon gi Lai Pupbliku Numiru 1-8 yan 3-23, ha infotma i pupbliku na esta ha adapta i regulation put tangke siha gi papa tano. I uttimo siha na amedasion para u tulaika ayu i manmaproponi gi Septiembre 15, 1991.

I manmaproponi na regulasion para u afekta todus tangke siha gi papa tano osino i Underground Storage Tanks (USTs) ni manmasahguaniniyi substances ni manma adadahi tat komu i produkton petroliu siha. I ma polon piligru pat an usa siha na substances gi halom (USTs) na sisitema manmapribihi gi i ma adapta na regulasion. I kondision para ma lisensia, manmega pat manhatsa, manek yan muna'suhan USTs manma engklusu gi halom i manma'adapta siha na rigulasion. I proposition este siha na kondision para u prihibi sume' yan chinida' gi USTs na sistema yan i manespihan chinida' siha ni para u makorihi i problema ni managuaguaha. Lokkue' i manma'adapta siha na rigulasion ha pribebeni probension para i responsabilidat fainansiat ni para u asigura i drenu yan operadot USTs siha na sina ma apasi i gasto para u ma korihi i problema yangen sume' i USTs-niha.

Kopia siha para i manmaproponi na regulasion USTs, sina manmachuchule' ginen i Depattamenton Hinemlo I Pupbliku yan Environmental Services, Division of Environmental Quality gi hagas Dr. Torres Hospital, Saipan, MP 96950.

Date: 11/15/91


PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services



ARONGORONGOL ADOPTION

MWOGHUTUGHUTUL FFEERUL LLIWEL, REEL UNDERGROUND
STORAGE TANK REGULATIONS EBWE ATOTOOLONG LLOL
ALLEGHUL TOWLAP (PUBLIC LAW) YE 1-8 ME
ALLEGHUL TOWLAP YE 3-23

BWULASIYOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

Direktoodul Bwulasiyool Public Health me Environmental Services, mellol Commonwealth of the Northern Mariana Islands (CNMI), reel ebwe attbweey aileewal me bwangil Alleghul Towlap 1-8 me bwal iye 3-23 nge rebwe ayoora lliwel kka ebwe fil ngali ammwelel tangkki kka e ghal lo faal ppwel (Underground Storage Tank) regulations. Aighughuul lliwelil allegh kkaal nge ebwal yoorolong akkaaw lliwel iye re feerul wool Septiembre 15, 1991.

Lliwel kkaal nge e ghil ngali all'ghul mille Underground Storage Tanks (USTs) iye ghal yoor milikka re ghal ira bwe petroleum products. Ngare rebwe isiis milikkaal me ngare meta kka llo UST systems nge rebwe ghi ammala fischiy bwe attabweey aileewal allegh. Milikka e bwal toolong llo lliwel kkaal nge reel rebwe fiteey igha rebwe atotoolong (installation), amwuri fischiy (monitoring), me meremerel milikka USTs. Mille rebwe feeru milikkaal reel, nge igha ebwe pileey me bwaluw bwe ete yoor llesch me rebwe aghatchu sefaliy milikka re anngowa. Bwal eew nge iye reel selaapi (financial responsibility), igha ebwe yoor alughulugh bwe aramas kka re yaaya (owners) me operators, nge emmwel ngaliir bwe rebwe abwossuwow ngare e ghal itto bwe eyoor llesch me meta kka e weiras.

Koopiyal All'ghul milikka UST nge emmwel schagh bwe aramas ebwe lo bweibwogh mellol Bwulasiyool Public Health me Environmental Services, Division of Environmental Quality, iye elo iwe fasul Dr. Torres Hospital, Saipan, MP 96950.

Date: 11/15/91



PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: <u>11-15-91</u>
TIME: <u>11:30</u> <u>AM</u> PM
BY: <u>Remedio C. Mynes</u>
REGISTRAR OF CORPORATIONS
COMMONWEALTH of the Northern Mariana Islands

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

UNDERGROUND STORAGE TANK REGULATIONS

CONTENTS

- PART 1 AUTHORITY
- PART 2 PURPOSE AND POLICY
- PART 3 ADMINISTRATION
- PART 4 DEFINITIONS
- PART 5 APPLICABILITY
- PART 6 REGULATORY REVISIONS
- PART 7 PERMITTING
- PART 8 INSTALLATION
- PART 9 TANK CERTIFICATION
- PART 10 MONITORING
- PART 11 LEAK REPORTING AND CORRECTION
- PART 12 TANK CLOSURE
- PART 13 RECORD KEEPING
- PART 14 FINANCIAL RESPONSIBILITY
- PART 15 ENFORCEMENT
- PART 16 PENALTIES FOR VIOLATIONS

PART 1. AUTHORITY

1.1 General Provisions

These regulations have been promulgated by the Department of Public Health and Environmental Services in accordance with the Commonwealth of the Northern Mariana Islands Public Law 3-23, the Commonwealth Environmental Protection Act (2 CMC, Title 2, 3101 et seq.). These regulations and technical provisions 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.

The Department of Public Health and Environmental Services, Division of Environmental Quality, shall serve as the official representative for all purposes of Subtitle I of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) as amended, and for the purpose of such other federal or local legislation as may hereafter be enacted to assist in the management of underground storage tanks in the Commonwealth of the Northern Mariana Islands.

1.2 U.S. Federal UST Authority

The U.S. federal Underground Storage Tank (UST) Regulations are issued under the Environmental Protection Agency (EPA) authority of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC 6901 et seq.) as amended and effective on December 22, 1988.

Section 9004 permits the EPA to authorize states, including the Commonwealth of the Northern Mariana Islands, to implement their own UST programs in place of the federal requirements, if the state's requirements are "no less stringent" than EPA's and provide for adequate enforcement.

PART 2 PURPOSE AND POLICY

2.1 The purpose of these regulations is to establish a system of control and enforcement over the permitting, installation, use and monitoring of all Underground Storage Tanks (UST) containing regulated substances and prohibit the storage of hazardous substances or wastes in UST systems by persons within the CNMI as necessary to conserve the land and water resources of the CNMI, protect public health, and prevent environmental pollution, resource degradation and public nuisances.

2.2 These regulations provide a means to protect the CNMI surface and groundwater resources, as stated in the Commonwealth Groundwater Management and Protection Act of 1988 (P.L. 6-12). Since the CNMI is dependent on groundwater for its drinking water supply, these regulations establish a mechanism to protect this limited resource from contamination from petroleum products contained in underground storage tanks. Thus, the purpose of these regulations is to also establish leak detection, leak prevention, financial responsibility, and corrective action requirements for all UST containing regulated substances.

2.3 These regulations provide a means to protect marine resources and coastal areas under the Coastal Resource Management Act (P.L. 3-47). These UST regulations provide a mechanism to prevent the degradation or pollution of, or damage to the marine resources of the CNMI from underground storage tanks. The provisions stated in these regulations are consistent with the purpose and objective of the CRM Act.

2.4 The Department of Public Health and Environmental Services, Division of Environmental Quality (DEQ) shall have primary jurisdiction to enforce those regulations in the CNMI. Additionally, the Environmental Protection Agency (EPA) Region IX Office, may independently enforce these regulations without requiring DEQ action.

PART 3 ADMINISTRATION

3.1 The Chief is authorized to take such action as may be necessary in the administration and enforcement of the Underground Storage Tank Regulations for the CNMI.

3.2 The Division of Environmental Quality shall be responsible to prepare, adopt, promulgate, modify, update, repeal, and enforce rules and regulations governing underground storage tank design, construction, permitting, installation, release detection and inventory control, compatibility, record maintenance, reporting, corrective action, closure, and financial responsibility in order to protect human health and environment, and enable DEQ to carry out the purposes and provisions of these regulations.

PART 4 DEFINITIONS

"Acceptable pressure gauge" shall mean a pressure gauge with a scale reading of no more than twice the test pressure required (ie. a 50 psi gauge is not acceptable for use to conduct a 20 psi pressure test).

"Associated piping" shall mean all underground piping used in the operation of a UST through which regulated substances flow, also referred to as product delivery lines.

"Certified Tank Installer" shall mean a person trained by an authorized person on the proper handling, testing and installation of tank systems in accordance with the manufacturers specifications, the code of practice developed by a nationally recognized association or independent testing laboratory and these regulations. The individual authorized to conduct the training must be trained and certified by the manufacturer of the tank, piping, and/or testing equipment, or by a nationally recognized professional association.

"Certified Tank Tester" shall mean a person trained and certified by an authorized person to conduct precision testing in accordance with the manufacturers specifications, the code of practice developed by a nationally recognized association or independent testing laboratory and these regulations.

"Chief" shall mean the Chief of DEQ or his/her duly authorized designee.

"Closure of tank system" shall mean the temporary or permanent removal of a tank system from service or operation in accordance with the federal UST regulations.

"Contractor or Agent" shall mean the person designated and binded by contract, signed by all involved parties, to represent the owner/operator to conduct the installation of an UST system. The contractor or agent shall not be responsible for any other provisions of these regulations, but for those specified in Part 8, Installation Standards, without a waiver approved by the Chief.

"DEQ" shall mean the CNMI Department of Public Health and Environmental Services, Division of Environmental Quality.

"DEQ UST Inspector" shall mean an employee of the Division who has been trained and certified in the proper installation and operation of UST in accordance with the manufacturers specifications.

"Division" shall mean the CNMI Department of Public Health and Environmental Services, Division of Environmental Quality.

"Department" shall mean the CNMI Department of Public Health and Environmental Services.

"Existing tank" means any UST installed and operated prior to the effective date of these regulations and which has not been the source of any release to the environment."

"Facility" shall mean the location or property where the UST is or was installed, and operating.

"Federal UST regulations" shall mean the Underground Storage Tank regulations (40 CFR 280) promulgated by the Environmental Protection Agency (EPA) under the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC 6901 et seq.) as amended and effective on December 22, 1988.

"Guarantor of Insurer" shall mean any person, other than the owner or the operator, who provides evidence of financial responsibility for the underground storage tanks and associated piping.

"Inland waters" shall mean surface freshwaters, such as streams, that are not subject to the ebb and flow of the tide.

"Local fire jurisdiction" shall mean the Fire Division of the CNMI Department of Public Safety.

"Navigable waters" shall mean those waters that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past or may be susceptible to use to transport interstate or foreign commerce.

"New tank" shall mean any UST installed on or after the effective date of these regulations which shall be required to comply with all provisions of these regulations.

"Operational life" shall mean the period beginning when installation of the tank system has commenced until the time the tank system is properly closed, in accordance with these regulations.

"Operator" shall mean any person in control of, or having responsibility for, the daily operation of an UST.

"Owner" shall mean any person who owns an UST and the associated piping used for the storage, use or dispensing of regulated substances, or in the case of an UST no longer in operation at the effective date of these regulations, any person who owned such UST at the time operation or use of such tank system was discontinued.

"Perched aquifer" shall mean a water bearing stratum of permeable rock, sand, gravel in a geological area where there is a layer of impermeable material above the water table, forming a zone of saturation above it.

"Person" shall mean any individual, trust, firm, joint stock company, corporation (private and government), partnership, consortium, joint venture, commercial entity, association, political subdivision of the CNMI, interstate body, or any agency, department, or instrumentality of the U.S. Federal or Government of the Northern Marianas Islands, or any other legal representative, agency or assigns.

"Public Water Supply" shall mean water that is collected and distributed by a municipal water system for human use and consumption.

"Precision test" shall mean a tank tightness test capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effect of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

"Psi" shall mean the unit of pressure measurement, pounds per square inch.

"Regulated Substances" shall mean any element, compound, mixture, solution, or substance that, when released into the environment, may present substantial danger to the public health, welfare, or the environment. The term includes;

a. Any substance defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510. as amended, but not including any substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) as amended; or

b. Petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and

c. Any other substance as designated by the Chief.

"Release" shall mean the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a regulated or hazardous substance from a UST or associated piping.

"Secondary containment" shall mean a system installed around a UST that is designed to prevent a release from migrating beyond the secondary containment system outer wall (in the case of a double-walled UST) or excavation area (in case of a liner) before a release can be detected.

"Sensing devices" shall mean techniques used to identify a loss of product that are based on volumetric measurements of the tank contents and reconciliation of those measurements with product delivery and withdrawal records or any other technique approved by the Chief in writing.

"Septic tank" shall mean a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settle solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Shoreline" shall mean the line where the water surface meets land at the mean high tide.

"Surface water bodies" shall mean the area where water collects at the surface which is fed by rainfall or a groundwater source such as a perched aquifer.

"Tank" any stationary device constructed primarily of non-earthern materials which provide structural support.

"Tank system" shall mean an UST and piping associated with the operation of a UST which contains any amount of a regulated substance for any period of time.

"Tidal area" shall mean any land within 500 feet of the shoreline, navigable waters, or area influenced by tidal fluctuations.

"Underground Storage Tank" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

"Upgrade" shall mean any addition or retrofit of some systems such as cathodic protection, lining, or spill and overflow controls to improve the ability of an tank system to prevent the release of regulated substance."

"USC" shall mean United States Code.

"UST" shall mean underground storage tank.

"Well" shall mean the system whereby water is pumped out of the ground to be collected, and used for drinking water supply.

"Wetland" shall mean any geographic area which includes areas inundated by surface or groundwater, with a frequency sufficient to support a prevalence of plant or aquatic life, that require saturated or seasonally saturated soil conditions for growth and reproduction.

PART 5 APPLICABILITY

5.1 These regulations shall apply to all tank systems which receive, store or distribute regulated products, and have at least 10 percent of its volume underground.

5.2 The following tanks shall be excluded from the definition of UST and shall be exempt from the provisions of these regulations:

5.2.1 Farm or residential tanks of 150 gallons or less capacity storing motor fuel for noncommercial purposes;

5.2.2 Tanks storing heating oil for consumptive use on premises where stored;

5.2.3 Septic tanks;

5.2.4 Storm water catchment systems;

5.2.5 Wastewater treatment plants;

5.2.6 Surface impoundments, pits, ponds and lagoons;

5.2.7 Flow-through process tanks (except oil:water separators, which must be a USEPA approved design)

5.2.8 Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;

5.2.9 Pipeline facility (including gathering lines) regulated under;

- a. The Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481) as amended; and
- b. The Hazardous Liquide Pipeline Safety Act of 1979 (P.L. 96-129), as amended, and

5.2.10 Storage tanks located on or above the floor in in underground room.

PART 6 REGULATORY REVISIONS

6.1 Any amendments to the U.S. EPA Underground Storage Tank Regulations (40 CFR 280) promulgated by the U.S. EPA shall apply to the CNMI. Amendments to the federal UST Regulations shall be incorporated into these regulations by the Director.

6.2 Any revisions to these regulations that are more stringent than the corresponding requirements specified in the federal regulations may be incorporated into these regulations only after publication in the CNMI Commonwealth Register for a period of thirty (30) days, and a public hearing if requested from a resident or citizen of the CNMI.

6.3 Prior to the adoption of any amendments to the CNMI UST regulations that are more stringent than existing federal regulations, DEQ shall comply with the requirements of the Administrative Procedure Act (APA), CMC 9104.

PART 7 PERMITTING

7.1 Prior to installation of any UST, the owner or operator shall apply for and obtain a UST Permit to Install from DEQ. The UST Permit to Install application shall be completed in full, signed by the owner or operator submitting the application, and be submitted to DEQ with a copy of the design blue prints and a vicinity map.

7.1.1 The owner or operator shall pay an UST Permit to Install application fee of five hundred (\$500.00) US Dollars per tank (new and replacement) payable to the Division of Environmental Quality, at the time the UST Permit to Install application is submitted.

7.1.2 DEQ shall notify the applicant if any additional information is needed within 14 working days from the date the application is submitted. A UST Permit to Install application will not be considered complete until DEQ has received the additional information requested.

7.1.3 DEQ shall not issue an UST Permit to Install until the owner, operator, or designated contractor has obtained a DEQ Earthmoving and Erosion Control Permit.

7.1.4 Prior to the permitting of the installation of any new or replacement UST, the owner or operator and the certified tank installer who will be responsible for the proper installation of the new or replacement UST shall attend an UST Program Briefing to be conducted by DEQ after an application has been filed at DEQ.

a. The UST Program Briefing shall minimally include a review of federal and CNMI UST Regulations and the DEQ UST Program.

7.1.5 No UST Permit to Install shall be issued without prior proof of financial liability in accordance with Part 14.

7.1.6 There will be a 30 day processing period for any UST Permit to Install application, from the time all requirements in this Part have been completed and DEQ determines the application complete.

7.1.7 DEQ has the right to reject any UST Permit to Install application that does not comply with all requirements as specified in the federal or CNMI UST Regulations, or as the Chief may deem necessary to protect public health or the environment.

7.1.8 All UST Permits to Install shall be non-transferable from person to person, and from location to location.

7.2 The operator of the tank system shall apply for and obtain an UST Permit to Operate from DEQ;

a. prior to commencing the operation of a newly installed tank system, and

b. within 90 days of the effective date of these regulations for any tank system existing prior to the effective date of these regulations.

7.2.1 The UST Permit to Operate Application shall be completed in full, signed by the operator submitting the permit application and submitted to DEQ.

7.2.2 The operator shall pay an UST Permit to Operate Application fee of One-hundred and fifty (\$150.00) US Dollars per tank (new and replacement) payable to the Division of Environmental Quality at the time the application is submitted.

7.2.3 DEQ has the right to reject any UST Permit to Operate application and revoke any UST Permit to Operate if DEQ believes or finds the tank system is not being operated and maintained by a person with sufficient training and experience in preventing corrosion, and in a manner that ensures that no releases occur.

7.2.4 All UST Permits to Operate shall be non-transferable from person to person, and from location to location.

7.2.5 No UST permit to operate shall be issued without prior proof of financial liability in accordance with Part 14.

PART 8 INSTALLATION

8.1 The following standards apply to any UST and associated piping installed after the effective date of these regulations. The following installation requirements and criteria shall be met:

8.1.1 tank installation shall be conducted in accordance with the manufacture's specifications and in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory;

8.1.2 each tank shall be equipped with the means to detect and prevent an overflow of the tank before a discharge can occur;

8.1.3 tanks and associated piping shall be made of or lined with materials compatible with the regulated substance(s) and designed and equipped to prevent corrosion for the operational life of the UST, accomplished by;

- a. use of fiberglass reinforced or other non corrosive materials for UST's, piping and fittings, or
- b. any other equally effective design approved by the Chief in writing, and

8.1.4 tanks shall be equipped with secondary containment either by;

- a. installation of double walled tanks and double walled piping with piping containment sumps, or
- b. lining the excavation pit with a material, other than cement or concrete, compatible with the regulated substance being stored, or
- c. any other equally effective design approved by the Chief in writing, and

8.1.5 tanks shall be equipped with mechanisms or methods that are capable of detecting releases from any portion of the tank by one of the following methods;

- a. inventory control,
- b. manual tank gauging,

- c. automatic tank gauging,
- d. vapor monitoring,
- e. groundwater monitoring,
- f. interstitial monitoring, or

g. any other release detection methods, or combination of methods can be used if it can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.

h. any other equally effective leak detection method approved by the Chief in writing.

8.1.6 product delivery lines shall be equipped with mechanisms or methods that are capable of detecting releases from any portion of the piping by one of the following methods;

a. automatic line leak detector that detects a release within an hour by restricting or shutting off flow or sounding an alarm,

b. applicable method used in Part 8.1.6 that is designed to detect a release from any portion of the piping that routinely contains regulated substances, or

c. any other equally effective leak detection method approved by the Chief in writing.

8.2 The owner/operator or the certified tank installer shall notify the local fire jurisdiction in writing before beginning construction. Notification shall specify the number, size and contents of tanks to be installed, the location, and estimated date tank operation will commence.

8.3 The owner/operator shall be responsible for assuring the installation of tanks and associated piping be conducted in compliance with these regulations by contracting a certified tank installer to conduct or oversee and inspect all installation procedures.

8.4 The certified tank installer shall comply with the following testing criteria for both tanks and associated piping:

8.4.1 conduct tank tests prior to placing tanks into the ground and before covering the tanks; and

8.4.2 contact a DEQ UST Inspector at least 2 days prior to the scheduled date of pressure testing; and

8.4.3 conduct line tightness testing capable of detecting a leak of 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

8.5 A DEQ UST Inspector shall be present during all pressure testing of UST's and the associated piping.

8.5.1 Any pressure test conducted without visual inspection of a DEQ UST Inspection shall be deemed invalid, unless tests are conducted under the supervision of a certified tank installer.

8.6 A DEQ UST Inspector shall inspect the bedding prior to placing tanks underground.

8.7 The owner/operator shall be responsible for the correction of any procedure or replacement of any materials that do not comply with these regulations.

8.8 DEQ shall be responsible for completing the DEQ UST Installation Inspection Checklist (IIC). The IIC shall include all phases of installation including, but not limited to, construction of the tank, size of backfill material used, tank integrity, adequacy of excavation, bedding and anchoring, manway risers, and pipe material, trenching and pressure testing.

8.8.1 The IIC shall not replace any installation checklist required by the manufacturer for warranty purposes.

a. The certified tank installer shall be responsible for completing manufacturer checklists.

b. The owner/operator shall be responsible for compliance with any warranty requirements for equipment installed.

8.9 An UST Inspector shall make frequent inspections of all installation procedures to assure compliance with these regulations.

8.10 DEQ shall not certify any tank until the UST Installation Inspection Checklist is complete.

8.11 There shall be no tanks installed after the effective date of these regulations in the following locations:

a. within a wetland; or

b. within five hundred (500) feet of a private or municipal well; or

c. within five hundred (500) feet of surface waters bodies, such as a reservoir or cave, from which public drinking water supply is collected; or

- d. within five hundred (500) feet of inland waters; or
- e. within five hundred (500) feet of the shoreline or navigatable waters; or
- f. within tidal or storm wave inundation areas; or
- g. any area determined as unsuitable by the Chief.

8.12 It shall be prohibited to install additional tanks to any tank system located in an area specified in Part 8.11 which were installed prior to the effective date of these regulations.

8.12.1 Tank systems which were installed in an area specified in Part 8.11 prior to the effective date of these regulations may be replaced or upgraded in compliance with these regulations.

a. The owner/operator shall comply with any additional requirements specified by the Chief as necessary to protect public health and the environment.

8.13 The owner/operator shall upgrade operating tank systems which were installed prior to the effective date of these regulations such that the entire tank system will be in compliance with Part 8.1.2-5 of these installation standards by December 22 1998.

8.13.1 The owner/operator shall upgrade the UST system such that leak detection is installed and operated in compliance with subpart 8.1.6 by December 1993.

8.14 The owner/operator shall upgrade the tank(s) which were installed prior to the effective date of these regulations such that the tank(s) is in compliance with Part 8.1.6 by;

8.14.1 December 22, 1991 for tanks installed before 1965, and between 1965-74

8.14.2 December 22, 1992 for tanks installed between 1975-79,

8.14.3 December 22, 1993 for tanks installed between 1980-88,

8.15 The owner/operator shall upgrade product delivery lines which were installed prior to the effective date of these regulations such that the piping is in compliance with Part 8.1.7 by;

8.15.1 within six months of the final promulgation of this regulation.

8.15.2 the same date as specified for existing tanks in 8.14 for suction piping.

PART 9 TANK CERTIFICATION

9.1 Upon completion of installation and final visual inspection of newly installed UST's, but prior to the filling and operation of any UST, the owner or operator shall have the tank(s) and associated piping precision tested.

9.1.1 The precision testing shall be conducted by a certified tank tester,

9.1.2 The method of precision testing used must be capable of detecting leaks of 0.1 gallon per hour, and

9.1.3 The certified tank tester shall provide the Chief with the test results within forty eight (48) hours of the time that the precision test is conducted.

9.2 Upon receipt and approval of the precision test results, the Chief shall issue a Letter of Certification to the owner/operator.

9.2.1 The Letter of Certification shall testify that; -

a. the owner/operator applied for and obtained an Earthmoving Permit from the Chief prior to the commencement of clearing of land and excavation activities,

b. the owner/operator applied for and obtained an UST Permit from the Chief by complying with all provisions in Part 7 of these regulations prior to the commencement of installation procedures,

c. the owner/operator has obtained any permits, leases or certifications required by other CNMI agencies or offices,

d. the owner/operator has provided proof of financial liability as specified in Part 14, and

e. DEQ has inspected and approved all installation procedures and verifies that all federal and local specifications have been met and followed.

9.2.2 The Letter of Certification shall be kept at the UST site and be readily available at all times for inspection by the Chief or DEQ UST Inspector.

9.3 Any UST installed prior to the effective date of these regulations shall be certified by DEQ within twelve (12) months from the effective date of these regulations in accordance with Section 9.1 of Part 9, Tank Certification.

9.4 The UST Certification is valid for one year from the date of issuance. It is the responsibility of the owner/operator to contact DEQ at least 30 days prior to the expiration of the UST Certification and request renewal of the certification. Precision testing required for UST certification is as specified in Section 10.7 of this regulations.

9.5 Transfer of tank ownership is prohibited without first providing DEQ with proof that the transferee has complied with the the financial assurance requirements specified in Part 14 of these regulations.

PART 10 MONITORING

10.1 The owner/operator shall operate and maintain a leak detection system capable of detecting release of regulated substances from any portion of the UST system that routinely contains regulated substances in compliance with Part 8 for the operational life of the tank system. Release detection requirements shall apply to all UST systems;

10.1.1 when a new UST system is installed, and

10.1.2 by upgrading existing UST systems before December 21, 1993, except that release detection for the piping attached to any existing UST through which regulated substances routinely pass, under greater than atmospheric pressure must be upgraded by September 22, 1991.

10.1.3 An UST system with cathodic protection shall be operated and maintained by a person with sufficient experience and training in preventing corrosion of the system, including formal training in corrosion prevention or training from the manufactures of the cathodic protection equipment utilized in the UST system.

10.2 All USTs shall minimally be monitored monthly, except that new or upgraded tanks already in compliance with Part 8.1.2-8.1.4 and the monthly inventroy control requirements in Part 8.1.6 (a) (b), may may use precision tank testing (in accordance with Part 9.1) at least every two years until December 22, 1998, or for 10 years for new and upgraded tank systems, whichever is later.

10.3 Automatic line leak detectors installed in piping through which regulated substances routinely pass under pressure in accordance with 8.1.7 shall have a line tightness test conducted every year and use a monthly monitoring method conducted in accordance with 8.1.7 (c)(d).

10.4 Piping through which regulated substances routinely pass under suction shall have a line tightness test conducted every year and use a monthly monitoring method conducted in accordance with 8.1.7 (c)(d).

10.5 The owner/operator shall be responsible for keeping records of leak detection monitoring.

10.6 Any malfunction or damage to leak detection devices or system shall be reported to DEQ within 24 hours of such findings.

10.6.1 Operation of the tank system is prohibited until;
a. the leak detection devices or system has been repaired or replaced, and
b. DEQ has inspected and approved the repaired or replaced leak detection system.

10.7 Each UST shall be precision tested:

10.7.1 prior to tank certification and operation for new installations as specified in Part 9.1; and

10.7.2 within one year from the effective date of these regulations for existing tank systems as specified in Part 9.3; and

10.7.3 five years from the date of the initial precision test; unless a leak is detected, upon which precision testing must be conducted prior to the returned use of the UST after the UST has been repaired or replaced; and

10.7.4 ten years from the date of the initial precision test; and

10.7.5 annually thereafter, for the operational life of the UST.

PART 11 LEAK REPORTING AND CORRECTION

11.1 The owner/operator shall immediately investigate all suspected leak, spill, overflow, discharge or any other release from a UST or associated equipment when;

11.1.1 unusual operating conditions, release detection system signal or alarm or environmental conditions at the site suggest a release of regulated substances may have occurred, or

11.1.2 when required by DEQ to determine the source of a release having an impact in the surrounding area.

11.2 Any leak, spill, overflow, discharge or any other release from a UST or associated equipment shall be stopped as soon as practicable by the owner/operator.

11.3 The owner or operator of any UST must report any verified or suspected leak, spill, overflow, discharge or any other release from a tank(s) or associated equipment within 24 hours to DEQ.

11.4 DEQ may undertake any reasonable investigation as necessary to identify the existence, source, nature, and extent of a verified or suspected release and the extent of danger to the public health and welfare or the environment.

11.5 The owner/operator shall identify, contain and mitigate any immediate health and safety threats that are posed by a release (including the investigation and initiation of free product removal, if present).

11.6 Any UST or associated equipment from which a release has been detected shall be;

a. immediately removed from service until the tank is repaired or replaced including removal of the regulated substance from the tank system as necessary to prevent further releases; and

b. meet all installation requirements contained in Part 7 as appropriate prior to being returned to service;

11.7 The owner/operator shall conduct an investigation of the release site to determine possible adverse impacts on soil, groundwater and surface waters.

11.8 Within 20 days after release confirmation, or within another reasonable period of time determined by the Chief, the owner/operator must submit a report to the DEQ summarizing the initial abatement steps taken to comply with subpart 11.1 to 11.6 and include any resulting information or data.

11.9 Unless otherwise directed by the Chief, the owner/operator shall prepare an initial site characterization which shall include the following information;

11.9.1 data on the nature and estimated quantity of release,

11.9.2 data from available sources including an estimate of the surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use, and

11.9.3 results of the site investigations as specified in this part, Part 11, and corrective action taken in response to a release.

11.10 The tank owner/operator shall be liable for any and all property or personal damages and/or expenses incurred by others as a direct or indirect cause of any discharge, or efforts or actions to stop or contain an identified release from a UST or associated equipment.

11.11 The tank owner/operator shall provide reasonable assurance that money will be available up-front to respond to releases from tank systems and pay for potential damages as specified in this Part and in compliance with Part 14, Financial Responsibility requirements.

11.12 The owner/operator shall be responsible for the clean-up and disposal of all regulated substances released from an UST or associated equipment in a manner that will protect human health and the environment.

11.12.1 All regulated substances shall be cleaned-up and properly disposed of within thirty (30) days of the release or by a date indicated by the Chief.

11.13 The owner or operator is responsible for the clean-up and proper disposal of any soil or water contaminated by a release.

11.13.1 All soil or water contaminated shall be cleaned-up and properly disposed of according to a schedule and corrective action plan approved of by the Chief.

11.13.2 DEQ shall publish a Public Notice to notify the affected public of all confirmed releases requiring a plan for soil and groundwater remediation. Upon request, DEQ shall provide interested persons information on the nature of the release and the corrective measures planned or taken.

11.14 DEQ may take emergency corrective action if the Chief determines a confirmed release constitutes a clear and immediate danger requiring immediate action to prevent, minimize, or mitigate damage to the public health and welfare or the environment.

11.14.1 Prior to taking such action, the Chief shall make every reasonable effort, taking into consideration the urgency of the situation, to order the owner or operator to take corrective action.

PART 12. TANK CLOSURE

12.1 Any tank removed from service prior to the effective date of these regulations or any tank to be removed from service for more than one year shall be permanently closed.

12.2 To permanently close a tank the owner/operator shall;

12.2.1 notify the Division of the intent to permanently close the tank in writing no less than 30 days prior to the anticipated date of closure,

12.2.2 assess the site, including an evaluation of soil, groundwater, and surface water, to determine whether there has been a release of regulated substances,

12.2.3 notify the local fire jurisdiction of the intent to permanently close the tank in writing no less than 30 days prior to the anticipated date of closure, and

12.2.4 remove and properly dispose of all regulated substances and any sludge or other waste materials remaining in the UST and associated piping in a manner that eliminates the potential for safety hazards and any future releases.

12.3 If a tank system shall be temporarily removed from service (for a period less than 12 months), the owner/operator shall;

12.3.1 continue to comply with operating requirements, release reporting and investigation and release response and corrective action,

12.3.2 continue to comply with release detection requirements if regulated substances are stored in the tank,

12.3.3 leave vent lines open and functioning,

12.3.3 be closed off to outside access, and

12.3.4 comply with subpart 12.2 if the UST system has not been protected from corrosion and has not been used in one year.

12.4 To remove an UST from the ground the owner/operator shall;

12.4.1 properly dispose of the tank and associated piping,

12.4.2 backfill the area or space previously occupied by the UST and associated piping to the ground level, and

12.4.3 close off the area until it is completely backfilled to restrict access and risk of injury to persons, animals or property.

12.5 To leave the UST and associated piping in the ground the owner/operator shall completely fill the tank with a solid, inert material, approved in advance by DEQ.

12.6 Owners/operators of USTs to be permanently or temporarily removed from service shall maintain all records necessary to verify compliance with these closure requirements.

PART 13 RECORD KEEPING

13.1 The owner/operator shall notify DEQ, using the CNMI UST Notification Form, within thirty (30) days after newly installed tank system is brought into use. The CNMI UST Notification Form shall specify information including, but not limited to, the age, size, type, location, and uses of new UST.

13.1.1 The owner/operator is responsible for submitting a CNMI UST Notification Form each year, indicating any changes which have been made to the UST system, or the ownership or operation of the system.

13.1.2 DEQ shall be responsible for submitting copies of all CNMI Notification Forms to the EPA.

13.1.3 CNMI UST Notification Forms shall be public information.

13.2 The owner/operator shall maintain records of monitoring, testing, repairs and closures sufficient to demonstrate recent facility status, except that records demonstrating compliance with repair and upgrading requirements must be maintained for the remaining operational life of the facility.

13.2.1 Copies of all records required by these regulations shall be maintained at the UST facility.

13.3 All records shall be made immediately available to the Chief or DEQ staff member upon request.

13.3.1 Wilfull willholding of requested information shall be subject to enforcement procedures specified in Part 16.1.

13.4 All records or other information furnished to or obtained by the Division concerning regulated substances shall be public information, except for information concerning trade secrets, processes, operations, style of work or apparatus or to the identity, confidential statistical data, amount or source of any income, profits, loses or expenditures which shall be for the confidential use at the Division in the administration of these regulations.

13.4.1 The owner/operator may expressly waiver any of the exceptions specified in 13.4 and make this information available to the public.

13.4.2 The owner/operator shall have the right to claim the privilege and identify confidential information, subject to a final determination by the Chief, at the time the information if submitted to DEQ.

13.5 This Part does not prohibit the publishing of quantitative and qualitative statistics pertaining to the storage of regulated substances.

13.6 Information regarding the nature and quality of releases from a UST or associated piping otherwise reportable pursuant to this Part shall be available to the public.

PART 14 FINANCIAL RESPONSIBILITY

14.1 The owner/operator of an UST shall provide DEQ with evidence of financial responsibility such as security bond or guarantee agreement which provides insurance coverage for taking corrective action and in order to adequately compensate third parties for bodily injury and property damage caused by sudden and non-sudden accidental releases arising from the operation of a UST.

14.1.1 The owner/operator shall obtain \$2 million (US Dollars) insurance per occurrence coverage if they own and/or operate between 100-999 tanks.

14.1.2 The owner/operator shall obtain \$1 million (US Dollars) insurance per occurrence coverage by April 1, 1991 if they own and/or operate between 13-99 tanks, or by October 1, 1991 if they own one to twelve tanks in accordance with federal UST regulations, 40 CFR 280.95 to 280.99.

14.1.3 The owner/operator shall obtain \$500,000 per occurrence coverage for third party liability and corrective action claims for UST systems not used in petroleum production, refining or marketing and handle a throughput of 10,000 gallons per month or less.

14.2 Proof of coverage shall be provided in the form of insurance/risk retention group coverage, self-insurance, guarantee, letter of credit, surety bond, trust fund, state-funding mechanism, as defined in the federal UST regulations and certified by the CNMI Attorney General.

14.3 If the owner/operator is in bankruptcy, reorganization, or under other court order not to disperse any funds or if personal jurisdiction in either CNMI state or US District Court cannot be obtained over such owner than the Chief may seek recovery for damages arising from accidental UST releases directly from the guarantor or insurer. The guarantor or insurer is entitled to invoke all rights and defenses which the owner would have in an action by claimants under this Section.

14.4 The total liability of a guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner/operator under this

subsection. This subsection does not limit any other CNMI or federal statutory, contractual, or common law liability of a guarantor to its owner/operator, including but not limited to, the liability of the guarantor for bad faith in negotiating or in failing to negotiate the settlement of any claim.

This subsection does not diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, P.L. 96-516, as amended, or other applicable law.

PART 15. ENFORCEMENT

15.1 The Chief shall institute civil actions transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI and in accordance with Federal UST Regulations. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

15.2 The Chief, shall have the responsibility to prepare, issue, modify, revoke and enforce orders for compliance with any of the provisions of these regulations or of any rules and regulations issued pursuant thereto and requiring the taking of such remedial measures for underground storage tank management as may be necessary or appropriate to implement or effectuate the provisions and purposes of these regulations.

15.3 If the Chief has probable cause to believe there has been a violation of these regulations, upon receipt of an order or warrant from the Commonwealth Trial Court or the District Court, DEQ may 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.

15.3.1 The Chief may enter property for purposes specified in subpart 15.3 if a violation has occurred or is imminent; the violation poses a serious, substantial and immediate threat to public health or welfare; or the process of obtaining a warrant or order would prolong or increase the threat, impair discovery of evidence of a violation or impair mitigation of the threat.

15.4 DEQ shall provide for public participation in the enforcement of these regulations by providing notice and opportunity for public comment on all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment), and investigating and responding to citizen complaints about violations,

15.5 Nothing in this section shall prevent US EPA enforcement of either the federal or CNMI UST regulations.

15.6 DEQ shall make information obtained available, upon request, to the US EPA or any duly authorized committee of Congress without restriction.

PART 16 PENALTIES FOR VIOLATIONS

16.1 Any person who violates, or who refuses or neglects to comply with any provision of these regulations, or any certification, standard, notification or order issued by the Chief, Department, or Attorney General, or any valid rule or regulation promulgated under these regulations, shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each tank for each day of violation.

16.2 Upon request of the Chief, the CNMI Attorney General shall petition the Commonwealth Trial Court or the United States District Court for the CNMI for a judgement assessing damages arising from a violation of these regulations or of any certification, standard, notification or order. In determining such damages, if any, the court having jurisdiction of the matter shall consider the magnitude of harm caused by the violation, the nature and persistence of the violation, the length of time during which the violation has occurred and any corrective or ameliorative action or circumstances on the part of the person or persons against whom the damages are to be assessed.

16.3 Any person who knowingly and willfully makes any false statement, representation, or certification in any application, records, report, plan or other documentation filed or required to be maintained under these regulations, or by any certification, or order issued under these regulations, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to these regulations or any certification or order of the Chief pursuant to these regulations shall be subject to criminal prosecution and upon conviction shall be assessed fines not to exceed fifty thousand dollars (\$50,000.00) per day or imprisoned not less than six (6) months and not more than one year or both.

16.4 All sums received as fines pursuant to this part and all permit fees collected pursuant to these regulations shall be paid to the treasurer of the CNMI for credit to the general fund of the CNMI.

16.5 Any person with an interest, which is or may be adversely affected by a violation of these regulations, may intervene as a matter of right in any civil action brought by the Chief, Department, or CNMI Attorney General's Office to require compliance with the provisions of these regulations.

CERTIFICATION

I, Pete Untalan, the Acting Director of the Department of Public Health and Environmental Services which is promulgating the Regulations regarding Underground Storage Tanks hereinabove set forth, by signature below I hereby certify that such Regulations are a true, complete and correct copy of the Regulations regarding Underground Storage Tanks formally adopted by the Department of Public Health and Environmental Services. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of November, 1991 at Saipan, Commonwealth of the Northern Mariana Islands.



Pete Untalan, Acting Director
Department of Public Health and
Environmental Services

NOTICE OF ADOPTION

FOR AMENDMENTS TO WATER QUALITY STANDARDS
FOR PUBLIC LAW 1-8 AND PUBLIC LAW 3-23

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services, of the Northern Mariana Islands (CNMI), in accordance with Public Law 1-8 and Public Law 3-23, has amended the existing CNMI Water Quality Standards. These changes conform with the requirements imposed on the Commonwealth in the federal Clean Water Act. The Water Quality Standards establish standards for water quality for all CNMI waters. The standards protect the use and value of CNMI waters for propagation of fish and wildlife, recreational purposes, public water supply use, and navigation. The final amendments to the CNMI Water Quality Standards include substantive changes from the proposed amendments originally promulgated September 15, 1991.

The amendments to the Water Quality Standards include a revised anti-degradation policy and a strengthened enforcement clause. In addition, the following new provisions were added: 1) wetlands addressed as waters of the CNMI, 2) procedures for Clean Water Act 401 Water Quality Certification, and 3) inclusion of the U.S. Environmental Protection Agency toxics criteria for aquatic life and human health.

