

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 14 NUMBER 09



SEPTEMBER 15, 1992

COMMONWEALTH

REGISTER



COMMONWEALTH REGISTER

VOLUME 14 NO. 09

SEPTEMBER 15, 1992

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PUBLIC NOTICE

TO: ALL SUBSCRIBERS TO THE COMMONWEALTH REGISTER

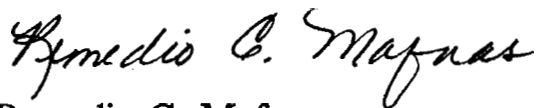
Attached please find the Table of Contents for the Commonwealth Register Volume 14, Number 09 and Volume 14, Number 12 please use these two table of contents to replace the one you have bounded to your Commonwealth Register for both Volumes.

There is an oversight error on the Table of Contents Volume 14, Number 09. The correction made on this volume is to include "Workers Compensation Regulations" by Northern Marianas Retirement Fund Page Number 9629.

For Volume 14, Number 12 there is a typographical error on the Table of Contents for the page numbers. The Northern Marianas Retirement Fund should begin with Page Numbers 10203 and the Department of Commerce and Labor should begin with Page Numbers 10211.

My apologies for any inconvenience this may have caused.

Sincerely,



Remedio C. Mafnas

COMMONWEALTH REGISTER
SEPTEMBER 15, 1992
VOLUME 14 NUMBER 09

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Commonwealth of the Northern Mariana Islands
Coastal Resources Management

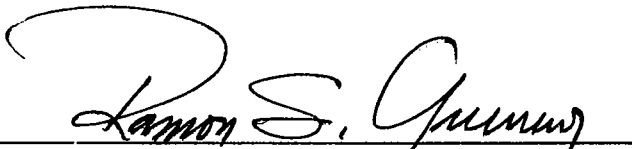
Office of the Governor
Saipan, Mariana Islands 96950

CABLE ADDRESS
GOV. NMI SAIPAN
TELS. 234-6623/7320

SECOND NOTICE OF EMERGENCY AND PROPOSED REGULATIONS
AMENDING CERTAIN SECTIONS OF THE COASTAL RESOURCES
MANAGEMENT OFFICES RULES AND REGULATIONS RELATING
TO THE SUBMISSION REQUIREMENTS FOR CRM MAJOR SITING
APPLICATIONS.

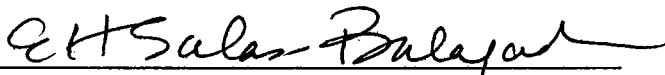
The Coastal Resources Management Board Program Directors find that the public interest requires the adoption of regulations modifying the submission requirements for Coastal Resources Management Major Siting Applications before less than thirty (30) days notice pursuant to 1 CMC Section 9104 (b). These amendatory regulations, which will take effect immediately, will allow the Coastal Resources Management Board Program Directors to review CRM Major Siting Applications in a more timely, consistent and efficient manner in accordance with applicable law. This second notice supersedes the first notice and amendments published in the April 15, 1992 edition of the Commonwealth Register (Volume 14, no.4, page 9173)

These amendatory regulations are issued under the authority conferred by CNMI Public Law 3-47, Section (8)d, 1 CMC Section 9104 (b) and 1 CMC Section 9115.



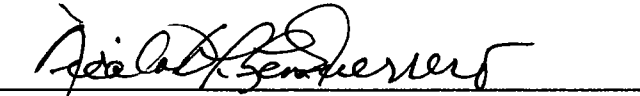
RAMON S. GUERRERO
EXECUTIVE DIRECTOR, CUC

8-19-92
DATE




ELIZABETH SALAS BALAJADIA
DIRECTOR OF PUBLIC WORKS

8/6/92
DATE



NICOLAS M. LEON GUERRERO
DIRECTOR, NATURAL RESOURCES

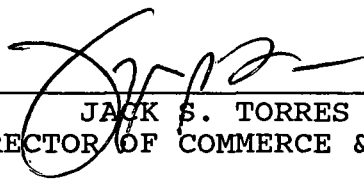
8/6/92
DATE


MICHAEL A. FLEMING
HISTORIC PRESERVATION OFFICER


8/13/92
DATE


F. RUSSELL MECHEM
DIVISION OF ENVIRONMENTAL QUALITY

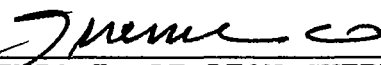
8/17/92
DATE


JACK S. TORRES
DIRECTOR OF COMMERCE & LABOR

8/26/92
DATE

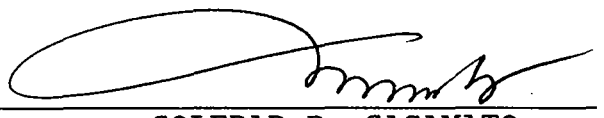

FORJAOQUIN P. VILLAGOMEZ
Administrator, Coastal Resources Management

8/26/92
DATE

CONCURRED: 
LORENZO I. DE LEON GUERRERO
Governor

DATE: 8/27/92

DATE OF FILING: 8/27/92
2:00p.m


SOLEDAD B. SASAMATO
Registrar of Corporations

*Filed in Governor's office
8/27/92, 10AM
Dennis J. Cruz*



Commonwealth of the Northern Mariana Islands
Coastal Resources Management

Office of the Governor
Saipan, Mariana Islands 96950

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GOV. NMI SAIPAN
TELS. 234-6628/7820

SECOND NOTICE

EMERGENCY AND PROPOSED PERMANENT REGULATIONS
AMENDING THE COASTAL RESOURCES MANAGEMENT
OFFICE RULES AND REGULATIONS

Section 1. Authority. The Coastal Resources Management Program Agency Directors pursuant to its powers, duties and authorities under Public Law 3-47, 2 CMC Section 1511 (3)B, as amended, issues the following amendments to the CRM Rules and Regulations published in the Commonwealth Registrar. These amendments shall take effect immediately pursuant to 1 CMC Section 9104 (b) because they intended to become a permanent part of the CRM Rules and Regulations and should be published in the Commonwealth Registrar. This second notice supersedes the first notice and amendments published in the April 15, 1992 edition of the Commonwealth Register (Volume 14, no.4, page 9173)

Section 2. Purpose and Findings. The Coastal Resources Management Program Agency Directors finds the criteria of the current submission requirements of the CRM Regulations are inconsistent with the review and evaluation requirements of the CRM Office and it's Board of Agency Directors and require revision.

Section 3. Section 8 (vii) (g) & (h) will be deleted replaced by the following;

replacing Section 8 (vii), condition (g)

(g) The following construction plans;

1) Master site plan including; architectural features in conceptual form, major infrastructure and major amenities (in schematic or single line form).

2) Typical floor plans in conceptual format for all structures and major infrastructure.

3) View corridor plan

4) Site coverage plan - (displaying lot density including buildings, infrastructure, amenities, parking area, road networking and open space.

- 5) Proposed road improvements
- 6) Existing conditions map

replacing Section 8 (vii), condition (h)

- (h) The following erosion control and drainage plans;
- a) Slope and elevation map
 - b) Watershed and drainage map
 - c) Preliminary drainage and erosion control map

The following new clause will be added as condition (u)

The following plans will be required of all applicants contingent to the issuance of a CRM Major Siting Permit. The time frames for the submission of the plans shall be specified within their respective conditions of the CRM permit. Additional types, numbers and/or quality of plans may also be required prior to permit issuance or as a condition of the permit at the discretion of the CRM Administrator or the CRM Board of Agency Directors.

- 1) Copies of the construction plans including 100% CNMI certified architect and engineering designs and floor plans.
- 2) Final plans for excavation, earthmoving and stormwater control.
- 3) Final master site plan

The following new clause will be added as condition (v)

- (v) All dimensions shall be stated in English Units (ie. inches and feet)



Commonwealth of the Northern Mariana Islands
Coastal Resources Management

Office of the Governor
Saipan, Mariana Islands 96950

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GOV. NMI SAIPAN
TELS. 384-6623 / 7320

4 September, 1992
FN:CRJL.09

CERTIFICATION OF RULES REGARDING AMENDMENTS TO OFFICE RULES AND REGULATIONS

I, Joaquin P. Villagomez, Administrator of the Office of Coastal Resources Management, which is promulgating the Amendments to Office Rules by signature hereby certify that such rules are a true, complete and correct copy of the Rules formally adopted by Coastal Resources Management.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 26th day of AUGUST, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.