Copies of the amended Water Quality Standards may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, located at Dr. Torres Hospital, Saipan, MP 96950.

Date: 11/15/91


PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 11-15-91
TIME: 11:30 (AM) / PM
BY: Remedio C. Magana
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

NUTISIAN PUBLIKU

PARA I AMENDASION SIHA GI STANDARDS KUALIDAT HANOM
PARA I LAI PUBLIKU NUMIRU 1-8 YAN 3-23

DEPPATAMENTON HINEMLO' PUBLIKU YAN SETBISION EMBAIROMENTO

I Direktot i Depattamenton Hinemlo' Publiku yan Setbision Embairomento gi Commonwealth i Sangkattan siha na Islan Mariana, sigon gi aturidat ni ma pribeniyi gi Lai Publiku Numiru 1-8 yan 3-23, ha enfofotma i publiku na esta ha amenda i eksisiste na regulasion put standards i kualidat hanom gi halom i CNMI. Este siha na tinilaika mana'akonfotme yan i mangginagagao siha na kondision ni manma'engganu i Gobetnon Commonwealth gi halom i akton Federat put i ginaspas hanom osino'ayu i Clean Water Act put mas ma tungo'na. I Water Quality Standards ha estableblese regulasion put i kualidat hanom para todun hanom siha gi CNMI. I regulasion siha para u prutehi i ma usa yan balen i hanom CNMI ni para u aomenta i guihan yan otro ga'ga' siha, para proposition rekri'asion, ma usa komu suplikan hanom publiku, yan nabigasion. I uttemu na fina'tinas amendasion guato gi regulasion standards kualidat hanom CNMI ha engkluklusa unos kuantu siha na tinilaika ni manisisario ginen i manmaproponi na amendasion ni manmacho'gue orihinatmente gi Septembre 15, 1991.

I amendasion siha gi regulasion put i standards kualidat hanom ha engklusu i maribisa na areklamento put i anti-degradation yan i parafu ni ha na'lametgot i ma emplimenta-na i regulasion. I sigente siha ni manuebo na prubision mana'fanhalom lokkue: 1) i finasisonyan siha manmatuka komu hanom i CNMI, 2) areklamento siha para i Clean Water Act 401 yan settifikasion kualidat hanom, and 3) i mana'halom i kondesio put binenu siha ginen i U.S. Environmental Protection Agency para i lina'la siha gi halom hanom yan i hinemlo' taotao.

Kopian i ma amenda na Water Quality Standards sina manmachuchule' ginen i Depattamenton Public Health and Environmental Services, Division of Environmental Quality, gi hagas na Dr. Torres Hospital, Saipan MP 96950.

Date: 11/15/91


PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services

FILED
at the
OFFICE of the ATTORNEY GENERAL
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BY: Benedicta C. Maguas
for REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

ARONGORONGOL ADOPTION

MWOGHUTUGHUTUL FFEERUL LLIWEL LLOL ALLEGHUL WATER QUALITY
EBWE ATOTOOLONG LLOL ALLEGHUL TOWLAP (PUBLIC LAW) YE 1-8 ME
ALLEGHUL TOWLAP YE 3-23

BWULASIYOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

Direktoodul Bwulasiyool Public Health me Environmental Services, mellol Commonwealth of the Northern Mariana Islands (CNMI), reel ebwe tabweey aileewal me bwangil Alleghul Towlap (Public Law) ye 1-8 me bwal Alleghul Towlap ye 3-23, nge ekke mangiiy bwe ebwe ayooora lliiwel mellol allegh ye ighila reel CNMI Water Quality Standards. Lliiwel kkall nge ebwe tabweey mwoghutughutul mille Clean Water Act iye Commonwealth e bwal toolong llool. Mille Water Quality Standards, nge ebwe aghatchu schalul me ngare satil CNMI. Mwoghutughutul yeel nge essobw anngowa schall kka llool CNMI igha ebwe fisch ngaliir iigh me maal kka leyil wal (fish and wildlife) igha re ghal yaali bwe leeliyal ukkur, igha rebwe yaali ngaliir towlap, meigha rebwe sseragh fetal llool (navigation). Aighuughul lliiwelil alleegh kkaal nge ebwal yoorolong akkaaw lliiwel iye feerul wool September 15, 1991.

Iliiwel kka rebwe feeru reel Water Quality Standards nge e pwal toolong mille anti-degradation policy, me ebwe amamaawa clause yeel. Milikka e pwal atotoolong nge: 1) Llool mmeschor nge epwal lo ngare bwal schalul CNMI, 2) ffeerul mille ebwe ghasaghas schaal reel Clean Water Act 401 Water Quality Certification, me 3) e pwal toolong U.S. Environmental Protection Agency, reel amwelel toxics criteria ngali melaweer maal kka relo llool schaal me ghatchul ilighiir aramas bwe rete sumway.

Koopiyal lliiwelil allegh kkaal reel Water Quality Standards, nge emmwel schagh bwe aramas rebwe lo bweibwogh mellol Bwulasiyool Public Health me Environmental Services, Division of Environmental Quality, iye lo ighiwe fasul Dr. Torres Hospital, Saipan, MP 96950.

Date: 11/15/91


PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

WATER QUALITY STANDARDS

CONTENTS

PART 1	AUTHORITY
PART 2	PURPOSE
PART 3	ANTI DEGRADATION POLICY
PART 4	DEFINITIONS
PART 5	CLASSIFICATION OF WATER USES
5.1	Marine Waters
5.2	Fresh Waters
5.3	Protection of Wetlands
PART 6	BASIC WATER QUALITY CRITERIA APPLICABLE TO ALL WATERS
PART 7	SPECIFIC WATER QUALITY CRITERIA
7.1	Microbiological Requirements
7.2	pH
7.3	Nutrients
7.4	Dissolved Oxygen
7.5	Total Dissolved Solids, Salinity Currents
7.6	Temperature
7.7	Turbidity
7.8	Radioactive Materials
7.9	Oil and Petroleum Products
7.10	Toxic Pollutants
7.11	General Considerations
PART 8	CLASSIFICATION AND ESTABLISHMENT OF WATER USE AREAS
8.1	Rota
8.2	Tinian and Agiguan
8.3	Saipan
8.4	Northern Islands
PART 9	MIXING ZONE IN RECEIVING WATERS
PART 10	WATER QUALITY CERTIFICATION
10.1	Application for Water Quality Certification
10.2	Public Notification and Public Hearing
10.3	Determination of Water Quality Certification
10.4	Water Quality Certification-General Provisions
10.5	Water Quality Certification-Adoption of New or Revised Water Quality Standards
PART 11	ENFORCEMENT

PART 12 SEVERABILITY
PART 13 CERTIFICATION

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
WATER QUALITY STANDARDS

PART 1 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 under the provisions of the **Clean Water Act, P.L. 92-500 as amended: 33 U.S.C. 1251 et seq.** 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. The Department shall apply these regulations and standards to all marine and fresh water bodies in the Commonwealth.

PART 2 PURPOSE

The purpose of these regulations is to establish standards for water quality for all State waters in order to protect their use and value for propagation of fish and wildlife, recreational purpose, public water supply use, and taking into consideration their use and value for navigation.

PART 3 ANTIDegradation POLICY

It shall be the public policy of the Commonwealth of the Northern Mariana Islands that:

(a) The protection, maintenance, conservation, and improvement of the quality of the waters for the growth and propagation of aquatic life, for marine research and for the conservation of coral reefs and wilderness areas, and for domestic, agricultural, commercial, industrial, recreational and other uses are an historic and legal right of the people of the Northern Mariana Islands.

(b) The achievement of the water quality standards of the Commonwealth of the Northern Mariana Islands is in the best interest of the protection of public health and the environment.

(c) The existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(d) Waters where the quality exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water shall be maintained and protected, unless the Commonwealth determines that the lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation to occur the Commonwealth shall assure the following: 1) the lower water quality be fully protective of designated uses, (2) the impacts on water quality and economic and social development be subject to detailed water quality and economic analyses, (3) that inter governmental coordination and public participation be included in any determination, (4) the highest statutory and regulatory requirements be achieved for all new and existing point sources, and (5) that all cost effective and reasonable best management practices for nonpoint source control be employed.

(e) High quality waters which constitute an outstanding Commonwealth resource, such as waters of wildlife refuges and waters of exceptional recreational or ecological significance shall be maintained and protected.

(f) There shall be no point or nonpoint discharge of sewage or other wastewater into any planned or existing ground or surface source of drinking water.

(g) All sewage, wastewater, and any other matter shall receive a degree of treatment necessary to protect the beneficial uses of the state waters before discharging.

(h) The existing uses in wetlands and the level of water quality necessary to protect those uses shall be protected.

PART 4 DEFINITIONS

"Acute exposure value" - The threshold value at or below which there should be no unacceptable effects to aquatic organisms and their uses if the one-hour concentration does not exceed that value more than once every three years on the average.

"Ambient Conditions" means the existing conditions in surrounding waters not influenced by man.

"Brackish Waters" means waters with dissolved inorganic ions (salinity) greater than 500 ppm (parts per million), but less than 30,000 ppm.

"Chief" means the Chief of the Commonwealth Division of Environmental Quality.

"Chronic exposure value" - The threshold value at or below which there should be no unacceptable effects to aquatic organisms and their uses if the four-day concentration does not exceed that value more than once every three years on the average.

"Coastal Waters" means all waters of a depth less than ten (10) fathoms, or waters up to distance of 1,000 feet off-shore if there is no defined reef areas and if the depth is greater than ten (10) fathoms.

"Commonwealth" means Commonwealth of the Northern Mariana Islands.

"CWA" means the Clean Water Act, P.L. 92-500 as amended: 33 U.S.C. 1251 et seq.

"Department" means the Commonwealth Department of Public Health and Environmental Services.

"DEQ" means the Commonwealth Division of Environmental Quality.

"Director" means the Director of the Commonwealth Department of Public Health and Environmental Services.

"Discharger" means any person who emits any wastewater, substance, or material into the waters of the Commonwealth whether or not such substance causes pollution.

"Fresh Waters" means all waters with dissolved inorganic ions of less than 500 ppm.

"Mixing Zone" means the area or volume of a water body within which effluent(s) shall become physically mixed with the receiving waters through initial dilution. Initial dilution is the process through which the wastewater immediately mixes with the receiving water due to the momentum of the waste discharge and the difference in density between the discharge and the receiving water.

"Oceanic Waters" means all other marine waters outside of the ten (10) fathom depth contour and not less than 1,000 feet off-shore.

"Receiving Water(s)" means State water(s) of the Commonwealth into which wastes or wastewaters are, or may be, discharged.

"State Waters" means all waters, fresh, brackish, or marine including wetlands, around and within the Commonwealth and as further delineated and defined under the Marine Sovereignty Act of 1980 (P.L. 2-7).

"Toxic" means lethal, oncogenic, teratogenic or mutagenic, or otherwise damaging to man or other living organisms.

"Wastewater" means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff.

"Wetlands" means an area which is inundated or saturated by surface or groundwater at a frequency and duration that is sufficient to support, and under normal circumstances does support, vegetation typically adapted for life in saturated soil conditions.

"Zone of Passage" means a continuous water route of the volume, area, and quality necessary to allow passage of free-swimming and drifting organisms with no significant effects produced on their populations.

PART 5 CLASSIFICATION OF WATER USES

5.1 Marine Waters

(a) CLASS AA - It is the objective of this class that these waters remain in their natural pristine state as nearly as possible with an absolute minimum of pollution or alteration of water quality from any human-related source or actions. To the extent practicable, the wilderness character of such areas shall be protected. No zones of mixing shall be permitted in coastal waters (in waters of depth less than ten fathoms), or in waters up to one thousand feet off shore if the depth is greater than ten fathoms unless otherwise approved by the Chief.

The uses to be protected in this class of waters are the support and propagation of shellfish and other marine life, conservation of coral reefs and wilderness areas, oceanographic research, and aesthetic enjoyment and compatible recreation inclusive of whole body contact and related activities.

The classification of any water area as Class AA shall not preclude other uses of such waters compatible with these objectives and in conformance with the criteria applicable to them.

(b) CLASS A - It is the objective of this class of waters that their use for recreational purposes and aesthetic enjoyment be protected.

Any other use shall be allowed as long as it is compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation in and on these waters of **a limited body contact nature**. Such waters shall be kept clean of solid waste, oil and grease, and shall not act as receiving waters for any effluent which has not received the best degree of treatment of control practicable under existing technology and economic conditions and compatible with standards established for this class.

5.2 Fresh Waters

(a) Class 1 - It is the objective of this class that these waters remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source. To the extent possible, the wilderness character of such areas shall be protected. Waste discharge into these waters is prohibited.

The uses to be protected in this class of water are for domestic water supplies, food processing, the support and propagation of aquatic life, compatible recreation and aesthetic enjoyment **including water contact recreation**.

(b) Class 2 - It is the objective of this class of waters that their use for recreational purposes, propagation of fish and other aquatic life, and agricultural and industrial water supply not be limited in any way. The uses to be protected in this class of waters are all uses compatible with the protection and propagation of fish and other aquatic life, and with recreation in and on these waters. **Compatible recreation may include limited body contact activities**. Such waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control practical under technological and economic conditions and compatible with the standards established for this class.

5.3 Protection of Wetlands

Wetlands are waters of the State and are subject to the provisions of this rule. Point or nonpoint sources of pollution shall not cause destruction or impairment of wetlands. All provisions of these regulations apply to all wetlands unless replaced by site specific standards adopted by the Commonwealth and approved by EPA.

PART 6 BASIC WATER QUALITY CRITERIA APPLICABLE TO ALL WATERS

All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants and shall be capable of supporting desirable aquatic life and be suitable for recreation in and on the water.

This part will be subject to verification by monitoring as may be prescribed by the Director or Chief to assure freedom from any of the following conditions:

(a) Materials that will settle to form objectionable sludge or bottom deposits.

(b) Floating debris, oil, grease, scum, or other floating materials.

(c) Substances in amounts sufficient to produce taste or odor in the water or detectable off flavor in the flesh of fish, or in amounts sufficient to produce objectionable odor, turbidity, or other conditions in the receiving waters.

(d) High temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human health or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water.

(e) Soil particles resulting from erosion on land involved in earth work, such as construction of public works; highways; subdivisions; recreational; commercial, or industrial development; or the cultivation and management of agricultural lands.

(f) Substances or conditions or combinations thereof in concentration which produce undesirable aquatic life.

PART 7 SPECIFIC WATER QUALITY CRITERIA

7.1 Microbiological Requirements

Applicable to:

The Fecal coliform concentration shall not exceed a geometric mean of 200 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period nor shall any single sample exceed 400 per one hundred milliliters at any time.

All Waters

The Enterococci concentration shall not exceed a geometric mean of 35 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period.

AA

The Enterococci concentration shall not exceed a geometric mean of 33 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period.

1

The E. Coli concentration shall not exceed a geometric mean of 125 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period.

1

The Enterococci concentration shall not exceed a geometric mean of 125 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period.

A

The Enterococci concentration shall not exceed a geometric mean of 90 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period.

2

The E. Coli concentration shall not exceed a geometric mean of 300 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period.

2

Since fecal coliforms and enterococci may originate from environmental sources as well as from human and animal fecal contamination; where these microbiological standards are exceeded, a determination of the impact on public health and the environment may be based upon additional sampling, a sanitary survey of the drainage area contributing run-off to the contaminated water, and special studies of the environmental sources of fecal coliforms and enterococci in the waters of the CNMI.

In areas which support shellfish habitat where the shellfish are harvested for human consumption the fecal coliform concentration shall not exceed a geometric mean of 14 per one hundred milliliters in not less than five samples equally spaced over a thirty-day period.

7.2 pH

pH shall not deviate more than 0.5 units from a value of 8.1. A,AA

pH shall not deviate more than 0.5 from ambient conditions and shall not be lower than 6.5 nor higher than 8.5. 1,2

7.3 Nutrients

Parameter	Concentration Shall Not Exceed (mg/l)	Applicable To
Total Nitrogen	0.4	AA
	0.75	A,1
	1.50	2
Nitrate-Nitrogen	0.20	AA
	0.50	A
Total Phosphorus	0.025	AA
	0.05	A
	0.10	1,2
Ammonia (un-ionized)	0.02	AA,A,1,2

7.4 Dissolved Oxygen

Concentration of dissolved oxygen shall not be less than 75% saturation, when the measurement is taken one hour before sunset. Where natural conditions cause lower dissolved oxygen levels, controllable water quality factors shall not cause further reductions.

7.5 Total Dissolved Solids, Salinity, Currents

No change in channels, basic geometry or fresh water influx shall be made which would cause permanent changes in isohaline patterns of more than 10% from the natural conditions or which would otherwise adversely affect the indigenous biota and natural sedimentary patterns. AA,A

7.6 Temperature

Water temperature shall not vary by more than 1.5F (0.9C) from the ambient conditions.

AA,A,1,2

7.7 Turbidity

Turbidity at any point, as measured by nephelometric turbidity units (NTU), shall not exceed 0.5 NTU over ambient conditions except when due to natural conditions.

AA,1

Turbidity values (NTU) at any point shall not exceed 1.0 NTU over ambient conditions except when due to natural conditions.

A,2

7.8 Radioactive Materials

(a) The concentration of radioactive materials in water shall not exceed 1/30th of the maximum permissible limits established for continuous occupational exposure given in the National Bureau of Standards Handbook No. 69.

All waters

(b) No radionuclide or combination of radionuclides shall be present at concentrations greater than those specified by the Commonwealth of the Northern Mariana Islands Drinking Water Regulations and the National Primary Drinking Water Regulations.

All waters

(c) The concentration of radioactive materials in fresh, brackish, and marine waters shall not result in the accumulation of radioactivity in plants or animals that would result in a hazard to humans or aquatic life.

All waters

7.9 Oil and Petroleum Products

The concentration of oil or petroleum products shall not:

All waters

(a) Be detectable as a visible film, sheen, or discoloration of the surface or cause an objectionable odor.

(b) Cause tainting of fish or other aquatic life, be injurious to the indigenous biota or cause objectionable taste in drinking water.

(c) Form an oil deposit on beaches or shoreline or on the bottom of a body of water.

7.10 Toxic Pollutants

In order that the designated uses of State waters be protected, all waters shall be free from toxic pollutants in concentrations that are lethal to, or that produce detrimental physiological responses in human, plant, or animal life. Detrimental responses include, but are not limited to, decreased growth rate and decreased reproductive success of resident or indicator species and/or significant alterations in population or community ecology or receiving water biota.

A "toxic pollutant" is as defined by the CWA, Section 502(13). Criteria for toxic pollutants are given as either a numeric criteria or are determined by multiplying the stated application factor by the concentration determined to be lethal to 50% of the most sensitive indigenous organism after 96 hours of exposure (96 LC 50). The 96 LC 50 values shall be determined by using bioassay procedures consistent with those described in the latest edition of Standard Methods for the Examination of Water and Wastewater.

In order to determine compliance with this section, the Chief may require additional studies of indicator organisms which include, but are not limited to, analyses of species diversity, species abundance, reproductive success, population density, and growth anomalies. Additionally, effects on human health due to bioconcentration shall be considered.

Aquatic life and human health numeric criteria for the toxic pollutants included in the CWA, Section 307(a), list of priority pollutants, or any subsequent revision are incorporated by reference into the CNMI, Water Quality Standards. Numeric criteria are listed in Table A, Aquatic Life Water Quality Criteria, Priority Pollutants and Table B, Human Health Water Quality Criteria, Priority Pollutants.

In waters designated for use as a source of public water supply, the human health numeric criteria shall be at least as stringent as the maximum contaminant levels (MCL's) for drinking water established in the CNMI Drinking Water Regulations.

Site specific criteria shall be developed for toxic pollutants for which: numeric water quality criteria have not been established; a species inhabiting a given site may be more or less sensitive than those used in developing the established criteria;

the water chemistry (e.g., pH, hardness, temperature, suspended solids, etc) appears to differ significantly from the laboratory water used in developing the criteria; or the residual toxicity or synergistic (combined) effect of pollutants requires analyses and development of site specific criteria. Site specific criteria for aquatic life and human health shall be derived from the CWA, Section 304(a)(1) water quality criteria or by methods published by the U.S. Environmental Protection Agency as described in (45 Federal Register 79318), November 28, 1980.

In areas where site specific criteria are developed, the Department shall regulate point source discharges by establishing effluent limits which are protective of the designated use of the waters in the area.

7.11 General Considerations

(a) Effects of high temperature, biocides, pathogenic organisms or other deleterious substances at levels or combinations sufficient to interfere with aquatic life or human health, or in amounts sufficient to interfere with the beneficial use of the water shall be evaluated as a minimum by use of a 96-hour bioassay as described in the most recent editions of Standard Methods for the Examination of Water and Wastewater. Survival of test organisms shall not be less than that in controls which utilize appropriate water. Failure to determine presence of toxic substances by this method shall not preclude determinations of excessive levels of toxic substances on the basis of other criteria or methods.

(b) Pollutant discharges shall be regulated so as to protect not only the waters receiving the discharge directly, but also those waters into which the initial receiving waters may flow and their respect marine life.

(c) Part 6 (e) shall be met upon showing that the land on which the erosion occurred or is occurring is being managed in accordance with the CNMI Earthmoving and Erosion Control Regulations, Commonwealth Register Vol. 8 No. 6, September 15, 1986, and that a comprehensive conservation program is being actively pursued, or that the discharge has received the best degree of treatment or control, and that the severity of impact of the residual soil reaching the receiving body of water is deemed by the Chief to be acceptable.

(d) The health and life history characteristics of aquatic organisms in waters affected by controllable water quality factors shall not differ significantly from those for the same waters in area unaffected by controllable water quality factors. Also, controllable water quality factors shall not cause a detrimental increase in concentrations of toxic substances found in bottom sediments or aquatic life.

PART 8 CLASSIFICATION AND ESTABLISHMENT OF WATER USE AREAS

8.1 Rota

(a) CLASS AA

All coastal and oceanic waters surrounding Rota except for those waters delineated in CLASS A.

(b) CLASS A

The coastal waters known as East Harbor and West Harbor.

(c) CLASS 1

All fresh surface waters on Rota.

8.2 Tinian and Agiguan

(a) All coastal and oceanic waters surrounding Tinian and Agiguan except for those waters delineated in CLASS A.

(b) CLASS A

The coastal waters known as San Jose Harbor.

(c) CLASS 1

All fresh surface waters on Tinian and Agiguan.

8.3 Saipan

(a) CLASS AA

All coastal and oceanic surrounding Saipan except for those delineated in CLASS A.

(b) CLASS A

The coastal waters from Puntan Muchot to **Saddok As Agatan** and the coastal waters surrounding the Agingan Wastewater Treatment Plant, within a 1,000 foot radius of the outfall.

(c) CLASS 1

All fresh surface waters on Saipan.

8.4 Northern Islands (Farallon de Medinilla, Anatahan, Sariguan, Guguan, Alamagan, Pagan, Agrihan, Asuncion, Maug, Farallon de Pajaros)

(a) CLASS AA

All coastal and oceanic waters surrounding the Northern Islands except for those delineated in CLASS A.

(b) CLASS A

The coastal and oceanic waters surrounding Farallon de Medinilla.

(c) CLASS 1

All fresh surface waters in the Northern Islands.

PART 9 MIXING ZONE IN RECEIVING WATERS

The water quality criteria in these regulations shall apply within a mixing zone unless specific alternative criteria have been approved by the Division of Environmental Quality and concurred upon by the U.S. Environmental Protection Agency. Mixing Zones will not be granted in lieu of reasonable control measures to reduce point source pollutant discharges but will be granted to complement the applicable controls. A limited mixing zone, serving as a zone of initial dilution in the immediate area of a point source of pollution, may be allowed if the conditions set out in this part are met.

9.1 No mixing zone shall be established unless the continuation of the function or operation involved in the discharge by the granting of the mixing zone is in the public interest, and the discharge occurring or proposed to occur does not substantially endanger public health and safety.

9.2 If the mixing zone is established on the grounds that there is no reasonable means known or available for the adequate prevention, control, or abatement of the discharge involved, it shall be allowed only until the necessary means for prevention, control or abatement become practicable, and subject to the taking of any substitute or alternative measures that the Chief may prescribe. No renewal of a mixing zone shall be allowed without a thorough review of known and available means of preventing, controlling, or abating the discharge involved.

9.3 The Chief may issue an approval for the establishment of a mixing zone for a period not to exceed five years.

9.4 An allowable mixing zone shall be defined by the following characteristics: receiving water; discharge location; volume of discharge; specific linear distance; area or volume; mixing velocities and other pertinent hydrologic and physio graphic characteristics, and the maximum concentrations of important constituents determined on a case-by-case basis.

9.5 The following criteria shall be met in determining the location, size, shape, out-fall design and in-zone quality of mixing zones.

(a) Mixing zones shall not intersect any area of the waters in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.

(b) Mixing zones shall be as small as practicable and shall be limited to a total area or volume that will not cause substantial damage to or impairment of designated water uses or anticipated future uses within the mixing zone or surrounding waters.

(c) The total area or volume of water designated as a mixing zone shall be limited to that area or volume which will not interfere with biological communities or populations of important species to a degree which is damaging to the ecosystem.

(d) In a mixing zone an adequate zone of passage shall exist at all times for the movement or drift of aquatic life.

(e) Where two or more mixing zones are in close proximity, they shall be so defined that a continuous zone of passage for aquatic life is available.

(f) mixing zones will not be approved for discharges of toxic pollutants which bio accumulate.

(g) mixing zones shall be free from substances in concentrations or combinations that will cause acute lethality to aquatic life.

(h) The prohibition on acute lethality Part 9.5(g) shall be implemented by requiring that the concentrations of toxic pollutants in the pipe at the point of discharge shall not exceed the acute, aquatic life water quality criteria of Part 7.10 of these regulations.

(i) For discharges into freshwater streams and rivers the mixing zone will be limited to not more than 1/4 of the cross sectional area and/or volume of flow of the stream, leaving at least 3/4 free as a Zone of Passage. The mixing zone shall not extend more than 5 stream widths downstream from the point of discharge. Mixing zones will not be allowed in standing bodies of water.

(j) For discharges to marine waters the mixing zone shall be equal in depth to the depth of the water over the diffuser, in width to twice the depth of the water plus the width of the diffuser, and in length to twice the depth of the water plus the length of the diffuser, with the diffuser geographically centered within the mixing zone.

(k) All discharges to marine waters will comply with the Ocean Discharge Criteria promulgated under Section 403 (c) of the CWA.

PART 10 WATER QUALITY CERTIFICATION

A water quality certification is required by the CWA, Section 401 of any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States. The Division of Environmental Quality shall issue a water quality certification for any proposed activity which: (1) complies with the applicable provisions of the CWA Sections 301, 302, 303, 306, and 307, (2) complies with applicable provisions of the CNMI Water Quality Standards, (3) will not interfere with the attainment or maintenance of the existing or designated use of the state waters, and (4) all appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on aquatic life and human health, as determined by the Chief.

10.1 Application For Water Quality Certification

An applicant for certification shall submit a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Such a description shall include the following:

- (a) The name and address of the applicants;

(b) A description of the facility or activity, and of any discharge into state waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility. This description shall include the characteristic of the discharge, and the location or locations at which such discharge may enter state waters.

(c) If applicable, a description of the function and operation of equipment or facilities to control discharges, including specification of the methods of control to be used;

(d) The estimated date or dates on which the activity will begin and end and the date or dates on which the discharge(s) will take place.

(e) If applicable, a description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the control of the proposed discharge;

(f) The Chief may require the submission of additional information after a certification application has been filed. If a certification application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency. The Chief shall notify the applicant, in writing, within sixty days of the submission of an application, if an application is incomplete or otherwise deficient. A description of the type of additional information necessary to complete the application or correct the deficiency will be included with such a written notice. Failure to provide additional information or to correct a deficiency shall be sufficient grounds for denial of certification; and

(g) The applicant is required to notify the department, in writing, of changes which may affect the application and certification process.

(h) The applicant will be informed, in writing, by the Chief when a certification application is considered complete. The Chief shall act on a request for certification within a period which shall not exceed six months.

(i) Every applicant for water quality certification shall pay a filing fee of \$2000.00. This filing fee shall be submitted with the water quality certification application and shall not be refunded nor applied to any subsequent water quality certification following final action or denial of a water quality certification. Any Federal or CNMI government agency shall be exempt from paying filing fees.

10.2 Public Notification and Public Hearing

DEQ; in accordance with procedures established by the Governors Office, shall issue a public notification upon receipt of an application for a water quality certification. The notice will include the name and address of the applicant, and a brief description of the activity and of the discharge involved in the activity for which certification is being sought. The public comment period shall be for 30 days from the date of the first publication of the notice. The Chief may, upon request, provide the opportunity for public hearing(s) to consider issuance of a water quality certification. The Chief shall inform the applicant, in writing, that such action has been taken. All publication costs related to public notification(s) hearing(s) shall be paid by the applicant to the necessary and appropriate newspaper agency(ies) prior to publication date.

10.3 Determination of Water Quality Certification

(a) The Chief shall make a determination on a Water Quality Certification based upon evaluation of: (1) the application made by the applicant to the licensing or permitting agency and the information contained in such application which is relevant to water quality considerations, (2) the application materials submitted pursuant to part 10.1, (3) comments received during the public comment period, (4) the record of a public hearing held pursuant to part 10.2, and (5) any other information and data that the Chief deems relevant.

(b) DEQ shall not grant a water quality certification for any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States unless the activity meets all of the provisions of the CWA 404(b)(1) as described in 40 CFR Part 230.

(c) The contents of the Water Quality Certification issued by DEQ shall include: (1) the name and address of the applicant (2) reference to the application materials which were evaluated in making the certification, identified by date received, and federal license and permit application number or code where applicable. (3) a statement that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards, (4) a statement of any conditions which the Chief deems necessary or desirable with respect to the discharge or the activity, and (5) any such other information as the Chief may determine to be appropriate.

(d) If after considering the information submitted pursuant to 10.3(a) the Chief determines that there is reasonable assurance that applicable water quality standards will not be violated and the best practicable methods of control will be applied to a discharge which is the result of any activity including, but not limited to, the construction and operation of facilities, then the Chief shall so certify.

(e) The Chief may modify the certification prior to the issuance of the federal license or permit, after consideration of information presented by the applicant licensing or permitting agency or other government agencies or interested parties.

(f) If the Chief fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed six months) after receipt of a complete application, then the certification requirements of this section shall be waived with respect to federal applications.

If the discharge in question is the result of one of the activities which receives a nationwide permit for the discharge of dredge and fill materials, thereby fulfilling specific conditions of that permit pursuant to 33 CFR 330.5 and 330.6, then the Chief will determine, on a case-by-case basis, which projects are considered to be minor and non-controversial. Certification requirements of this section shall be waived for minor and non-controversial activities within six months of the receipt of a completed application.

10.4 Water Quality Certification-General Provisions

(a) Where any facility or activity has received certification pursuant to section 10.3 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Chief, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

(b) If the Chief, after an inspection pursuant to section 10.4 (a) determines that operation of the proposed facility or activity will violate applicable water quality standards, the Chief shall so notify the applicant and the licensing or permitting agency.

(c) Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Chief's notice and recommendation pursuant to section 10.3, the applicant may submit evidence to the Chief, that the facility or activity has been modified so as not to violate applicable water quality standards. If the Chief determines that the applicable water quality standards have not been violated, the Chief shall so notify the licensing or permitting agency.

(d) The Chief may, and upon request shall, provide licensing and permitting agencies with determinations, definitions and interpretations to the meaning and content of the CNMI water quality standards. The Chief may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards.

10.5 Water Quality Certification-Adoption of New or Revised Water Quality Standards

To the extent permitted by applicable law, all water quality certifications to be issued by DEQ shall require the licensing or permitting authority to include a clause in the license or permit advising the licensee or permittee that the license or permit shall be subject to amendment or modification if and to the extent that existing water quality standards are made more stringent, or new water quality standards are adopted, by DEQ.

Upon adoption or revision of water quality standards, DEQ shall notify the licensing or permitting authority and the licensee or permittee of the revised or newly-enacted water quality standards and shall request the licensing or permitting authority to amend or modify the license or permit, if and to the extent permitted by applicable law, to reflect the applicable water quality standards.

PART 11 ENFORCEMENT

The Department, acting through the Commonwealth Attorney General, is responsible for enforcement of these regulations in consonance with, and in accordance with the applicable laws of the CNMI and in accordance with U.S. P.L. 92-500, known as the "Clean Water Act", and its amendments. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

Where the CNMI water quality standards are exceeded in State waters designated for recreational use, the Director in consultation with the Chief shall have the authority to suspend public use of state waters or take action in the Director's discretion to protect the public health, safety and welfare.

PART 12 SEVERABILITY

If any provision of these Regulations or their application is held to be invalid, such invalidity shall not affect any other provision or application that can be used without the invalid section, and to this end the provisions of these Regulations and their various applications are declared to be severable.

PART 13 CERTIFICATION

I, Pete Untalan, the Acting Director of the Department of Public Health and Environmental Services which is promulgating the Amendments regarding Water Quality Standards hereinabove set forth, by signature below I hereby certify that such Amendments to the Water Quality Standards are a true, complete and correct copy of the Amendments Regarding the Water Quality Standards formally adopted by the Department of Public Health and Environmental Services. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of November, 1991 at Saipan, Commonwealth of the Northern Mariana Islands.


Pete Untalan, Acting Director
Department of Public Health and
Environmental Services

TABLE A

Aquatic Life Water Quality Criteria (1)
Priority Pollutants

Pollutant	Fresh Waters		Marine Waters	
	Acute	Chronic	Acute	Chronic
Pentachlorophenol	20(3)	13(3)	13	7.9
Aldrin	3.0	-	1.3	-
Dieldrin	2.5	0.0019	0.71	0.0019
Chlordane	2.4	0.0043	0.09	0.004
4,4'-DDT	1.1	0.001	0.13	0.001
alpha-Endosulfan	0.22	0.056	0.034	0.0087
beta-Endosulfan	0.22	0.056	0.034	0.0087
Endrin	0.18	0.0023	0.037	0.0023
Heptachlor	0.52	0.0038	0.053	0.0036
Heptachlor epoxide	0.52	0.0038	0.053	0.0036
gamma-BHC (Lindane)	2	0.08	0.16	-
(Hexachlorocyclohexane-gamma)				
PCB 1242 (Arochlor 1242)	-	0.014	-	0.03
PCB-1254 (Arochlor 1254)	-	0.014	-	0.03
PCB-1221 (Arochlor 1221)	-	0.014	-	0.03
PCB-1232 (Arochlor 1232)	-	0.014	-	0.03
PCB-1248 (Arochlor 1248)	-	0.014	-	0.03
PCB-1260 (Arochlor 1260)	-	0.014	-	0.03
PCB-1016 (Arochlor 1016)	-	0.014	-	0.03
Toxaphene	0.73	0.0002	0.21	0.0002
Arsenic	360	190	69	36
Cadmium	3.9(2)	1.1(2)	43	9.3
Chromium (III)	1700(2)	210(2)	-	-
Chromium (VI)	16	11	1100	50
Copper	18(2)	12(2)	2.9	2.9
Cyanide (total)	22	5.2	1.0	1.0
Lead	82(2)	3.2(2)	140	5.6
Mercury	2.4	0.012	2.1	0.025
Nickel	1400(2)	160(2)	75	8.3
Selenium	20	5	300	71
Silver	4.1(2)	-	2.3	-
Zinc	120(2)	110(2)	95	86
Tribatyltin	0.44	0.06	0.36	0.01

(1) THESE CRITERIA APPLY TO ALL SURFACE WATERS. EXCEPT FOR THE VALUES FOR METALS, THE VALUES GIVEN IN THIS TABLE REFER TO THE TOTAL RECOVERABLE (DISSOLVED PLUS SUSPENDED) AMOUNT OF EACH SUBSTANCE. FOR THE AQUATIC LIFE VALUES FOR METALS, THE VALUES REFER TO THE ACID SOLUBLE PORTION WHICH IS DERIVED AS THE FRACTION THAT PASSES THROUGH A .45 UM MEMBRANE FILTER AFTER THE SAMPLE IS ACIDIFIED TO PH 1.5-2.0 WITH NITRIC ACID. ALL CRITERIA ARE LISTED AS MICROGRAMS PER LITER (UG/L).

(2) HARDNESS DEPENDENT CRITERIA. VALUE GIVEN IS AN EXAMPLE ONLY AND IS BASED ON A CaCO_3 HARDNESS OF 100 MG/L. CRITERIA FOR EACH CASE MUST BE CALCULATED USING THE APPROPRIATE EQUATIONS IN THE EPA CRITERIA DOCUMENTS.

(3) PH DEPENDENT CRITERIA. VALUE GIVEN IS AN EXAMPLE ONLY AND IS BASED ON A PH OF 7.8. CRITERIA FOR EACH CASE MUST BE CALCULATED USING THE EQUATION IN THE EPA CRITERIA DOCUMENT.

TABLE B

Human Health Water Quality Criteria (1)
Priority Pollutants

Pollutant	Human Health Value	
	Fresh Waters(3)	Marine Waters(3)
Acrolein	320	780
Acrylonitrile(4)	0.058	0.65
Benzene(4)	0.66	40
Benzidine(4)	0.00012	0.00053
Carbon tetrachloride(4) (Tetrachloromethane)	0.40	6.94
Chlorobenzene (Monochlorobenzene)	488	21000
Hexachlorobenzene(4)	0.00072	0.00074
1,2-Dichloroethane(4)	0.94	243
1,1,1-Trichloroethane	200	1030000
Hexachloroethane(4)	1.9	8.74
1,1,2-Trichloroethane(4)	0.60	41.8
1,1,2,2-Tetrachloroethane(4)	0.17	10.7
Bis(2-chloroethyl) ether(4)	0.03	1.36
2,4,6-Trichlorophenol(4)	1.2	3.6
Chloroform (HM)(4) (Trichloromethane)	0.19	15.7
1,2-Dichlorobenzene	400	2600
1,3-Dichlorobenzene	400	2600
1,4-Dichlorobenzene	75	2600
3,3'-Dichlorobenzidine(4)	0.01	6.02
1,1-Dichloroethylene(4)	0.033	1.83
2,4-Dichlorophenol	93	790
1,3-Dichloropropylene (1,3-Dichloropropene) (cis and trans isomers)	87	14100
2,4-Dinitrotoluene(4)	0.11	9.1
1,2-Diphenylhydrazine(4)	0.042	0.56
Ethylbenzene	1400	3260

Pollutant	Human Health Value	
	Fresh Waters(2)	Marine Waters(3)
Fluoranthene	42	54
Bis(2-chloroisopropyl) ether	34.7	4360
Methylene chloride (HM)(4) (Dichloromethane)	0.19	15.7
Methyl chloride (HM)(4) (Chloromethane)	0.19	15.7
Methyl bromide (HM)(4) (Bromomethane)	0.19	15.7
Bromoform (HM)(4) (Tribromomethane)	0.19	15.7
Dichlorobromomethane (HM)(4)	0.19	15.7
Chlorodibromomethane (HM)(4)	0.19	15.7
Hexachlorobutadiene(4)	0.45	50
Hexachlorocyclopentadiene	206	17400
Isophorone	5200	520000
Nitrobenzene	17	1900
2,4-Dinitrophenol	70	14300
4,6-Dinitro-o-cresol (4,6-Dinitro-2-methylphenol)	13.4	765
N-Nitrosodimethylamine(4)	0.0014	16
N-Nitrosodiphenylamine(4)	4.9	16.1
Pentachlorophenol	1010	—
Phenol	3500	4600000
Bis(2-ethylhexyl)phthalate(4)	15000	50000
Di-n-butyl phthlate	34000	154000
Diethyl phthalate	350000	1800000
Dimethyl phthlate	313000	2900000
Benzo(a)anthracene (PAH)(4) (1,2-Benzanthracene)	0.0028	0.0311
Benzo(a)pyrene (PAH)(4) (3,4-Benzopyrene)	0.0028	0.0311
Benzo(b)fluoranthene (PAH)(4) (3,4-Benzofluoranthene)	0.0028	0.0311
Benzo(k)fluoranthene (PAH)(4) (11,12-Benzofluoranthene)	0.0028	0.0311
Chrysene (PAH)(4)	0.0028	0.0311
Acenaphthylene (PAH)(4)	0.0028	0.0311
Anthracene (PAH)(4)	0.0028	0.0311
Benzo(g,h,i)perylene (PAH)(4) (1,12-Benzoperylene)	0.0028	0.0311

Pollutant	Human Health Value	
	Fresh Waters(2)	Marine Waters(3)
Fluorene (PAH)(4)	0.0028	0.0311
Phenanthrene (PAH)(4)	0.0028	0.0311
Dibenz(a,h)anthracene (PAH)(c) (1,2,5,6-Dibenzanthracene)	0.0028	0.0311
Indeno(1,2,3-cd)pyrene (PAH)(c)	0.0028	0.0311
Pyrene (PAH)(4)	0.0028	0.0311
Tetrachloroethylene(4)	0.8	8.85
Toluene	14300	424000
Trichloroethylene(4)	2.7	80.7
Vinyl chloride(4) (Chloroethylene)	2.0	525
Aldrin(4)	0.000074	0.000070
Dieldrin(4)	0.000071	0.000076
Chlordane(4)	0.00046	0.00048
4,4'-DDT(4)	0.000024	0.000024
4,4'-DDE(4)	0.000024	0.000024
4,4'-DDD(4)	0.000024	0.000024
alpha-Endosulfan	74	159
beta-Endosulfan	74	159
Endosulfan sulfate	74	159
Endrin	0.2	—
Endrin aldehyde	0.2	—
Heptachlor(4)	0.00028	0.00029
Heptachlor epoxide(4)	0.00028	0.00029
alpha-BHC(4) (Hexachlorocyclohexane-alpha)	0.0092	0.031
beta-BHC(4) (Hexachlorocyclohexane-beta)	0.016	0.055
gamma-BHC (Lindane)(4) (Hexachlorocyclohexane-gamma)	0.019	0.063
PCB 1242 (Arochlor 1242)(4)	0.000079	0.000079
PCB-1254 (Arochlor 1254)(4)	0.000079	0.000079
PCB-1221 (Arochlor 1221)(4)	0.000079	0.000079
PCB-1232 (Arochlor 1232)(4)	0.000079	0.000079
PCB-1248 (Arochlor 1248)(4)	0.000079	0.000079
PCB-1260 (Arochlor 1260)(4)	0.000079	0.000079
PCB-1016 (Arochlor 1016)(4)	0.000079	0.000079
Toxaphene(4)	0.00071	0.00073

Pollutant	Human Health Value	
	Fresh Waters(2)	Marine Waters(3)
Antimony	146	45000
Arsenic(4)	0.002	0.017
Asbestos	30000 fibers/l	-
Beryllium(4)	0.0076	0.131
Cadmium	10	-
Chromium (III)	50	3433000
Chromium (VI)	50	-
Cyanide (total)	200	-
Lead	50	-
Mercury	0.144	0.146
Nickel	13.4	100
Selenium	10	-
Silver	50	-
Thallium	13	48
Dioxin (2,3,7,8-TCDD)(4)	0.000000013	0.000000014

(1) THE VALUES GIVEN IN THIS TABLE REFER TO THE TOTAL RECOVERABLE (DISSOLVED PLUS SUSPENDED) AMOUNT OF EACH SUBSTANCE. EXCEPT FOR ASBESTOS, ALL CRITERIA ARE LISTED AS MICROGRAMS PER LITER (UG/L).

(2) THE FRESH WATER VALUES APPLY TO ALL SURFACE FRESH WATERS AND ARE BASED ON TWO ROUTES OF EXPOSURE - INGESTION OF CONTAMINATED AQUATIC ORGANISMS AND DRINKING WATER.

(3) THE MARINE WATER VALUES APPLY TO ALL SURFACE MARINE WATERS AND ARE BASED ON ONE ROUTE OF EXPOSURE - INGESTION OF CONTAMINATED AQUATIC ORGANISMS ONLY.

(4) SUBSTANCE CLASSIFIED AS A CARCINOGEN WITH THE VALUE BASED ON AN INCREMENTAL RISK OF ONE ADDITIONAL INSTANCE OF CANCER IN ONE MILLION PERSONS.

NOTICE OF ADOPTION

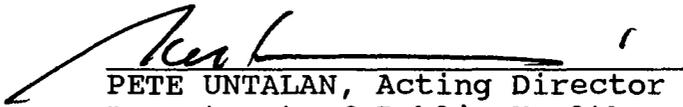
FOR AMENDMENTS TO DRINKING WATER REGULATIONS
FOR PUBLIC LAW 1-8 AND PUBLIC LAW 3-23

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services of the Commonwealth of the Northern Mariana Islands (CNMI), in accordance with Public Law 1-8 and Public Law 3-23, has amended the existing CNMI Drinking Water Regulations. These changes conform with the requirements imposed on the Commonwealth in the Federal Safe Drinking Water Act. These changes restructure the Commonwealth Drinking Water Regulations in order to make the regulations in order to make the regulations more readable and easier to understand. The amendments also establish additional minimum drinking water standards. The standards set limits on the amounts of various contaminants sometimes found in drinking water. The final amendments include substantive changes from the proposed amendments promulgated September 15, 1991.

The amendments include changes to the sections of the drinking water regulations pertaining to Public Notification and the standard for Flouride. New drinking water standards were added for the Trihalomethanes (THMs), and the Volatile Organic Chemicals (VOCs) which include a number of unregulated contaminants.

Copies of the amended Drinking Water Regulations may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, located at Dr. Torres Hospital, Saipan, MP 96950.

Date: 11/15/91 
PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 11-15-91
TIME: 11:20 AM / PM
BY: Remedio C. Magaña
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

NOTISIAN PUPBLIKU

NA ESTA MA'ADAPTA I AMENDASION PUT I REGULASION I
HANOM SIHA NI MANMAGIGIMEN GI LAI PUPBLIKU
NIMIRU 1-8 YAN 3-23

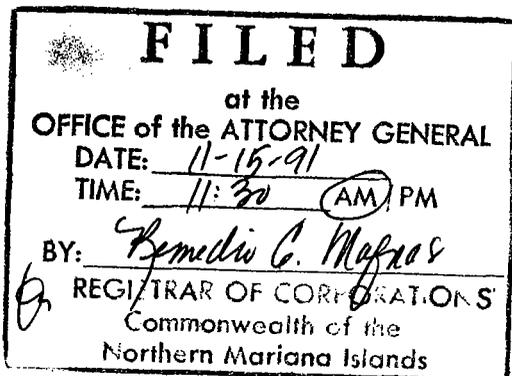
I Direktot i Depattamenton Hinemlon Publiku yan Environmental Services, i Commonwealth of the Northern Mariana Islands (CNMI), sigon gi Lai Publiku Numiru 1-8 yan 3-23, ha infotma i pupliku na esta ha amenda i eksisiste na regulasion i CNMI put hanom siha ni manmagigimen osino i CNMI Drinking Water Regulations. Este siha na tinulaika man'akonfotme yan i manginagagao na kondision ni ma'engganu i Commonwealth gi halom i Safe Drinking Water Act ginen gobetnon Federat. I manma'amenda siha na tinulaika para u agon umotganisia i regulasion ni para u na'libianu mas manmataitai yan ma komprende. Este siha na amendasion para u establesi lokkue unos kuantu talo mas na minimum standards para i hanom siha ni manmagigimen. I standards para u establesi i miden i tutat substances ni manmassosoda' gi halom i hanom siha ni manmagigimen. I utimo siha na amendasion para u tulaika ayu i manmapropoioni gi Septiembre 15, 1991.

I manma'adapta siha na amendasion ha engkluklusu tinulaika gi i seksiona put nutisian pupliku yan i standard para i flouride gi regulasion put hanom siha ni manmagigimen. Guaha nuevo na standards mana'fanhalom para i hanom siha ni manmagigimen put i Trihalomethanes (THMs), yan i Volatile Organic Chemicals (VOCs) ni ha engkluklusu unos kuantos siha na bakteria ni manai regulasion para pruteksion taotao.

Kopia siha para i manmaproponi na amendasion gi Regulasion i Hanom siha ni manmagigimen sina manmachuchule' ginen i Depattamenton Hinemlon Publiku yan Environmental Services, Division of Environmental Quality, gi hagas Dr. Torres Hospital, Sapan, MP 96950.

Date: 11/15/91


PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services



ARONGORONGOL ADOPTION

MWOGHUTUGHUTUL FFEERUL LLIIWEL ALLEGHUL DRINKING WATER
EBWE ATOTOOLONG LLOL ALLEGHUL TOWLAP (PUBLIC LAW) YE 1-8
ME ALLEGHUL TOWLAP YE 3-23

BWULASIYOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

Direktoodul Bwulasiyool Public Health me Environmental Services, mellol Commonwealth of the Northern Mariana Islands (CNMI), reel aileewal me bwangil Alleghul Towlap (Public Law) ye 1-8 meiyee 3-23, nge ekke mangiyy bwe ebwe ayooora lliiwel reel Alleghul schaal kka si ghal ulumi mellol CNMI. Lliiwel kkaal nge ebwe tabweey mwoghutughutul mille Safe Drinking Water Act, iye e bwal toolong Commonwealth lloL. Rebwe liwiliito ehgus owutol bwe ebwe mescheragh ngaliir aramas rebwe ghulleey me metaf reel. E pwal toolong mille rebwe fischali safey kka re ghal tola ngali iye eyoor igha si ghal schuungi. Aighughuul lliiwelil allegh kkaal nge ebwal yoorolong akkaaw lliiwel iye re feerul wool Septembre 15, 1991.

Lliiwel kka re bwal kka re feerul nge e pawal yoor lliiwel mellol section we e apasaawow igha re arongaar towlap (Public Notification) me standard-il Flouride. Allegh ye e ffeeta nge ekke tingor bwe ebwe toolong mille trihalomethanes (THMs), me Volatile Organic Chemicals (VOCs) ikka eyoor unregulated contaminants lloL.

Koopiyal lliiwelil Allegh ye reel Schaal Kka Si ghal ulumil nge emmwel schagh bwe aramas ebwe lo bweibwogh mellol Bwulasiyool Public Health me Environmental Services, Division of Environmental Quality, iye elo fasul Dr. Torres Hospital, Saipan MP 96950.

Date: 11/15/91


PETE UNTALAN, Acting Director
Department of Public Health
and Environmental Services

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 11-15-91
TIME: 11:30 (AM) PM
BY: Benedict C. Magas
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DRINKING WATER REGULATIONS

CONTENTS

- PART 1 GENERAL PROVISIONS**
 - 1.1 Authority
- PART 2 PURPOSE**
- PART 3 DEFINITIONS**
- PART 4 SITING AND DESIGN REVIEW REQUIREMENTS**
 - 4.1 Siting Requirements and Notification of Intent
 - 4.2 Design and Construction Review Requirements
 - 4.3 Emergency Permits
- PART 5 DRINKING WATER QUALITY STANDARDS**
 - 5.1 Identification of Supplies of Water
 - 5.2 Drinking Water Quality Control
 - 5.3 Microbiological Contaminants
 - 5.3.1 Microbiological Contaminant Sampling and Analytical Requirement
 - 5.3.2 Maximum Microbiological Contaminant Levels
 - 5.4 Turbidity
 - 5.4.1 Maximum Contaminant Level for Turbidity
 - 5.4.2 Turbidity Sampling and Analytical Requirements
 - 5.5 Inorganic Chemicals and Physical Characteristics
 - 5.5.1 Maximum Contaminant Levels for Inorganic Chemicals
 - 5.5.2 Inorganic Chemical Sampling and Analytical Requirements
 - 5.5.3 Special Monitoring for Sodium
 - 5.5.4 Special Monitoring for Corrosivity Characteristics
 - 5.5.5 Prohibition on Use of Lead Pipes, Solder, and Flux
 - 5.5.6 Secondary Maximum Contaminant Levels (SMCLs)
 - 5.6 Organic Chemicals other than Total Trihalomethanes (TTHMs) and Volatile Organic Chemicals (VOCs)
 - 5.6.1 Maximum Contaminant Levels for Organic Chemicals other than TTHMs and VOCs
 - 5.6.2 Organic Chemicals other than TTHMs and VOCs Sampling and Analytical Requirements
 - 5.7 Total Trihalomethanes
 - 5.7.1 Maximum Contaminant Level for Total Trihalomethanes
 - 5.7.2 Total Trihalomethanes Sampling and Analytical Requirements
 - 5.8 Volatile Organic Chemicals (VOCs)
 - 5.8.1 Maximum Contaminant Levels for VOCs
 - 5.8.2 Volatile Organic Chemicals Sampling and Analytical Requirements

- 5.8.3 Unregulated Organic Chemicals - Special Sampling Requirements
- 5.8.4 Use of Non-centralized Treatment Devices
- 5.9 Radionuclides
 - 5.9.1 Maximum Contaminant Levels for Radionuclides
 - 5.9.2 Radionuclides Sampling and Analytical Requirements

PART 6 PUBLIC NOTIFICATION

- 6.1 Maximum Contaminant Level (MCL), Treatment Technique, and Variance and Exemption Schedule Violations
- 6.2 Other Violations, Variances, Exemptions
- 6.3 Notice of New Billing Units
- 6.4 General Content of Public Notice
- 6.5 Mandatory Health Effects Language
- 6.6 Public Notification for Fluoride
- 6.7 Public Notification for Unregulated Contaminants
- 6.8 Public Notification by the Department

PART 7 APPROVED LABORATORIES, REPORTING, RECORD KEEPING, AND RIGHT OF ENTRY

- 7.1 Approved Laboratories
- 7.2 Reporting Requirements
- 7.3 Record Maintenance
- 7.4 Right of Entry

PART 8 VARIANCES AND EXEMPTIONS

- 8.1 Variances
 - 8.1.1 Requirements for a Variance
 - 8.1.2 Variance Request
 - 8.1.3 Consideration of Variance Request
 - 8.1.4 Disposition of a Variance Request
 - 8.1.5 Public Hearing on Variance, Schedules, and Final Action
- 8.2 Exemptions
 - 8.2.1 Requirements for an Exemption
 - 8.2.2 Exemption Request
 - 8.2.3 Consideration of an Exemption Request
 - 8.2.4 Disposition of an Exemption Schedule
 - 8.2.5 Public Hearing on Exemption Schedule
 - 8.2.6 Final Schedule
- 8.3 Variances from the Maximum Contaminant Level for Fluoride
- 8.4 Variances and Exemptions from the Maximum Contaminant Levels for Organic Chemicals

PART 9 SUPPLY OF DRINKING WATER DURING EMERGENCIES

- 9.1 Toxics Contamination
- 9.2 Mechanical Failure and Natural Disaster
- 9.3 Rationing of Water

PART 10 ENFORCEMENT

- 10.1 Authority
- 10.2 Penalties

PART 11 CERTIFICATION

DRINKING WATER REGULATIONS

PART I GENERAL PROVISIONS

1.1 Authority and Scope

These regulations have been promulgated by the Department in accordance with the Commonwealth of the Northern Marianas Islands Public Law 1-8. These regulations and technical provisions and specifications to be adopted by the Department from time to time, 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. The Department shall apply these regulations and standards to all public water systems in the Commonwealth.

PART 2 PURPOSE

2.1 The purpose of these regulations and 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 public water supply systems are protected against contamination and pollution and do not constitute a health hazard.

PART 3 DEFINITIONS

"Agency" means the U.S. Environmental Protection Agency.

"Agency Regulations" means those regulations promulgated by the U.S. Environmental Protection Agency pursuant to Sections 1412 through 1416, 1445, and 1450 of U.S. Public Law 93-523, "The Safe Drinking Water Act".

"Backflow" means the reversed flow of contaminated water or other liquids into the distribution system of a potable water supply.

"Back siphonage" means the reversed flow of liquid caused by a partial vacuum in the potable distribution system.

"Best Available Technology" or "BAT" means the best technology, treatment techniques, or other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

"Community Water System" means a public water system which serves at least fifteen (15) service connections used by year-round residents, or regularly serves at least twenty-five (25) year-round residents.

"Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

"Cross Connection" means any arrangement of pipes, fittings, fixtures, or devices that connects a nonpotable system to a potable system.

"Department" means the Commonwealth Department of Public Health and Environmental Services.

"Disinfectant" means any oxidant including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified in the International Commission on Radiological Units and Measurements (ICRU).

"Drinking Water Quality Standards" or "Standards" means those primary or secondary drinking water regulations as defined in the CNMI Environmental Protection Act of 1982, or the Environmental Quality Protection Agency Act of the Trust Territory (63 TTC Sections 501-509), whichever is in effect.

"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross Beta Particle Activity" means the total radioactivity due to beta emission as inferred from measurements on a dry sample.

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

"Man-made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum Contaminant Level (MCL)" means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25 degrees C or above.

"Non-Community Water System" means a public water system that is not a community water system.

"Non-transient non-community water system or "NTNCWS" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency. The true value of the concentration of the reference material is unknown to the laboratory at the time of analysis.

"Person" means the Commonwealth, Federal Government, or any agency or institution thereof, municipality, political subdivision, public or private corporation, individual partnership, association, cooperative association, common carrier, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, public or private corporation, association, or cooperative association.

"Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

"Potable Water" means water is of a quality that meets the requirements of these regulations.

"Public Water System" means a system for the provision to the public of water through a pipe or pipes, faucet(s) and/or valve(s) for human consumption, if such system has at least fifteen

(15) service connections, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and, (2) any collection or pre-treatment storage facilities not under such control which are used primarily in connections with such system. A public water system is either a "community water system", a "non-community water system", or a "non-transient non-community water system".

"REM" means the unit dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "Millirem (mrem)" is 1/1000 of a rem.

"Sanitary Survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

"Secondary Maximum Contaminant Level" (SMCL) means a non-enforceable guideline related to taste, odor, or color, as well as certain other non-aesthetic effects, of drinking water.

"Standard Sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

"Supplier of Water" means any person who owns or operates a public water system.

"Total trihalomethanes" (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform], rounded to two significant figures.

"Trihalomethane" (TTHM) means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

PART 4 SITING AND DESIGN REVIEW REQUIREMENTS

4.1 Siting Requirements and Notification of Intent

Before a person may enter into a financial commitment for or initiate construction of a new public water system or increase the capacity of or modify an existing public water system, that person shall notify the Department and submit with such

notification a conceptual descriptive plan with appropriate sketches detailing proposed location, water source capacity, budget estimates and other data as described in paragraph 4.2. That person shall, to the extent practicable, avoid locating part or all of the new or expanded facility at a site which:

- (a) Is subject to a significant risk from earthquakes, floods, fires, or other disasters which could cause a breakdown of the public water system or a portion thereof; or,
- (b) Except for intake structures, is within the floodplain of a 100-year flood or is lower than any recorded high tide where appropriate records exist; or,
- (c) In the case of a roof catchment, where reasonable consideration has not been given to effective typhoonization of buildings, roofs, guttering and other catchment appurtenances.

4.2 **Design and Construction Review Requirements**

No person shall cause or allow the construction of or change of any public water supply, without approval of final drawings and specifications by the Department. Final drawings and specifications shall be reviewed on the basis that the completed facility will produce water, the quality of which meets the standards prescribed by these regulations. Public water supply installation, change, or addition, shall not include routine maintenance, service pipe connections, hydrants and valves, or replacement of equipment, pipe, and appurtenances with equivalent equipment, pipe, and appurtenances. All work performed on a public water supply shall be in accordance with accepted engineering practices.

(a) Notification of Intent

The notification of intent to construct a new public water supply system or to increase the capacity of an existing public water supply system as required in paragraph 4.1, shall include the following data and/or information:

- (1) Name and address of person who intends to construct or modify public water supply system;
- (2) Name and address of person who will be the supplier of water to the public;

- (3) Location of proposed water source or sources on a 8 1/2 X 11" portion of topographic map section;
- (4) Type of source (spring, stream, well, roof catchment, ground catchment, or other);
- (5) Estimated capacity of source in gallons or cubic meters per day during normal rainfall conditions;
- (6) Horizontal area of proposed catchment in square meters or square feet;
- (7) (i) Type of roof materials, if roof catchment; or,
(ii) Description of topography and nature of vegetation; if ground catchment,
- (8) Planned raw water storage capacity or proposed increase in raw water storage capacity;
- (9) Description of water treatment proposed;
- (10) Number of persons to be supplied now;
- (11) Anticipated population of service area ten (10) years from now;
- (12) Existing method of sewage disposal and methods expected in the future;
- (13) Proposed storage capacity of treated water, if known;
- (14) If source is to be a well or wells:
 - (i) Estimated depth(s)
 - (ii) Measures to be taken to exclude surface water from well; and,
 - (iii) Kind of pump(s) to be used, i.e., hand, electric, engine, windmill, etc.
- (15) Budget estimate for construction;
- (16) Expected source of funds; and,
- (17) Other data as may be required by the Department.

(b) Review and Action Upon Notice of Intent

The Division of Environmental Quality, as authorized by the Department, shall review a notice of intent to construct or modify a public water supply system for completeness within thirty (30) calendar days from receipt by the Department and either:

- (1) Fully or conditionally approve the notice for the preparation of final plans and specifications for the proposed facility;
- (2) Notify the proposed constructor that additional information is required;
- (3) Deny the proposal to construct giving written appropriate environmental reasons for the denial; or
- (4) After any notification is deemed complete by the Department and forty-five (45) days have passed without action, the proposed notification is automatically approved and the constructor may proceed with preparation of final drawings and specifications.

(c) Preparation of Final Drawings and Specifications

Preparation of final drawings and specifications for a public water supply system shall be based upon accepted engineering practice and shall be directed toward construction of a facility which will produce drinking water the quality of which shall meet the standards prescribed in these regulations. The final plans and specifications shall generally follow the intent expressed in the approved notification. Preparation of final drawings and specifications will be supervised by a person experienced in the construction and operation and maintenance of water supply systems.

(d) Review and Approval of Final Drawings and Specifications

- (1) Final drawings and specifications shall be submitted to the Department for review.
- (2) The Department shall either:
 - (i) Approve the drawings and specifications; or
 - (ii) Request changes in the drawings and specifications by the constructor.

(3) The action prescribed in paragraph (2) shall be completed within ten (10) working days from the time the drawings and specifications are received by the Department. After any requested changes as requested under paragraph (2) (ii) have been made, the Department shall approve or disapprove within five (5) working days of receipt of the documents.

4.3 Emergency Permits

Whenever emergencies affecting the safety or adequacy of a public water supply requires modifications or additions, the Department shall be notified. The Department may delegate its responsibility under this paragraph to the Mayor of each municipality. Delegation must be in writing. The Mayor may issue emergency construction permits by telephone or other message with whatever special conditions he deems necessary for the proper safeguarding of the health of the water consumers. Plans and specifications covering the work as constructed under the emergency permit must be submitted to the Department as soon as reasonably possible. Modifications required by the Department after review of the submission shall be made promptly. The Department shall confirm in writing within ten (10) days of issuance, the Mayor's granting of an emergency permit.

(a) Emergency Permit Revocations

Violation of any permit conditions or these regulations, as amended, shall be cause for revocation of any permit previously issued.

PART 5 DRINKING WATER QUALITY STANDARDS

This part of the regulations establishes the drinking water quality standards and the requirements for self-monitoring by the supplier of water.

Permissible analytical techniques are specified herein. With the written permission of the Department, concurred on by the Administrator of the U.S. Environmental Protection Agency,

alternative analytical techniques may be employed. An alternative technique shall be acceptable only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by this part.

5.1 Identification of Suppliers of Water

In cases where, for various reasons, ownership and/or operational responsibilities are not clearly defined for public water systems, the Governor shall identify the supplier(s) of water for purposes of these regulations.

5.2 Drinking Water Quality Control

It is the responsibility of the supplier of water to assure a quality of water supply that equals or surpasses drinking water quality standards of Department. This includes assurance by the supplier that users do not contaminate the public supply by the use of faulty plumbing which allows backflow, back siphonage, or cross connection into the drinking water distribution system.

5.3 Microbiological

5.3.1 Microbiological Sampling and Analytical Requirements

(a) The standard sample for the coliform test shall consist of:

(1) For the membrane filter technique, not less than 100 milliliters.

(2) For the 5-tube most probable number (MPN) procedure (fermentation tube method), five (5) times the standard portion. The standard portion is either 10 milliliters or 100 milliliters.

(b) Suppliers of community water systems and non-community water systems shall analyze water for coliform bacteria density in accordance with the analytical recommendations set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, or the latest edition approved by the Agency, except that a standard sample as defined above must be used.

(c) Samples shall be taken at points which are representative of the conditions within the distribution system.

(d) The frequency of microbiological sampling shall be as follows:

(1) The supplier of water for a community water system shall take coliform density samples for prompt analysis at regular time intervals, and in number proportionate to the population served by the system. In no event shall the frequency of sampling and analysis be less than as set forth below:

Population Served	Minimum Number of Samples per Month
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 9,400	10
9,401 to 10,300	11
10,301 to 11,100	12
11,101 to 12,000	13
12,001 to 12,900	14
12,901 to 13,700	15
13,701 to 14,600	16
14,601 to 15,500	17
15,501 to 16,300	18
16,300 to 17,200	19
17,201 to 18,100	20
18,101 to 18,900	21
18,901 to 19,800	22
19,801 to 20,700	23
20,701 to 21,500	24
21,501 to 22,300	25
22,301 to 23,200	26
23,201 to 24,000	27
24,001 to 24,900	28
24,904 to 25,000	29
25,001 to 28,000	30
28,001 to 33,000	35
33,001 to 37,000	40
37,001 to 41,000	45
41,001 to 46,000	50
46,001 to 50,000	55
50,001 to 54,000	60

Based upon a history of no coliform bacteria contamination and upon a sanitary survey by the Department showing the water system to be supplied solely by a protected ground water source and free of sanitary defects, a community water system serving not more than 1,000 persons, with written permission from the Department, may reduce the sampling frequency, except that in no case shall it be reduced to less than one per quarter.

(2) The supplier of water for a non-community water system shall sample and test for coliform bacteria in each calendar quarter during which the system provides water to the public. Such sampling and testing shall be completed by the effective date of these regulations. If the Department, on the basis of a sanitary survey, determines that some other frequency is more appropriate, that frequency shall be the frequency required under these regulations. Such frequency shall be confirmed or changed on the basis of subsequent surveys.

5.3.2 Maximum Microbiological Contaminant Levels

The maximum contaminant levels for coliform bacteria, applicable to community water systems and non-community water systems, are as follows:

(a) When the membrane filter technique is used, the number of coliform bacteria shall not exceed any of the following:

(1) One per 100 milliliters as the arithmetic mean of all samples examined per month;

(2) Four per 100 milliliters in more than one sample when less than 20 or more are examined per month; or,

(3) Four per 100 milliliters in more than five percent of the samples when 20 or more are examined per month;

(b) When the fermentation tube method and 10 milliliter standard portions are used, coliform bacteria shall not be present in any of the following:

(1) More than 10 percent of the portions in any month;

(2) Three or more portions in more than one sample when less than 20 samples are examined per month; or,

(3) Three or more portions in more than five percent of the samples when 20 or more samples are examined per month.

(c) When the fermentation tube method and 100 milliliters standard portions are used, coliform bacteria shall not be present in any of the following:

- (1) More than 60 percent of the portions in any month;
- (2) Five portions in more than one sample when less than five samples are examined per month; or,
- (3) Five portions in more than 20 percent of the samples when five or more samples are examined per month.

(d) For community or non-community systems that are required to sample at a rate of less than four (4) per month, compliance with (paragraphs 5.3.2 (a)(1), 5.3.2 (b)(1), or 5.3.2 (b)(2) above, shall be based upon sampling during a 3-month period, except at the discretion of the Department, compliance may be based upon sampling during a one-month period.

(e) (1) When the coliform bacteria in a single sample exceed four (4) per 100 milliliters (paragraph 5.3.2 (a), at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the Department until the results obtained from at least two (2) consecutive check samples show less than one coliform per 100 milliliters.

(2) When coliform bacteria occur in three (3) or more 10ml portions of a single sample using the fermentation tube method (paragraph 5.3.2 (b) (1), at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the Department until the results obtained from at least two (2) consecutive check samples show no positive tubes.

(3) When coliform bacteria occur in all five (5) of the 100ml portions of a single sample (paragraph 5.3.2 (c), at least two (2) daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the Department until the results obtained from at least two (2) consecutive check samples show no positive tubes.

(f) The location at which the check samples were taken pursuant to paragraphs 5.3.2 (e) (1), 5.3.2 (e) (2), or 5.3.2 (e) (3), shall not be eliminated from future sampling without the approval of the Department. The results from all coliform bacterial analyses performed pursuant to this Part, except those obtained from check sampling and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria as established hereinbefore under subparagraphs 5.3.2 (a), 5.3.2 (b), and 5.3.2 (c), under the heading "Maximum Microbiological Contaminant Levels". Check samples shall not be included in calculating the total number of samples taken each month to determine compliance as hereinbefore stated and/or tabulated.

(g) When the presence of coliform bacteria in water taken from a particular sampling point has been successively confirmed by any check sample procedure as directed in paragraphs 5.3.2 (e) (1), 5.3.2 (e) (2), or 5.3.2 (e) (3), the supplier of water shall report to the Department within forty-eight (48) hours of such determination.

(h) When a maximum contaminant level set forth in paragraphs 5.3.2 (a), 5.3.2 (b), or 5.3.2 (c), is exceeded, the supplier of water shall report to the Department and notify the public as prescribed in paragraphs 6.1 and 6.2.

(i) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement, or repair have been sufficient, shall not be used to determine compliance with paragraphs 5.3.2 (a), 5.3.2 (d), or 5.3.2 (e).

(j) A supplier of water of a community water system or a non-community water system may, with the approval of the Department and based upon a sanitary survey, substitute the use of chlorine residual monitoring for not more than 75 percent of the samples required to be taken by paragraph 5.3.1 (d) of these regulations, provided that the supplier of water takes chlorine residual samples at points which are representative of the conditions within the distribution system at the frequency of at least four (4) for each substituted microbiological sample. There shall be at least daily determinations of chlorine residual. When the supplier of water exercises the option provided in paragraph 5.3.2 (i) of this section, he shall maintain no less than 0.2mg/1 free chlorine throughout the public water distribution system. When a particular sampling point has been shown to have a free chlorine residual less than 0.2mg/1, the water at that location shall be retested as soon as practicable and, in any event, within one (1) hour.

if the original analysis is confirmed, this fact shall be reported to the Department within forty-eight (48) hours of such determination. Also, if the analysis is confirmed, a sample for coliform bacterial analysis must be collected from the sampling point as soon as practicable, preferably within one (1) hour, but in no case more than twelve (12) hours, and the results of such analysis reported to the Department within forty-eight (48) hours after the results are known to the supplier of water. Analysis for residual chlorine shall be in accordance with the Ferrous Titrimetric DPD or the colorimetric DPD method as provided in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, or the EPA approved edition. Compliance with the maximum contaminant levels for coliform bacteria shall be determined on the monthly mean or quarterly mean basis specified as aforementioned, including those samples taken as a result of failure to maintain required chlorine residual level. The Department may withdraw its approval of the use of chlorine residual substitution at any time.

5.4 Turbidity

5.4.1 Maximum Contaminant Levels for Turbidity

The maximum contaminant levels for turbidity are applicable to both community water systems and non-community water systems using surface water sources in whole or in part. The maximum contaminant levels for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

(a) One Nephelometric turbidity unit (NTU) as determined by a monthly average pursuant to sampling and analytical methods described hereinafter, except that five (5) or fewer NTU may be allowed if the supplier of water can demonstrate to the Department that that higher turbidity does not do any of the following:

- (1) Interfere with disinfection;
- (2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or,
- (3) Interfere with microbiological determinations.

(b) Five (5) NTU based upon an average of two (2) consecutive days pursuant to turbidity sampling and analytical methods described hereinafter.

5.4.2 Turbidity Sampling and Analytical Requirements

(a) The requirements of this paragraph and paragraph 5.4.1 shall apply only to public water systems which use water obtained in whole or in part from surface sources.

(b) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at a representative entry point(s) to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with paragraph 5.4.2 above. The measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, or the EPA approved edition, or "Methods for Chemical Analysis of Water and Wastes", pp. 295-298, Environmental Protection Agency, Office Technology Transfer, Washington, D.C. 20460, 1974.

(c) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by re-sampling as soon as practicable and preferably within one (1) hour, but in no case more than three (3) hours. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the Department within forty-eight (48) hours of the final determination. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two (2) samples taken on consecutive days exceeds 5 NTU, the supplier of water shall report to the Department and notify the public as directed in paragraph 6.1 and 6.2 hereinafter.

5.5 Inorganic Chemicals and Physical Characteristics

5.5.1 Maximum Contaminant Levels for Inorganic Chemicals

(a) The maximum contaminant level for nitrate is applicable to both community and non-community water systems. The levels for other inorganic chemicals apply only to community water systems.

(b) The following are the maximum contaminant levels for inorganic chemicals:

<u>Contaminant</u>	<u>Level</u> <u>Milligrams Per Liter</u>
Arsenic	0.05
Barium	1.0
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.0
Selenium	0.01

(c) The maximum contaminant level for fluoride is 4.0 milligrams per liter. The secondary maximum contaminant level for fluoride is 2.0 milligrams per liter.

5.5.2 Inorganic Chemical Sampling and Analytical Requirements

(a) Analyses for the purpose of complying with paragraphs 5.5.1 above, are required as follows:

(1) Analyses for all community water systems utilizing surface water shall be repeated at, at least, yearly intervals. Initial sampling and analyses shall be completed by the effective date of these regulations.

(2) Analyses for all community water systems utilizing only groundwater sources shall be repeated at, at least, three-year intervals. Initial sampling and analyses shall be completed by the effective date of these regulations.

(3) For non-community water systems, whether supplied by surface or groundwater sources, sampling and analyses for nitrate shall be completed as soon as possible and in no event later than the effective date of these regulations. These analyses shall be repeated in intervals of three (3) years or as otherwise needed as determined by the Department.

(b) If the result of an analysis made pursuant to paragraph (a) indicates that the level of any contaminant listed in paragraphs 5.5.1 (b) or (c) exceeds the maximum contaminant level, the supplier of water shall report to the Department within seven (7) days and initiate three (3) additional analyses at the same sampling point within one (1) month.

(c) When the average of four (4) analysis made pursuant to paragraph 5.5.2 (b) of this section, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the Department and the public pursuant to paragraphs 6.1 and 6.2 which prescribe reporting and public notice. Monitoring after public notification shall be at a frequency designated by the Department and shall continue until the maximum contaminant level has not been exceeded in two (2) successive samples or until a monitoring schedule as a condition to a variance, exemption, or enforcement action shall become effective.

(d) The provisions of paragraphs (b) and (c) of this section not withstanding, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the mean of two analysis. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within twenty-four (24) hours, and if the mean of the two analysis exceeds the maximum contaminant level, the supplier of water shall report his findings to the Department and notify the public pursuant to paragraphs 6.1 and 6.2, which prescribed reporting and public notice.

(e) For the initial analysis required by paragraph 5.5.2 (a) (1), (2), or (3) of this section, data for surface waters acquired within one year prior to the effective date of these regulations, may be substituted at the discretion of the Department.

(f) Analysis conducted to determine compliance with the maximum contaminant levels prescribed by Agency Regulations, 40 CFR 141.23 (f). Analysis to determine contaminant levels of chloride, total dissolve solids, color, taste, and odor will be conducted according to methods prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater" by the American Public Health Association or the EPA approved edition.

(g) In addition to complying with the requirement of paragraphs (a) through (f) of this section, community water systems monitoring for fluoride must comply with the requirements of these paragraphs:

(1) Where the community water system draws water from one source, the system shall take one sample at the entry point to the distribution system.

(2) Where the community water system draws water from more than one source, the system must sample each source at the entry points to the distribution system.

(3) If the community water system draws water from more than one source and sources are combined before distribution, the system must sample at an entry point to the distribution system during periods representative of the maximum fluoride levels occurring under normal operating conditions.

(4) The Department may alter the frequencies for fluoride monitoring as set out in paragraph (a) of this section to increase or decrease such frequency considering the following factors:

(i) Reported concentrations from previously required monitoring,

(ii) The degree of variation in reported concentration and,

(iii) Other factors which may effect fluoride concentrations such as changes in pumping rates in groundwater supplies or significant changes in the system's configuration, operating procedures, source of water, and changes in stream flows.

(5) Monitoring may be decreased from the frequencies specified in paragraph (a) of this section upon application in writing by water systems if the Department determines that the system is unlikely to exceed the MCL, considering the factors listed in paragraph 5.5.2 (g) (4). Such determination shall be made in writing and set for the basis for the determination. A copy of the determination shall be provided to the Agency. In no case shall monitoring be reduced to less than one sample every 10 years. For systems monitoring once every 10 years, the Department shall review the monitoring results every ten years to determine whether more frequent monitoring is necessary.

(6) Analyses for fluoride under this section shall only be used for determining compliance if conducted by laboratories that have analyzed Performance Evaluation samples to within 10% of the reference value at fluoride concentrations from 1.0mg/l to 10.0mg/l, within the last 12 months.

(7) Compliance with the MCL shall be determined based on each sampling point. If any sampling point is determined to be out of compliance, the system is deemed to be out of compliance.

5.5.3 Special Monitoring for Sodium

(a) Suppliers of water for community public water systems shall collect and analyze one sample per well at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for systems utilizing surface water sources in whole or in part, and at least every three years for systems utilizing solely groundwater sources. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with the Department's approval, be considered one treatment plant for determining the minimum number of samples. The supplier of water may be required by the Department to collect and analyze samples for sodium more frequently in locations where the sodium content is variable.

(b) The supplier of water shall report to the Department the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration with 10 days of the month in which the analytical results of the last sample used for the annual average was received.

(c) The Department shall notify appropriate local and state public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this paragraph shall be sent to EPA within 10 days of its issuance.

(d) Analyses for sodium shall be performed by the flame photometric method in accordance with the procedures described in "Standard Methods for the Examination of water and

Wastewater", 14th Edition, pp. 250-253; or by Method 273.1. Atomic Absorption-Direct Aspiration or Method 273.2. Atomic Absorption-Graphite Furnace, in "Method for Chemical Analysis of Water and Waste", EMSL, Cincinnati, EPA 1979; or by Method D1428-64 (a) in Annual Book of ASTM Standards, part 31, Water.

5.5.4 Special Monitoring for Corrosivity Characteristics

(a) Suppliers of water for community public water systems shall collect samples from a representative entry point to the water distribution system for the purpose of analysis to determine the corrosivity characteristics of the water.

(1) The supplier shall collect two samples per plant for analysis for each plant using surface water sources wholly or in part or more if required by the Department, one during mid-winter and one during mid-summer. The supplier of the water shall collect one sample per plant for analysis for each plant using groundwater sources or more if required by the Department. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawings raw water from a single aquifer may, with the Department approval, be considered one treatment plant for determining the minimum number of samples.

(2) Determination of the corrosivity characteristics of the water shall include measurement of pH, calcium hardness, alkalinity, temperature, total dissolved solids (total filtrable residue), chloride, sulfate, and calculation of the Langelier Index in accordance with paragraph (c) below.

The determination of corrosivity characteristics shall only include one round of sampling (two samples per plant for surface water and one sample per plant for groundwater sources). In certain cases, the Aggressive or the Langelier Index; the supplier shall request in writing to the Department and the Department will make this determination.

(b) The supplier of water shall report to the Department the results of the analyses for the corrosivity characteristics within the first 10 days of the month following the month in which the sample results were received. If more frequent sampling is required by the Department, the supplier can accumulate the data and shall report each value within 10 days of the month following the month in which the analytical results of the 1st sample was received.

(c) Analyses conducted to determine the corrosivity of the water shall be made in accordance with the procedures described in 40 CFR 141.42(c).

(d) Community water supply systems shall identify whether the following construction materials are present in their distribution system and report to the Department.

(1) Lead from piping, solder, caulking, interior lining of distribution mains, alloys, and home plumbing.

(2) Copper from piping and alloys, service lines, and home plumbing.

(3) Galvanized piping, service lines, and home plumbing.

(4) Ferrous piping materials such as cast iron and steel.

(5) Asbestos cement pipe.

(6) Vinyl lined asbestos cement pipe.

(7) Coal tar lined pipes and tanks.

5.5.5 Prohibition on Use of Lead Pipes, Solder, and Flux

All plumbing used in the installation or repair of any public water system or in any plumbing in a residential or non-residential facility providing water for human consumption which is connected to a public water system shall be lead free.

(a) Lead free is any solder or flux containing not more than 0.2 percent lead and pipes and fittings containing not more than 8.0 percent lead;

(b) All deliveries of public water systems must both identify and provide notice to persons who may be affected by lead contamination of their drinking water.

(1) Where the contamination results from lead used in the construction materials of the public water distribution system and plumbing; or

(2) Where the corrosivity of the water is sufficient to cause leaching of lead, notice must state in plain language both in English and Chamorro and explanation of the potential sources of lead in drinking water, the potential adverse health

effects, reasonable methods available to mitigate lead in drinking water, the mitigation steps the supplier is taking to eliminate lead in drinking water, and the necessity to seek an alternative water supply.