(Signature) Joaquin P. Villagomez
Joaquin P. Villagomez
Administrator
Coastal Resources Management

Filed by: Soledad B. Sasamoto
Soledad B. Sasamoto
Registrar of Corporations

8/27/92 2:00 P.M.
Date / Time

Filed by: Donna Cruz
Donna Cruz
Office of the Governor

8/27/92 10 AM
Date / Time

MINA SEGUNDO NA NUTISIA YAN I MAPROPOPONI SIHA NA
AMENDASION PUT I MAN SIGIENTE SIHA NA SEKSIONA GI HALOM
I AREKLAMENTO YAN REGULASION UFUSINAN COASTAL RESOURCES PUT I
PARA U MASUBMITI PUT REKOMENDASION GUATU GI CRM PARA MAJOR SITING
APPLICATIONS.

I Coastal Resource Management Board Program Directectors,, masodda' na para i interes publiku ha nisisita na para u fan adapta regulasion ni para u tulaika yan renueba hafa siha na infotmasion ni para u masubmiti halom para Coastal Resources Management Siting Application, ante de halom (30) dias na nutisia sigun i ginagagao ya fuetsan i I CMC SkSIONA9014 (b). Este siha na tinulaika para u fan efektibu ensegidas put i para u alaba i Coastal RESources Management Board Program Directors para u ma ribisa yan sensuran maolek hafa siha na aplikasion CRM Major Siting, put i para u afakcha kontra lai publiku. Este i segundo na nutisia ha kuenta ayu i mofona ni ma publika huyong gi Abrit 15, 1992 ni malaknos gi Commonwealth Register (Volume 14, no, 4 pahina 9173).

Este siha na tinulaika manmalaknos sigun i fuetsa ya aturidat i CNMI Lai Publiku 3-47, Seksiona (8) d, 1 (CMC) Seksiona 9104 (b) yan I CMC Seksiona 9115.

MINA SEGUNDO NA NUTISIA

EMERGENCY YAN MAPROPONI NA REGULASION NI PARA U FAN PETMANENTE KOMU AMENDASION PARA AREKLAMENTO YAN REGULASION UFUSINAN COASTAL RESOURCES MANAGEMENT

Seksiona 1. Aturidat. I Coastal Resources Management Program Agency Directors sigun gi fuetsan-ñiha, obligasion yan aturidat gi papa Lai Publiku 3-47, 2 CMC Seksiona 1511 (3) B, ni manma amenda siha na infotmasion gi halom Areklamento yan Regulasion ni esta hagas ma publika huyong gi Commonwealth Registrar. Este siha na amendasion u fan efektibu ensegidas sigun i gina'gao' I CMC Seksiona 9104 (b) put i rason ni ma intensiona komu petmanente na patte gi halom Areklamento yan Regulasion CRM ni hagas ma publika esta gi Commonwealth Registrar. Este i sigundu na nutisia para u tulaika ayu i finene'na na nutisia ni malaknos gi Abrit 15, 1992, gi halom Commonwealth Register (Volume 14, numiru 4, pahina 9173).

Seksiona 2. Propositu yan Sinedda'. I Coastal Resources Management Program Agency Directors ma sodda na i manera para submission Areklamenton CRM ti pumarehu osino afakcha anai ma ebalua yan rikinose para u Ufusinana CRM yan Board od Agency Directors pues ma sodda' na nisisariu ma ribisa yan tulaika.

Seksiona 3. Seksiona 8 (vii) (g) yan (h) u malaknos ya u tinulaika ni sigiente;

Tinulaika gi halom Seksiona 8 (vii), kondision (g)

(g) I sigiente na planun konstraksion;

(1) Planun perfektu lugat ni para u enklusu; architectural features gi fotman conceptual, major infrastructure yan major amenities (gi fotman schematic yan single line).

(2) Planun satge yan hafa mas na structure yan infrastructure.

(3) Planun koredot.

(4) Planun lugat- (ni a'annok i dinangkulo-ña, tantu i guma', infrastructure, amenities, sagan parking, road networking, yan open space.