5.5.6 Secondary Maximum Contamination Levels (SMCLs)

The SMCLs are non-enforceable and set limits for contaminants in drinking water which may affect the aesthetic qualities and the public's acceptance of drinking water (e.g. taste and odor).

<u>Contaminant</u>	<u>Level</u>
Color	15 Color units
Chloride	250 Milligrams per liter
Odor	3 Threshold odor number
Total Dissolved Solids (TDS)	500 Milligrams per liter
Fluoride	2 Milligrams per liter
Silver	0.09 Milligrams per liter

5.6 Organic Chemicals Other Than Total Trihalomethanes (TTHMs) and Volatile Organic Chemicals (VOCs)

5.6.1 Maximum Contaminant Levels for Organic Chemicals other TTHMs and VOCs

The following are the maximum contaminant levels for organic chemicals other than TTHMs and VOCs. These standards apply only to community water systems. Compliance with the maximum contaminant levels for organic chemicals other than TTHMs and VOCs is calculated pursuant to paragraph 5.6.2.

<u>Contaminant</u>	<u>Level</u> <u>Milligrams Per Liter</u>
(a) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10, 10-hexachloro-6, 7-epoxy-1, 4,4a,5,6,7,8,81-octahydro-1, 4-endo, endo-5, 8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004

Methoxychlor (1,1,1-Trichloro-2,2-bis (p-methoxyphenyl)-ethane)	0.1
Toxaphene (C H Cl -Technical chlorinated camphene, 67-69 percent chlorine)	0.005
(b) Chlorophenoxy: 2,4-D (2,4-Dichlorophenoxy acetic acid)	0.1
2,4,5-T, P Silvex (2,4,5-Trichlorophenoxy proplonic acid)	0.01

5.6.2 Organic Chemicals other than TTHMs and VOCs Sampling and Analytical Requirements

(a) An analysis of substances for the purpose of determining compliance with paragraph 5.6.1 above, shall be made as follows:

(1) For all community water systems utilizing surface water sources, initial sampling and analysis shall be completed by the effective date of these regulations. Samples analyzed shall be collected during the period of the year designated by the Department as the period when contamination by pesticide is most likely to occur. These analysis shall be repeated at intervals specified by the Department but in no event less frequently than at three-year intervals.

(b) For community water systems utilizing only ground water sources, analysis shall be completed by those systems specified by the Department.

(c) If the result of an analysis made pursuant to paragraph (a) of this section indicates that the level of any contaminant listed in paragraph 5.6.1 exceeds the maximum contaminant level, the supplier of water shall report to the Department within seven days and initiate three additional analysis within one month.

(d) When the average of four (4) analysis made pursuant to paragraph (c) of this section, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall report to the Department and give notice to the public pursuant to paragraphs 6.1 and 6.2 following, which prescribe such reporting and public notice. Monitoring after public notification shall be at a frequency designated by the Department and shall

continue until the maximum contaminant level has not been exceeded in two (2) successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(e) For the initial analysis required by paragraph 5.6.2 (1) and (2) of this section, data for surface water acquired within one year and data for ground water acquired within three years prior to the effective date of these regulations may be substituted at the discretion of the Department.

(f) Analysis made to determine compliance with paragraph 5.6.1 (a) shall be made in accordance with procedures described in 40 CFR 141.24 (e) and (f).

5.7 Total Trihalomethanes (TTHMs)

5.7.1 Maximum Contaminant Levels for Total Trihalomethanes

The maximum contaminant level for total trihalomethanes applies only to community water systems which serve a population of 10,000 or more individuals and which add disinfectant (oxidant) to the water in any part of the drinking water treatment process.

<u>Contaminant</u>	<u>Level</u> <u>Milligrams per Liter</u>
Total trihalomethanes (the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform))	0.10

5.7.2 Total Trihalomethanes Sampling and Analytical Requirements

Initial sampling to determine compliance with paragraph 5.7.1 shall commence immediately upon the effective date of these regulations and analyses shall be completed within one year from the effective date of the regulations. Analyses for the purpose of complying with paragraph 5.7.1 above, are required as follows:

5.7.2 (a) The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiply wells drawing raw water from a single aquifer may, with Department's approval be considered one treatment plant for determining the minimum number of samples. All samples taken within an established frequency shall be collected within a 24-hour period. For all community water systems utilizing surface water sources in whole or in part, and for all community water system utilizing only groundwater sources that have not been determined by the state to qualify for the monitoring requirements of paragraph 5.7.2 (c), analyses for total trihalomethanes shall be performed at quarterly intervals on at least four water samples for each treatment plant used by the system. At least 25 percent of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75 percent shall be taken at representative locations in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter shall be arithmetically averaged and reported to the Department within 30 days of the system's receipt of such results.

All samples collected shall be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in paragraph 5.7.2. (e) in the system. The system's monitoring frequency may only be reduced upon a written determination by the Department that, based upon the data submitted by the system, the system has a maximum TTHM potential of less than 0.10 mg/1 and that, based upon a assessment of the local conditions of the system, the system is not likely to approach or exceed the maximum contaminant level for total TTHMs. The results of all analyses shall be reported to the Department within 30 days of the system's receipt of such results. All samples collected shall be used for determining whether the system must comply with the monitoring requirements of paragraph 5.7.2. (a) unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in paragraph 5.7.2. (e). If at any time during which the reduced monitoring frequency prescribed under this paragraph applies, the results from any analysis taken by the system for maximum TTHM potential are equal to or greater than 0.10 mg/1, and such results are confirmed by at least one check sample taken promptly after such results

are received, the system shall immediately begin monitoring in accordance with the requirements of paragraph 5.7.2. (a) and such monitoring shall continue for at least one year before the frequency may be reduced again. In the event of any significant change to the system's raw water or treatment program, the system shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the system must comply with the monitoring requirements of paragraph 5.7.2. (a). At the option of the Department, the monitoring frequencies may and should be increased above the minimum in those cases where this is necessary to detect variation of TTHM levels within the distribution system.

- 5.7.2 (b) Upon the written request of a community water system, the monitoring frequency required by paragraph 5.7.2. (a) may be reduced by the Department to a minimum of one sample analyzed for TTHM per quarter taken at a point in the distribution system reflecting the maximum residence time of the water in the system, upon a written determination by the Department that the data from at least 1 year of monitoring in accordance with paragraph 5.7.2. (a) and local conditions demonstrate that total trihalomethane concentrations will be consistently below the maximum contaminant level. If at any time during which the reduced monitoring frequency prescribed under this paragraph applies, the results from any analysis exceed 0.10 mg/1 of TTHM and such results are confirmed by at least one check sample taken promptly after such results are received or if the system makes any significant change to its source of water or treatment program, the system shall immediately begin monitoring in accordance with the requirements of paragraph 5.7.2. (a) which monitoring shall continue for at least 1 year before the frequency may be reduced again. At the option of the Department, a system's monitoring frequency may and should be increased above the minimum in those cases where it is necessary to detect variations of TTHM levels within the distribution system.
- 5.7.2 (c) Upon written request to the Department, a community water system utilizing only ground water sources may seek to have the monitoring frequency required by paragraph 5.7.2 (a) reduced to a minimum of one sample for maximum TTHM potential per year for each treatment plant used by the system taken at a point in the distribution system reflecting maximum residence time of the water in the

system. The system shall submit to the Department the results of at least one sample analyzed for maximum TTHM potential for each treatment plant used by the system taken at a point in the distribution system reflecting the maximum residence time of the water.

5.7.2 (d) Compliance with paragraph 5.7.1 shall be determined based on a running annual average of quarterly samples collected by the system as prescribed in paragraphs 5.7.2 (a) and 5.7.2 (b). If the average of samples covering any 12 month period exceeds the Maximum Contaminant Level, the supplier of water shall report to the Department and notify the public pursuant to paragraphs 6.1. and 6.2. monitoring after public notification shall be at a frequency designated by the Department and shall continue until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

5.7.2 (e) Sampling and analyses made pursuant to 5.7.1 and 5.7.2 shall be conducted by one of the following approved methods:

"The Analysis of Trihalomethanes in Drinking Waters by the Purge and Trap Method", Method 501.1, EMSL, EPA Cincinnati, Ohio.

"The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 502.1, EMSL, EPA Cincinnati, Ohio.

Samples for TTHM shall be dechlorinated upon collection to prevent further production of Trihalomethanes, according to the procedures described in the two methods. Samples for maximum TTHM potential should not be dechlorinated, and should be held for seven days at 25 degrees C (or above) prior to analysis, according to the procedures described in the above two methods.

5.7.2 (f) Before a community water system makes any significant modification to its existing treatment process for the purpose of achieving compliance with paragraph 5.7.2 (c), such system must submit and obtain Department approval of a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by such system will not be adversely affected by such modification. Each system shall comply with the provisions set forth in the Department approved plan. At a minimum, a Department approved plan shall require the system modifying its disinfection practice to:

(1) Evaluate the water system for sanitary defects and evaluate the source water for biological quality;

(2) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;

(3) Provide baseline water quality survey data of the distribution system. Such data should include the results from monitoring for coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35 degrees C and 20 degrees C, phosphate, ammonia nitrogen and total organic carbon. Virus studies should be required where source waters are heavily contaminated with sewage effluent;

(4) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued. Additional monitoring should also be required by the Department for chlorate, chlorite and chlorine dioxide when chlorine dioxide is used. Standard plate count analyses should also be required by the Department as appropriate before and after any modifications;

(5) Consider inclusion in the plan of provisions to maintain an active disinfectant residual throughout the distribution system at all times during and after the modification;

5.8. Volatile Organic Chemicals (VOCs)

5.8.1 Maximum Contaminant Levels for VOCs

(a) The following maximum contaminant levels for volatile organic chemicals apply to community water systems and non-transient non-community water systems. Compliance with the maximum contaminant levels for volatile organic chemicals is calculated pursuant to paragraph 5.8.2.

<u>Contaminant</u>	<u>Level</u> <u>Milligrams per Liter</u>
Benzene	0.005
Vinyl Chloride	0.002
Carbon Tetrachloride	0.005
1, 2-Dichloroethane	0.005

Trichloroethylene	0.005
1. 1-Dichloroethylene	0.007
1,1, 1-Trichloroethane	0.20
para-Dichlorobenzene	0.075

(b) The Department identifies the following as the best technology, treatment techniques, or other means generally available for achieving compliance with the maximum contaminant levels for volatile organic chemicals: central treatment using packed tower aeration; central treatment using granular activated carbon for these chemical except vinyl chloride.

5.8.2. Volatile Organic Chemicals Sampling and Analytical Requirements

Initial sampling to determine compliance with paragraph 5.8.1 shall commence immediately upon the effective date of these regulations and analyses shall be completed within one year from the effective date of these regulations. Analyses for the purpose of complying with paragraph 5.8.1 above, are required as follows:

(a) Ground-water systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. Sampling must be conducted at the same location(s) or more representative location(s) every three months for one year except as provided in paragraph 5.8.2 (h) (1).

(b) Surface water systems shall sample at points in the distribution system representative of each source or at entry points to the distribution system after any application of treatment. Surface water systems must sample each source every three months except as provided in paragraph 5.8.2. (h) (2). Sampling must be conducted at the same location or a more representative location each quarter.

(c) If the system draws water from more than one source and sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions.

(d) All community water systems and non-transient non-community water systems serving more than 10,000 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters beginning no later than the promulgation of these regulations. All community water systems and non-transient non-community

water systems serving from 3,300 to 10,000 people shall analyze all distribution or entry-point samples, as required in this paragraph 5.8.2, representing source waters no later than January 1, 1989. All other community and non-transient, non-community water systems shall analyze distribution or entry-point samples, as required in paragraph 5.8.2, representing all source waters beginning no later than January 1, 1991.

(e) The Department or EPA may require confirmation samples for positive or negative results. If a confirmation sample(s) is required by EPA or the Department, then the sample result(s) should be averaged with the first sampling result and used for compliance determination in accordance with paragraph 5.8.2 (i). The Department has the discretion to delete results of obvious sampling errors from this calculation.

(f) Analysis for vinyl chloride is required only for groundwater systems that have detected one or more of the following two-carbon organic compounds: Trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. The analysis for vinyl chloride is required at each distribution or entry point at which one or more of the two-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the Department may reduce the frequency of vinyl chloride monitoring to once every three years for that sample location or other sample locations which are more representative of the same source. Surface water systems may be required to analyze for vinyl chloride at the discretion of the Department.

(g) A State or individual public water systems may choose to composite up to five samples from one or more public water systems. Compositing of samples is to be done in the laboratory by the procedures listed below. Samples must be analyzed within fourteen days of collection. If any organic contaminant listed in 5.8.1 (a) VOC is detected in the original composite sample, a sample from each source that made up the composite sample must be reanalyzed individually with fourteen days from sampling. The sample for reanalysis can not be the original sample but can be a duplicate sample. If duplicates of the original samples are not available, new samples must be taken from each source used in the original composite and analyzed for VOCs. Reanalysis must be accomplished within fourteen, days of the second sample. To composite samples, the following procedure must be followed:

(1) Compositing samples prior to GC analysis.

(i) Add 5 ml or equal larger amounts of each sample (up to 5 samples are allowed) to a 25 ml glass syringe. Special precautions must be made to maintain zero headspace in the syringe.

(ii) The samples must be cooled at 4 degrees C during this step to minimize volatilization losses.

(iii) Mix well and draw out a 5 ml aliquot for analysis.

(iv) Follow sample introduction, purging, and desorption steps described in the method.

(v) If less than five samples are used for compositing, a proportionately smaller syringe may be used.

(2) Compositing samples prior to GC/MS analysis.

(i) Inject 5 ml or equal larger amounts of each aqueous sample (up to 5 samples are allowed) into a 25 ml purging device using the sample introduction technique described in the method.

(ii) The total volume of the sample in the purging device must be 25 ml.

(iii) Purge and desorb as described in the method.

(h) The Department may reduce the monitoring frequency specified in paragraph 5.8.2 (a) and 5.8.2 (b), as explained in this paragraph:

(1) The monitoring frequency for ground water systems is as follows:

(i) When VOCs are not detected in the first sample (or any subsequent samples that may be taken) and the system is not vulnerable as defined in paragraph 5.8.2 (h) (4) monitoring may be reduced to one sample and must be repeated every 5 years.

(ii) When VOCs are not detected in the first sample (or any subsequent sample that may be taken) and the system is vulnerable as defined in paragraph 5.8.2 (h) (4), monitoring (i.e., one sample) must be repeated every 3 years for systems > 500 connections. Monitoring (i.e., one sample) must be repeated every 5 years for system < 500 connections.

(iii) If VOCs are detected in the first sample (or any subsequent sample that may be taken), regardless of vulnerability, monitoring must be repeated every 3 months, as required under paragraph 5.8.2 (a).

(2) The repeat monitoring frequency for surface water systems is as follow:

(i) When VOCs are not detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the system is not vulnerable as defined in paragraph 5.8.2 (h) (4), monitoring is only required at Department discretion.

(ii) When VOCs are not detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the system is vulnerable as defined in paragraph 5.8.2 (h) (4), monitoring must be repeated every three years (for systems > 500 connections). Monitoring must be repeated every five years (for systems < 500 connection).

(iii) When VOCs are detected in the first year of quarterly sampling (or any other subsequent sample that may be taken), regardless of vulnerability, monitoring must be repeated every three months, as required under paragraph 5.8.2 (b) of this section.

(3) The Department may reduce the frequency of monitoring to once per year for a ground water system or surface water system detecting VOCs at levels consistently less than the MCL for three consecutive years.

(4) Vulnerability of each public water system shall be determined by the State based upon an assessment of the following factors:

(i) Previous monitoring results.

(ii) Number of persons served by public water system.

(iii) Proximity of a smaller system to a larger system.

(iv) Proximity to commercial or industrial use, disposal, or storage of Volatile Synthetic Organic Chemicals.

(v) Protection of the water source.

(5) A system is deemed to be vulnerable for a period of three years after any positive measurement of one or more contaminants listed in paragraph 5.9.1 or paragraph 5.8.1 except for trihalomethanes or other demonstrated disinfection by-products.

(i) Compliance with paragraph 5.8.1 shall be determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the MCL, then the system shall be deemed to be out of compliance. If a public water system has a distribution system with no interconnections, only that part of the system that exceeds any MCL as specified in paragraph 5.8.1 will be deemed out of compliance. States may reduce the public notice requirement to that portion of the system which is out of compliance. If any one sample result would cause the annual average to be exceeded, then the system shall be deemed to be out of compliance immediately. For systems that only take one sample per location because no VOCs were detected, compliance shall be based on that one sample.

(j) Analysis under this paragraph shall be conducted using the following EPA methods or their equivalent as approved by EPA. These methods are contained in "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water," September 1986, available from Environmental and Support Laboratory (EMSL), EPA, Cincinnati, OH 45268 or the Department.

(1) Methods 502.1, "Volatile Halogenated Organic Chemical in Water by Purge and Trap Gas Chromatography."

(2) Method 503.1 "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography."

(3) Method 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry."

(4) Method 502.2, "Volatile Organic Compound in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry."

(5) Method 502.2 "Volatile Organic Compounds in Water by Purge and Trap Capillary Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series."

(k) Analysis under this section shall only be conducted by laboratories that have received conditional approval by EPA or the Department according to the following conditions:

(1) To receive conditional approval to conduct analyses for benzene, vinyl chloride, carbon tetrachloride, 1,2-dichloroethane, 1,1,1-trichloroethane, and paradichlorobenzene, the laboratory must:

(i) Analyze Performance Evaluation samples which include these substances provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Department.

(ii) Achieve the quantitative acceptance limits under paragraphs 5.8.2 (k) (1) (iii) and 5.8.2 (k) (1) (iv) of this section for at least six of the seven subject organic chemicals.

(iii) Achieve quantitative results on the analyses performed under 5.8.2 (k) (1) (i) that are within +20 percent of the actual amount of the substances in the Performance Evaluation sample when the actual amount is greater than or equal to 0.010 mg/l.

(iv) Achieve quantitative results on the analyses performed under 5.8.2 (k) (1) (i) that are within +40 percent of the actual amount of the substances in the Performance Evaluation sample when the active amount is less than 0.010 mg/l.

(v) Achieve a method detection limit of 0.0005 mg/l, according to the procedures in Appendix B of Part 136 of the Agency Regulations.

(2) To receive conditional approval for vinyl chloride, the laboratory must:

(i) Analyze Performance Evaluation samples provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the State.

(ii) Achieve quantitative results on the analyses performed under 5.8.2 (k) (1) (i) that are within +40 percent of the actual amount of vinyl chloride in the Performance Evaluation sample.

(iii) Achieve a method detection limit of 0.0005 mg/l, according to the procedures in Appendix B of Part 136.

(iv) Receive approval or be currently approved by EPA or the State under 5.8.2 (k) (1) (i).

(1) The Department has the authority to allow the use of monitoring data collected after January 1, 1983, for purposes of monitoring compliance. If the data is consistent with the other requirements in 5.8.2, the Department may use that data to represent the initial monitoring if the system is determined by the Department not to be vulnerable under the requirements of 5.8.2 (h) (4).

(m) The Department may increase required monitoring where necessary to detect variations within the system.

(n) The Department has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.

(o) Each approved laboratory must determine the method detection limit (MDL), as defined in Appendix B to Part 136 of the Agency Regulations, at which it is capable of detecting VOCs. The acceptable MDL is 0.0005 mg/1. This concentration is the detection level for purposes of paragraphs 5.8.2 (e) , (f) , (g) , and (h) ..

5.8.3 Unregulated Organic Chemicals - Special Sampling - Requirements

5.8.3 (a) List of Unregulated Organic Chemicals

All community and non-transient non-community water systems shall monitor for the following contaminants except as provided in paragraph 5.8.3 (b) (5):

Chloroform;
Bromodichloromethane;
Chlorodibromomethane;
Bromoform;
trans-1,2-Dichloroethylene;
Chlorobenzene;
m-Dichlorobenzene;
Dichloromethane;
cis-1,2-Dichloroethylene;
cis-1,2-Dichloroethylene;
o-Dichlorobenzene;
Dibromomethane;
1,1-Dichloropropene;
Tetrachloroethylene;
Toluene;
p-Xylene;
o-Xylene;
m-Xylene;
1,1-Dichloroethane;
1,2-Dichloropropane;

1,1,2,2-Tetrachloroethane;
 Ethylbenzene;
 1,3-Dichloropropane;
 Styrene;
 Chloromethane;
 Bromomethane;
 1,2,3-Trichloropropane;
 1,1,1,2-Tetrachloroethane;
 Chloroethane;
 1,1,2-Trichloroethane;
 2,2-Dichloropropane;
 o-Chlorotoluene;
 p-Chlorotoluene
 Bromobenzene;
 1,3-Dichloropropene;
 Ethylene dibromide (EDB);
 1,2-Dibromo-3-chloropropane (DBCP)

Monitoring for the following contaminants is required at the discretion of the Department:

1,2,4-Trimethylbenzene;
 1,2,4-Trichlorobenzene;
 1,2,3-Trichlorobenzene;
 n-Propylbenzene;
 n-Butylbenzene;
 Napthalene;
 Hexachlorobutadiene;
 1,3,5-Trimethylbenzene;
 p-Isopropyltoluene;
 Isopropylbenzene;
 Tert-butylbenzene;
 Sec-butylbenzene;
 Fluorotrichloromethane;
 Dichlorodifluoromethane;
 Bromochloromethane.

5.8.3 (b) Unregulated Organic Chemicals Sampling and Analytical Requirements

(1) All community and non-transient, non-community water systems shall monitor for the contaminants listed in paragraph 5.8.3(a) by the dates specified in Table 1:

TABLE 1 - MONITORING SCHEDULE BY SYSTEM SIZE

Number of persons server	Monitoring to begin no later than--
Over 10,000.....	Jan. 1, 1988
3,300 to 10,000.....	Jan. 1, 1989
Less than 3,300.....	Jan. 1, 1991

(2) Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

(3) Ground water systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.

(4) The Department may require confirmation samples for positive or negative results.

(5) Community water systems and non-transient non-community water systems must monitor for EDB and DBCP only if the Department determines they are vulnerable to contamination by either or both of these substances. For the purpose of this paragraph, a vulnerable system is defined as a system which is potentially contaminated by EDB and DBCP, including surface water systems where these two compounds are applied manufactured, stored, disposed of, or shipped up-stream, and for ground water systems in areas where the compounds are applied, manufactured, stored, disposed of, or shipped in the ground water recharge basin, or for ground water systems that are in proximity to under ground storage tanks that contain leaded gasoline.

(6) Public water systems may use monitoring data collected any time after January 1, 1983 to meet the requirements for unregulated monitoring, provided that the monitoring program was consistent with the requirements of 5.9.2.

(7) Instead of performing the monitoring required by this section, a community water system or non-transient non-community water system serving fewer than 150 service connections may send a letter to the Department stating that the system is available for sampling. This letter must be sent to the Department no later than January 1, 1991. The system shall not send such samples to the Department, unless requested to do so by the Department.

(8) All community and non-transient non-community water systems shall repeat the monitoring required in 5.8.3 no less frequently than every five years from the dates specified in 5.8.3 (a).

(9) States or public water systems may composite up to five samples when monitoring for substances in 5.8.3.

(10) Analyses under this section shall be conducted using the recommended EPA methods as follows, or their equivalent as determined by EPA: 502.1, "Volatile Halogenated Organic Compounds in Water by Purge and Trap Gas Chromatography," 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography," 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry," 524.2, "Volatile Organic Compounds in Water by

Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry, or 502.2, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series." These methods are contained in "Methods for the Determination of Organic Compound in Finished Drinking Water and Raw Source Water," September 1986, available from Environmental Monitoring and Support Laboratory (EMSL), EPA, Cincinnati, Ohio 45268. Analysis of 1,2-dibromo-3-chloropropane (DBCP) and 1,2-dibromoethane (EDB) shall be conducted by Method 504, "Measurement of 1,2-Dibromoethane (EDN) and 1,2-Dibromo-3-chloropropane (DBCP) in Drinking Water by Microextraction and Gas Chromatography," September 1986, available from EMSL, Cincinnati, Ohio 45268 or the State.

(11) Analysis under this section shall only be conducted by laboratories approved under 5.8.2 (k). In addition to the requirements of 5.8.2 (k) each laboratory analyzing for EDB and DBCP must achieve a method detection limit for EDB and DBCP of 0.00002 mg/1, according to the procedures in Appendix B of Part 136 of the Agency Regulations.

5.8.4 Use of Non-Centralized Treatment Devices

(a) Public water systems may use point-of-entry devices to comply with maximum contaminant levels only if they meet the requirements of this section.

(1) It is the responsibility of the public water system to operate and maintain the point-of-entry treatment system.

(2) The public water system must develop and obtain Department's approval for a monitoring plan before point-of-entry devices are installed for compliance. Under the plan approved by the Department, point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all primary and Secondary Drinking Water Standards and would be of acceptable quality similar to water distributed by a well-operated central treatment plant. In addition to the

VOCs, monitoring must include physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.

(3) Effective technology must be properly applied under a plan approved by the Department and the microbiological safety of the water must be maintained.

(i) The Department must require adequate certification of performance, field testing, and if not included in the certification process, a rigorous engineering design review of the point-of-entry devices.

(ii) The design and application of the point-of-entry devices must consider the tendency for increase in heterotrophic bacterial concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contractor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.

(4) All consumers shall be protected. Every building connected to the system must have a point-of-entry device installed, maintained, and adequately monitored. The Department must be assured that every building is subject to treatment and monitoring and that the rights and responsibilities of the public water system customer convey with title upon sale of property if they meet the requirements of this section.

(b) Public water system shall not use bottled water or point-of-use devices to achieve compliance with an MCL. Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health.

(1) The Department requires and must approve a monitoring program for bottled water. The public water system must develop and put in place a monitoring program that provides reasonable assurances that the bottled water meets all MCLs. The public water system must monitor a representative sample of the bottled water for all contaminants regulated under 5.8.1 the first quarter that it supplies the bottled water to the public, and annually thereafter. Results of the monitoring program shall be provided to the Department annually.

(2) The public water system must receive a certification from the bottled water company that the bottled water supplied has been taken from an "approved source" as defined in 21 CFR 129.3 (a); the bottled water company has conducted monitoring in accordance with 21 CFR 129.80 (g) (1) through (3); and the

bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129. The public water system shall provide the certification to the Department the first quarter after it supplies bottled water and annually thereafter.

(3) The public water system is fully responsible for the provision of sufficient quantities of bottled water to every person supplied by the public water system, via door-to-door bottled water delivery.

5.9 Radionuclides

5.9.1 Maximum Contaminant Levels for Radionuclides

The following maximum contaminant levels for radionuclides apply to community water systems:

<u>(a) Contaminant</u>	<u>Level</u> <u>pico-Curies per liter</u>
Combined radium-226 and radium-228.....	5
Gross alpha particle activity (including radium-226, but excluding radon and uranium).....	15

(b) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

(c) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalent shall be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Exposure", NBS Handbook 69, as amended August 1963, U.S. Department of Commerce. If two (2) or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year.

TABLE A -- Average Annual Concentrations Assumed to Produce a Total Body or Organ Dose of 4 mrem/year.

<u>Radionuclide</u>	<u>Critical Organ</u>	<u>pCi Per Liter</u>
Tritium	Total Body	20,000
Strontium	Bone Marrow	8

5.9.2 Radionuclides Sampling and Analytical Requirements

(a) Monitoring requirements for gross alpha particle activity, radium-226 and radium-228.

(1) Initial Sampling to determine compliance with paragraph 5.9.1 shall commence immediately upon the effective date of these regulations and the analysis shall be completed within one (1) year from the effective date of these regulations. Compliance shall be based on the analysis of an annual composite of four (4) samples obtained at quarterly intervals.

(i) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed 5 pCi/1 at a confidence level of 95 percent (1.65σ , where σ is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, analysis for radium-226 and/or radium-228 shall be made when gross alpha particle exceeds 2 pCi/1.

(ii) When the gross alpha particle activity exceeds 5 pCi/1, the same or equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/1, the same or an equivalent sample shall be analyzed for radium-228.

(2) For the initial analysis required by paragraph 5.9.2 (a)(1), data acquired within one year prior to the effective date of the regulations, may be substituted at the discretion of the Department.

(3) Suppliers of water shall monitor at least once every four (4) years following the procedure required by paragraph 5.9.2 (a)(1). At the discretion of the Department, when an annual record taken in conformance with paragraph 5.9.2 (a)(1) has established that the average annual concentration is less than half the maximum contaminant levels established by paragraph 5.9.1 analysis of a single sample may be substituted for the quarterly sampling procedure required by paragraph 5.9.2 (a)(1).

(i) More frequent monitoring shall be conducted when ordered by the Department in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.

(ii) A supplier of water shall monitor in conformance with paragraph 5.9.2 (a)(1) within one (1) year of the introduction of a new water source for a community water system. More frequent monitoring shall be conducted when ordered by the Department in the event of possible contamination or when changes in the distribution system or treatment process occur which may increase the concentration of radioactivity in finished water.

(iii) A community water system using two (2) or more sources having different concentrations of radioactivity shall monitor source water in addition to water from free-flowing tap, when ordered by the Department.

(4) If the average annual maximum contaminant level for gross alpha particle activity or total radium as set forth in paragraph 5.9.1 is exceeded, the supplier of a community water system shall give notice to the Department and notify the public as required by paragraphs 6.1 and 6.2. Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(b) Monitoring Requirements for Man-made Radioactivity in Community Water Systems:

(1) By the effective date of this regulation, systems using surface water sources as may be designated by the Department shall be monitored for compliance with paragraphs 5.9.1 (b) and (c) by analysis of a composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. Compliance with paragraph 5.9.1 (b) and (c) maybe assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/l and if the average annual concentration of gross beta particle activity is less than 50 pCi/l and if the annual concentrations of tritium and strontium-90 are less than those listed in Table A, provided that if both radionuclides are present, the sum of their annual dose equivalent to bone marrow shall not exceed 4 millirem/year.

composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. The latter procedure is recommended.

(iv) The Department may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by the supplier of water where the Department determines such data is applicable to a particular community water system.

(5) If the average annual maximum contaminant level for man-made radioactivity set forth in paragraph 5.9.1 is exceeded, the operator of a community water system shall give notice to the Department pursuant to paragraph 5.8.2 and to the public as required by paragraph 5.8.3. Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the maximum contaminant levels or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(c) Analyses made to determine compliance with paragraph 5.9.1 shall be made in accordance with procedures prescribed by Agency Regulations, 40 CFR 141.25, 141.26.

PART 6 PUBLIC NOTIFICATION

6.1 Maximum Contaminant Level (MCL), Treatment Technique, and Variance and Exemption Schedule Violations

The owner or operator of a public water system which fails to comply with an applicable MCL or treatment technique established by these regulations or which fails to comply with the requirements of any schedule prescribed shall notify persons served by the system as follows:

(a) Except as provided in 6.1 (c), the owner or operator of a public water system must give notice:

1. by publication of not less than three (3) consecutive days in at least one daily newspaper with CNMI distribution in the area served by the system as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a bi-weekly or weekly newspaper of general circulation for a three week period or until the violation is corrected; and

2. By mail delivery (by direct mail or with the water bill) or hand delivery not later than 45 days after the violation or

failure. The Department may waive mail or hand delivery if it determines that the owner or operator of the public water system has corrected the violation or failure within 45 days period; and

3. For violations of MCLs of contaminants that may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the public water system as soon as possible but in no case later than 72 hours after the violation. Any violation specified by the Division as posing an acute risk to human health or any violation of the nitrate MCL specified in 5.5.1 and determined according to 5.5.2 constitute acute violations.

(b) Except as provided in paragraph 6.1. following the initial notice given under 6.1. (a), the owner or operator of the public water system must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.

(c) (1) In lieu of the requirements in 6.1 (a) and (b), the owner or operator of the community water system in an area that is not served by a daily, bi-weekly or weekly newspaper of CNMI circulation must give notice within 14 days after the violation or failure by hand delivery or by continuous posting in conspicuous places within the area served by the system, such as the Mayor's Office and Post Office(s). Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in paragraph 6.1. (a) (3) or 14 days after the violation or failure (for any violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least three months for as long as the violation or failure exists.

(2) In lieu of the requirements in 6.1. (a) and (b), the owner or operator of a non-community water system may give notice within 14 days after violation or failure by hand delivery or by continuous posting in conspicuous places within the area served by the system. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in paragraph 6.1. (a) (3) or 14 days after the violation or failure (for any violation). Posting must continue for as long as violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as violation or failure exists.

6.2 Other Violations, Variances, Exemptions

The owner or operator of a public water system which fails to perform the monitoring required by PART 5, fails to comply with a testing procedures established by these regulations, is

subject to a variance granted by these regulations or is subject to an exemption under these regulations, shall notify persons served by the system as follows:

(a) Except as provided in 6.2 (c) or (d), the owner or operator of a public water system must give notice within three months of the violation or granting of a variance or exemption by publication in a daily newspaper of general CNMI circulation in the area served by the system. If the area served by a public water system is not served by a public newspaper of CNMI circulation, notice shall instead be given by publication in a bi-weekly or weekly newspaper of CNMI circulation serving the area.

(b) Except as provided in paragraph 6.2 (c) or (d), following the initial notice given under paragraph 6.2 (a), the owner or operator of the public water system must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a variance or exemption must be given every three months for as long as the variance or exemption remains in effect.

(c) 1. In lieu of the requirement 6.2. (a) and (b), the owner or operator of a community water system in an area that is not served by a daily, bi-weekly or weekly newspaper of CNMI circulation must give notice, within three months of the violation or granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places with the area served by the system. Posting must continue for as long as the violation exists or a variance or exemption remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

2. In lieu of the requirements of paragraph 6.2 (a) and (c), the owner or operator of a non-community water system may give notice, within three months of the violation or the granting of a variance or exemption by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting must continue for as long as the violation exists, or a variance or exemption remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

(d) In lieu of the requirements of 6.2 (a), (b) and (c), the owner or operator of a public water system at the discretion of the Department may provide less frequent notice

for minor monitoring violations as define by the Department, if the U.S. EPA has approved the Department's application for a program revision. Notice of such violations must be given not less frequently than annually.

6.3 Notice of New Billing Units

The owner or operator of a community water system must give a copy for any outstanding violation of any maximum contaminant level, or any treatment technique or any variance or exemption schedule to all new billing units or new hookups prior to or at the time service begins.

6.4 General Content of Public Notice

Each notice required under part 6 must provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the population risk, the steps that the public water system is taking to correct such violation, the necessity for seeking alternative water supplies if any, and any preventive measures the consumer should take until the violation is corrected. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall include the telephone number of the owner, operator, or designee of the public water system as a source of additional information concerning the notice. Where appropriate, the notice shall be multilingual, including the local vernacular(s).

6.5 Mandatory Health Effects Language

When providing the information on potential adverse health effects required in 6.1 (a) (3) in notices of violation of maximum contaminant levels or treatment technique requirements, or notices of the granting or the continued existence of exemptions or variances, notices of failure to comply with a variance of exemption schedule, the owner or operator of a public water system shall include language specified below for each contaminant. (If language for a particular contaminant is not specified below at the time notice is required, this paragraph does not apply).

(a) Trichloroethylene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by

improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for trichloroethylene at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(b) Carbon tetrachloride

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetime. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for carbon tetrachloride at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(c) 1,2-Dichloroethane

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,2-Dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oil, waxes, and resins. It generally gets into the drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for 1,2-Dichloroethane at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(d) Vinyl Chloride

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure.

This chemical is used in industry and is found in drinking water as result of the breakdown of related solvents. The solvents are used as cleaners and degreaser of metals and generally gets into the drinking water by improper disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. Chemicals that cause cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for vinyl chloride at 0.002 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(e) Benzene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that benzene is health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal.

This chemicals has been associate with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amount of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high level over their lifetime. Chemicals that cause increased risk of cancer among industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for Benzene at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(f) 1,1-Dichloroethylene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1 Dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvent are used as cleaners and degreasers of metals and generally get into the drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice the animals are exposed

the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for 1,1-Dichloroethylene at 0.007 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(g) Para-dichlorobenzene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizer, moth balls, and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes.

Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(h) 1,1,1-Trichloroethane.

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system, and circulatory system. Chemicals that cause increased risk of cancer among industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standards is associated with little to none of this risk and should be considered safe.

6.6 Public Notification for Fluoride

(a) Community water systems that exceed the secondary maximum contaminant level for fluoride as determined by the last single sample taken in accordance with the requirements of section 5.5.2 (g) shall give public notice to all billing units annually, all new billing units at the time service begins, and the Department.

(b) The publication to be used by systems which exceed the notices of variances and exemptions from the maximum contaminant level for fluoride, and notices of failures to comply with the maximum contaminant level for fluoride shall include the language specified in the Agency Regulations 40 code of Federal Regulations part 143.5 (b), FR Doc. 87-24331, filed October 27, 1987, (and no future editions) in incorporated herein by reference and on file with the Department.

In addition, the public notice shall include a description of any steps which the community water system is taking to come into compliance.

6.7 Public Notification for Unregulated Contaminants

(a) The requirements of this section only apply to the contaminants listed in 5.8.3.

(b) The owner or operator of a community water system or non-community water system who is required to monitor under 5.8.3 shall send a copy of the results of such monitoring within 30 days of receipt and any public notice under paragraph (d) of this section to the Department.

(c) The Department shall furnish the following information to the Agency for each sample analyzed under 5.8.3:

- (1) Results of all analytical methods, including negatives;
- (2) Name and address of the system that supplied the sample;
- (3) Contaminant (s);
- (4) Analytical method (s) used;
- (5) Date of sample;
- (6) Date of analysis.

(d) The owner or operator shall notify persons served by the system of the availability of the results of sampling conducted under 5.8.3 by including a notice in the first set

of water bills issued by the system after the receipt of the results or written notice within three months. The notice shall identify a person and supply the telephone number to contact for information on the monitoring results. For surface water systems, public notification is required only after the first quarter's monitoring and must include a statement that additional monitoring will be conducted for three more quarters with the results available upon request.

6.8 Public Notification By the Department

The Department may give notice to the public required by this part on behalf of the owner or operator of the public water system if the Department complies with the requirements of this part. However, the owner or operator of the public water system remains legally responsible for ensuring that the requirements of this part are met.

PART 7 APPROVED LABORATORIES, REPORTING, RECORD KEEPING, AND RIGHT OF ENTRY

7.1. Certified Laboratories: For the purpose of determining compliance with the maximum contaminant levels set forth in Part 5 hereinbefore, samples may be considered only, if they have been analyzed by a laboratory certified by the Department, or EPA except that measurements for chlorine residual may be performed by any person acceptable to the Department.

7.2 Reporting Requirements:

(a) Except where a shorter period is specified in these regulations the supplier of water shall report to the Department the results of any test measurement or analysis required by these regulations within (1) the first ten days following the month in which the result is received, or (2) the first ten days following the end of the required monitoring period as stipulated by the Department which ever of these is shortest.

(b) The supplier of water shall report to the Department within forty-eight (48) hours failure to comply with any primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this regulation.

(c) The supplier of water is not required to report analytical results to the Department in cases where a laboratory performs the analysis and reports the results to the Department office which would normally receive such notification from the supplier.

7.3 Record Maintenance: Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records:

(a) Records of bacteriological analyses made pursuant to this part shall be kept for not less than five (5) years. Records of chemical analyses made pursuant to this part shall be kept for not less than ten (10) years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- (1) The date, place, and time of sampling, and the name of the person who collected the sample;
- (2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;
- (3) Date of analysis;
- (4) Laboratory and person responsible for performing analysis;
- (5) The analytical technique/method used; and,
- (6) The results of the analysis;

(b) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than three (3) years after the last action taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries or communication relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, Commonwealth, or Federal Agency, shall be kept for a period not less than ten (10) years after completion of the sanitary surveys involved.

(d) Record concerning a variance or exemption granted to the system shall be kept for a period ending not less than five (5) years following the expiration of such variance or exemption.

(e) For uniformity of reporting, the Department may prescribe forms on which specific records shall be kept.

- 7.4 Right of Entry: Members of the Department may at any time enter upon and inspect public water systems, take water samples, and perform tests upon water quality, whether or not the Department has evidence that the system is in violation of any applicable legal requirement.

PART 8 VARIANCES AND EXEMPTIONS

The Department may issue variances and exemptions from the requirements of primary drinking water regulations under conditions and in a manner which are not less stringent than those which may be granted under Sections 1415 and 1416 of U.S. P.L. 93-523.