(5) Propositu para ma adelantan chalan

(6) I eksisiste na mapan kondision

tinulaika gi Seksiona 8 (vii), kondision (h)

(h) i sigiente na planu para finagasen odda' yan drainage;

(a) mapan fina bokka' yan linekka'

(b) mapan madibidin tano' ginen i mila'lak hanom yan drainage

(c) mapan para proteksion finagasen odda' yan preliminary drainage.

Isigiente na clause u manahalom komu kondision (u)

I sigiente siha na planu man nisisariu para todú aplikante para u ditetmina i man nahen Lisensian CRM Major Siting. I tiempo ni para muna'halom este siha na planu, u fan mana klaru sigun i kondision ginen Lisensian CRM. Otro siha na klase, numiru yan/ pat kualidat i planu siha ha lokkue' nisisariu antes di u fan ma nahe lisensia pat kondision lisensia gi minalago Administradot CRM osino ginen i CRM Board of Agency Directors.

1) Kopian planun kontraksion ni u ma'halom 100% pot sientu na planun satge yan engineering design ni inapreban ma setifika na architect gi halom CNMI.

2) Uttimu na planu para manguaddok, mañule odda' yan proteksion hanom ni ginen manglo'

3) Uttimu na planun lugat

I sigiente yan nuebu na clause u ma omenta halom komu kondision (v)

Todu i mineddong u fan ma tuge' papa gi mididan Ingles (tatkomu inches yan feet)

ARUWOOWAL APAKKAL ARONGORONG IGHA EYOOR TINGÓR
IGHA EBWE YOOR LIIWEL MELLÓL ÓWTOL ALLEGH IYE EYOOR ME
LLÓL BWULASIYOOL ALLÉGHÚL MELAW ME MWÓSCHENGÁISÁT REEL
ATOTOLONGOL MEETA YE REBWE FÉÉRÚ REEL APPLICATION-UL TINGÓR
TÓTTÓMWÓGH MELLÓL SÓÓBW SÁNGI CRM.

Samwool kka relo llól bwulasiyool Coastal Resources Management re schuungi bwe e tómwógh tipeer aramas towlap bwe ebwe yoor aweewe me lliiwel mellól ówtol alléghúl atotolongol tingór tóttómwógh ye e tottoowow mereel ofisina yeel reel application-ul sóóbw iye e ghitighititiw me mmwal 30 rál, arongorong iye e toowow mellól allégh, 1 CM Section 9104 (b). Lliiwel kkaal nge ebwele bwel le yaar aramas towlap rebwe féerú me atabweey, nge ebwe ngaleer schókkaal (Coastal Resources Management Board Program Directors) bwe rebwe mmwal le yaar aweweey application-kkaal, ebwe falsul schagh ówtol mwállyal alleggh yeel. Arongorong yeel nge e mamaaw sangi arongorong we mwasammwaal arongorong me alongal liiwel kewe e toowow llól April 15, 1992 me llól Commonwealth Register (Volume 14, no.4, page 9173).

Lliiwel kkaal nge nge e toowow faal bwángil me ailéewal Alléghúl Towlap ye 3-47, Táilil ye (8)d, 1CMC Táilil ye 9104 (b) me CMC Táilil 9115.

ARUWOOWAL ARONGORONG

EMERGENCY ME LLIIWELIL ALLÉGH LLÓL LEMELEMIL BWULASIYOOL COASTAL RESOURCES MANAGEMENT

Táli 1 Bwángil. Schóól Coastal Resources Management Program Agency Directors, reel bwángil, yaal angaang reel ailéewal Alléghúl Towlap ye 3-47, 2 Táliil 1511 (3) B, iwe aa lliiwe, ighiwe e rongoló ngäre Alléghul CRM iwe aa takkal toowow llól Commonwealth Registrar. Allégh kkaal nge ebwe aléghéléghéló ngäre schagh e takk sáangi ailéewal me bwángil 1 CMC Táliil ye 9104 (b) bweigha re mǎngiiy bwe e fil bwe ebwe fféeréló bwe Alléghúl CRM, meigha ebwe toolong llól Commonwealth Registrar. Arongorong ye aruwoowal nge ebwe liwiliiló milikkewe aa fasúl toowow wóól Abriid 15, 1992 mellól Commonwealth Register Volume 14, No. 4, page 91731.