8.1 Variances

8.1.1 Requirements for a Variance

(a) The Department may grant one (1) or more variances to any public water system within the CNMI from any applicable maximum contaminant level prescribed in these regulations upon a finding that:

(1) Because of the characteristics of the raw water sources which are reasonably available to the system, the system cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulations despite application of the best technology, treatment techniques, or other methods, which the Administrator of EPA finds are generally available (taking costs into consideration); and,

(2) The granting of a variance will not result in an unreasonable risk to the health of persons served by the system.

(3) At the time that the variance is granted the Department shall prescribe a schedule for;

(i) Compliance (including increments of progress) by the public water system with each contaminant level requirement with respect to which the variance was granted, and

(ii) Implementation by the public water system of such control measures as the Department may require for each contaminant, subject to such contaminant level requirement, during the period ending on the date of compliance.

(b) The Department may grant one (1) or more variances to any public water system within the CNMI from any requirement of a

specified treatment technique of the regulations upon a finding that the public water system applying for the variance has demonstrated that such treatment technique is not necessary to protect the health of persons because of the nature of the raw source of such system.

(c) Any variance granted pursuant to 8.1.1 (a) shall be conditioned upon compliance by the public water system with the schedule prescribed by the Department in 8.1.1 (a)(3). The (3) shall be enforceable by the Department under Commonwealth Law. Any requirement of a schedule on which a variance granted under 8.1.1 (a)(3) as conditioned may be enforced under Section 1414 of U.S. P.L. 93-523 as if such regulation was part of a national primary drinking water regulation.

(d) Any schedule prescribe pursuant to 8.1.1 (a)(3) for a public water system granted a variance shall require compliance by the system with each contaminant level requirement with respect to which the variance was granted as expeditiously as practicable (as the Commonwealth may reasonable determine).

8.1.2 Variance Request: A supplier of water may request the granting of a variance submitting such in writing to the Department. Suppliers of water may submit a joint request for variances when they seek similar variances under similar circumstances. Any written request for a variance or variances shall include the following information:

- (a) The nature and duration of variance requested;
- (b) Revelant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the requirements of these regulations; and,
- (c) For any request made under paragraph 8.1.1 (a);
 - (1) Explanation in full and evidence of the best available treatment technology and techniques;
 - (2) Economic and legal factors relevant to ability to comply;
 - (3) Analytical results of raw water quality relevant to the variance request; and,
 - (4) A proposed compliance schedule, including the date each step toward compliance will be achieved. Such schedule shall include as a minimum the following dates;
 - (i) Date by which arrangement for alternative raw water source or improvement of existing raw water source will be completed.

(ii) Date of initiation of the connection of the alternative raw water source or improvement of existing raw water source.

(iii) Date by which final compliance is to be achieved.

(5) A plan for the provision of safe drinking water in the case of an excessive rise in the contaminant level for which the variance is requested.

(6) A plan for interim control measures during the effective period of variance.

(d) For any request made under paragraph 8.1.1 (b), a statement that the system will perform monitoring and other reasonable requirements prescribed by the Department as a condition to the variance.

(e) Other information, if any, believed to be pertinent by the applicant.

(f) Such other information as the Department may require.

8.1.3 Consideration of Variance Request

(a) The Department shall act on any variance request submitted pursuant to paragraph 8.1.2 within ninety (90) days of receipt of the request.

(b) In its consideration of whether the public water system is unable to comply with a contaminant level required by these regulations because of the nature of the raw water source, the Department shall consider such factors as the following:

(1) The availability and effectiveness of treatment methods for the contaminant for which the variance is requested.

(2) Cost and other economic consideration such as implementing treatment, improving the quality of the source water or using an alternative source.

(c) In its consideration of whether a public water system should be granted a variance to a required treatment technique because such treatment is unnecessary to protect the public health, the Department shall consider such factors as the following:

(1) Quality of the water source including water quality data and pertinent sources of pollution.

(2) Source protection measures employed by the public water system.

8.1.4 Disposition of a Variance Request

(a) If the Department decides to deny the application for a variance, it shall notify the applicant of its intention to issue a denial. Such notice shall include a statement of reasons for the proposed denial, and shall offer the applicant an opportunity to present, within thirty (30) days of receipt of the notice, additional information or argument to the Department. The Department shall make a final determination on the request within thirty (30) days after receiving any additional information or argument is submitted by the applicant, the application shall be denied.

(b) If the Department proposes to grant a variance request submitted pursuant to paragraph 8.1.2, it shall notify the applicant of its decision in writing. Such notice shall identify the variance, the facility covered, and shall specify the period of time for which the variance will be effective.

(1) For the type of variance specified in paragraph 8.1.1 (a), such notice shall provide that the variance will be terminated when the system comes into compliance with the applicable regulation, and may be terminated upon finding by the Department that the system has failed to comply with any requirements of a final schedule pursuant to the terms and conditions of the variance.

(2) For the type of variance specified in paragraph 8.1.1 (a), such notice shall provide that the variance may be terminated at any time upon a finding that the nature of the raw water is such that the specified treatment technique for which the variance was granted is necessary to protect the health of persons or upon a finding that the public water system has failed to comply with monitoring and other requirements prescribed by the Department as a condition of the granted of the variance.

(c) For a variance specified in paragraph 8.1.1 (a)(1), the Department shall propose a schedule for:

(1) Compliance (including increments of progress) by the public water system with each contaminant level requirement covered by the variance; and,

(2) Implementation by the public water system of such control measures as the Department may require for each contaminant covered by the variance.

(d) The proposed schedule for compliance shall specify dates by which steps towards compliance are to be taken, including at the minimum, where applicable:

(1) Date by which final compliance is to be achieved.

(2) Date of initiation of the connection for the alternative raw water source or improvement of the existing raw water source; and,

(e) The proposed schedule may, if the public water system has no access to an alternative raw water source, and can effect or anticipate no adequate improvement of the existing raw water source, specify an indefinite time period for compliance until a new and effective treatment technology is developed at which a new compliance schedule shall be prescribed by the Department.

(f) The proposed schedule for implementation of interim control measures during the period of variance shall specify interim treatment techniques, methods and equipment and dates by which steps towards meeting the interim control measures are to be met.

(g) The schedule shall be prescribed by the Department at the time of the granting of the variance, subsequent to provision of opportunity for hearing pursuant to paragraph 8.1.5.

8.1.5 Public Hearing on Variance and Schedules and Final Action

(a) Before a variance or a schedule pursuant to paragraph 8.1.4 may take effect, the Department shall provide notice and opportunity for public hearing on the variance or schedule. A notice given pursuant to the preceding sentence may cover more than one (1) such variance or schedule and a hearing held pursuant to such notice shall include each of the variances covered by the notice.

(b) Public notice of a proposed variance or schedule and opportunity for public hearing on such shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed variance. The public notice shall be posted at the principal post office which serves the area of the public water system and shall be announced over the radio or television station serving the area of the public water supply system. Requests for hearing may be submitted by any interested person. Frivolous insubstantial requests for hearing may be denied by the Department. Requests must be submitted to the Department within thirty (30) days after issuance of the public notice mentioned above.

Hearing requests shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other requesting a hearing;

(2) A brief statement of the interest of the person making the request in the proposed variance or schedule and of information that the requesting person intends to submit a such hearing; and,

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of responsible official of the organization or other entity.

(c) The Department shall give notice in a manner set forth in paragraph (b) of this section of any hearing to be held pursuant to a request submitted by any interested person or Department motion. Notice of the hearing shall also be sent to the person requesting the hearing, if any. Notice of the hearing shall include a statement of the purpose, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing. The hearing location specified in the public notice shall be within an involved district. Notice of the hearing shall be given not less than fifteen (15) days before the time schedule for the hearing.

(d) A hearing conducted pursuant to paragraph (c) of this section shall be conducted before the Department. The Department shall have the authority to call witnesses, receive written and oral testimony, compel necessary attendance through subpoena, and take such action as may be necessary to assure the fair and efficient conduct of the hearing.

(e) Final Action: Within thirty (30) days after termination of the public hearing process prescribed above, the Department shall, taking into consideration information obtained during the hearing and other relevant information, grant, deny, or grant as modified a proposed variance of schedule. The variance or schedule shall become effective after notice of opportunity for hearing is given pursuant to paragraph 8.1.5 (b) if no timely request for hearing is submitted and the Department does not hold a public hearing on its own motion.

8.1.6 Alternative Treatment Techniques: The Department may grant a variance from any treatment technique requirement of these regulations to a supplier of water, upon a showing from any person that an alternative treatment technique not included in such requirement is at least as efficient in lowering the level of the contaminant with respect to which such requirement was prescribed. A variance under this paragraph shall be conditioned on the use of the alternative treatment technique which is the basis of the variance.

8.2 Exemptions

8.2.1 Requirements for an Exemption:

The Department may exempt any public water system from any requirement respecting a maximum contaminant level or any treatment technique requirement, or from both, of these regulations upon a finding that:

(a) Due to compelling factors (which may include economic factors), the public water system is unable to comply with such contaminant level or treatment technique requirement;

(b) The public water system was in operation on the effective date of such contamination level or treatment technique requirement; and,

(c) The granting of the exemption will not result in an unreasonable risk to health.

(d) Each exemption granted a public water system by the Department shall be conditioned by the Department upon compliance by the public water system with the schedule prescribed by the Department pursuant to 8.2.1 (d). The requirement of each schedule prescribed by the Department pursuant to 8.2.1 (d) shall be enforceable by the Department under Commonwealth Law. Any requirement of a schedule on which an exemption granted under 8.2.1 is conditioned may be forced under Section 1414 of U.S.P.L. 93-523 as if such requirement was part of a national primary drinking water regulation.

(e) A schedule prescribed pursuant to 8.2.1 (d) for a public water system granted an exemption under 8.2.1 (a)-(b) shall require compliance by the system with each contaminant level and treatment technique with respect to which the exemption was granted.

8.2.2 Exemption Request:

A supplier of water may request the granting of an exemption pursuant to this subpart for a public water system by submitting a request for exemption in writing to the Department. Suppliers of water may submit a joint request for exemptions when they seek similar exemptions under similar circumstances. Any written request for an exemption shall include the following information:

(a) The nature and duration of exemption requested;

(b) Relevant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the requirements of these regulations;

(c) Explanation of the compelling factors such as time or economic factors which prevent such system from achieving compliance;

(d) Other information, if any, believed by the applicant to be pertinent to the application;

(e) A proposed compliance schedule, including the date when each step toward compliance will be achieved; or,

(f) Such other information as the Department may require.

8.2.3 Consideration of an Exemption Request

(a) The Department shall act on any exemption request submitted pursuant to paragraph 8.2.2 within ninety (90) days of receipt of the request.

(b) In its consideration of whether the public water system is unable to comply due to compelling factors, the Department shall consider such factors as the following:

(1) Construction, installation, or modification of treatment equipment or systems;

(2) The time needed to put into operation a new treatment facility to replace an existing system which is not in compliance; and,

(3) Economic feasibility of compliance

8.2.4 Disposition of an Exemption Request

(a) If the Department decides to deny the application for an exemption, it shall notify the applicant of its intention to issue a denial. Such notice shall offer the applicant an opportunity to present, within thirty (30) days after receiving such notice, additional information or argument. If no additional information or argument is submitted by the applicant, the application shall be denied.

(b) If the Department grants an exemption request, it shall notify the applicant of its decision in writing. Such notice shall identify the facility covered, and shall specify the termination date of the exemption. Such notice shall provide that the exemption will be terminated when the system comes into compliance with the applicable regulation, and may be terminated upon finding by the Department that the system has failed to comply with any requirements of a final schedule issued pursuant to paragraph 8.2.6.

(c) The Department shall propose a schedule for :

(1) Compliance (including increments of progress) by the public water system with each contaminant level requirement and treatment requirement covered by the exemption.

(2) Implementation by the public water system of such control measures as the Department may require for each contaminant covered by the exemption.

(d) The schedule shall be prescribed by the Department within one (1) year after the granting of the exemption, subsequent to provision of opportunity for hearing pursuant to paragraph 8.2.5.

8.2.5 Public Hearing on Exemption Schedules

(a) Before a schedule proposed by the Department pursuant to paragraph 8.2.4 (d) may take effect, the Department shall provide notice and opportunity for public hearing on the schedule. A notice given pursuant to the proceeding sentence may cover the proposal of more than one such schedule and a hearing held pursuant to such notice shall include each of the schedules covered by the notice.

(b) Public notice of a proposed exemption and opportunity for public hearing on an exemption schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed schedule. The public notice shall be posted at the principal post office which serves the area of the public water supply system and shall be announced over the radio or television station serving the area of the public water supply system. Requests for hearing may be submitted by any interested person. Frivolous or insubstantial requests for hearing may be denied by the Department. Requests may be submitted to the Department within thirty (30) days after issuance date of the public notices mentioned above. Hearing requests shall include the following information.

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

(2) A brief statement of the interest of the person making the request in the proposed schedule and of information that the requesting person intends to submit at such hearing; and,

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

(c) The Department shall give notice in the manner set forth in paragraph (b) of this section of any hearing to be held pursuant to a request by an interested person or on the Department's motion.

Notice of the hearing shall also be sent to the person requesting the hearing, if any. Notice of the hearing shall include a statement of the purpose, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing. The hearing location specified in the public notice shall be given not less than five (5) days prior to the time scheduled for the hearing.

(d) A hearing convened pursuant to paragraph (c) of this section shall be conducted before the Department. The Department shall have the authority to call witnesses, receive written and oral testimony and take such action as may be necessary to assure the efficient and fair conduct of the hearing.

8.2.6 Final Schedule

(a) Within thirty (30) days after the termination of the public hearing pursuant to paragraph 8.2.5, the Department shall take into consideration information obtained during such hearing, revise the proposed schedule as necessary and prescribe the final schedule for compliance and interim measures for the public water supply system granted and exemption under paragraph 8.2.3.

(1) Drinking water standards pursuant to Part 5 of these regulations by no later than the effective date of this regulation; and,

(2) These regulations as they may be revised.

(b) If the public water system has entered into an enforceable agreement to become part of a regional public water system as a determined by the Department, such schedule shall require compliance by the water system with each contaminant level and treatment technique requirement prescribed by:

(1) Drinking water standards prescribed in Part 5 of these regulations by no later than the effective date of this regulation; and,

(2) These regulations as they may be revised not later than nine (9) years after their revision.

8.3 **Variations from the Maximum Contaminant Level for Flouride**

(a) The Agency identifies the following as the best technology, treatment techniques or other means generally available for achieving compliance with the Maximum Contamination Level for fluoride.

(1) Activated alumina absorption, centrally applied.

(2) Reverse osmosis, centrally applied, the Department requires a community water system to install and/or use any treatment method identified 8.3 as a condition for granting a variance unless the Department determines that such treatment method identified 8.3 as a condition for granting a variance is not available and effective for fluoride control for the system. A treatment method shall not be considered to be "available and effective" for an individual system if the treatment method would not be technically appropriate and technically feasible for that system. If, upon application by a system for a variance, the Department determines that none of the treatment methods identified in 8.3 are available and effective for the system, that system shall be entitled to a variance under the provisions of Section 1415 (a) (1) (A) of the Safe Drinking Water Act. The Department's determination as to the availability and effectiveness of such treatment methods shall be based upon studies by the system and other relevant information. If a system submits information to demonstrate that a treatment method is not available and effective for fluoride control for that system, the Department shall make a finding whether this information supports a decision that such treatment method is not available and effective for that system before requiring installation and/or use of such treatment method.

(b) Pursuant to 8.1, the Department shall issue a schedule of compliance that may require the system being granted the variance to examine the following treatment methods:

(1) To determine the probability that any of these methods will significantly reduce the level of fluoride for that system, and

(2) If such probability exists, to determine whether any of these methods are technically feasible and economically reasonable, and that the fluoride reductions obtained will be commensurate with the costs incurred with the installation and use of such treatment methods for that system:

- (i) Modification of lime softening
- (ii) Alum Coagulation
- (iii) Electrodialysis
- (iv) Anion exchange resins
- (v) Well field management

- (vi) Alternate source
- (vii) Regionalization

(c) If the Department determines that a treatment method identified in 8.3 or other treatment method is technically feasible, economically reasonable, and will achieve fluoride reductions commensurate with the costs incurred with the installation and/or use of such treatment for the system, the Department shall require the system to install and/or use that treatment method in connection with a compliance schedule issued under the provisions of Section 1415 (a) (1) (A) of the Safe Drinking Water Act. The Department's determination shall be based upon studies by the system and other relevant information.

8.4. Variances and Exemptions from the Maximum Contaminant Levels for Organic Chemicals

(a) The agency identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for synthetic organic chemicals: Removal using packed tower aeration; removal using granular activated carbon (except for vinyl chloride).

(b) The Department shall require community water systems and non-transient non-community water systems to install and/or use any treatment method identified in 8.4 as a condition for granting a variance except as provided in paragraph (c) of this section. If, after the system's installation of the treatment method, the system cannot meet the MCL, the system shall be eligible for a variance under the provisions of section 1415 (a) (1) (A) of the Safe Drinking Water Act.

(c) If a system can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment methods identified in 8.4 would only achieve a minimum reduction in contaminants, the Department may issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance.

(d) If the Department determines that a treatment method identified in paragraph (c) of this section is technically feasible, the Department may require the system to install and/or use that treatment method in connection with a compliance schedule issued under the provisions of Part 8 of these regulations. The Department's determination shall be used based upon studies by the system and other relevant information.

(e) The Department may require a public water system to use bottle water or point-of-use devices or other means as a condition of granting a variance or an exemption from the requirements of 5.8.1 to avoid an unreasonable risk to health.

(f) Public water systems that use bottled water as a condition for receiving a variance or an exemption from the requirements of 5.8.1 must meet the following requirements in either paragraph (f)(1) or (f)(2) of this section in addition to requirements in paragraph (f)(3) of this section:

(1) The Department requires and must approve a monitoring program for bottled water. The public water system must develop and put in place a monitoring program that provides reasonable assurances that the bottled water meets all MCLs. The public water system must monitor a representative sample of the bottled water for all contaminants regulated under 5.8.1 the first quarter that it supplies the bottled water to the public, and annually thereafter. Results of the monitoring program shall be provided to the Department annually.

(2) The public water system must receive a certification from the bottled water company that the bottled water supplied has been taken from an "approved source" as defined in 21 CFR 129.3(a); the bottled water company has conducted monitoring in accordance with 21 CFR 129.80(g) (1) through (3); and the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 102.35, 110, and 129. The public water system shall provide the certification to the Department the first quarter after it supplies bottled water and annually thereafter.

(g) Public water systems that use point-of-use devices as a condition for obtaining a variance or an exemption from the regulations for volatile organic chemicals must meet the following requirements:

(1) It is the responsibility of the public water system to operate and maintain the point-of-use treatment system.

(2) The public water system must develop a monitoring plan and obtain Department's approval for the plan before point-of-use devices are installed for compliance. This monitoring plan must provide health protection equivalent to a monitoring plan for central water treatment.

(3) Effective technology must be properly applied under a plan approved by the Department and the microbiological safety of the water must be maintained.

(4) The Department must require adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-use devices.

(5) The design and application of the point-of-use devices must consider the tendency for an increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contractor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.

(6) All consumers shall be protected. Every building connected to the system must have a point-of-use device installed, maintained, and adequately monitored. The Department must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer convey with title upon sale of property.

PART 9 SUPPLY OF DRINKING WATER DURING EMERGENCIES

Three (3) types of emergencies are recognized with respect to water supply systems:

9.1 Toxics Contamination

Non-potability by reason of the presence of toxic or other substances in the supply which cannot be removed by existing treatment methods and which, if ingested, might be injurious to the health of consumers. Presence of such substances which might be identified by such parameters as odor, taste, color, chemical tests, the presence of extensive fish kills in the water source, or by other evidence.

(a) In this case, the supplier of water will immediately close off the supply to distribution, notify the Department and the water consumers by the quickest available means of communication. The supplier will also:

(1) Deliver potable, disinfected water from other suitable sources between the time of known contamination and the time the Department declares the water supply potable again.

9.2 Mechanical Failure and/or Major Natural Disaster

Non-potability by reason of the inactivation of the system due to major mechanical failure, typhoon, earthquakes, or similar disaster.

(a) In this case, the supplier will notify the Department and the water consumers by the quickest available means of communication. The supplier will also:

(1) Deliver disinfected water from suitable sources to such public consumers as hospitals, clinics, and similar institutions. The water so delivered shall be disinfected to the satisfaction of the Department.

(2) Advise consumers as to where potable water from the plant or system may be obtained if such is obtainable.

(3) If potable water is not available from the system, the supplier will advise the consumers by the fastest available media where other water sources may be found in the immediate vicinity. Supplier will also recommend disinfection as prescribed in paragraph 9.1 (a)(4). The supplier shall keep on hand sufficient disinfectant (sodium or calcium hypochlorite) for use of consumers during emergency who may not have access to such disinfectants.

(b) The Office of the Mayor for each municipality in this type of emergency will:

(1) Notify the Department of the emergency; and,

(2) Supervise the operation hereinbefore described under paragraph 9.1 (b).

9.3 Rationing of Water

Non-potability of water supply by reason of the necessity to ration water by emptying mains and distribution lines daily or more frequently:

(a) In this type of emergency, the system must provide suitable water to such public consumers as hospitals, clinics, and similar institutions. The water so delivered shall be disinfected to the satisfaction of the Department.

(1) The system must take appropriate steps to restore service to all parts of the distribution system as soon as possible, and to provide for proper disinfection of the distribution system as determined by the Department.

(2) Advise individual consumers to find other emergency sources of water until notified by the Department that the public water supply is potable.

(3) Advise individual consumers to disinfect their emergency water supply by either boiling at a rolling boil for one (1) minute or more, or adding one (1) teaspoon of near 5% strength sodium hypochlorite solution (Clorox, Purex, etc.) to five (5) gallons of clear odorless water, stir and letting it set

thirty (30) minutes before using, or as may be prescribed by the Department.

(b) In this type of emergency, the office of the Mayor of each municipality is the local authorized representative of the Department. It will, in case of this type of emergency:

- (1) Notify the Department of the emergency;
- (2) Supervise the operations described in paragraph (1); and,
- (3) Document circumstances surrounding the contamination including its cause and identification or any person(s) implicated in such contamination.

(c) Person(s) who, either willfully or by negligence, contaminate public water supplies with toxic or poisonous materials which are not removable by normal treatment methods in use by the system, are subject to criminal prosecution as well as the penalty prescribed under paragraph 10.2 of these regulations. The fine under paragraph 10.2 shall be for the number of days that the system water is contaminated and the system does not meet the standards established by Part 5 of these regulations. The Department and public shall, therefore, be notified by the supplier as prescribed in Part 6 during the entire period of emergency rationing.

(d) The Department will supervise the action prescribed in paragraph 9.3 (a).

PART 10 ENFORCEMENT

10.1 Authority

The Department, acting through the Commonwealth Attorney General, is responsible for enforcement of these regulations in consonance with, and in accordance with the applicable laws of the CNMI and in accordance with U.S. P.L. 93-523, known as the "Safe Drinking Water Act". The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

10.2 Penalties

(a) Any person who violates any provision of these regulations or any certificates, standard or order issued by the Department or any agency charged with responsibilities pursuant to these shall be subject to a civil penalty not to exceed one thousand dollars (\$1000) for each day of each such violation.

(b) Upon request of the Department, the Commonwealth Attorney General shall petition the Commonwealth Trial Court or the United States District Court for the Northern Mariana Islands for a judgement assessing damages arising from a violation of these regulations or of any certification, certification condition, standard, or order of the Department or any agency charged with responsibilities pursuant to these regulations. In determining such damages, if any, the court having jurisdiction of the matter shall consider the magnitude of harm caused by the violation, the length of time during which the violation has occurred and any corrective or ameliorative action or circumstances on the part of the person or persons against whom the damages are to be assessed.

(c) Any person who willfully or negligently violates any provision of these regulations, or of any certification, certification condition, standard or order of the Department or any agency charged with responsibilities pursuant to these regulations, shall be subject to criminal prosecution and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than twenty-five thousand dollars (\$25,000.00) for each violation or by imprisonment not exceeding three (3) months, or both. Upon subsequent convictions for violations of these regulation any such person shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than fifty thousand dollars (\$50,000.00) for each day of violation or by imprisonment not exceeding six (6) months, or both.

(d) All sums received as fines pursuant to this section and all permit fees collected pursuant to these regulations shall be paid to the treasurer of the Commonwealth for credit to the general fund of the Commonwealth.

PART 11 CERTIFICATION

I, Pete Untalan, the Acting Director of the Department of Public Health and Environmental Services which is promulgating the Amendments to the Drinking Water Regulations hereinabove set forth, by signature below I hereby certify that such Amendments to the Regulations are a true, complete and correct copy of the Amendments to the Drinking Water Regulations formally adopted by the Department of Public Health and Environmental Services. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 15th day of November, 1991 at Saipan, Commonwealth of the Northern Mariana Islands.



Pete Untalan, Acting Director
Department of Public Health and
Environmental Services



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

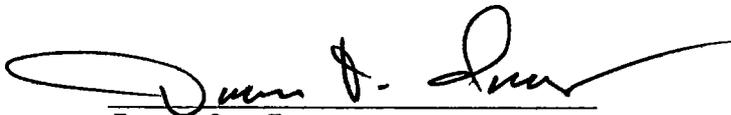
NOTICE OF ADOPTION
OF REGULATIONS
FOR ENGINEERS, ARCHITECTS,
LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Having received no comments on the proposed Regulations for Engineers, Architects, Land Surveyors and Landscape Architects, the Board of Professional Licensing hereby adopts this said Regulations as published in the Commonwealth Register on June 15, 1991.

This Regulations for Engineers, Architects, Land Surveyors and Landscape Architects replaces all previous Regulation in effect prior to the adoption of this Regulation and shall be binding on all persons, partnerships, corporations, associations and joint ventures providing or advertising engineering, architectural, land surveying and landscape architectural services within the jurisdiction of the Commonwealth of the Northern Mariana Islands.

This said Regulations takes effect ten (10) days after this publication in the Commonwealth Register.

Dated this 14th day of November, 1991.



Juan Q. Inos,
CHAIRMAN

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: <u>11-15-91</u>
TIME: <u>9:30</u> (AM) PM
BY: <u>Mojnar</u>
REGISTRAR OF CORPORATIONS Commonwealth of the Northern Mariana Islands

CERTIFICATION OF ADOPTION
OF
REGULATIONS FOR ENGINEERS, ARCHITECTS,
LAND SURVEYORS AND LANDSCAPE ARCHITECTS

I, Juan Q. Inos, Chairman, of the Board of Professional Licensing which is promulgating the Regulation for Engineers, Architects, Land Surveyors and Landscape Architects hereinabove set forth, by signature below hereby certify that such Regulations are true, complete and correct copy of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects formally adopted by the Board of Professional Licensing.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of November, 1991, at Saipan, Commonwealth of the Northern Mariana Islands.



Juan Q. Inos
CHAIRMAN,
Board of Professional Licensing



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
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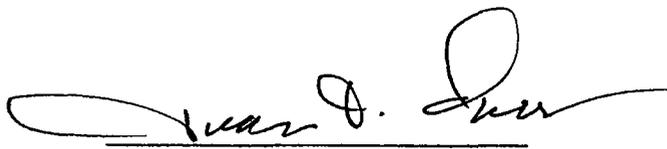
NUTISIA POT I MA'ADAPTAN I REGULASION
SIHA PARA I ENGINEERS, ARCHITECTS,
LAND SURVEYORS YAN LANDSCAPE ARCHITECTS

Pot i taya rekomendasion siha ni manhalom, i Board of Professional Licensing esta ha adapta i regulasion para i Engineers, Architects, Land Surveyors yan Landscape Architects ni ma puplika gi halom i Commonwealth Register, Junio 15, 1991.

Este siha na regulasion para i Engineers, Architects, Land Surveyors yan Landscape Architects para u tulaika todo ayu i manmapos siha na regulasion ni man efektibu antes de u ma adapta este siha na regulasion ya man tineteka todo ayu siha i mangaige gi partnership, corporations, associations yan joint ventures ni managua'guaha advertising para i engineers, architectural, lans surveying yan lanscape architatural pot i setbision-ñiha gi halom i Commonwealth of the Northern Mariana Islands.

Este siha na regulasion ufan efektibu gi halom dies (10) despues de ma puplika este gi halom i Commonwealth Register.

Ma fecha gi dia 14th Nobiembre, 1991


Juan Q. Inos, Chairman

FILED
at the OFFICE of the ATTORNEY GENERAL
DATE: <u>11-15-91</u>
TIME: <u>9:30</u> (AM) PM
BY: <u>Bonellu C. Mapas</u>
for: REGISTRAR OF CORPORATIONS Commonwealth of the Northern Mariana Islands



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BOARD OF PROFESSIONAL LICENSING
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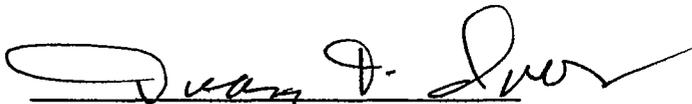
ARONGORONG REEL FFÉÉRÚL ALLÉGH KKA E GHIL
NGÁLIIR ENGINEERS, ARCHITECTS, LAND SURVEYORS
ME LANDSCAPE ARCHITECTS

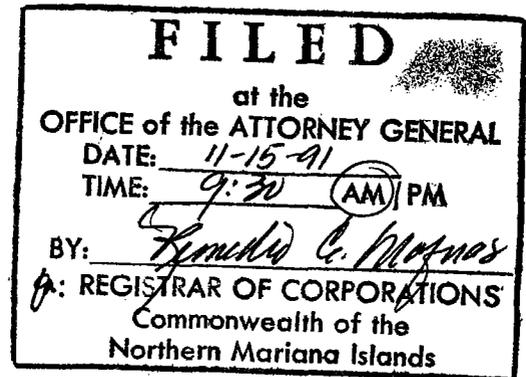
Igha esóor mánghemang me tipitip kka e atotoolong, nge schóól Board of Professional Licensing raa adaptááilil fféerúl allégh kka ebwe ghil ngáliir Engineers, Architects, Land Surveyors me Landscape Architects, iwe e toowow mellól Commonwealth Register wóól Unniyo 15, 1991.

Ssiwel kka llól allégh kka e ghilngáliir Engineers, Architects, Land Surveyors me Landscape Architects, nge ebwe liiwelil alongal milikkewe aa fasúl nge eghi yaaya ngáliir alongeer aramas kka relo llól partnerships, corporations, associations me joint ventures reel igha rebwe ayoorá me ngáre abwáari engineering, architectural, land surveying me angaangil architectural services mellól alongal téel Commonwealth of the Northern Mariana Islands.

Lliiwelil kka llól allégh kkaal nge ebwe aléghéleghéló llól seigh (10) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.

E fféer llól ráalil ye 14th Nobembre, 1991.


Juan Q. Inos Chairman



REGULATIONS
of the
BOARD OF PROFESSIONAL LICENSING
for
Engineers, Architects, Land Surveyor and Landscape Architects

T A B L E O F C O N T E N T S

	Title	Page No.
PART I	GENERAL PROVISIONS	
1.1	Purpose	5
1.2	Authority	5
1.3	Force and Effect	5
1.4	Rules of Order	5
PART II	DEFINITIONS	5-11
PART III	APPLICATIONS	
3.1	General Provisions	12
3.2	Forms	12
3.3	Instructions	12-13
3.4	Fundamentals of Engineering Examination	13
3.5	Principles and Practice of Professional Engineering Examination	13
3.6	Professional Architect Examination	13
3.7	Land Surveyor-In-Training Examination	13
3.8	Professional Land Surveyor Examination	13
3.9	Landscape Architect Examination	13-14
3.10	Re-Examination	14
3.11	Temporary Permit Registration	14
3.12	Supporting Documents	14
3.13	Character and Experience	14
3.14	Verification Requirements	14
3.15	Foreign Education and Experience	15-16
3.16	Denial	16
Part IV	FEES	
4.1	Method of Payment	16
4.2	Application Fees	16
4.3	Examination Fees	16
4.4	Renewal Fees	16

4.5	Changes in Fees	16
4.6	Schedule of Fees	17
PART V	REGISTRATION REQUIREMENTS	
5.1	Character and Reputation	18
5.2	Engineer-In-Training	18
5.3	Land Surveyor-In-Training	19
5.4	Qualification for Registration	19-21
5.5	Interview	21
5.6	Comity	21
5.7	Temporary Permit	21
5.8	Land Matters	21
5.9	Exemptions	21
5.10	Public Works	21-22
PART VI	EDUCATION	
6.1	Engineering and Land Surveying	22
6.2	Architecture	22
6.3	Landscape Architecture	22
PART VII	EXPERIENCE	
7.1	General Provisions	22-23
7.2	Engineering	23-24
7.3	Architecture	24-25
7.4	Land Surveying	25
7.5	Landscape Architecture	25-26
PART VII	REFERENCES	
8.1	General Provisions	26-27
8.2	Confidentiality	27
8.3	Applicant's Responsibility	27
8.4	Experience	27
8.5	Verification	27
PART IX	EXAMINATIONS	
9.1	General Provisions	27-28
9.2	Engineering	28-29
9.3	Structural Engineering	29-30
9.4	Architect	30
9.5	Land Surveying	30-31
9.6	Landscape Architecture	31
9.7	Exam Dates and Locations	31-32
9.8	Language	32
9.9	Study Information	32

9.10	Examination Reference Materials	32
9.11	Failure to Sit for Examination	32
9.12	Examination Results	32
9.13	Review of Examinations	32
9.14	Examination for the Record	32
9.15	Re-Examination	32-33
PART X	CLASSIFICATIONS OF REGISTRATION	
10.1	Engineering	33
10.2	Architecture	33
10.3	Land Surveying	33-34
10.4	Landscape Architecture	34
PART XI	CERTIFICATES OF REGISTRATION	
11.1	Issuance of Certificates	34
11.2	Prohibited Act	34
11.3	Registration Numbers	
11.4	Forms	34
11.5	Engineering Branches	34
11.6	Display	34
11.7	Replacement	34
PART XII	TEMPORARY PERMITS	
12.1	General Provisions	35
12.2	Requirements	35
PART XIII	SEALS	
13.1	Board Seal	35
13.2	Individual Seal	35-36
PART XIV	AUTHENTICATION OF DOCUMENTS	
14.1	General Provisions	36-37
14.2	Seal and Signature	37-38
14.3	Engineer's Seal	39
14.4	Architect's Seal	39
PART XV	RENEWAL	
15.1	Notices	39-40
15.2	Fees	41

PART XVI	NOTIFICATION AND FILING	
16.1	Names, Addressed and Changes	40
16.2	Partnerships and Corporations	40-43
PART XVII	PROFESSIONAL CONDUCT	
17.1	Rules of Professional Conduct	43
17.2	Knowledge of the Rules	43
17.3	Convictions	43
PART XVIII	RECONSIDERATION OF DISAPPROVAL OF APPLICATIONS	43-44
PART XIX	COMPLIANCE AND ENFORCEMENT	
19.1	Compliance	44
19.2	Enforcement	44
PART XX	DISCIPLINARY ACTION	
20.1	Disciplinary Action	44-45
20.2	Disciplinary Proceedings	45-46
PART XXI	REINSTATEMENT	
21.1	Petition for Reinstatement	46
21.2	Board Action	46
PART XXII	BOARD RECORDS	
22.1	Retention of Records	46
22.2	Disposal of Records	46
PART XXIII	SEVERABILITY	
PART XXIV	ADOPTION AND AMENDMENT OF REGULATIONS	

REGULATIONS
of
BOARD OF PROFESSIONAL LICENSING
for
Engineers, Architects, Land Surveyors and Landscape Architects

PART I. GENERAL PROVISIONS

- 1.1 **PURPOSE.** The purpose of adopting these rules and regulations is to clarify and implement Public Laws 1-8, 4-53 and 5-43, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served.
- 1.2 **AUTHORITY.** The Regulations of the Board of Professional Licensing are adopted herewith pursuant to authority vested in the Board under P.L. 5-43.
- 1.3 **FORCE AND EFFECT.** The Regulations of the Board and Rules of Professional Conduct adopted by the Board shall be binding upon all persons and entities registered under the Laws of the Commonwealth and shall be applicable to all sole practitioners, partnerships, corporations, associations and joint ventures holding certificates or registration, certificates of authorization and temporary permits. No person except those exempted by 4 CMC 3213 and 3215 shall practice professional engineering, architecture, land surveying or landscape architecture unless registered hereunder.
- 1.4 **Rules of Order.** The latest edition of the Robert Rules of Order shall govern the normal proceedings of the Board.

PART II. DEFINITIONS.

- (A) **ABET.** The letters "ABET" shall mean Accreditation Board for Engineering and Technology.
- (B) **Approval Institution of Higher Education.** The term "approved institution of higher education" shall mean institutions offering curricula leading to a Ph.D. or master's degree in engineering or architecture or architecture accredited by the Accreditation Board for Engineering and Technology, Inc. and the National Architectural Accreditation Board, respectively.
- (C) **Approved School or College.** The term "approved school or college" shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, land surveying or landscape architecture and are accredited by the Accreditation Board for Engineering and Technology, Inc., or the NCEE Ad Hoc Subcommittee on Foreign Education of the International Relations Committee, the National Architectural Accreditation Board or Council of Landscape Architects Registration Boards.

- (D) ARE. The letters "ARE" shall mean Architect Registration Examination prepared by NCARB.
- (E) Architect. The term "architect" shall mean a person who has been duly registered by the Board to engage in the practice of architecture within the Commonwealth.
- (F) Base State. The term "base state" shall mean the jurisdiction in which an applicant took and passed the required examination and was initially registered or the jurisdiction to which an applicant has transferred his base state status.
- (G) Board. The term "the Board" shall mean the Commonwealth of the Northern Mariana Islands Board of Professional Licensing as established by P.L. 1-8, Chapter 5.
- (H) Branch. The term "branch" of engineering shall mean the various subdivisions of the engineering profession, i.e. civil, structural, mechanical, electrical, marine etc.
- (I) CLARB. The letters "CLARB" shall mean the Council of Landscape Architectural Registration Boards.
- (J) Certification. The term "certification" or "certify" shall mean the sealing and signing of documents prepared under the responsible charge of the individual affixing his seal and signature.
- (K) Certificate of Authorization. The term "certificate of authorization" shall mean that documents issued by the Board to a sole practitioner, partnership, corporation, association or joint venture in the name of the firm and identifies the firm as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.
- (L) Certificate of Registration. The term "certificate of registration" shall mean that document issued by the Board to an individual in his or her own name, which identifies the individual as legally entitled to practice the branch and profession of engineering, architecture, land surveying or landscape architecture identified on the document within the Commonwealth of the Northern Mariana Islands.
- (M) Civil Engineering. That branch of engineering which embraces activities or studies in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and runways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges. It is concerned with investigation of the laws, phenomena and forces of nature; preparation and/or submission of designs, plans, specifications and engineering reports; determination of materials physical qualities; economics of design and use of construction materials; appraisals and valuations and inspection of the construction of engineering structures. Engineering of

structures and buildings by a civil engineer shall be limited to 3 stories in height or 45 feet in height which ever is less in height.

- (N) Commonwealth. The term "Commonwealth" shall mean the Commonwealth of the Northern Mariana Islands, and its public corporations.
- (O) Consultation. The term "consultation" shall mean meetings, discussions, written and verbal messages, reports, etc., involving scientific, aesthetic and technical information, facts, and advice for purposes of planning, designing, deciding, or locating construction or alteration of structures, buildings, works, machines, processes, land areas and projects.
- (P) Consulting Engineer. The term "consulting engineer" shall mean a professional engineer whose principal occupation is the independent practice of engineering; one who provides services to clients as an independent fiduciary devoid of interests, affiliations and associations that might infer a conflict of interest; one who must exercise legal responsibility at a professional level without prejudice or bias.
- (Q) Design. The term "design" shall mean any analysis, calculation, sketch, plan, drawing, outline, statement, scheme, model, contrivance or procedure which conveys the plan, location, arrangement, intent, purpose, appearance and nature of construction or alteration of existing or proposed buildings, structures, works, machines, processes, land areas or projects.
- (R) Directly in Charge of the Professional Work. The term "directly in charge of the professional work" shall mean personal preparation and/or direct supervision of the preparation and personal review of all instruments of professional service and shall include the legal authority to bind the sole proprietor, partnership, corporation, association or joint venture in all matters relating to the professional work.
- (S) Electrical Engineering. That branch of engineering which embraces studies, design and activities relating to the generation, transmission, storage and utilization of electrical energy, including design of electrical gear, design of electrical, electronic and magnetic circuits and the technical control of their operation, including research, design, production, operation, organization and economic aspects of all the above.
- (T) Engineer. The term "engineer" shall mean a person as defined in 4 CMC 3211(d) who has been duly registered by the Board to engage in the practice of engineering in the Commonwealth.
- (U) Engineer-in-Training. The term "engineer-in-training" shall mean a person who has met the education or experience and character requirements as set forth herein, passed the Board's examination Part I - Engineering Fundamentals and has been duly registered by the Board.
- (V) Evaluation. The term "evaluation" shall mean careful research, examination, or inquiry to reveal, determine or estimate the value, worth, merit, effect, efficiency or practicability of planning, design, location,

construction or alteration of existing or proposed structures, buildings, works processes, land areas or projects.

- (W) Inspection of Construction. The term "inspection of construction" shall mean making periodic visits to the site by a registered engineer, architect, or landscape architect, as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is progressing in accordance with the contract documents.
- (X) Investigation. The term "investigation" shall mean careful research, examination, inquiry and study to reveal or determine scientific, aesthetic and technical information and facts for the planning, design, location, construction and alteration of existing and proposed structures, buildings, works, machines, processes, land areas and projects.
- (Y) Jurisdiction. The term "jurisdiction" shall mean the state, commonwealth, territory, possession or country authorized by law to register professional engineers, architects, land surveyors or landscape architects.
- (Z) Landscape Architect. The term "landscape architect" shall mean a person as defined in 4 CMC 3211(e) who has been duly registered by the Board to engage in the professional practice of landscape architecture in the Commonwealth.
- (AA) Land Surveyor. The term "land surveyor" shall mean a person as defined in 4 CMC 3211(f) who has been duly registered by the Board to engage in the professional practice of land surveying in the Commonwealth.
- (BB) Land Surveyor-In-Training. The term "land surveyor-in-training shall mean a person who has met the education or experience requirement as set forth herein, and in either case has passed the Board's examination on fundamentals of land surveying and has been duly registered by the Board.
- (CC) Lawful Experience. The term "lawful experience" shall mean full-time experience in the appropriate professional discipline under the direct supervision of an engineer, architect, land surveyor or landscape architect registered to practice in that discipline.
- (DD) Marine Engineering. That branch of engineering concerned with the design, construction, operation and repair of energy conversion devices and systems for marine applications. These systems include ship propulsion plants, cargo moving systems, refrigeration, air conditioning systems and control systems. Fluid and structural dynamics, heat transfer, mechanics, machine design and electrical engineering form the main base for marine engineering. In addition, marine engineers must have a fundamental knowledge of naval architecture.
- (EE) Mechanical Engineering. That branch of engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and with engineering problems relating to the production of tools, machinery, and their products and to heating, air conditioning, ventilation, refrigeration and plumbing equipment

and systems, including research, design, production, operation, organization, and economic aspects of all the above.

- (FF) NAAB. The letters "NAAB" shall mean the National Architectural Accreditation Board.
- (GG) Naval Architect. Is concerned with the design, construction, operation and repair of marine vehicles. A naval architect conceives and develops a vehicle to meet the requirements of the owner, the ocean environment and any interface with other transportation systems. Fluid dynamics, structural mechanics, elements of ship architecture and ship statics and dynamics form the main base. In addition, naval architects must have a fundamental knowledge of marine engineering.
- (HH) NCARB. The letters "NCARB" shall mean the National Council of Architectural Registration Boards.
- (II) NCEES. The letters "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.
- (JJ) Photocopy. The term "photocopy" shall mean any mechanical means of photographic reproduction.
- (KK) Planning. The term "planning" shall mean careful research, analysis, examination, calculation, inquiry, study and the formulation and execution of a statement, outline, draft, map, drawing, diagram and picture showing arrangement, scheme, schedule, program and procedure for locating, building and altering existing and proposed buildings, structures, works, machines, processes, land areas and projects.
- (LL) Practice of Architecture is defined by 4 CMC 3211 (a)(2) as follows: "A person practices "architecture" who holds himself or herself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures, or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical science."
- (MM) Practice of Engineering as defined by 4 CMC 3211 (d)(3) (A) and (B) as follows: "Practice of Engineering means any service or creative work, the adequate performance of which requires knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with the drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or

thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services."

"A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Chapter, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is registered under this Chapter or holds himself out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering."

(NN) Practice of Landscape Architecture is defined by 4 CMC 3211 (e)(2) as follows: "A person practices "landscape architecture" who holds himself or herself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is (A) the preservation and enhancement of land uses and natural land features; (B) the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and; (C) design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities. This Chapter shall not empower a landscape architect, registered under this Chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches."

(OO) Practice of Land Surveying is defined by 4 CMC 3211(f)(2) (A) and (B) as follows: "Practice of Land Surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

Any person shall be construed to practice or offer to practice land surveying with the meaning and intent of this Chapter who engages in land surveying or who by verbal, sign, letterhead, card or in any other way represents himself to be a land surveyor or who represents himself as able to perform or who does perform any land surveying service or work or any

other service designated by the practitioner which is recognized as land surveying."

- (PP) Professional Practice. Any person shall be construed to practice or offer to practice engineering, architecture, land surveying or landscape architecture within the meaning and intent of P.L. 4-53 who by verbal claim, sign, advertisement, letterhead, card or in any other way or through the use of some other title implies or represents himself to be professional engineer, architect, land surveyor or landscape architect or holds himself out as able to perform or who does perform any engineering, architecture, land surveying or landscape architecture service or work or any other service designated by the practitioner which is recognized as engineering, architecture, land surveying or landscape architecture.
- (QQ) Registered. Registered means having received a Certificate of Registration.
- (RR) Responsible Charge. The term "responsible charge" shall mean direct control and personal supervision of engineering, architecture, land surveying or landscape architecture work by a registered Engineer, Architect, Land Surveyor or Landscape Architect.
- (SS) Rules of Professional Conduct. The term "Rules of Professional Conduct for Professional Engineers, Architects and Land Surveyors" shall mean those rules promulgated by the Board for conduct of the practice of engineering, architecture and land surveying and landscape architecture in the Commonwealth.
- (TT) Signature. The term "signature" shall mean the reproducible original signing of ones own name. Rubber signature stamps shall not be acceptable.
- (UU) Specifications. The term "specifications" shall mean the calling out of materials, equipment, standards, procedures, projects and methods to be used in the construction and alteration of buildings, structures, works, machines, processed, land areas and projects.
- (VV) Structural Engineering. That branch of engineering which deals with investigation, design, selection, and construction supervision of the force-resisting and load-supporting members, of structures, such as foundations walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and inspection requires a knowledge of engineering laws, formulae, and practice, a knowledge of the physical properties of construction materials, and a knowledge of the methods used in their assembly or erection. Building where structure measures more than 45 feet in height or more than 3 stories high must be designed by a structural engineer.

PART III. APPLICATIONS

3.1 GENERAL PROVISIONS.

- (A) Applicants for registration as an Engineer-In-Training or Land Surveyor-In-Training shall be accepted for individuals who believe they are qualified by education and/or experience, in accordance with requirements of the Laws of the Commonwealth, to sit for the Fundamentals of Engineering or Fundamentals of Land Surveying Examination.
- (B) Applications for registration as a professional Engineer, Architect, Land Surveyor or Landscape Architect shall be accepted from individuals who believe they are qualified by education and/or experience and examination, in accordance with requirements of the Laws of the Commonwealth, to be registered to practice their profession in the Commonwealth.

3.2 FORMS.

- (A) All applications filed with the Board shall be complete, filed on the forms prepared by the Board and prepared in accordance with and contain all the information called for on the form.

3.3 INSTRUCTIONS

- (A) Information on Application forms must be typed or neatly lettered in ink. When space available on a form is not adequate to contain all the information required, supplementary sheets of 8 1/2 x 11 or 8 1/2 x 14, white paper shall be used.
- (B) To allow time for the Board to process the Application, receive verification of required information and order examination booklets, applications for examination must be filed with the Board at least ninety (90) days prior to the date established by the Board for the appropriate examination.
- (C) Information on the Application form must account for all time that has elapsed since the date of the applicant's first employment. If the applicant was not employed in another type of work for a period of time, that must be indicated in the applicants experience record.
- (D) Comity Registration. An applicant shall make such request in writing. File the required application and indicate that he or she has or has not attained a passing score in a written examination equivalent to NCEES, NCARB, or CLARB as set forth in these regulations. A non-refundable fee shall accompany the written request for registration.
- (E) Certificates of Registration submitted to the Board by National Council of Examiners for Engineering and Surveying, National Council of Architectural Registration Boards or the Council of Landscape Architectural Registration Boards shall be accepted in addition to the information required on the form prepared and furnished by the Board.
- (F) All Applications shall be accompanied by one endorsed passport-size photograph of the applicant. The photograph may be either black and

white or color; unretouched, full-face taken within 30 days of the date of the Application.

- (G) Applications submitted to the Board shall be signed and attested before a notary public.
- (H) The withholding of information, misrepresentation of fact or attesting to untrue statements shall be grounds for the denial or revocation of an application or registration.
- (I) It is the responsibility of the applicant for all documents, references, certificates and or diplomas as required to be submitted on time to the Board.

- 3.4 **FUNDAMENTALS OF ENGINEERING EXAMINATION.** An applicant to sit for the Fundamentals of Engineering Examination and registration as an Engineer-In-Training shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.5 **PRINCIPLES AND PRACTICE OF PROFESSIONAL ENGINEERING EXAMINATION.** An application to sit for the Principles and Practice of Professional Engineering Examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.6 **PROFESSIONAL ARCHITECT EXAMINATION.** An application to sit for the Architect Registration Examination shall be filed no later than March 01, before examination which is regularly conducted by the Board in June or not later than Sept. 01, for the A.R.E. Division B (graphic) and C which is regularly conducted in December.
- 3.7 **LAND SURVEYOR-IN-TRAINING EXAMINATION.** An application to sit for the Land Surveyor-In-Training Examination shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or no later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.8 **PROFESSIONAL LAND SURVEYOR EXAMINATION.** An application to sit for the land surveyor examination and registration shall be filed no later than January 01, before the examination which is regularly conducted by the Board in April, or not later than July 01, before the examination which is regularly conducted by the Board in October. The application must be accompanied by the application fee.
- 3.9 **LANDSCAPE ARCHITECT EXAMINATION.** An application to sit for the Landscape Architect Examination and registration shall be filed no later than March 01, before the examination which is regularly conducted by the Board once a year in June. The application must be accompanied by the application fee.
- 3.10 **RE-EXAMINATION.** An application for re-examination shall be filed no later than the following dates:

- (A) January 01, for engineering fundamentals, professional engineer, land surveyor-in-training and professional land surveyor examinations which are conducted in April, or July 01, for such examinations which are conducted in October.
- (B) March 01, for landscape architect examinations which are conducted once a year in June.
- (C) March 01, for professional architect examinations which are conducted once a year in June, and Sept. 01 for Division B (graphic) and C which are conducted once a year in December.

The application must be accompanied by the application fee. An approved applicant for re-examination is not required to pay an application fee which was previously paid.

3.11 TEMPORARY PERMIT REGISTRATION. In the case of an applicant for a temporary permit pursuant to 4 CMC 3213 (c), the application shall be accompanied by a statement setting forth the reason or reasons for the applicant's desire for registration and identify the project in which the applicant will work.

3.12 SUPPORTING DOCUMENTS

- (A) Applications for registration by comity shall include one (1) copy each of the applicant's:
 - 1) college or university diploma or a transcript of all college courses taken;
 - 2) professional registration certificate and current registration card issued by the jurisdiction where the applicant was first registered by examination or the applicant's current base state if different from the jurisdiction of first registration.

Applicants for registration as a NCEES, NCARB or CLARB Certificate holder shall be exempt from this requirement.

- (B) Applications for registration by examination shall include a certified transcript forwarded to the Board by the college or university from which the applicant graduated.

3.13 CHARACTER AND EXPERIENCE

- (A) Applicants for registration shall submit the names and current addresses of five (5) references, three of the references must be registered practitioner in the branch or profession in which registration is requested. References must be able to provide information based upon first hand knowledge of the applicants character, experience and professional qualifications.

3.14 VERIFICATION REQUIREMENTS

- (A) **CHARACTER.** The Board shall accept completed reference verification forms only when:

1. received from the U.S. postal service or other delivery services, from the reference source directly;
 2. hand-delivered to the Board Office by the reference him or herself and the form is signed and sealed by the reference him or herself.
- (B) **EDUCATION.** The Board shall accept only a certified copy of a transcript or certificate of graduation from an approved school or college as evidence of having met the education requirement for examination.
- (C) **EXPERIENCE.** The Board shall accept detailed sealed and signed statements from duly registered practitioners of the branch or profession for which registration is sought, attesting to the term of lawful experience.
- (D) **RESPONSES.** Slow response or failure of a reference college or university to respond promptly may delay the Board's processing of an application. A delay may cause the applicant to fail to meet the requirements to sit for a scheduled examination until the necessary documents are provided. If a reference fails to respond the applicant may provide the Board with another reference.
- (E) **BASE STATE.** In addition to the requirements set forth in (B) and (C) above, the Board shall accept only an official verification of registration forwarded by the jurisdiction when sealed with the Board seal and signed by a responsible board administrator, which issued the applicant's initial registration attesting that it is current, valid, in good standing and was issued following the attainment of a passing score on a written examination of a nature and scope equal to examinations as set forth in part IX of these regulations.
- (F) **TRANSMITTAL.** Verification submitted by or passing thru the hands of the applicant shall not be accepted. Telefax transmittal of Verifications shall not be accepted unless followed by the original copy delivered to the Board as set forth in (A) 1 or 2.
- (G) **NATIONAL COUNCIL CERTIFICATES.** The applicant shall be responsible for requesting the transmittal of Council records to the Board and paying all Council fees associated with the transmittal.

3.15 FOREIGN EDUCATION AND EXPERIENCE

- (A) All foreign language documents submitted for review by the Board shall be accompanied by a certified translation in English by a competent authority.
- (B) Applicants who for political or other valid reasons are unable to obtain the required education or experience documents or verifications shall complete and submit to the Board a supplementary application form approved by NCEES, NCARB or CLARB as appropriate.
- (C) An applicant shall be able to speak, read and write in the English language as a requirement for registration.

- (D) Foreign experience not under the direct supervision of an Architect, Landscape Architect, Engineer or Land Surveyor as defined herein shall be creditable for a maximum of 2 years experience.
- 3.16 DENIAL. In the event an application for examination, registration, temporary permit or Certificate of Authorization or for the reinstatement thereof is denied, the Board shall notify the applicant by letter of the Board's decision and shall include a concise statement of the reasons therefor.

PART IV FEES

4.1 METHOD OF PAYMENT

- (A) Payment of fees shall be made by personal check, money order, cashier's check, traveler's check or cash. Checks shall be made payable to "CNMI Treasurer" and may be accepted by the Board Office. Cash payment for fees must be made to the Treasurer.

4.2 APPLICATION FEES

- (A) The receipt issued by the Treasurer upon payment of the application fee shall be attached to the Application when submitted to the Board Office. Applications will not be processed until the fee has been paid. Application fees are non-refundable.

4.3 EXAMINATION FEES

- (A) The receipt issued by the Treasurer upon payment of the examination fee shall be attached to the Application when submitted to the Board Office. Applicants who fail to appear for an examination without an excuse acceptable to the Board shall forfeit the examination fee. The applicant shall pay a new examination fee for any subsequent examination for which he or she applies. Examination fees are non-refundable.

4.4 RENEWAL FEES

- (A) Renewal fees are due and payable before the last day of April of each even year.
- (B) Registrants whose renewal fees are received after the renewal date shall be assessed a monthly late penalty until the fee is paid or until the registration expires.

4.5 CHANGES IN FEES

- (A) Changes in the amount of a fee charged shall be by revision of the Board Regulations in accordance with Commonwealth Law.

See next page for Schedule of Fees (section 4.6)

4.6 SCHEDULE OF FEES

Application Fees

Initial Application	\$100.00
Re-consideration Application	50.00
Corporate Application	100.00
Examination Application	100.00

Examination Fees

Fundamentals of Engineering (EIT)	30.00
Principles and Practice of Engineering (PE)	60.00
Special Structural I	50.00
Special Structural II	100.00
Fundamentals of Land Surveying (FLS)	40.00
Principles and Practice of Land Surveying (PLS) Part I & II together	50.00
Part I or II	30.00
Part II Only	30.00
CNMI Land Matters Exam	50.00

NCARB A.R.E.

Division A	40.00
Division B (graphic)	60.00
Division B (written)	25.00
Division C	90.00
Division D/F	35.00
Division E	20.00
Division G	40.00
Division H	40.00
Division I	40.00

Registration Fees

Initial Registration	150.00
Corporate	300.00
Temporary Permit	200.00

Renewal

Bi-Annual	75.00
Delinquent (each month)	25.00
Corporate	150.00
Delinquent	50.00

Reinstatement	100.00
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Replacement/Duplication of Certificate	25.00
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These examination fees will automatically change without notice once NCEES, NCARB or Education Testing Service (ETS) raise fees.

PART V. REGISTRATION REQUIREMENTS

- 5.1 CHARACTER AND REPUTATION. An applicant shall be of good moral and ethical character and reputation.
- 5.2 ENGINEER-IN-TRAINING. An applicant for registration as an Engineer-In-Training, shall take and pass the Fundamentals of Engineering Examination and shall:
- (A) Be a graduate of an approved school or college of engineering; or,
 - (B) Be a graduate of a four year non approved engineering, related sciences or engineering technology program and have four (4) years of full-time lawful experience; or,
 - (C) Have not less than eight (8) years of full-time lawful experience in engineering.
- 5.3 LAND SURVEYOR-IN-TRAINING. An applicant for registration as a Land Surveyor-In-Training shall take and pass the Fundamentals of Land Surveying Examination and shall:
- 1) Have a bachelor's degree in a four year geo-science, civil engineering or general engineering curriculum from an approved school or college; or
 - 2) Have an associate degree in a two year civil engineering technology (survey option) curriculum from an approved community or technical college and also have not less than four (4) years of full-time lawful experience in land surveying; or
 - 3) Have not less than eight (8) years of full-time lawful experience in land surveying.
- 5.4 Qualification for Registration. The qualification for registration is defined by 4 CMC 3216 as amended as follows:
- (a) "No person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect unless:
 - (1) Such person is the holder of an unexpired certificate of registration issued to him by any jurisdiction, domestic or foreign, in which the requirements for registration at the time such person was first registered were of a standard satisfactory to the Board; Provided, that such person shall successfully pass a written or oral examination, or both, prescribed by the board and designed to test his or her knowledge of laws and regulations of the Commonwealth for the profession for which registration is desired; or
 - (2) Such person is a graduate of a school or college approved by the Board as of satisfactory standing, and has completed an engineering or landscape architectural curriculum of four years or more, all as the case may be; and also has had four years of full-time lawful experience in engineering or landscape architecture

work, as the case may be, of a character satisfactory to the board, or part-time experience which the board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both prescribed by the board and designed to test such person's knowledge, skill and competency in the profession for which registration is desired; or

- (3) Such person has had twelve years of full-time lawful experience in engineering or landscape architecture work as the case may be, of a character satisfactory to the Board, or part-time experience which the Board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the board and designed to test such person's knowledge, skill, and competency in the profession for which registration is desired; or
- (4) (A) Such person holds a masters degree in architecture from an approved institution of higher education with training and education in the field of architecture adequate to the satisfaction of the Board; and has also had one year of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or

(B) Such person holds a bachelors degree in architecture from a school or college approved by the Board as of satisfactory standing, and has completed an architectural curriculum of five years; and has also had two years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (5) Such person is a graduate of a school or college approved school by the Board as of satisfactory standing and has completed a pre-architecture or arts and science curriculum of four years or more; and has also had five years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or
- (6) Such person has had 12 years of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of architecture; or

- (7) Such person is a graduate of a school or college approved by the Board as of satisfactory standing, and has completed a geoscience, civil engineering or general engineering curriculum of four years or more; and has also had four years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competence in the profession of land surveying; or
- (8) Such person is a graduate of a community college approved by the Board as of satisfactory standing, and has completed a civil engineering technology (survey option) curriculum of two years or more; and has also had eight years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or
- (9) Such person has had 12 years of full-time lawful experience in land surveying of a character satisfactory to the Board; and has also successfully passed a qualifying written examination and a professional written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in the profession of land surveying; or
- (10) Such person was a Registered Land Surveyor under Title 31 of the Trust Territory Code as of December 31, 1979; and applies for registration as a land surveyor under this Chapter by June 30, 1985; or
 - (a) Such person meets all of the qualifications for registration as a Professional Engineer, Architect, or Landscape Architect under any of subsections (1) through (7) of this Section, other than the passage of an examination prescribed by the Board; and has been a domiciliary of and practiced such profession in the Commonwealth for at least four years up to and including December 31, 1985; and who applies for registration under this Act December 31, 1990.
 - (b) In addition to the foregoing requirements, the Board, may, in its discretion, require additional proof that the applicant is competent to practice professionally, and whenever the Board is not fully satisfied from the results of an examination that an applicant is competent to practice professionally, it may give the applicant a further examination or examinations.
 - (c) Except as provided in the Commonwealth Constitution, Schedule on Transitional Matters, no person shall be eligible for registration as a professional engineer, architect, land surveyor or landscape architect who is not of good character and reputation. Notwithstanding any other provision of this Section 3216, no person shall be eligible for registration as an

engineer under the provisions of subsection (2) or (3) of this Section unless such person shall first have passed a written or oral examination, or both, prescribed by the Board and designed to test such person's knowledge, skill, and competency in engineering fundamentals.

- (d) No person shall be eligible for registration as a structural engineer unless such person shall first have been registered as civil engineer.

- 5.5 **INTERVIEW.** An applicant for examination shall appear before the Board for a personal interview.
- 5.6 **COMITY.** No person shall be eligible for a certificate of registration pursuant to 4 CMC 3109 unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same profession or branch.
- 5.7 **TEMPORARY PERMIT.** No person shall be eligible for a certificate of registration pursuant to 4 CMC 3213 (c) unless such person possesses the same qualifications and meets the same requirements as other applicants for a certificate of registration in the same branch or discipline.
- 5.8 **LAND MATTERS.** Applicants for comity registration as a Land Surveyor shall be required to pass an examination testing such person's knowledge of CNMI land matters when such examination is in existence.
- 5.9 **EXEMPTIONS.** Persons practicing professional engineering, architecture, land surveying and landscape architecture shall be exempted for registration pursuant to 4 CMC 3213, who are defined as follows:
 - (a) "Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the United States.
 - (b) Persons practicing professional engineering, architecture, land surveying or landscape architecture solely as officers or employees of the Commonwealth during the terms of office or employment of such persons.
 - (c) Such nonresident persons as may be granted temporary permits by the Board to practice professional engineering, architecture, land surveying or landscape architecture for a limited period. Temporary permits may be issued only to persons who present evidence satisfactory to the Board that they possess the same qualifications as are required of applicants for permanent registration, and such temporary permits may be cancelled at any time at the pleasure of the Board. The fee for each temporary permits shall be fixed by the Board by regulation."
- 5.10 **PUBLIC WORK.** In accordance with 4 CMC 3214 as amended, "the Commonwealth and its officers shall not engage in the construction of any public works involving professional engineering, architecture or landscape architecture for which plans, specifications and estimates have not been made and the

construction of which is not supervised by a professional engineer, architect or landscape architect duly registered or exempted hereunder, provided, that nothing in this section shall apply to any public works involving professional engineering, architecture or landscape architecture projects wherein the total aggregate contractual cost thereof does not exceed the sum of \$200,000 and the officer is a citizen or national of the United States of America or a permanent resident of the Commonwealth. All land surveys involving property boundaries for public purposes or plans thereof shall be made or supervised by a registered land surveyor or professional exempted hereunder, provided the surveyor is a citizen of the United States of America."

PART VI EDUCATION

6.1 ENGINEERING AND LAND SURVEYING

(A) The term "approved school or college" shall be interpreted by the Board to mean:

- 1) a Baccalaureate degree in a professional engineering curriculum accredited by the Accreditation Board for Engineering and Technology, Inc.;
- 2) a foreign degree in an engineering curriculum recognized by the NCEES Ad Hoc Subcommittee on Foreign Education of the International Relations Committee as a program that "would appear to have" acceptable academic qualifications; or

6.2 ARCHITECTURE

(A) The term "approved school or college" is interpreted by the Board to mean:

- 1) a Baccalaureate degree in a 5-year architecture curriculum accredited by the National Architectural Accreditation Board; or
- 2) Certificate issued by NCARB. The accreditation statement shall be based within (2) years before graduation.

6.3 LANDSCAPE ARCHITECTURE

(A) The term "approved school or college" is interpreted by the Board to mean:

- 1) a baccalaureate in a 4-year landscape architecture curriculum accredited by the Landscape Architectural Accreditation Board.

PART VII. EXPERIENCE

7.1 GENERAL PROVISIONS

- (A) The term "lawful experience" shall be interpreted by the Board to mean experience in the appropriate profession or engineering branch under the supervision of a NCEES, NCARB or CLARB member board registered Engineer, Architect, Land Surveyor or Landscape Architect.
- (B) An applicant's Application to Practice must confirm lawful experience as follows:
 - 1) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors or Landscape Architects;
 - 2) Field and office training under the supervision of registered Engineers, Architects, Land Surveyors, Landscape Architects, Planners or Interior Designers when the experience is gained out of the profession or branch for which registration is sought; and
 - 3) Teaching above the second year level in and accredited Engineering, Architecture, Land Surveying or Landscape Architecture school or college. One year teaching shall be considered to be a total teaching load of twenty (20) semester credit hours or thirty (30) quarter credit hours.
- (C) Experience history must indicate a progressive increase in the quality and complexity of projects worked on and an increase in responsibility.
- (D) Successful completion of graduate study leading to a Master's degree in engineering following a Baccalaureate Degree in engineering is creditable for one year of experience. If a Ph.D. in engineering is completed under the same conditions, a total of two (2) years of experience is creditable. The two years credit includes the one year credited for the Master's Degree. If the Ph.D. is obtained without a Master's Degree or with a Master's Degree in a non-engineering curriculum the total creditable experience shall be on (1) year.
- (E) Experience as a contractor in the execution of work designed by a professional Engineer, Architect or Landscape Architect or in employment considered as supervision of construction of such work shall not be considered as creditable experience.
- (F) Only full-time work is creditable.
- (G) Experience may not be anticipated. The required experience must have been gained prior to submittal of an application for examination.
- (H) Experience may not be gained in violation of Commonwealth Law.

7.2 ENGINEERING. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified engineering experience as an employee working in the office of a registered Engineer. Credit Allowance: 100% Maximum Credit: Unlimited

An Organization will be considered to be the "office of an Engineer" if: a) the engineering practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Engineer, b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified engineering experience as an employee of an organization (other than offices of Engineers) when the experience is under the direct supervision of a registered Engineer.
Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to engineering when under the direct supervision of an Engineer but not qualifying as diversified experience or when under the direct supervision of a registered Architect, Landscape Architect or Surveyor or Planner.
Credit Allowance: 50% Maximum Credit: 6 months
- (D) Experience other than (1), (2) or (3) above, directly related to on-site building construction or experience involving physical analysis of existing structures.
Credit Allowance: 50% Maximum Credit: 6 months
- (E) Doctoral or Master's Degree in engineering, except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit: 1 year
- (F) Teaching or research in an ABET accredited engineering program.
Credit Allowance: 100% Maximum Credit: 1 year

7.3 ARCHITECTURE. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified architectural experience as an employee working in the office of a registered Architect.
Credit Allowance: 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of an Architect" if: a) the architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified architectural experience as an employee of an organization (other than offices of Architects) when the experience is under the direct supervision of a registered Architect.
Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to architecture, when under the direct supervision of an Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Landscape Architect, Planner, or Interior Designer.
Credit Allowance: 50% Maximum Credit: 6 months
- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.
Credit Allowance: 50% Maximum Credit: 6 months
- (E) Master's Degree in Architecture except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit: 1 year
- (F) Teaching or research in an NAAB accredited architecture program.
Credit Allowance: 100% Maximum Credit: 1 year

7.4 LAND SURVEYING. In evaluating an applicant's experience the following credits will be allowed:

- (A) Diversified land surveying experience as an employee working in the office of a registered Land Surveyor.
Credit Allowance; 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of a Land Surveyor if:
a) the land surveying practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Land Surveyor.
- (B) Diversified land surveying experience as an employee of an organization (other than offices of Land Surveyors) when the experience is under the direct supervision of a registered Land Surveyor.
Credit Allowance: 100% Maximum Credit: 2 years
- (C) Experience directly related to land surveying, when under the direct supervision of a Land Surveyor but not qualifying as diversified experience or when under the direct supervision of a registered Civil Engineer or Planner.
Credit Allowance: 50% Maximum Credit: 6 months
- (D) Master's Degree in Land Surveying except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit 1 year
- (E) Teaching or research in a ABET accredited Land Surveying or Civil Engineering Program.
Credit Allowance: 100% Maximum Credit 1 year

7.5 LANDSCAPE ARCHITECTURE. In evaluating an applicant's experience the following will be considered:

- (A) Diversified landscape architectural experience as an employee working in the office of a registered Landscape Architect.
Credit Allowance: 100% Maximum Credit: Unlimited

An organization will be considered to be the "office of a Landscape Architect" if: a) the landscape architectural practice of the organization in which the applicant works is in the charge of an individual practicing as a principal and the applicant works under the direct supervision of a registered Landscape Architect; b) the organization is not engaged in construction; c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the individual or individuals in the organization practicing as principals.

- (B) Diversified landscape architectural experience as an employee of an organization (other than offices of Landscape Architects) when the experience is under the direct supervision of a registered Landscape Architect.
Credit Allowance: 100% Maximum Credit: 2 years

- (C) Experience directly related to landscape architecture, when under the direct supervision of a Landscape Architect, but not qualifying as diversified experience or when under the direct supervision of a registered Engineer, Architect, or Planner.
Credit Allowance: 50% Maximum Credit: 1 year

- (D) Experience other than (A), (B) or (C) above, directly related to on-site building construction.
Credit Allowance: 50% Maximum Credit 6 months

- (E) Master's Degree in Landscape Architecture except when the degree is a first professional degree.
Credit Allowance: 100% Maximum Credit: 1 year

- (F) Teaching or research in a CLARB accredited landscape architecture program.
Credit Allowance: 100% Maximum Credit: 1 year

PART VIII REFERENCES

8.1 GENERAL PROVISIONS

- (A) References shall be individuals who are personally acquainted with the applicant and are able to pass judgement on the applicant's character and reputation, ability and experience.
- (B) Relatives of the applicant may not be used as references.
- (C) No member of the Board may be used as a reference.

- (D) The applicant is responsible for providing current and correct addresses of living character and experience references and ensure that the references return the verification forms to the Board promptly.
- (E) In the event verification of an applicant's work experience by a knowledgeable reference is not available due to death of the reference, relocation to an unknown address, defunct organization, or inability of the postal service to make delivery of the verification form, the applicant shall submit evidence of his or her employment satisfactory to the Board.

8.2 CONFIDENTIALITY

- (A) Responses received from references regarding the applicant's qualifications shall be placed in files which are considered non-public records. The source and character of the information shall not be divulged except when required by law.

8.3 APPLICANT'S RESPONSIBILITY

- (A) The applicant is responsible for insuring that the mailing address of each reference is current and correct.
- (B) Each applicant is responsible for assuring that the references return the completed reference form to the Board within a reasonable time. The responsibility includes education and employment records and verification of registration and examination from other jurisdictions. All required supporting documents shall be received by the Board Office prior to the Board taking any action.

8.4 EXPERIENCE

- (A) Applicants for registration shall submit at least five experience references as stated in 3.13 of these Regulations.

8.5 CHARACTER AND REPUTATION

- (A) Of the five references required for Engineer, Architect, Land Surveyor and Landscape Architect applicants, three shall be from persons who are registered to practice such profession and who have personal knowledge of the applicant's character, reputation and lawful experience in such profession.
- (B) Admittance to an examination shall not constitute approval by the Board of the applicant's character and reputation. Character and reputation shall be subject to review at any time.

8.6 VERIFICATION

- (A) The Board shall forward a verification form to each reference given and duly consider the responses prior to rendering a decision on the application.

PART IX EXAMINATIONS

9.1 GENERAL PROVISIONS

- (A) The application and experience record submitted by an applicant for registration by examination is part of the examination. The grade given for the applicant's experience record is based not only on the amount of time devoted to professional work but also to the degree of responsibility and nature of the work.
- (B) The Board shall notify the applicant of the time, date and place of the examination along with any information the Board receives from NCEES, NCARB and CLARB for distribution to the examinees at least thirty (30) days prior to the examination date.
- (C) Applicant shall submit exam fee.
- (D) The applicant shall notify the Board as to whether he or she will or will not sit for the examination within ten (10) days after receipt of notification from the Board that he or she has been qualified to sit for the exam.

The Board shall assume that a candidate receives the notification no later than three (3) days from the date of mailing.

- (E) A qualified applicant shall be given two (2) consecutive opportunities to take the examination. In the event the applicant fails to sit for the examination without cause acceptable to the Board, the application will be considered null and void and the applicant shall file new application and qualify to sit for a subsequent examination. The first scheduled examination following approval of an applicant to sit for the examination shall be considered the applicant's first opportunity.
- (F) The Board shall adopt the recommendations of NCEES, NCARB and CLARB on cutoff, raw and converted scores for the grading of engineering, land surveying, architecture and landscape architecture examinations, respectively. The Board shall not conduct its own grading or develop its own grading curves.

9.2 ENGINEERING

- (A) **Classifications.** The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as an Engineer as follows:
 - (1) FE - Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants; and
 - (2) PE - Principles of Engineering Examination (8 hours) for Professional Engineers.
- (B) **Waiver of Examination.** The examination requirement may be waived, upon approval by the Board, for an applicant who:

- (1) Has taken and passed an examination administered by another NCEES member Board, is a registered Professional Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.

(C) Qualification Requirements.

- (1) No applicant may sit for the FE or PE examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.
- (2) An applicant for the Professional Engineer Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering Examination.
- (3) An applicant for registration as an Engineer-In-Training shall become eligible to sit for the Fundamentals of Engineering Examination during his or her senior year of enrollment in an engineering curriculum leading to a baccalaureate degree at an approved school or college of engineering. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college directly to the Board.

(D) Passing Score. A grade of not less than seventy (70) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.

(E) Examination Offerings. An applicant who fails to pass the FE or PE examinations shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

9.3 STRUCTURAL ENGINEERING

(A) Classifications. The Board shall adopt and administer the examinations prepared by the National Council of Examiners for Engineers and Surveyors (NCEES) as the standard for examination of applicants for registration as a Structural Engineer as follows:

- (1) FE - Fundamentals of Engineering Examination (8 hours) for Engineer-In-Training applicants;
- (2) PE - Principles and Practice of Engineering Examination (8 hours) for Civil Engineers; and
- (3) SE - Principles and Practice of Structural Engineering Examination (16 hours). Structural I - 8 hours and Structural II - 8 hours.

(B) Waiver of Examination. The examination requirement may be waived, upon approval by the Board, for an applicant who:

- (1) Has taken and passed a written examination administered by another NCEES member Board, is a registered Professional

Structural Engineer in good standing, and if the requirements for registration at the time the applicant was registered are acceptable to this Board.

(C) **Qualification Requirements.**

- 1) No applicant may sit for the Principles and Practice of Structural Engineering Examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the structural engineering examination.
- 2) An applicant for the Principles and Practice of Structural Engineering Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Engineering and the Principles and Practice of Engineering Examination (Civil).

(D) **Passing Score.** Grading shall conform to current practices of NCEES.

(E) **Examination Offerings.** An applicant who fails to pass the Structural Examination shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

9.4 ARCHITECTURE

(A) **Classifications.** The Board shall adopt and administer the Architect Registration Examination (36 hours) prepared by the National Council of Architectural Registration Boards as the standard for examination of applicants for registration as Professional Architect.

(B) **Qualification Requirements.**

- 1) No applicant may sit for the ARE until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.

(C) **Passing Score.** Grading shall conform to current practices of NCARB. A grade of not less than seventy-five (75) shall be a passing score for any part of the examinations. Notice of results to candidates will indicate numerical scores for each part of the examination.

(D) **Examination Offerings.** An applicant who fails to pass part or parts of the ARE shall be permitted to sit for an unlimited number of successive examinations upon payment of the examination fee.

9.5 LAND SURVEYING

(A) **Classification.** The Board shall adopt and administer examinations prepared by the National Council of Examiners for Engineers and Surveyors as the standard for examination of applicants for registration as a Land Surveyor as follows:

- (1) FLS - Fundamentals of Land Surveying Examination (4 hours) for Land Surveyors-In-Training applicant;
 - (2) An applicant for the Professional Land Surveyor Examination shall not be permitted to sit for the examination until he or she has taken and passed the Fundamentals of Land Surveying Examination.
 - (3) PLS - Principles and Practice of Land Surveying Examination (4 hours - NCEES and 4 hours - CNMI Land Matters for a total of 8 hours) for Professional Land Surveyors (if exam is in existence).
- (B) Qualification Requirements.
- (1) No applicant may sit for the FLS or PLS examination until the Board has determined that all the required documentation has been received and approved and the applicant has otherwise met all the requirements for registration except passage of the examination.
 - (2) An applicant for registration as a Land Surveyor-In-Training shall become eligible to sit for the Fundamentals of Land Surveying Examination during his or her senior year of enrollment in an engineering or land surveying curriculum leading to a baccalaureate degree at an approved school or college of engineering or land surveying. Enrollment must be confirmed by the school or college being attended by the applicant. Confirmation must be sent by the school or college to the Board.
- (C) Passing Score. Grading shall conform to current practices of NCEES. A grade of not less than seventy (70) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.
- (D) Examination Offerings. An applicant who fails to pass the FLS, PLS or CNMI Land Matters examinations shall be permitted to sit for an unlimited number of successive examinations upon payment of examination fee.

9.6 LANDSCAPE ARCHITECTURE

- (A) Classification. The Board shall adopt and administer the Landscape Architect Examination prepared by the Council of Landscape Architectural Registration Boards as the standard for examination of applicants for registration as a Professional Landscape Architect.
- (B) Qualification Requirements.
 - 1) No applicant may sit for the examination until the Board has determined that all the required documentation has been received and approved and the applicant otherwise has met all the requirements for registration except passage of the examination.
- (C) Passing Score. Grading shall conform to current practices of CLARB. A grade of not less than seventy-five (75) shall be a passing score for any part of the examination. Notice of results to candidates will indicate numerical scores for each part of the examinations.

- (D) Examination Offerings. An applicant who fails to pass part or parts of the examination shall be permitted to sit for an unlimited number or successive examinations upon payment of the examination fee.

9.7 EXAMINATION DATES AND LOCATIONS

- (A) Examination dates are determined by the Board based on recommendations by NCEES, NCARB and CLARB respectively. The dates for each exam are available at the Board Office.
- (B) The location of each examination is determined by the Board and is based upon the availability of acceptable examination space. Information is available from the Board Office.

9.8 LANGUAGE. All examinations shall be in English language. The examinations shall not be translated into another language either orally or in writing.

9.9 STUDY INFORMATION. The Board shall not make available or distribute any study information. Each examination candidate shall be responsible of providing his own preparation material.

9.10 EXAMINATION REFERENCE MATERIALS. Instructions prior to each examination will inform the candidates if an exam part is to be open or closed book exam.

9.11 FAILURE TO SIT FOR EXAMINATION.

- (A) A candidate who fails to sit for an examination for which he or she has been qualified by the Board shall forfeit his or her examination fee. In cases of severe illness, death in the immediate family or other unavoidable causes which the candidate can attest under oath, witnessed by a notary public, the examination fee shall not be forfeited.
- (B) Failure of a candidate to sit for an examination for which he or she has been qualified shall not be considered as a failure of the examination.

9.12 EXAMINATION RESULTS. Examination results will be reviewed by the Board and no information will be given to any applicant who has taken the examination until after the scores have been approved by the Board. The passing score on each examination will be determined by the Board. Passing scores will not be reported; however, the candidate will be advised of his score if below the passing score.

9.13 REVIEW OF EXAMINATIONS. An applicant who fails to make a passing score on a written examination may request to be allowed to review his examination paper within 30 days after notice of results of his examination has been mailed to him. The review must be done in the office of the Board under the supervision of a staff member.