Táliil 2. Ipital me Schuschuul. Schóól Coastal Resources Management Program Agency Directors re schuungi bwe reel mwóghutughut yeel nge e fil bwe rebwe liwiliiy mellól Alléghúl CRM igha re amwuri fischiy schungiyeer Board of Agency Directors nge e fil me wel bwe ebwe yoor lliiwel.

Táliil 3. Táliil 8 (vii) (g) me (h) nge ebwe lliiwel bwe ebwe atotoolong milikka faal:

liwilil Táliil 8 (vii), kondisiyoon ye (g)

(g) Tapal fféereul akkayú

1) Master site plan nge ebwe toolong; tappal akkayúúl iimw, wówóól, reel igha ebwe fitilong milikaa infrastructure me major amenities reel (schematic me single line form)

2. Fféerúl plónool póó llól alongal akkayú me major infrastructure

3. View corridor plan

4. Plónool bwuley - (ebwe bwaári llapal bwuley ye rebwe yááyá, infrastructure, amenities, leliyeel parking, network-il yaal me igha e susuuleo iye.

5. Aghatchúl yaal.

6. Rebwe ayoora móopa

Iliiwel mellól Tálil ye 8 (vii), kondisiyoon (h)

h) Plónool elal yaal me ffeiril ppwel;

a) Mópaal ppal me llangal

b) Mópaal watershed me drainage

c) Mópaal preliminary drainage me pilipilil ffeiril ppwel

Milikka faal nge ebwe atotoolong llól kondisiyoon (u)

Mwóghutughut kka faal nge e fil ngáliir alongeer aramas kka rekke tingór lisensiyaal CRM Major Siting. Fitirál reel atotoolongol plóno kkaal nge ebwe tabweey yaar kondisionul CRM. Tappal fitoow llapal me ngáre méél plóno kkaal mmwal igha rebwe ngalleer lisensiya re tipal me bweangil CRM Administrator me ngáre CRM Board of Agency Directors.

1) Kkopiyaal plónool akkayú nge e pwal 100% alléghúúyal aramas ye e certified architect me engineering design fengál me plónool póó.

2) Aighúúghúl plóno reel kkel, bweibwoghul ppwel me pilipilil schaal kka e ghal mwet sáangi malamal ngáre yááng

3) Aighúúghúl plónool bwuley

Milikka faal nge ebwe atotoolong llól kondisiyoon (v)

(v) Alongal llapal nge rebwe ischiitiw reel akkapéél Englis (sibwe ira ngáre inches me feet)



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Office of the Governor
Saipan, Mariana Islands 96950

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Div. of NAP

PUBLIC NOTICE

ADJUSTMENT TO ELIGIBILITY GUIDELINES
FOR THE
NUTRITION ASSISTANCE PROGRAM GUIDELINES
DEPARTMENT OF COMMUNITY & CULTURAL AFFAIRS

The Director of the Department of Community & Cultural Affairs is changing certain guidelines governing the operations of the Nutrition Assistance Program in the Northern Marianas.

This matter relates to the NAP Manual of Operations policies and procedures in the area of:

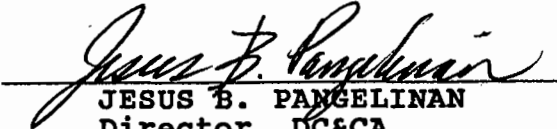
Exhibit C: Income Eligibility Guidelines

The effective date for the change is October 1, 1992.

Information on this matter is available for review during regular working hours, Monday through Friday, at the Department of Community and Cultural Affairs, NAP Division, Lower Base, Saipan, MP 96950.

Anyone interested in commenting on the change may do so by submitting comments in writing to the Director, DCCA, Lower Base, Saipan, MP 96950, no later than October 1, 1992.

Date: 8/18/92


JESUS B. PANGELINAN
Director, DC&CA



Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

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Div. of NAP

NUTISIAN PUBLEKU

**TINULAIKA GI MANERAN ELIHIBLE I PRUGRAMAN
AYUDON NEGKANNO'
DEPATTAMENTON Y KOMUNIDAT YAN KUTTURA**

I Direktot i Depattamenton Community and Cultural Affairs man pruponponi amendasion para i regulasion ni ginebebetna i ma'atministran Prugraman Ayudon Nengkanno' gi halom i Sangkattan na Islan Marianas.