9.14 EXAMINATION FOR RECORD PURPOSES

- (A) An Engineer, Architect, Land Surveyor or Landscape Architect registered by the Board may take the examination(s) in his or her profession or branch for record purposes upon payments of the examination fee.
- (B) Failure to pass an examination will in no way affect the candidates current registration.

9.15 RE-EXAMINATION.

- (A) Retaking parts failed. Applicants for Architect registration only for re-examination may retake part(s) failed at a regularly scheduled examination under Article 3.10 above.
- (B) Examinations. A candidate failing one examination may apply for re-examination which may be granted upon payment of a fee established by regulation of the board. Before re-admission to the examination, in the event of a second failure, the examinee may, at the discretion of the Board, be required to appear before the Board with evidence of having acquired the necessary additional knowledge to qualify.
- (C) ARCHITECT REGISTRATION EXAMINATION (A.R.E.)

To pass the A.R.E. an applicant must achieve a passing grade on each division. Scores from the individual divisions may NOT be averaged. The Council does not required applicants to take all divisions of the A.R.E. at their initial sitting for the examination nor that they take all previously failed divisions at any subsequent sitting for the examination. For purpose of certification, the Council permits applicants unlimited opportunities to retake divisions previously failed.
- (D) EXAMINATION RETAKES. A candidate who has failed the professional engineering, land surveying, architectural, or landscape architectural examination may retake the examination at any succeeding examination session upon written request and payment of the required fee.
- (E) EXAMINATION RETAKE ELIGIBILITY. If a candidate fails to complete the examination requirement successfully after three years and wishes to continue to seek registration, he must file a new application with required fees and indicate additional qualifications in support of his request. Once a candidate is approved to take examination, the candidate may continue to retake the examination but must reapply for each examination.

PART X CLASSIFICATIONS OF REGISTRATION

10.1 ENGINEERING

- (A) An applicant approved for registration as an Engineer shall be registered as an:
 - 1) Engineer-In-Training; or
 - 2) Professional Engineer
- (B) Professional Engineers shall be registered in one of the recognized NCEES branches of engineering.

10.2 ARCHITECTURE

- (A) An applicant approved for registration as an Architect shall be registered as a :

- 1) Professional Architect

10.3 LAND SURVEYING

- (A) An applicant approved for registration as a Land Surveyor shall be registered as a:
- 1) Land Surveyor-In-Training; or
 - 2) Professional Land Surveyor

10.4 LANDSCAPE ARCHITECTURE

- (A) An applicant approved for registration as a Landscape Architect shall be registered as a:
- 1) Professional Landscape Architect

PART XI CERTIFICATES OF REGISTRATION

- 11.1 **ISSUANCE OF CERTIFICATES.** Upon completion of all the requirements for registration, the Board shall issue a Certificate of Registration to an applicant. The Certificate shall identify the applicant as an Engineer-In-Training, a Professional Engineer, Professional Architect, Land Surveyor In-Training, Professional Land Surveyor or a Professional Landscape Architect, as the case may be.
- 11.2 **PROHIBITED ACT.** It is expressly prohibited, and is a violation of these regulations for any registrant to use his/her registration and authorization hereunder to apply a seal or stamp of approval to any plans or work over which he/she does not have proper control or supervision. Further, no registrant may use his/her authorization hereunder for any plans or work performed by any other person or entity unless the registrant is a full time employee of such person or entity, or a partner or officer of such entity; and such acts of the registrant must be in full compliance with the terms of these regulations.
- 11.3 **REGISTRATION NUMBERS.** Each registrant shall be assigned a registration number at the time registration is approved by the Board. Numbers are issued consecutively and separately for professional Engineers, Architects, Land Surveyors and Landscape Architects in the order in which the applications are approved.
- 11.4 **FORM.** The certificate shall be in the form required by Law, and as otherwise approved by the Board.
- 11.5 **ENGINEERING BRANCHES.** The Certificate of Registration for a professional engineer or engineering firm shall designate the branch in which such person or firm is registered to practice.
- 11.6 **DISPLAY.** Every person registered as an individual and every partnership, corporation, association and joint venture maintaining an office or other place of business for the practice of his/its profession, shall display his or its original Certificate of Registration or Certificate of Authorization or permit together with evidence of current validation in a conspicuous manner, in his or its principal office of place of business.

- 11.7 **REPLACEMENT.** Upon submittal of a request and a notarized affidavit attesting to loss, destruction or mutilation of the original certificate, a registrant in good standing will be furnished a new certificate upon payment of a replacement fee.

PART XII TEMPORARY PERMITS

12.1 GENERAL PROVISIONS

- (A) The Board may grant a Temporary Permit for a limited period to a non-resident, sole practitioner, partnership, corporation, association or joint venture who or that has no established place of business in the Commonwealth but desires to practice or offer to practice engineering, architecture, land surveying or landscape architecture in the Commonwealth.

12.2 REQUIREMENTS

- (A) No person shall be eligible for a Temporary Permit under 4 CMC 3213(c) unless such person possesses the same qualifications as are required of other applicants for certificate of registration in the same discipline or branch.
- (B) Requests for a Temporary Permit shall be submitted in writing setting forth reasons for the desired permit.
- (C) Temporary Permits issued, shall be for one project only. A Temporary Permit grants the permittee the right to practice engineering, architecture or landscape architecture for only the duration of the project identified on the permit.
- (D) A Temporary Permit may not be renewed or extended to include any other project.

PART XIII SEALS

- 13.1 **BOARD SEAL.** The official seal of the Board shall consist of a latte stone with star super imposed surrounded by the words "CNMI Board of Professional Licensing".

13.2 INDIVIDUAL SEAL

- (a) **Authorized Design.** The holder of a Certificate of Registration shall be authorized and required to use a seal or rubber stamp of the following design:

Two circles - a smaller one, 1-1/8" to 1-1/4" in diameter, with a larger one, 1-1/2" to 1-5/8 in diameter. The name of the registrant and the words "Commonwealth of the Northern Mariana Islands" shall appear in the outer annular space and the words "Registered Professional Engineer," "Registered Professional Architect," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect" together with the registrant's certificate number, shall appear in the center space.

- (b) **Required Use.** All drawings, specifications, maps, reports, surveys and descriptions prepared by or under the supervision of a registered Professional Engineer, Architect, Land Surveyor or Landscape Architect, shall be stamped with the authorized seal or stamp and authenticated as provided in PART XIV below.

PART XIV AUTHENTICATION OF DOCUMENTS

14.1 GENERAL PROVISIONS

- (A) As contained in 4 CMC 3219 the contents of certificates and use of seal are defined as follows:

- (a) "Each certificate of registration issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the Board to practice professional engineering, architecture, land surveying, or landscape architecture."
- (b) "In the case of a certificate issued to a person authorizing such person to practice professional engineering, the certificate shall also indicate the major branch or branches of engineering in which the person has specially qualified."
- (c) "Every registered person may use a seal or rubber stamp of a design authorized by the Board bearing such person's name and the words "registered professional engineer", "registered architect", "registered land surveyor", or "registered landscape architect", or otherwise as may be authorized by the Board."
- (d) "All plans, specifications, maps, and reports prepared by or under the supervision of a registered engineer, architect, surveyor, or landscape architect shall be stamped with such seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the certificate of the registrant names thereon has expired or has been revoked or suspended unless such certificate has been renewed or reissued."
- (e) "No official of the Commonwealth who is or may hereafter be charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a registered architect holding an unexpired certificate or with the seal of a registered engineer holding a certificate on which has been indicated that he has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this Chapter; and no map or survey prepared after the effective date of this Chapter shall

be filed with any official of the Commonwealth unless stamped with the seal of a registered land surveyor."

- (B) The seal and signature of the responsible registrant shall be placed on all complete drawings, specifications, maps, reports, surveys, plans, designs and calculations whenever presented to a client or any public or government agency to certify that the work thereon was done by the registrant or under his or her direct supervision.
- (C) The registrant's seal and signature shall be placed on all original drawings, tracings, and other reproducible documents so that the seal and signature is reproduced each time copies are made.
- (D) When a document contains more than one sheet or page, the first sheet or title page shall be sealed and signed by all registrants who were in direct charge and are responsible for the work. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for that sheet. When the work is performed by a firm, partnership or corporation, each sheet shall be sealed and signed by the principal in responsible charge.
- (E) The seal and signature shall be placed on work only when the work was done under the registrant's direct supervision and control.
- (F) When a registrant in another jurisdiction has a Temporary Permit to practice in the Commonwealth, he or she shall use his or her jurisdiction's seal and affix his or her signature and the Temporary Permit number to all work done in the Commonwealth.
- (G) When a CNMI registrant certifies the work of an out-of-state registrant, the CNMI registrant shall have complete dominion and control of the design, shall maintain possession of the sealed and signed reproducible drawings including complete sealed and signed calculations indicating all changes in the original design and shall be wholly responsible for the work.

14.2 SEAL AND SIGNATURE

- (A) Design Authentication. All design work prepared by or under the supervision of a registered Professional Engineer, Architect, Land Surveyor or Landscape Architect shall be stamped with the authorized seal or stamp, and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Signature

- (B) Construction Inspection. In addition to the foregoing requirements, all documents submitted for building or construction permits shall bear the authorized seal or stamp of the duly registered professional Engineer, Architect or Landscape Architect charged with inspection of the

construction pursuant to this rules and regulations and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

CONSTRUCTION OBSERVATION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

Signature

In the event the registered Engineer, Architect or Landscape Architect whose seal or stamp and signature appears in connection with the foregoing statement concerning inspection of construction shall be removed, replaced or otherwise unable to discharge his or her duties, such registered Engineer, Architect or Landscape Architect shall so notify the Board within fifteen (15) days, and such notification shall include the name, if known, of the registered Engineer, Architect or Landscape Architect charged with continuing the construction inspection.

- (C) Design and Construction Inspection. When an Engineer, Architect or Landscape Architect has responsibility for the design and construction, the authentication shall be in the following form:

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION INSPECTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

Signature

- (D) Temporary Permit Holder. The holder of a Temporary Permit shall be authorized and required to use the seal or stamp authorized by the Board with which he or she is permanently registered on all work and under such seal or stamp the legal holder thereof shall state the following and sign his or her name:

Temporary Permit No. _____

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Signature

In addition to the foregoing requirements, documents submitted for building or construction permits involving public safety or health, prepared by a temporary

permit holder, shall bear the permit holders authorized seal or stamp and be authenticated as prescribed in subsections (A), (B) and (C) above.

14.3 ENGINEER'S SEAL

- (A) The seal and signature of a registered professional Engineer shall be affixed to each drawing, specification, report, calculation or other document in its final form which involves the practice of engineering as defined herein.
- (B) The seal and signature of an Engineer, registered in the appropriate branch, is required for each portion of documents involving a separate branch of engineering except as provided below:
 - 1) All portions of documents for single family detached dwellings may be sealed and signed by a professional Civil or Structural Engineer;
 - 2) Documents for the structural portion of buildings no greater than three (3) stories or thirty (30) feet in height may be sealed and signed by a Civil Engineer.
- (C) Documents for multi-family dwelling and residential subdivisions shall be sealed and signed by professional Engineers registered in the appropriate branches as well as an Architect.
- (D) Documents for foundations of pre-engineered structures sealed and signed by a professional Engineer registered in another jurisdiction shall also be reviewed and sealed and signed by a Structural or Civil Engineer registered in the Commonwealth.

14.4 ARCHITECT'S SEAL

- (A) The seal and signature of an Architect shall be affixed to each drawing, specification, report, calculation or other document in its final form which involves work with respect to any building which has as its principal purpose human occupancy or habitation, or which involves any other aspect of the practice of architecture as defined herein.
- (B) The seal of an Architect shall be placed on documents for multi-family dwelling units and subdivisions as well as the seals and signatures of Engineers in the appropriate branches.

PART XV RENEWAL

15.1 NOTICES

- (A) Certificates shall be renewed on a biannual basis. Renewal of all certificates shall be not later than April 30 of each even year.
- (B) A renewal notice shall be mailed by the Board to the last known address of each individual registrant holding a Certificate of Registration and to each partnership, corporation, association or joint venture holding a Certificate

of Authorization indicating the date of expiration of the certificate and the amount of the renewal fee.

- (C) Temporary permits shall not be renewable.

15.2 FEES

- (A) Renewal fees may be paid any time prior to the annual renewal date but must be paid on or before the expiration date to avoid penalty for late renewal.
- (B) Failure of a registrant to renew before the renewal date shall render the registrant's Certificate of Registration or Certificate of Authorization null and void. A registrant whose certificate has expired by failure to renew must file a new application and receive Board approval for reinstatement.
- (C) A registrant who supplies the Board with an affidavit that he or she is no longer practicing in the Commonwealth before the expiration date of his or her certificate may retain the certificate for later use upon reinstatement and payment of a reinstatement fee.
- (D) Renewal fees paid by mail shall be considered as paid if the envelope bears a postmark of April 30 or earlier.
- (E) Responsibility for the timely payment of the renewal fee rests solely with the registrant.

PART XVI NOTIFICATION AND FILING

16.1 NAMES, ADDRESSED AND CHANGES.

- (A) General. Each sole practitioner holding a Certificate of Registration and each corporation holding a Certificate of Authorization or Temporary Permit to practice in the Commonwealth shall file his or her mailing address and the name and address of his or her employer, as applicable, with the Board and shall immediately notify the Board in writing of any and all changes.

16.2 PARTNERSHIP AND CORPORATIONS. Pursuant to 4 CMC 4101 et. seq. and 4 CMC 3220, a partnership or corporation may engage in the practice of professional engineering, architecture, land surveying or landscape architecture in the Commonwealth, provided the person or persons connected with the partnership or corporation directly in charge of the professional work is or are duly registered hereunder. Such persons in direct charge shall be full-time employees, principals, and/or full-time partners of the partnership or corporation, and their names shall be filed with the Board as required in subsection (C) below.

- (A) Form of filing. Such filing shall be in the form of a notarized statement from the partnership or corporation and shall contain the following:

Partnership or Corporation Filing: A signed statement by an authorized partner or corporate officer that the person whose name is being filed is

duly registered and possesses a valid certificate therefor in the Commonwealth in the appropriate profession; that such person is designated as being directly in charge of the professional work, including construction observation, performed by the partnership or corporation that such person is a full-time employee or partner of a partnership or; officer of the corporation; that such person has been delegated the legal authority to bind the partnership or corporation in all matters relating to the professional work; and that should there be any change in the status of any person on file, whether as to valid Certificate of Registration, direct charge of the professional work, full-time employment, partnership or principalship or legal authority to bind the corporation or partnership, the partnership or corporation shall so notify the office of the Board within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, file the name of another qualified person.

(B) The following "FORM C-64" shall be used for filing:

FORM C-64

BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950

Form for Partnership and Corporations to File with the Board Names of Persons Directly in Charge of Professional Work

I, _____ being an authorized
 partner/office of _____
 Name of partnership/corporation
 whose address is _____

said company being engaged in the practice of professional

- () Engineering
 - () Civil
 - () Electrical
 - () Mechanical
 - () Structural
 - () Other Specify _____
- () Architecture
- () Land Surveying
- () Landscape Architecture

do hereby declare, under penalty of perjury, as follows:

1. That the following persons are duly registered and possesses valid certificates therefor in the Commonwealth of the Northern Mariana Islands in their respective professions and branches:

<u>Person's Name</u>	<u>Person's Signature</u>	<u>Profession</u>	<u>Certificate Number</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. That the above named person(s) is/are designated as being directly in charge of the professional work, including construction observation, performed by this Company;
3. That the above named person(s) is/are full-time employees and/or partners of this Company;
4. That the above named person(s) has/have been delegated the legal authority to bind this company in all matters relating to the professional work; and
5. That should there be any change in the status of the above named person(s), wether as to valid Certificate of Registration, direct charge of the professional work, including construction observation, full-time employment or partnership, or legal authority to bind this Company, this Company will so notify the Board by letter within fifteen (15) days of such change, and, if necessary, also within said fifteen day period, will file in the manner herein prescribed, the name of another qualified person.
6. That the corporation or partnership was lawfully formed and registered under, and is currently operating in compliance with, the laws of the Commonwealth. (Enclose a copy of the certificate of incorporation or a statement that the partnership is duly registered with the Registrar of Corporations.)

Name of Partnership or Corporation

Signature & Title of Authorized Officer

Date

(C) Each Engineering, Architectural, Landscape Architectural or Land Surveying services shall have a resident registered professional in charge.

- 1) Each partnership or corporation is responsible with and for the conduct or acts of the agents, employees or officers in respect to

any professional engineering, architecture, land surveying, or landscape architecture, services performed or to be executed in the Commonwealth. No individual practicing professional engineering, architecture, land surveying or landscape architecture is relieved of the responsibility for his conduct or acts performed by reason of his employment by or relationship with such partnership or corporation.

PART XVII PROFESSIONAL CONDUCT

17.1 RULES OF PROFESSIONAL CONDUCT

The Board has prepared and adopted Rules of Professional Conduct for Professional Engineers, Architects, Land Surveyors and Landscape Architects practicing in the Commonwealth.

17.2 KNOWLEDGE OF THE RULES

All persons registered to practice professional Engineering, Architecture, Land Surveying or Landscape Architecture in the Commonwealth are charged with having knowledge of the existence of the Rules of Professional Conduct as well as amendments from time to time which shall be made known in writing to every registrant and applicant for registration.

17.3 CONVICTIONS

An individual or corporate registrant of this Board or an individual or corporate applicant for registration who has been fined, received a reprimand, had a certificate to practice revoked, suspended or denied by another jurisdiction for reasons or causes which this Board finds would constitute a violation of the law or any provision of these Regulations governing the practice of engineering, architecture, land surveying or landscape architecture in the Commonwealth shall be subject to fine, reprimand, revocation or suspension by this Board of the certificate to practice in the Commonwealth.

It is the duty of each registrant to report such conviction to the Board within 10 days following entry of such conviction, notwithstanding any appeal.

XVIII RECONSIDERATION OF DISAPPROVAL OF APPLICATIONS

An applicant whose application for a professional license has been disapproved by the Board of Professional Licensing (Board) may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:

- 1) The petition for reconsideration shall be in the form of a letter, with attachments as necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within forty-five (45) days of the date of the notice of disapproval.
- 2) A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:

- (a) Mistake of fact or law;
 - (b) New evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;
 - (c) Any other evidence or reason justifying a petition for reconsideration.
- 3) Only one petition for reconsideration shall be accepted by the Board.
 - 4) Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.

PART XIX COMPLIANCE AND ENFORCEMENT

19.1 COMPLIANCE

Any person, firm, partnership, organization, association, corporation or other entity using the words "engineer", "engineering", "architect", "architecture", "landscape architecture", or any modification or derivative thereof in its name or form of business activity, or any person presenting or attempting to use the Certificate of Registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate to registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked or non-existent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he or she is registered under the provisions of P.L. 4-53, or any person who shall violate any of the provisions of P.L. 4-53 shall be guilty of violation of the Law and shall be subject to disciplinary action by the Board and prosecution by the office of the Attorney General.

19.2 ENFORCEMENT

The Board may initiate disciplinary or legal action in cases where an individual's or corporation's actions, within reasonable doubt, are in violation of the provisions of P.L. 4-53 or these regulations. It is the duty of the Attorney General of the Commonwealth to enforce compliance with the Law.

PART XX DISCIPLINARY ACTION

20.1 DISCIPLINARY ACTIONS. Grounds for discipline are defined in 4 CMC 3218 as follows:

- (1) "The Board may revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the certificate, or of gross negligence, incompetency, or misconduct in the practice of his profession, or who is convicted of violating this Chapter or the rules or regulations of the Board.

Any person, including a Board member, may prefer charges in writing with the Secretary of the Board against any person holding a certificate. The charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they were filed, and at a time and place to be fixed by the Board.

A copy of the charges, together with the notice of the time and place of hearing, shall be sent by registered mail to the accused at least thirty days before the time fixed for hearing, and such mailing to the last known place of business or residence of the accused shall be sufficient service.

It shall require a unanimous vote of the members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the Board shall, in its discretion, either revoke or suspend the certificate of registration of the accused."

- (a) Any act or omission which fails to meet the generally accepted standards of engineering practice;
 - (b) Conviction of or pleading guilty to a felony. A certified copy of the judgement of a court of competent jurisdiction of such conviction or plea shall be presumptive evidence of such conviction or plea for the purpose of any hearing under this part. A plea of nolo contendere, or its equivalent, accepted by the court shall be considered as a conviction;
 - (c) Violation of, or aiding or abetting in the violation of the provisions of this part, any rule or regulation adopted by the board, or any order of the board issued in conformance with the provisions hereof;
 - (d) Use of false, deceptive, or misleading advertising;
 - (e) Performing services beyond one's competency, training, or education;
 - (f) Failure to report to the board any registrant known to have violated any provision of any board order or rule or regulation;
 - (g) Failure to report to the board any malpractice claim against such registrant or any firm partnership, corporation, or joint-stock association of which he is a member, that is settled or in which judgement is rendered, within sixty days of the effective date of such settlement or judgement, if such claim concerned professional services performed or supervised by such registrant.
- 2) Any disciplinary action concerning licensure or enrollment in another state or jurisdiction on grounds substantially similar to those that would constitute a violation under this shall be prima facie evidence of grounds for disciplinary action, including denial licensure.

20.2 Disciplinary proceedings.

- 1) Complaints of record on file with the board and the results of investigation shall be closed to public inspection during the investigatory period and until

- dismissed or until notice of hearing and charges are served on a registrant or until final agency action is otherwise taken by the board.
- 2) All charges, unless dismissed by the board, shall be referred to an administrative hearing by the board within 90 days after the date on which they were filed.

PART XXI REINSTATEMENT

21.1 PETITION FOR REINSTATEMENT

An individual registrant or corporation holding an expired or revoked Certificate of Registration or Certificate of Authorization may petition the Board for reinstatement. The petition must clearly and concisely set forth reasons for requesting reinstatement.

21.2 BOARD ACTION

For reason(s) the Board deems sufficient, an expired or revoked Certificate of Registration or Certificate of Authorization may be reinstated.

PART XXII BOARD RECORDS

22.1 RETENTION OF RECORDS

Applications received by the Board may be approved, disapproved or deferred, pending receipt of additional information. All approved applications shall be stored and maintained by the Board. Applications deferred for any reason shall be retained in the files until a final decision has been rendered by the Board.

An application from either an individual or corporation in which a violation of Commonwealth Law was evident shall be retained indefinitely by the Board.

22.2 DISPOSAL OF RECORDS

- (A) Applications which are disapproved or denied by the Board will be destroyed after two (2) years. An applicant whose application has been disapproved or denied may request that the Board return the completed form and any or all supporting documents. The Board will return only those items submitted by the applicant.
- (B) The following is the schedule of retention time for applications submitted to the Board:

Disapproved	2 years
Examination, Inactive	2 years
Expired Certificate	2 years
Deceased	6 months
Revoked or Suspended	1 year

PART XXII SEVERABILITY

If any provision of these Regulations, or the application of any such provision, to any person or corporation or under any circumstances shall be held invalid by a court of competent jurisdiction, the remaining provisions of these Regulations and the application of such remaining provisions to persons or corporations or under circumstances other than those to which it is held invalid, shall not be affected thereby, and to such extent, the provisions of these Regulations are and shall be severable.

PART XXIV ADOPTION AND AMENDMENT OF REGULATIONS

THE END



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

NOTICE OF ADOPTION
OF THE
REGULATIONS FOR REAL ESTATE APPRAISERS

Having received no comments on the proposed Regulations for the Real Estate Appraisers, the Board of Professional Licensing hereby adopts this said Regulations as published in the Commonwealth Register on October 15, 1991.

This said Regulation takes effect ten (10) days after this publication in the Commonwealth Register.

Dated this 14th day of November, 1991.

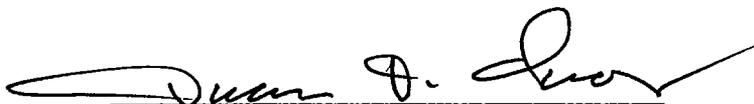
Juan Q. Inos,
CHAIRMAN

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: <u>11-15-91</u>
TIME: <u>9:30</u> AM/PM
BY: <u>Fernando C. Maynes</u>
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

CERTIFICATION OF ADOPTION
OF
REGULATIONS FOR REAL ESTATE APPRAISERS

I, Juan Q. Inos, Chairman, of the Board of Professional Licensing which is promulgating the Regulation for Real Estate Appraisers hereinabove set forth, by signature below hereby certify that such Regulations are true, complete and correct copy of the Regulations for Real Estate Appraisers formally adopted by the Board of Professional Licensing.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 14th day of November, 1991, at Saipan, Commonwealth of the Northern Mariana Islands.



Juan Q. Inos
CHAIRMAN,
Board of Professional Licensing



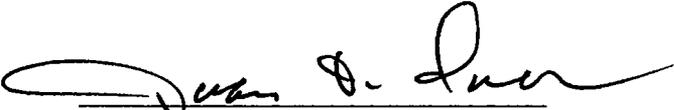
Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING
P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

NOTISIA POT I MA'ADAPTAN
I REGULASION SIHA PARA I
REAL ESTATE APPRAISERS

Pot I taya recommendasion humalom para tinilaika gi ma proponi na Regulasion para I Real Estate Appraisers, I Board of Professional Licensing ha adapta I Regulasion taimano ha' anai ma publika gi Commonwealth Register gi Octubre dia 15, 1991.

Este na Regulasion para I Real Estate Appraisers para u effectibu dies (10) dias dispues di ma publikan I ma adapta-na gi Commonwealth Register.

Ma fecha gi dia 14 Novembre, 1991.


Juan Q. Inos,
CHAIRMAN

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: <u>11-15-91</u>
TIME: <u>9:30</u> (AM) PM
BY: <u>[Signature]</u>
REGISTRAR OF CORPORATIONS Commonwealth of the Northern Mariana Islands



Commonwealth of the Northern Mariana Islands
BOARD OF PROFESSIONAL LICENSING

P.O. Box 2078
Saipan, MP 96950
Tel. No.: (670) 234-5897/6040

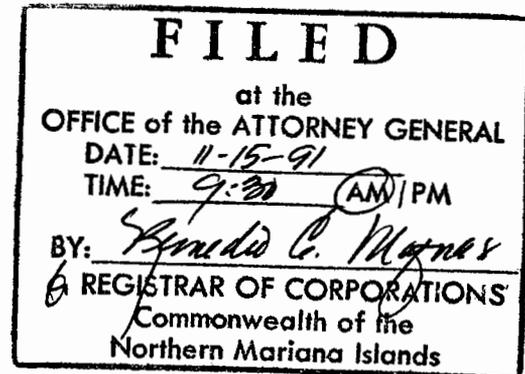
ARONGORONG REEL FFÉÉRÚL ALLÉGH KKA
EBWE GHIL NGÁLIIR REAL ESTATE APPRAISERS

Igha esóor mángemáng me tipitip kka e toolong, nge schoól Board of Professional Licensing raa adapta allégh kka ebwe ghil ngáliir Real Estate Appraisers, iwe aa takkal toowow mellól Commonwealth Register wóol Oktubre 15, 1991.

Allégh kkaal nge ebwe aléghéléghéló llól seigh (10) rál sáangi igha e toowow mellól Commonwealth Register.

E fféer llól ráálil ye 14th Nobembre, 1991.


JOHN Q. INOS, CHAIRMAN



REGULATIONS
OF THE
BOARD OF PROFESSIONAL LICENSING
FOR
REAL ESTATE APPRAISERS

T A B L E O F C O N T E N T S

	Title	Page No.
PART I	GENERAL PROVISIONS	
1.1	Purpose	1
1.2	Intent and Effect	1
1.3	Jurisdiction	1
PART II	DEFINITIONS	
2.1	Appraisal or Appraisal Report	2
2.2	Appraisal Foundation	2
2.3	Appraisal Qualifications Board	2
2.4	Appraisal Subcommittee	2
2.5	Appraisal or Real Estate Appraiser	2
2.6	Appraiser Assistant	2
2.7	Bona Fide Employee or Employee	2
2.8	Certificate	3
2.9	Certified Appraiser	3
2.10	Certificate Holder	3
2.11	Complex One-To-Four Family Residential Property Appraisal	3
2.12	Director Supervision	3
2.13	Federal Financial Institutions Examination Council	4
2.14	Federally Related Real Estates Transaction	4
2.15	Forfeit or Forfeiture	4

2.16	License	4
2.17	Licensed	4
2.18	Licensee	4
2.19	Market Value	4
2.20	Non-Federally Related Real Estate Transaction	5
2.21	Real Estate-Related Financial Transaction	6
2.22	Regulated Institution or Federally Financial Institution	6
2.23	Residential Property	6
2.24	Restore or Restoration	6
2.25	Tract Development	6
2.26	Transaction Value	7
2.27	Transitional License	7
2.28	Transitional Licensed Appraiser	7
2.29	Uniform Standards of Professional Appraisal Practice or USPAP	7
2.30	Years of Experience	7
PART III	POWERS AND DUTIES OF THE BOARD	
3.1	Powers and Duties of the Board	8
3.2	Immunity	9
PART IV	REAL ESTATE APPRAISER ADVISORY COMMITTEE	
4.1	Members	9
4.2	Terms of Members	10
PART V	LICENSE AND CERTIFICATION REQUIREMENTS	
5.1	License or Certification Required	11
5.2	General Requirements	11
5.3	Education Requirement for Federally Related Real Estate Transactions	11
5.4	Approval of Course Providers	12
5.5	Disapproval of Course Providers or Courses	13
5.6	Education/Experience Requirements for Non-Federally Funded Real Estate Transactions as Prerequisite to Examinations	14
5.7	Continuing Education	15

5.8	Experience Requirement for Federally Related Real Estate Transactions	16
5.9	Reputation for Honesty, Truthfulness, Fairness and Financial Integrity	17
5.10	Examination Requirement	17
5.11	Issuance of License or Certificate	17
5.12	License or Certificate Issued	17
5.13	Filing of Current Address	17
5.14	Transitional Appraisers	17

PART VI APPLICATION

6.1	Application for Licensure or Certification	18
6.2	Supporting Documents Required	19
6.3	Responsibility of Applicant to Furnish Information and Documentation	19
6.4	Signing and Verification of Application	20
6.5	Application for CNMI State Certified Status from CNMI Licensed Status	20
6.6	Criminal Conviction	20
6.7	Denial or Rejection of Application	20
6.8	Term	21
6.9	Date of Filing for Renewal	21
6.10	Automatic Forfeiture for Failure to Renew	22
6.11	Restoration of Forfeited License or Certificate	22
6.12	Board may Refuse to Renew or Restore License or Certificate	22
6.13	Inactive Status	23
6.14	Requirements to Reactivate	23

PART VII SCOPE OF LICENSED AND CERTIFIED APPRAISERS

7.1	Supervision of Appraiser Assistants	23
7.2	CNMI Licensed Appraiser	23
7.3	CNMI Certified Appraiser	24
7.4	Use of Terms "Transitional Licensed Appraiser" "Licensed Appraiser" and "Certified Appraiser"	24
7.5	Nonapplicability to Real Estate Brokers or Real Estate Salespersons	25

**PART VIII TEMPORARY RECOGNITION OF LICENSURE OR
CERTIFICATION OF OUT-OF-CNMI APPRAISERS**

8.1	Recognition of License or Certificate	25
8.2	Requirements for Recognition	26
8.3	Board may Refuse to Recognize	27
8.4	Term of Recognition; Renewal	27
8.5	Withdrawal of Recognition	27

PART IX APPRAISAL STANDARDS

9.1	Appraisal Standards	27
9.2	Signature on Appraisal Reports	29
9.3	Records and Appraisal Report Retention Requirement	30

PART X ADVERTISING PRACTICES

10.1	Advertising Practices	30
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PART XI DISCIPLINARY SANCTIONS

11.1	Disciplinary Sanctions	30
11.2	Hearings	31
11.3	Grounds for Revocation, Suspension, Refusal To Renew or Restore, Denial, or Conditioning of Licenses or Certificates	31
11.4	Restoration of Suspended License or Certificate	33
11.5	Revoked License or Certificate	33
11.6	Relinquishment No Bar to Jurisdiction	33
11.7	Judicial Review	33

PART XII UNAUTHORIZED PRACTICE AS AN APPRAISER

12.1	No Compensation for Unauthorized Activity; Civil Action	33
12.2	Sanctions for Unauthorized Activity; Fines, Injunctive Relief; Damages	34

PART XIII PUBLICATION OF ROSTER

13.1 Publication of Roster 34

PART XIV FEES

14.1 Fees Established 34

14.2 Form of Fee 35

14.3 Dishonored Checks Considered Failure to
Meet Requirements 35

14.4 Fees Deposited; Transmittal to the Federal
Financial Institutions Examinatio Council 35

**REGULATIONS
OF THE
BOARD OF PROFESSIONAL LICENSING
FOR
REAL ESTATE APPRAISERS**

PART I. GENERAL PROVISIONS

1.1 PURPOSE. The purpose of these regulations is to comply with applicable federal law, specifically the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and federal regulations, as well as to protect the interests of land owners, financial institutions, appraisers and other interested persons in the Commonwealth of the Northern Mariana Islands (hereafter "CNMI").

1.2 INTENT AND EFFECT. It is the intent of these regulations to ensure high ards of professional competence for real estate appraisers in the CNMI and to comply with applicable federal statutes and regulations. Due to the scarcity of qualified persons in the CNMI, it is the intent of these regulations to establish two classes of approved real estate appraisers: First, licensed appraisers who meet the standards contained herein for non-federally related real estate transactions, referred to as "licensed real estate appraiser, non-federally related real estate transactions", and Second, "licensed real estate appraiser, federally related real estate transactions" and "certified real estate appraiser, federally related real estate transactions" as those terms are defined in applicable federal statutes and regulations, for federally related real estate transactions. The first class of licensed appraiser will qualify to do appraisals in non-federally related real estate transactions but will not qualify under federal law and these regulations to perform federally related real estate transaction appraisals. The second class of licensed and certified appraisers will qualify to perform appraisals in both federally related and non-federally related real estate transactions, the difference between licensed and certified status being further defined herein.

1.3 JURISDICTION. The CNMI Board of Professional Licensing

(hereafter "Board") has jurisdiction to regulate real estate appraisers pursuant to 4 CMC 3105 and 4 CMC 3108.

PART II. DEFINITIONS

- 2.1 APPRAISAL OR APPRAISAL REPORT. A statement independently and impartially prepared by an appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date (s), supported by the presentation and analysis of relevant market information.
- 2.2 APPRAISAL FOUNDATION. The Appraisal Foundation established on November 30, 1987, as a non-for-profit corporation under the laws of Illinois.
- 2.3 APPRAISAL QUALIFICATIONS BOARD. The board appointed by the Appraisal Foundation to establish criteria for appraiser licensing and certification.
- 2.4 APPRAISAL SUBCOMMITTEE. The Appraisal Subcommittee of the Federal Financial Institutions Examination Council (FFIEC) consisting of representatives from the federal financial institutions regulatory agencies.
- 2.5 APPRAISER OR REAL ESTATE APPRAISER. A CNMI licensed real estate appraiser, non-federally related real estate transactions, or a CNMI licensed real estate appraiser, federally related real estate transactions, or transitional CNMI appraiser or CNMI certified real estate appraiser, federally related real estate transaction, who for a fee or other valuable consideration prepares appraisal reports.
- 2.6 APPRAISER ASSISTANT. A person who is not licensed or certified as an appraiser but who assists in the preparation of an appraisal under the direct supervision of a CNMI certified or CNMI licensed appraiser and who is a bona fide employee of a licensed or certified appraiser or an employee of the same entity that employs the licensed or certified appraiser.
- 2.7 BONA FIDE EMPLOYEE OR EMPLOYEE. An individual who works for wages as the individual's primary compensation and who is not an

independent contractor.

- 2.8 CERTIFICATE. A document issued by the Board indicating that the person named thereon has satisfied the requirements for certification as CNMI certified real estate appraiser, federally related real estate transactions.
- 2.9 CERTIFIED APPRAISER. A CNMI certified real estate appraiser, federally related real estate transaction.
- 2.10 CERTIFICATE HOLDER. The person in whose name the Board grants a certificate.
- 2.11 COMPLEX ONE-TO-FOUR FAMILY RESIDENTIAL PROPERTY APPRAISAL. One in which the property to be appraised, market conditions, or form of ownership is atypical, and requires the services of a certified appraiser. For example, atypical factors may include but are not limited to:
- (A) architectural style;
 - (B) age of improvements;
 - (C) size of improvements;
 - (D) size of lot;
 - (E) neighborhood land use;
 - (F) potential environmental hazard liability;
 - (G) leasehold interests;
 - (H) limited readily available comparable sales data; or
 - (I) other unusual factors.
- 2.12 DIRECTOR SUPERVISION. To actively and personally review the appraisal report of an appraiser assistant, to accept responsibility for the appraisal, and to sign the report attesting to the

acceptance of the appraisal as being independently and impartially prepared and in compliance with the uniform standards of professional appraisal practice (USPAP).

- 2.13 FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL. The council created under the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. § 3301 et seq.) consisting of representatives from the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision and the National Credit Union Administration Board.
- 2.14 FEDERALLY RELATED REAL ESTATES TRANSACTION. Any real estate-related financial transaction entered into on or after December 31, 1991, that:
- (A) any regulated institution engages in or contracts for; and
 - (B) requires the services of an appraiser.
- 2.15 FORFEIT OR FORFEITURE. The immediate and automatic termination of a license or certificate without any prior consultation with the licensee or certificate holder caused by the licensee or certificate holder's failure to comply with the requirements for maintaining or renewing the license or certificate.
- 2.16 LICENSE. The document indicating that the person named thereon has satisfied all requirements for licensure as a CNMI licensed appraiser.
- 2.17 LICENSED. Appraisers who shall be one of two categories: First, CNMI licensed real estate appraiser, non-federally related real estate transaction, and, second, CNMI licensed real estate appraiser, federally related real estate transaction.
- 2.18 LICENSEE. The person in whose name the Board grants a license.
- 2.19 MARKET VALUE. The most probable price which a property should bring in a competitive and open market under all conditions

requisite to a fair sale, the buyer and seller, each acting prudently, and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (A) buyer and seller are typically motivated;
- (B) both parties are well informed or well advised, and each acting in what each party considers in each party's own best interest;
- (C) a reasonable time is allowed for exposure in the open market;
- (D) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- (E) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by a person associated with the sale.

In applying this definition of market value, adjustments to the comparable properties must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable properties by comparisons to financing terms offered by a third party financial institution that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar-for-dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraisers judgment.

2.20 NON-FEDERALLY RELATED REAL ESTATE TRANSACTION. Any

transaction which does not meet the definition of a federally related real estate transaction.

2.21 REAL ESTATE-RELATED FINANCIAL TRANSACTION. Any transaction involving:

(A) the sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof; or

(B) the refinancing of real property or interests in real property; or

(C) the use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.

2.22 REGULATED INSTITUTION OR FEDERALLY FINANCIAL INSTITUTION. Any institution regulated by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the National Credit Union Administration.

2.23 RESIDENTIAL PROPERTY. Any parcel of real estate, improved or unimproved, that is utilized for one-to-four family purposes and where the highest and best use is for one-to-four family purposes. A residential unit in a condominium, townhouse or cooperative complex is considered to be residential real estate. Residential property does not include subdivisions wherein a development analysis or appraisal is necessary or utilized.

2.24 RESTORE OR RESTORATION. The granting of permission to perform appraiser work by the Board to a person whose license or certificate has been previously forfeited or suspended.

2.25 TRACT DEVELOPMENT. A project of five units or more that is constructed or is to be constructed as a single development.

A tract development may be units in a subdivision, condominium project, time share project, or any similar project

meant to be sold as individual units over a period of time. A project is deemed to be a tract development whether it currently is or is intended to sell as a single development.

2.26 TRANSACTION VALUE. Transaction Value means:

- (A) for loans, participation, or other extensions of credit, the amount of the loan, participation, or extension of credit;
- (B) for sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property involved; or
- (C) for the purchase or sale of loans or interests in real property pooled for sale, the amount of the loan or the market value of the real property calculated with respect to each loan or real property interest in the pool. The transaction value for a series of related transactions will be calculated as if only one transaction is involved if it appears that an entity is attempting to evade the requirements to have the appraisal performed by a licensed or certified appraiser.

2.27 TRANSITIONAL LICENSE. The permission granted by the Board to a person to act as a transitional licensed appraiser.

2.28 TRANSITIONAL LICENSED APPRAISER. Any individual who has met all requirements for licensure as a CNMI license appraiser, federally related real estate transaction, except the education or the experience requirement.

2.29 UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE OR USPAP. The uniform appraisal standards including ethics and competency provisions established by the Appraisal Standards Board as adopted and as it may subsequently be amended by the Appraisal Foundation.

2.30 YEARS OF EXPERIENCE. Defined as One Thousand (1,000) hours of appraisal work within one calendar year.

PART III. POWERS AND DUTIES OF THE BOARD

3.1 POWERS AND DUTIES OF THE BOARD. In addition to those powers and duties specifically enumerated by law, the Board shall have the following powers and duties:

- (A) to grant, deny, renew, or refuse to renew permission to practice as a licensed or certified real appraiser in the CNMI;
- (B) to adopt, amend, or repeal rules and/or regulations as necessary to effectuate fully the law;
- (C) to enforce the law and rules and regulations adopted pursuant thereto;
- (D) to discipline a real estate appraiser for any cause prescribed by law or for any violation of the rules and regulations and refuse to grant a person permission to practice as a real estate appraiser for any cause that would be grounds for disciplining a real estate appraiser;
- (E) to act as the designated representative of the CNMI to exempt, waive or implement the requirements of 12 U.S.C. § 3301 et seq.;
- (F) to revoke or suspend the permission to practice as an appraiser or otherwise condition the scope of the license or certification of the appraiser for any violation of law or these Regulations;
- (G) to impose continuing education requirements as a prerequisite to renewal of licensing or certification, as necessary;
- (H) to issue an annual statement describing the receipts and expenditures in the administration of these regulations during each fiscal year;
- (I) to compel the attendance of witnesses and production of

books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the Board or the Board's authorized representatives acting by authority of law;

- (J) to contract with qualified persons, including attorneys, hearing officers, accountants, investigators, and other necessary personnel to assist the Board in exercising the Board's powers and duties;
- (K) to contract with a professional testing agency to develop and administer examinations;
- (L) to appoint an Appraiser Advisory Committee to assist and inform the Board in its implementation of these regulations and all applicable law; and
- (M) to do all other things necessary to carry out the provisions of these regulations and to meet the requirements of federal law where necessary regarding licensing and certification of appraisers that the Board determines are appropriate for licensed and certified appraisers in the CNMI.

3.2 IMMUNITY. The members of the Board, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any facts performed in the course of their duties except for their intentional or willful misconduct.

PART IV. REAL ESTATE APPRAISER ADVISORY COMMITTEE

4.1 MEMBERS.

- (A) There shall be a Real Estate Appraiser Advisory Committee (Committee") consisting of three (3) members appointed by the Governor to assist with the implementation of these regulations.

- (B) Two members of the committee shall be appraisers who have been actively performing appraisal work for a period of not less than three (3) years preceding the date of the member's appointment. The third member shall be as selected in the discretion of the Governor.
- (C) Except for appraiser members first appointed, appraiser members subsequently appointed shall be licensed or certified appraisers holding a current license or certificate.
- (D) Each member of the committee shall serve without pay.
- (E) The committee shall meet not less than once a year at a time and place determined by the Board or two members of the committee.
- (F) Immediately upon the appointment and qualification of the original members, and annually thereafter, the committee shall organize by election of one member as Chair and one as Vice Chair.

4.2 TERMS OF MEMBERS.

- (A) The terms of the members shall be for two years.
- (B) Appraiser members first appointed shall have obtained a license or certificate as a licensed or certified appraiser to continue in office after July 31, 1992.
- (C) Any member whose term has expired may continue in office as a holdover member until a successor is appointed; provided that a holdover member shall not hold office beyond the end of the calendar year that the member's term expired.
- (D) A vacancy occurring in the membership of the committee during a term shall be filled for the unexpired term thereof by the Governor.
- (E) The Governor may remove or suspend for cause any member of the

committee after due notice.

PART V. LICENSE AND CERTIFICATION REQUIREMENTS

- 5.1 LICENSE OR CERTIFICATION REQUIRED. It shall be unlawful for an individual who is not licensed or certified in the CNMI to prepare or hold oneself out as being able to prepare an appraisal in connection with a real estate related transaction requiring licensure or certification under these regulations. It shall be unlawful for a person with one class of license to perform an appraisal requiring a different class of license.
- 5.2 GENERAL REQUIREMENTS. All applicants for a license or certificate shall possess a reputation for honesty, trustworthiness, fairness, and financial integrity; meet educational and experience requirements; and shall pass an examination approved by the Appraiser Qualifications Board of the Appraisal Foundation and not have been convicted of a felony. Except that the examination, if any, for the non-federally related real estate licensed appraiser shall be as approved by the Board.
- 5.3 EDUCATION REQUIREMENT FOR FEDERALLY RELATED REAL ESTATE TRANSACTIONS. Applicants shall submit proof of successful completion of courses taken from approved course providers in subjects related to real estate appraisal which shall include coverage of the uniform standards of professional appraisal practice.
- (A) An applicant for a federally related real estate transaction appraiser license shall have completed seventy-five classroom hours. A course in the uniform standards of professional appraisal practice shall have been completed within two years prior to the application date.
- (B) An applicant for a federally related real estate transaction appraiser certificate shall have completed one hundred sixty-five hours of classroom hours with emphasis on the appraisal of nonresidential properties. A course on the uniform standards of professional appraisal practice shall have been

completed within two years prior to the application date.

- (C) A classroom hour is defined as fifty minutes out of each sixty minute segment.
- (D) Applicants must demonstrate that the applicant's education included coverage of all the topics listed below:
 - (1) Influences on real estate value;
 - (2) Legal considerations in appraisal;
 - (3) Types of value;
 - (4) Economic principles;
 - (5) Real estate markets and analysis;
 - (6) Valuation process;
 - (7) Property description;
 - (8) Highest and best use analysis;
 - (9) Appraisal math and statistics;
 - (10) Sales comparison approach;
 - (11) Site value;
 - (12) Cost approach;
 - (13) Income approach;
 - (14) Valuation of partial interests; and
 - (15) Uniform standards of professional appraisal practice.
- (E) It shall be the applicant's responsibility to ensure that the course provider verifies the number of classroom hours, the length of the education offering, and that the applicant successfully completed an examination for the course.

5.4 APPROVAL OF COURSE PROVIDERS.

- (A) Colleges, universities, and community and junior colleges accredited by nationally recognized accreditation organizations and State or Federal agencies or commissions or other entities or persons approved by the Board are approved course providers.
- (B) Real estate appraiser or real estate related organizations, proprietary schools, and others shall be approved provided the course provider or the course offered by the course provider

has been endorsed by the Appraisal Subcommittee or the Appraiser Qualifications Board and proof of the endorsement is filed with the Board.

- (C) Real estate appraisal or real estate related organizations, proprietary schools, and other providers may be approved by the Board provided the course provider submits the course outline, course objectives, and instructor qualifications for approval, and agrees to:
 - (1) submit, upon request, the copy of the course examination for review;
 - (2) provide completion certificates to attendees which include information regarding the number of classroom hours, successful passage of examination and the index number assigned by the Board to the courses within two weeks of completion of the courses;
 - (3) permit, upon request, the Board or the Board's representative to audit the course at no cost to the Board or the Board's representative;
 - (4) provide that non-members of the association or organization may apply for the course without membership in the association or organization on the same terms and conditions as members of the association or organization; and
 - (5) keep attendance records for a minimum of three years.
- (D) Upon approval of the course, an index number shall be assigned to indicate approval. The approval shall be valid only until June 30 of the following odd-numbered year.

5.5 DISAPPROVAL OF COURSE PROVIDERS OR COURSES.

- (A) Course providers or courses may be disapproved when:
 - (1) The instructor or administrators of the course provider has had any disciplinary proceeding filed or disciplinary action taken by any jurisdiction;
 - (2) The instructor fails to demonstrate knowledge and competency in the subject matter being taught;

- (3) The course is not equivalent in content and complexity to a college or professional level course;
- (4) The course does not contribute to the professional competence of participants; or
- (5) Five percent or more of the course covers nonsubstantive material such as, but not limited to personnel management, office management, or computer program courses not related to the appraisal practice.

(B) Course approval may be withdrawn for cause after notification to the course provider by the Board.

5.6 EDUCATION/EXPERIENCE REQUIREMENTS FOR NON-FEDERALLY FUNDED REAL ESTATE TRANSACTIONS AS PREREQUISITE TO EXAMINATIONS.

(A) As a prerequisite to taking the examination for licensing as a "licensed real estate appraiser, non-federally funded real estate transactions", or for renewal, an applicant shall present evidence satisfactory to the Board that he or she has successfully completed one of the set of education and experience requirements adopted by the Board as listed below:

- (1) Fifteen credit hours of appraisal related courses with six years experience as an appraiser; or
- (2) An AA in Business with fifteen credit hours of appraisal related courses and four years experience as an appraiser; or
- (3) A Bachelors degree or higher with two years experience as an appraiser; and
- (4) That the applicant has not been convicted of a felony. Police clearance from all states where licensed or certified or presently or formerly residing shall be furnished as a condition to apply for a license or certification or renewal.

(B) To verify appraisal experience as required in (1), (2), (3), the applicant must submit at least one appraisal report he or she has written for each of the required years of experience abovementioned.

- (C) The examination shall be based upon recognized appraisal standards, to be selected and administered by the Board pursuant to its rulemaking power.

5.7 CONTINUING EDUCATION.

- (A) The equivalent of ten (10) classroom hours of instruction in courses for seminars for each year during the period preceding the renewal is required. (For example, a two-year certification term would require twenty hours. These hours may be obtained anytime during the two-year term.)
- (B) Credit for the classroom hour requirements may be obtained from the following:
 - (1) colleges or universities;
 - (2) community or junior colleges;
 - (3) real estate appraisal or real estate related organizations;
 - (4) commonwealth, state or federal commissions;
 - (5) proprietary school;
 - (6) other providers approved by the state certification/licensing agency.
- (C) Credit may be granted for educational offerings which cover real estate appraisal related topics such as those listed below and which are consistent with the purposes of continuing education stated in subsection (E) below.
 - (1) ad valorem taxation
 - (2) arbitrations
 - (3) business courses related to real estate appraisal
 - (4) construction estimating
 - (5) ethics and standards of professional practice
 - (6) land use planning, zoning and taxation
 - (7) management, leasing, brokerage, timesharing
 - (8) property development
 - (9) real estate appraisal (valuations/evaluations)
 - (10) real estate financing and investment
 - (11) real estate law

- (12) real estate litigation
- (13) real estate appraisal related computer applications
- (14) real estate securities and syndication
- (15) real property exchange

(D) Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtained continuing education.

(E) The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraising.

5.8 EXPERIENCE REQUIREMENT FOR FEDERALLY RELATED REAL ESTATE TRANSACTIONS.

(A) Each applicant for licensed (federally related) or certified (federally related) status shall submit notarized verification of a minimum of two years of appraisal experience obtained prior to the date of application. A year is defined as one thousand hours and may be cumulative.

(B) Acceptable appraisal experience includes but is not limited to:

- (1) fee and staff appraisal;
- (2) ad valorem tax appraisal;
- (3) review appraisal;
- (4) appraisal analysis;
- (5) real estate counseling;
- (6) highest and best use analysis;
- (7) feasibility analysis/study; or
- (8) teaching of appraisal courses.

(C) Applicants shall produce, upon request, experience documentation in the form of reports or file memoranda.

- 5.9 REPUTATION FOR HONESTY, TRUTHFULNESS, FAIRNESS AND FINANCIAL INTEGRITY. Applicants shall demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness and financial integrity.
- 5.10 EXAMINATION REQUIREMENT. Each applicant for a license (federally related) or a certificate (federally related) shall successfully pass the appropriate examination which has been approved by the Appraiser Qualifications Board of the Appraisal Foundation for federal related real estate transaction or an examination for non-federally related estate transactions approved by the Board.
- 5.11 ISSUANCE OF LICENSE OR CERTIFICATE. The CNMI appraiser license or CNMI appraiser certificate shall be issued upon the applicant meeting all appropriate requirements and shall be valid until June 30 of the odd-numbered year immediately following the issuance of the license or certificate.
- 5.12 LICENSE OR CERTIFICATE ISSUED. A CNMI license or CNMI certificate shall only be issued to individuals and the license or certificate shall not be transferable.
- 5.13 FILING OF CURRENT ADDRESS. Every licensee or certificate holder shall provide written notice to the Board of any changes of the licensee's or certificate holder's mailing, business, or residence address within ten days of the change. Any requirements that the Board provide notice to licensed or certified appraisers shall be deemed met if notice is sent to the address on file with the Board.
- 5.14 TRANSITIONAL APPRAISERS.
- (A) An applicant for transitional CNMI license shall meet all requirements for licensure as a licensed appraiser except the education or experience requirement. No transitional license shall be issued to any applicant who fails to meet both the education or experience requirements.
- (B) The transitional CNMI license appraiser may perform reports and advertise as a "transitional licensed appraiser".

- (C) The validity of the transitional license shall not exceed two years and, in every case, shall expire on December 31, 1994. The transitional license shall not be renewed. All provisions of these regulations shall be applicable to transitional licensed appraisers. Application for issuance or licensure or certification may be made at any time by the transitional licensed appraiser. The application shall apply as a new applicant.

PART VI. APPLICATION

6.1 APPLICATION FOR LICENSURE OR CERTIFICATION. Application for licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide:

- (A) The applicant's full name;
- (B) A statement that the applicant has attained the age of majority (18);
- (C) The applicant's current business or mailing address for publication, and the applicant's current resident address;
- (D) The applicant's social security number;
- (E) The applicant's employment history during the five years preceding the date of the filing of the application, with names and addresses of each employer;
- (F) The date and place of any conviction of felony or any crime directly related to any appraisal practice;
- (G) Information regarding any disciplinary proceedings or disciplinary actions taken by any jurisdiction;
- (H) A designation in writing appointing the Board to act as the applicant's agent upon whom all judicial and other process or legal notices directed to the applicant may be served.

The applicant shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the applicant and the authority of the Board shall remain in force as long as any liability remains outstanding;

- (I) A photograph of the applicant for identification purposes;
- (J) A statement that the applicant is a United States citizen or an alien authorized to work in the CNMI; and
- (K) Any other information the Board may require to investigate the applicant's qualifications for licensure or certification.

6.2 SUPPORTING DOCUMENTS REQUIRED. Every applicant shall furnish the following with the application:

- (A) The appropriate fees;
- (B) Proof that the applicant has met the educational and experience requirements;
- (C) Notarized statement of experience;
- (D) Three references from lenders or other individuals who have had dealings relating to the applicant's appraisal assignments attesting to the applicant's experience and reputation for honesty, truthfulness, fairness, and financial integrity;
- (E) If requested, proof that the applicant is a CNMI or United States citizen or alien authorized to work in the CNMI; or
- (F) If requested, appraisal reports or file memoranda.

6.3 RESPONSIBILITY OF APPLICANT TO FURNISH INFORMATION AND DOCUMENTATION. It shall be each applicant's responsibility to furnish the information and documents requested. In the event of any change of information provided, the applicant shall notify the Board in writing within thirty days of any change.

6.4 SIGNING AND VERIFICATION OF APPLICATION. Every application and all references shall be signed by the applicant or the person attesting to the experience and reputation of the applicant. All persons signing shall swear to the truth of the statements contained therein before a notary public.

6.5 APPLICATION FOR CNMI STATE CERTIFIED STATUS FROM CNMI LICENSED STATUS.

(A) An individual holding a current CNMI appraiser license may apply for CNMI certified status upon submittal of the following:

- (1) appropriate fees;
- (2) proof that the applicant has performed one thousand hours of nonresidential appraisal work; and
- (3) proof of ninety additional classroom hours (total 165 hours.)

(B) The experience and education submitted shall not be credited if the education and experience was previously credited when the appraiser first applied for license. The classroom hours shall be in addition to any continuing education hours credited for renewal of the license.

6.6 CRIMINAL CONVICTION. When an applicant has been convicted of felony or a crime related to the appraisal profession the Board may request the following documents from the applicant: copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict of the court with regard to that conviction, the sentence imposed, and the actual terms of the sentence.

6.7 DENIAL OR REJECTION OF APPLICATION.

(A) An application for issuance of a license or certificate shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements hereunder. In addition, the Board may deny issuance of a license or certificate:

- (1) When the applicant is known to have committed any of the acts for which a license or certificate may be suspended or revoked hereunder.
 - (2) If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; or
 - (3) If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.
- (B) An applicant shall be automatically rejected and the applicant shall be denied licensure or certification when the applicant, after having been notified to do so:
- (1) Fails to pay the appropriate fees within sixty days from notification; or
 - (2) Fails to submit, after notification, any of the information or documentation requested to comply with any of the requirements for licensure or certification within sixty days of notification.
- (C) Any application which has been denied or rejected shall remain in the possession of the Board and shall not be returned.
- (D) An applicant, whose application has been denied or rejected, may file for an administrative hearing as provided under applicable law and regulations.
- 6.8 TERM. All licenses and certificates shall expire on June 30 of each odd-numbered year.
- 6.9 DATE OF FILING FOR RENEWAL. All licenses and certificate holders shall complete and submit a renewal application together with the required fees, and proof of the required completed continuing education hours on or before June 30 of the odd-numbered year. A completed renewal application with the required documents sent by United States mail shall be considered timely filed if the

envelope bears a postmark no later than June 30 of the odd-numbered year.

6.10 AUTOMATIC FORFEITURE FOR FAILURE TO RENEW. The failure to timely renew the license or certificate, pay the applicable fees, submit the required continuing education hours, or paying fees with a check which is dishonored upon first deposit shall cause the license or certificate to be automatically forfeited.

6.11 RESTORATION OF FORFEITED LICENSE OR CERTIFICATE.

(A) A license or certificate which has been forfeited may be restored within two years after the date of forfeiture provided the applicant pays the appropriate fees including restoration fees, and submits all continuing education hours that would have been required had the licensee or certificate holder maintained licensure or certification.

(B) An individual whose license or certificate has been forfeited and who fails to restore the license or certificate as provided above, shall apply as a new applicant.

6.12 BOARD MAY REFUSE TO RENEW OR RESTORE LICENSE OR CERTIFICATE.

(A) The Board may refuse to renew or restore a license or certificate for failure or refusal of the licensee or certificate holder:

- (1) To properly complete or timely submit the renewal application form and submit all fees and required documentation;
- (2) To maintain a good reputation for honesty, truthfulness, fairness, and financial integrity;
- (3) To meet and maintain the conditions and requirements necessary to qualify for the issuance of the license or certificate; or
- (4) To comply with these regulations.

(B) An applicant, whose application has been refused by the Board to be renewed or restored for the above reasons may file for an administrative hearing as provided by law.

6.13 INACTIVE STATUS.

- (A) A license or certificate may be placed on an inactive status upon notification to the Board by the licensee or certificate holder in writing of the effective date of inactivation and payment of an inactive file.
- (B) A licensee or certificate holder on inactive status shall be considered as unlicensed or uncertified.

6.14 REQUIREMENTS TO REACTIVATE.

- (A) An inactive licensee or certificate holder may apply for reactivation upon payment of all fees due and owing from the time of inactivity and proof of completion of all continuing education hours the applicant would have had to submit if the applicant has maintained licensure or certification from the date of inactivation.
- (B) Failure to meet the requirements for reactivation shall require a person desiring licensure or certification to apply as a new applicant.

PART VII. SCOPE OF LICENSED AND CERTIFIED APPRAISERS

7.1 SUPERVISION OF APPRAISER ASSISTANTS. Licensed and certified appraisers may directly supervise appraiser assistants provided:

- (A) The appraiser assistant is a bona fide employee of the licensed or certified appraiser, or an employee of the same entity who employs the licensed or certified appraiser; or
- (B) The licensed or certified appraiser signs the report attesting to the acceptance of the appraisal as being independently and impartially prepared and in compliance with the USPAP.

7.2 CNMI LICENSED APPRAISER. A CNMI licensed appraiser, federally related real estate transactions is licensed to perform:

- (A) Appraisals of noncomplex one-to-four family residential property for transactions with a value up to \$1,000,000;
- (B) Other appraisals rendered in connection with any federally-related transaction having a transaction value up to, but not including, \$250,000; and
- (C) Appraisals of rural properties where the rural property is a one- to-four family residential property where production of agricultural income is not significant or is primarily used for recreation or other non-income producing purposes.

If, during the course of an appraisal assignment of a one-to four family residential property, market conditions, or form of ownership to be a complex one-to-four family residential property appraisal, the licensed appraiser shall inform the regulated institution or eluent for whom the appraisal is being performed that a CNMI certified appraiser shall either complete the assignment or sign the appraisal report.

7.3 CNMI CERTIFIED APPRAISER. A CNMI certified appraiser federally related real estate transactions is certified to perform appraisals for all real properties.

7.4 USE OF TERMS "TRANSITIONAL LICENSED APPRAISER", "LICENSED APPRAISER", AND "CERTIFIED APPRAISER".

(A) The terms "transitional license appraiser", "licensed appraiser federally related real estate transactions", or "licensed appraiser, non-federally related real estate transactions" and "certified appraiser federally related real estate transactions" may only be used to refer to an individual who is licensed or certified, as the case may be, under these regulations and may not be used following, or immediately in connection with, the name or signature of a corporation, partnership, association, or any other group practice, or in any manner that might be interpreted as referring to anyone other than the individual who is licensed or certified.

(B) This requirement shall not be construed to prevent a licensee

or certificate holder from signing an appraisal report on behalf of a corporation, partnership, association, or any other group practice if it is clear that only the individual is licensed or certified and the corporation, partnership, association, or group practice is not.

- (C) No person may assume or use the title "transitional licensed appraiser", "CNMI licensed appraiser", or "CNMI certified appraiser" as the case may be, or any title designation or abbreviation likely to create the impression or licensure of certification unless that person holds a current license or certificate hereunder.

7.5 NONAPPLICABILITY TO REAL ESTATE BROKERS OR REAL ESTATE SALESPERSONS.

These regulations shall not apply to a real estate broker or salesperson, who, in the ordinary course of the real estate broker's or salesperson's business, gives an opinion as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate, provided:

- (A) The opinion as to the listing or the purchase price shall not be referred to as an appraisal;
- (B) No compensation, fee, or other consideration is charged for such opinion other than the normal brokerage fee rendered in connection with the sale of the property; or
- (C) No representation is made that the real estate broker or salesperson is a certified or licensed real estate appraiser.

PART VIII. TEMPORARY RECOGNITION OF LICENSURE OR CERTIFICATION OF OUT-OF-CNMI APPRAISERS

- 8.1 RECOGNITION OF LICENSE OR CERTIFICATE. The Board may recognize the license or certification of an appraiser licensed or certified in

another jurisdiction provided:

- (A) The licensure and certification requirements in that other jurisdiction are substantially equivalent to the CNMI and further provided that:
 - (1) the property to be appraised is part of a federally related transaction;
 - (2) the appraiser's business is of a temporary nature; and
 - (3) the appraiser applies for the temporary license or certificate.

- (B) The out-of-CNMI appraiser may elect to obtain licensure or certification of CNMI by filing an application.

8.2 REQUIREMENTS FOR RECOGNITION.

- (A) Application for recognition of appraiser licensure or certification shall be made under oath on a form to be furnished by the Board. The form may require the applicant to provide items abovementioned, and in addition, the applicant shall:
 - (1) submit evidence of current license or certificate from the other jurisdiction;
 - (2) submit a copy of the contract for appraisal services that requires the applicant to appraise real estate in the CNMI and certify that such contract is in full force and effect;
 - (3) certify that disciplinary proceedings are not pending against the applicant in any jurisdiction;
 - (4) agree, in writing, to conform with all the provisions of these regulations; and
 - (5) file a designation in writing which appoints the Board to act as the appraiser's licensed agent upon whom all judicial and other process or legal notices directed to the appraiser may be served. The appraiser shall agree that service upon the Board shall have the same legal force and validity as if personally served upon the appraiser and that the authority of the Board shall continue in force as long as any liability of the appraiser remains outstanding in this jurisdiction.

8.3 BOARD MAY REFUSE TO RECOGNIZE. The Board may refuse to recognize licensure or certification for reasons hereunder:

- (A) If the applicant fails to submit appropriate fees, within sixty days of notification to do so; or
- (B) The applicant fails to meet equivalent qualifications or requirements for appraiser licensure or certification of this jurisdiction.

8.4 TERM OF RECOGNITION; RENEWAL.

- (A) Recognition shall remain in force as long as the license or certificate is current in the other jurisdiction; provided however, that any new contracts for appraisal assignments shall be filed with the Board.
- (B) The appraiser shall file with the Board evidence of renewal of license or certificate in the other jurisdiction, within two months of renewal.

8.5 WITHDRAWAL OF RECOGNITION. Recognition of the licensure or certification may be withdrawn after a hearing pursuant to law and these regulations if the appraiser is found to have violated the provisions of this law and/or these regulations or if the appraiser's license or certificate is disciplined, suspended, revoked or forfeited in the other jurisdiction.

PART IX. APPRAISAL STANDARDS

9.1 APPRAISAL STANDARDS

- (A) All appraisals shall, at a minimum:
 - (1) conform to the current standards of professional appraisal practice (USPAP);
 - (2) if appropriate, disclose any steps taken to comply with the competency provision of the USPAP;
 - (3) be based upon the definition of market value as defined

- in these regulations;
- (4) be written and be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate; and provide detail and depth of analysis that reflect the complexity of the real estate appraised which can be readily understood by a third party;
 - (5) analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following minimum time periods:
 - (a) for one-to-four family residential property, one year preceding the date when the appraisal was prepared; or
 - (b) for all other property, three years preceding the date when the appraisal was prepared.
 - (6) analyze and report data on current rents and current vacancies for the subject property if it is and will continue to be income-producing;
 - (7) analyze and report a reasonable marketing period for the subject property and disclose the assumptions used;
 - (8) analyze and report on current market conditions and trends such as, but not limited to increasing vacancy rates, greater use of rent concessions, or declining sales prices that will affect projected income of the absorption period, to the extent they affect the value of the subject property;
 - (9) analyze and report appropriate deductions and discounts for any proposed construction, or any completed properties that are partially leased or leased at other than market rents as of the date of the appraisal, or any tract developments with unsold units;
 - (10) include in the certification required by the USPAP, an additional statement that the appraisal assignment was not conditioned upon the appraisal producing a specific value or a value within a given range or on whether a loan application is approved;
 - (11) contain sufficient supporting documentation with all pertinent information reported including acceptance or rejection of a third party study and its impact on value so that the appraiser's logic, reasoning, judgment,

and analysis in arriving at a final conclusion will enable the reader to understand the reasonableness of the conclusion;

- (12) include a legal description in addition to, and not in lieu of, the description required in the USPAP of the real estate being appraised;
 - (13) identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of the market value; and
 - (14) follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, reconciles those approaches, and explains the elimination of each approach not used.
- (B) If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal report.
- (C) An appraiser shall perform all appraisals, review, or consult with impartiality, objectivity, and independence, without any direct or indirect interest in the property.

9.2 SIGNATURE ON APPRAISAL REPORTS.

- (A) If an appraisal report is prepared and signed by CNMI licensed appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Licensed Appraiser" and the appraiser's license number and expiration date.
- (B) If an appraisal report is prepared and signed by a CNMI certified appraiser, the appraisal report shall state, immediately following the signature on the report, "CNMI Certified Appraiser" and the appraiser's certificate number and expiration date.
- (C) Appraisal reports prepared by appraiser assistants shall be approved and signed by the licensed or certified appraiser.

9.3 RECORDS AND APPRAISAL REPORT RETENTION REQUIREMENT.

- (A) Every licensed or certified appraiser shall retain originals or true copies of appraisal contracts, appraisals, and all supporting data and documents for a period of five years.
- (B) The five-year period shall commence upon date of delivery of the appraisal report to the client provided that if the appraiser is notified that the appraiser or appraisal report is involved in litigation, the five-year period shall commence upon the date of the final disposition of the litigation.
- (C) The appraiser shall make all records available, upon request, to the Board or the Board's authorized delegate.

PART X. ADVERTISING PRACTICES

10.1 ADVERTISING PRACTICES. A license or certificate holder advertising through any media shall be identified as a CNMI licensed, transitional CNMI licensed, or CNMI certified appraiser by listing the appropriate designated licensed or certified status and the appraiser's license or certificate number. For purposes of this section, "media" includes, but is not limited to newspapers, magazines, calling cards, and directories, including all listing in telephone directories.

PART XI. DISCIPLINARY SANCTIONS

11.1 DISCIPLINARY SANCTIONS.

- (A) The Board may order one or more of the following remedies as appropriate relief:
 - (1) Refunding the money paid as fees for services;
 - (2) Correcting the work done in providing services;
 - (3) Revoking the license or certificate;
 - (4) Suspending the license or certificate;
 - (5) Imposing a fine; and

(6) Any other reasonable means to secure relief as determined by the Board.

(B) In addition, the Board may also impose conditions or limitations upon a license or certificate after a hearing conducted in accordance with applicable law and regulation. The violation of any condition or limitation on a license or certificate may be cause imposed by the Board after a hearing shall be no less than \$100 each violation, and each day of violation may be deemed a separate violation.

11.2 HEARINGS. Any proceeding before the Board to take disciplinary action or other sanctions against a licensed or certified appraiser shall be conducted in accordance with applicable law and regulations.

11.3 GROUNDS FOR REVOCATION, SUSPENSION, REFUSAL TO RENEW OR RESTORE, DENIAL, OR CONDITIONING OF LICENSES OR CERTIFICATES. In addition to any other acts or conditions provided by law, the Board may revoke, suspend, refuse to renew or restore, deny, or condition in any manner, any license or certificate for any one or more of the following acts or conditions:

- (A) Procuring a license or certificate through fraud, misrepresentation, or deceit;
- (B) Failing to meet or maintain the requirements or conditions necessary to qualify for licensure or certification;
- (C) Acting negligently or incompetently or failing without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;
- (D) Failing to comply with the uniform standards of professional appraisal practice;
- (E) Performing, for any valuable consideration, an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or upon the

opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

- (F) Conviction of, or pleading nolo contendere to any felony or any crime that is substantially related to the qualification, functions, or duties of an appraiser;
- (G) Entrance against the appraiser of a civil or criminal judgment on grounds of fraud, misrepresentation, or deceit in the development or communication of an appraisal;
- (H) Committing any act or omission in the practice of real estate appraising which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the appraiser or another person or with the intent to substantially injure another person;
- (I) Accepting an appraisal assignment if the employment or fee is contingent upon:
 - (1) The appraiser reporting a predetermined estimate, valuation, analysis, or opinion; or
 - (2) The consequences resulting from the appraisal assignment.
- (J) Engaging in the business of real estate appraising under an assumed or fictitious name not properly registered;
- (K) Paying a finders fee or a referral fee to a person who is not a licensed or certified appraiser in this jurisdiction in connection with appraisal of real estate or real property in this jurisdiction;
- (L) Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;
- (M) Aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these regulations;
- (N) Violating any conditions or limitations upon which the license or certificate was issued;

- (O) Failing to report to the Board, in writing, any disciplinary decision issued against the licensee or certificate holder in another jurisdiction; and
 - (P) Violating the provisions these regulations or any order of the Board.
- 11.4 RESTORATION OF SUSPENDED LICENSE OR CERTIFICATE. A person whose license or certificate has been suspended may apply for restoration of the license or certificate upon complete compliance with any term or condition imposed by the order of suspension. The application for restoration shall be accompanied by the appropriate fees, application, completed continuing education hours, and any other documents required.
- 11.5 REVOKED LICENSE OR CERTIFICATE. Upon the expiration of at least two years from the effective date of the revocation of the license or certificate, a person may apply for a new license or certificate by filing an application and complying with all current requirements for new applicants.
- 11.6 RELINQUISHMENT NO BAR TO JURISDICTION. The forfeiture, nonrenewal, surrender, or voluntary relinquishment of a license or certificate by an appraiser shall not bar jurisdiction by the Board to proceed with any investigation, action, or proceeding against the appraiser to revoke, suspend, condition, or limit the appraiser's license or certificate.
- 11.7 JUDICIAL REVIEW. Any person aggrieved by a final decision and order of the Board in a contested case is entitled to judicial review thereof according to law.

PART XII. UNAUTHORIZED PRACTICE AS AN APPRAISER

- 12.1 NO COMPENSATION FOR UNAUTHORIZED ACTIVITY; CIVIL ACTION. The failure of any person to maintain a current and valid license or certificate prior to engaging in any activity requiring licensure or certification by the Board shall prevent such person from recovering in a civil action for work or services performed on a contract or on

any legal basis to recover the reasonable value thereof.

12.2 SANCTIONS FOR UNAUTHORIZED ACTIVITY; FINES; INJUNCTIVE RELIEF; DAMAGES.

- (A) Any license or certificate holder aiding or abetting an unlicensed or uncertified person to directly or indirectly evade these regulations or knowingly combining or conspiring with an unlicensed or uncertified person, or acting as agent, partner, associate, or otherwise, of an unlicensed or uncertified person with the intent to evade these regulations may be fined up to \$1,000 for each violation.
- (B) The Board may maintain a suit to enjoin the performance or the continuance of an act or acts by a person acting without a license or certificate where a license or certificate is required by law or these regulations and if injured thereby, for the recovery of damages. The Board may also seek the imposition of fines provided by subsection (A) above.

PART XIII. PUBLICATION OF ROSTER

13.1 PUBLICATION OF ROSTER. The Board shall prepare annually, a roster showing the name and place of business of each individual holding a license as a CNMI licensed appraiser, or transitional CNMI license appraiser, or a certificate as a CNMI certified appraiser. The roster shall be sent to the Appraisal Subcommittee by January 15 of each year.

PART XIV. FEES

14.1 FEES ESTABLISHED. The fees for licensure or certification shall be as follows:

- (A) Application Fee..... \$100
- (B) License or Certificate Fee..... \$100
- (C) Annual Registry Fee..... \$ 25
- to be transmitted to the Federal Financial Institutions Examination Council (FFIEC)..... \$ 25

- (D) Renewal Fee..... \$ 50
- (E) Inactive Fee..... \$ 20
- (F) Reactivation Fee..... \$ 20
- (G) Restoration Fee..... \$ 20
- (H) Examination Fee shall be as provided by contract with
a professional testing organization
- (I) Application Fee for Recognition of \$ 25
license of certificate

The application fees shall be nonrefundable. The annual registry fees may be increased if the Appraisal Subcommittee or the Federal Financial Institutions Examination Council so informs the Board of the increase, and may be imposed on licensees or certificate holders without hearing. Failure to pay any increase of the annual registry fee within sixty days of notification to do so shall result in automatic forfeiture of the license.

14.2 FORM OF FEE. The fees, if in the form of money order or check, shall be made payable to the CNMI Treasurer.

14.3 DISHONORED CHECKS CONSIDERED FAILURE TO MEET REQUIREMENTS. The dishonoring of any check upon first deposit shall be considered a failure to meet requirements.

14.4 FEE DEPOSITED; TRANSMITTAL TO THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

(A) All fees shall be deposited in the general fund of the CNMI.

(B) The annual registry fees shall be transmitted by the Board to the Federal Financial Institutions Examination Council annually.

PUBLIC NOTICE

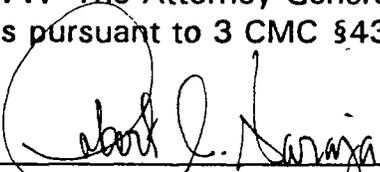
NOTICE OF ADOPTION OF EMERGENCY REGULATIONS AND NOTICE OF INTENT TO ADOPT AMENDMENTS TO THE IMMIGRATION REGULATIONS

EMERGENCY: There have been numerous abuses by applicants and consultants in respect to the 90 day Business Entry Permit. The abuses relate to the established procedure of issuing 90 day Business Entry Permits in advance of the aliens entry into the Commonwealth. The Attorney General finds that the public interest requires the adoption of emergency regulations, upon the concurrence of the Governor, to control the issuance of 90 day Business Entry Permits. The Attorney General also finds that the regulations shall become effective immediately upon filing with the Registrar of Corporations and remain effective for 120 days, or until replaced by permanent regulations.

CONTENTS: The amendments relate to Sections 704 and 706. A. of the Immigration Regulations and provide for a increase in the stay for Short-Term Business Entry permits from 14 days to 30 days. The Amendment further provides that application for the 90 day Regular-Term Entry Permit be made while the alien is in the Commonwealth. Section 1201 is amended to increase the fee for a Regular-Term Business Entry Permit to \$100.

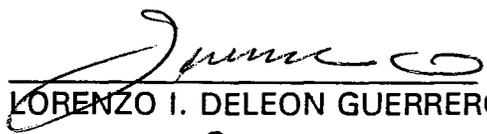
PUBLIC COMMENTS: Comments on the proposed amendments may be sent to the Attorney General, Capitol Hill, Saipan, MP 96950.

AUTHORITY: The Attorney General is authorized to promulgate immigration regulations pursuant to 3 CMC §4312.



ROBERT C. NARAÑA
Attorney General

9-27-91
Date

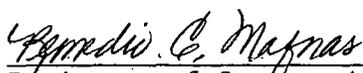


LORENZO I. DELEON GUERRERO
Governor

15 NOV 1991
Date

11-15-91

Date of Filing with the Registrar

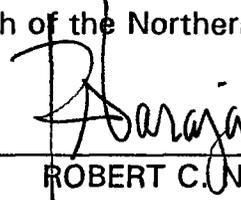


Remedio C. Magras
Registrar of Corporations

**CERTIFICATION
OF PROPOSED
AMENDMENT TO
IMMIGRATION REGULATIONS**

ROBERT C. NARAJA, Attorney General, Office of the Attorney General, Office of Immigration and Naturalization which promulgated the Proposed Regulations amending Sections 704, 706.A, 707.B and 1201 of the Immigration Regulations, by signature below hereby certifies that the following is a true, complete and correct copy of the proposed amendments to the Immigration Regulations adopted by the Attorney General, Officer of Immigration and Naturalization.

I declare under penalty of perjury that the following is a true and correct copy and that this declaration was executed on the 19th day of November 1991 at Saipan, Commonwealth of the Northern Mariana Islands.



ROBERT C. NARAJA
Attorney General

**AMENDMENT
TO
IMMIGRATION REGULATIONS**

Section 704 of the Immigration Regulations is amended as follows:

Section 704. Short-Term Business Entry Permit.

- A. The Short-Term Business Entry Permit may be obtained only upon arrival at the port of entry subject to an arrival interview conducted at the port of entry by a designated immigration inspector.
- B. The Short-Term Business Entry Permit is for the purpose of the purpose of conducting negotiations, formulating business plans, surveying business prospects and engaging in any lawful business or commercial activities. The holder of a Short-Term Business Entry Permit may not become employed by a Commonwealth employer.
- C. The Short-Term Business Entry Permit allows the holder to stay in the Commonwealth for one visit of not more than 30 days.
- D. The Short-Term Business Entry Permit shall not be granted within 30 days of the expiration of stay allowed in the entrant's previous Short-Term Business Entry Permit.
- E. No extension of the Short-Term Business Entry Permit may be granted. The stay allowed can be lengthened only upon the grant of a Regular-Term Business Entry Permit.
- F. Application for a Regular-Term Business Entry Permit must be made at least 10 days in advance of the expiration of the Short-Term Business Entry Permit.

Section 706. A. of the Immigration Regulations is amended as follows:

Section 706. Classifications of Entry Permits.

A. The Regular-Term Business Entry Permit - allows the holder to stay in the Commonwealth for one visit of not more than 90 days or multiple visits totalling not more than 90 days within one 12 month period.

1. The Regular-Term Business Entry Permit allows the holder to engage in any lawful business or commercial activity in the Commonwealth.
2. The holder of a Regular-Term business entry permit may not become employed by a Commonwealth employer, other than by such an employer in which the holder maintains a substantial ownership interest.
3. Except in special circumstances to be determined at the discretion of the Chief with the concurrence of the Attorney General, application for a Regular-Term Entry Permit must be made only after the applicant has lawfully entered and is present in the Commonwealth.

Section 707. B. of the Immigration Regulations is amended as follows:

Section 707. Application Procedure.

B. Necessary documents for filing include:

1. A completed application form,
2. Certified copy of birth certificate
3. Any document deemed by the Immigration Officer to be necessary to substantiate the applicants entry classification.
4. one and one-quarter inch (1¼") frontal photograph in either black and white or color.

Section 1201 fo the Immigration Regulations is amended as follows:

Section 1201. Fees. The following schedule of fees shall apply. The fees are not refundable.

A.	Certificate of Identity	\$5.00
B.	Vessel or Aircraft Permission to Land	10.00
C.	Foreign Investor Entry Permit	500.00
D.	Regular-Term Business Entry Permit	
	Application and Renewal	100.00
E.	All other Entry permits	
	Application, Extension and Renewal	10.00