Este siha na tinulaika para i NAP Manual of Operations ha sasangan i areglo siha yan taimanu ma'aplika'na gi sigiente siha na patte:

Exhibit C: Income Eligibility Guidelines

I fecha ni para u efektibu este na tinulaika para Oktobre 1, 1992.

I tinulaika mana'guaha para u ma'ina gi duranten i oran cho'cho gubenamento, Lunes asta Betnes, gi Depattamenton Kuminida yan Kottura, Division of NAP, Lower Base, Saipan, MP 96950.

Haye interesao mannai ayudu para i tinulaika sina ha na'halom i tinige'-na pot i ma sangan na tinulaika guato gi Direktot i DCCA, Lower Base, Saipan, MP 96950 gi antes di Oktobre 1, 1992.

FECHA: 8/18/92

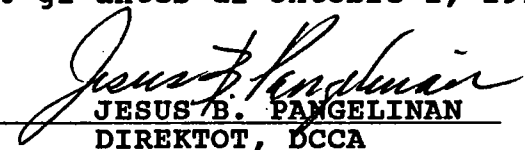

JESUS B. PANGELINAN
DIREKTOT, DCCA

Exhibit C

PROPOSED MAXIMUM INCOME GUIDELINES
EFFECTIVE OCTOBER 1, 1992

<u>HOUSEHOLD SIZE</u>	<u>MAXIMUM GROSS MONTHLY INCOME</u>
1.....	\$ 467
2.....	581
3.....	695
4.....	806
5.....	921
6.....	1,034
7.....	1,151
8.....	1,259
9.....	1,372
10.....	1,486
11.....	1,596
12.....	1,711
13.....	1,822
14.....	1,933
15.....	2,049
16.....	2,160
17.....	2,271
18.....	2,384
19.....	2,499
20.....	2,611
21.....	2,723
22.....	2,836

For households with more than 22 members, add \$111 for each additional member.



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Office of the Governor
Saipan, Mariana Islands 96950

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Div. of NAP

PUBLIC NOTICE

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This matter relates to the NAP Manual of Operations policies and procedures in the area of:

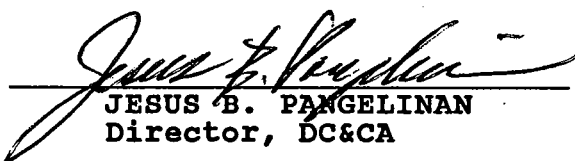
Exhibit F: Official Food List

The effective date for the change is October 1, 1992.

Information on this matter is available for review during regular working hours, Monday through Friday, at the Department of Community and Cultural Affairs, NAP Division, Lower Base, Saipan, MP 96950.

Anyone interested in commenting on the change may do so by submitting comments in writing to the Director, DCCA, Lower Base, Saipan, MP 96950, no later than October 1, 1992.

Date: 8/22/92



JESUS B. PANGELINAN
Director, DC&CA



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Office of the Governor
Saipan, Mariana Islands 96950

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NUTISIAN PUBLEKU

TINULAIKA GI MANERAN ELIHIBLE I PRUGRAMAN
AYUDON NEGKANNO'
DEPATTAMENTON Y KOMUNIDAT YAN KUTTURA

I Direktot i Depattamenton Community and Cultural Affairs man pruponponi amendasion para i regulasion ni ginebebetna i ma'atministran Prugraman Ayudon Nengkanno' gi halom i Sangkattan na Islan Marianas.

Este siha na tinulaika para i NAP Manual of Operations ha sasangan i areglo siha yan taimanu ma'aplika'na gi sigiente siha na patte:

Exhibit F: Official Food List

I fecha ni para u efektibu este na tinulaika para Oktobre 1, 1992.

I tinulaika mana'guaha para u ma'ina gi duranten i oran cho'cho gubenamento, Lunes asta Betnes, gi Depattamenton Kuminida yan Kottura, Division of NAP, Lower Base, Saipan, MP 96950.

Haye enteresao mannai ayudu para i tinulaika sina ha na'halom i tinige'-na pot i ma sangan na tinulaika guato gi Direktot i DCCA, Lower Base, Saipan, MP 96950 gi antes di Oktobre 1, 1992.

FECHA: 8/27/92

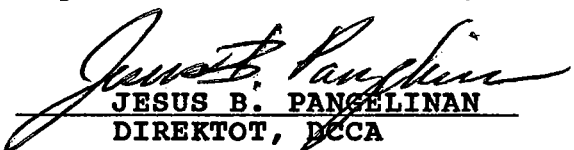

JESUS B. PANGELINAN
DIREKTOT, DCCA

Exhibit F

Nutrition Assistance Program: Official Food List

Food Stamps can buy:

- *Foods for Human consumption
- *Seeds and plants which produce food for consumption by food stamp households
- *Fishing equipments: eligible nets, spears, knives, fish lines, fish hooks, harpoons, diving masks, goggles, under water flashlights, fishing rods and reels
- *Farming and garden supplies: eligible seeds, plant cuttings, fertilizer, hoes, rakes, sickles and shovels
- *Livestock: used for human consumption or used to produce food for human consumption

Food Stamps cannot buy:

- *Food that will be eaten in the store or lunch counter items
- *Hot foods that are ready to eat
- *Alcoholic beverages, tobacco and tobacco products, betel nuts, pepper leaves ("pupulu"), and powdered coral lime ("hafok")
- *Vitamins and medicines
- *Any nonfood items, such as:
 - pet foods
 - soaps, paper products, and household supplies
 - grooming items and cosmetics

PUBLIC NOTICE

Proposed Regulations Promulgated Pursuant to Article XXI of the Commonwealth Constitution and the Tinian Casino Gaming Control Act of 1989.

The Tinian Casino Gaming Control Commission (Commission) hereby gives public notice that pursuant to its duties and responsibilities under Article XXI of the Constitution, as amended, and the authority given the Commission by and through the Tinian Casino Gaming Control Act of 1989 promulgates these proposed amendments to TCGCC Regulations Chapter 2, Hearings, to add Subchapter 8, Investigative Hearings to be utilized by the Commission under the Tinian Casino Gaming Act of 1989.

The Commission hereby advises the general public that the Rules and Regulations are available at the Commission Office, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

These amendments to the rules and regulations shall be effective upon notice of their adoption as provided by the Commonwealth Administrative Procedure Act.

Dated this 31 day of August, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY: _____



Joseph M. Mendola
Chairman

NOTICIA PUBLICKO

Ma-propopone na Areglo yan Regulasion ni ma-establesi sigun i Attikulo XXI gi Commonwealth Constituion yan i Tinian Casino Gaming Control Act of 1989.

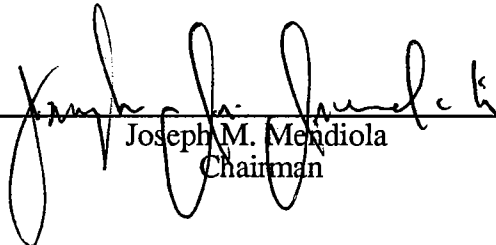
I Tinian Casino Gaming Control Commission (Commission) hana' guaha noticia publicko sigun gi responsabilidad gi papa i attikulo XXI gi Constitution, ni ma-amenda, yan i autoridad ni nina'e i Commission gi papa i Tinian Casino Gaming Control Act of 1989, na ha-establesi este siha i ma-propopone na amendasion gi Chapter 2 pot Hinekungok para hu ma inklusu i Subchapter 8, Investigative Hearing ni para hu ma usa gi papa i Tinian Casino Gaming Control Act of 1989 yan todo inekkungok siha ni manginagagao.

I Commission ha-abibisa i publiku henerat na i areglu yan Regulasion gaige gi Offisinan i Commission, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

Este siha na amendasion gi areglu yan regulasion para u efektibo gi noticia na ma-adabta sigun ni maprobiniyi gi Commonwealth Administrative Procedures Act.

Mafecha gi mina 31 na ha'ane gi August, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY:  _____
Joseph M. Mendiola
Chairman

1 TINIAN CASINO GAMING CONTROL COMMISSION RESOLUTION
2 HEARING AND GENERAL PROVISION REGULATIONS

3 Resolution No. 92-31

4 WHEREAS, the people of the Second Senatorial District, in the
5 exercise of a fundamental constitutional right, enacted the Tinian Casino
6 Gaming Control Act of 1989 pursuant to Articles XXI and IX of the
Commonwealth Constitution; and

7 WHEREAS, the Tinian Casino Gaming Control Commission, an
8 autonomous local governmental entity, was created pursuant to the Tinian
9 Casino Gaming Control Act of 1989, by Local Initiative, which was approved
overwhelmingly by the voters of the Second Senatorial District on November
4, 1989; and

10 WHEREAS, pursuant to the Tinian Casino Gaming Control Act of
11 1989, the Tinian Casino Gaming Control Commission is vested with the
12 power and authority to establish, regulate, set standards for casino operations,
13 solicit and select suitable qualified applicants/operators, and enact and enforce
rules and regulations to carry out the intent and purpose of the Tinian Casino
Gaming Control Act of 1989; and

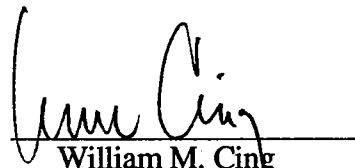
14 WHEREAS, the Tinian Casino Gaming Control Commission deems it
15 is necessary and appropriate to achieve these purposes has tentatively adopted
16 and amended regulations governing investigative hearings and confidentiality
for gaming applications and licenses which shall be published in the
Commonwealth Registrar during the month of August, 1992, and

17 NOW, THEREFORE, BE IT RESOLVED, that the Tinian Casino
18 Gaming Control Commission does hereby tentatively adopt the attached
19 amendments to the regulations governing investigative hearings and
20 confidentiality for gaming applications and licenses which shall be published
for comment in the Commonwealth Register during the month of August,
1992.

21 CERTIFICATION

22 This Resolution was duly adopted by a vote of 4 for and 0
23 against at a duly convened meeting of the Commission, with a quorum being
present, on this 30th day of July, 1992.

24
25
26 ATTEST:


27 William M. Cing
Executive Director


28 Joseph M. Mendiola
Chairman

TINIAN CASINO GAMING CONTROL COMMISSION

CHAPTER 2

HEARINGS

Historical Notes

All provisions of this chapter were adopted pursuant to authority of the Tinian Casino Gaming Control Act of 1989.

Hearing Regulations became effective on July 25, 1991, Resolution 91-12.

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SUBCHAPTER 1. GENERAL PROVISIONS

2:1.1 DEFINITIONS

As used in this chapter, the term:

"Contested case" means a proceeding, including any licensing proceedings, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by any agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

"Interested person" means any person whose specific legal rights, duties, obligations, privileges, benefits or other specific legal relations are affected by the adoption, amendment or repeal of a specific regulation or by any decision, order or ruling of the Commission.

"Party" means any person or entity directly involved in a contested case, including petitioner, respondent, intervener, or agency of the Commonwealth of the Northern Mariana Islands proceeding in any such capacity.

2:1.2 APPLICABILITY OF RULES

- (a) In addition to the Administrative Procedures Rules (APR), the provisions of the Tinian Casino Gaming Control Act of 1989 and the rules in this chapter shall apply to the appropriate contested case hearing initiated pursuant to the Act.
- (b) To the extent that the Act and the rules in this chapter are inconsistent with the APR, the former shall apply.

2:1.3 CONDUCT OF CONTESTED CASE HEARINGS

- (a) At all hearings of the Commission in contested cases, unless the Commission hears the matter directly, the chairman shall designate a member of the Commission to serve as hearing commissioner or shall designate a hearing examiner and serve as a hearing officer. When the Commission hears the matter directly, the chairman shall serve as presiding officer.
- (b) In the event that a designated hearing commissioner becomes unavailable prior to the filing of the recommended report and decision for consideration by the Commission, the chairman may either designate another hearing commissioner or transfer the proceedings to the entire Commission. In such event, and consistent with the requirements of due process, the Commission or the hearing commissioner may either continue the hearing and render a decision upon the entire record or begin the hearing anew.

SUBCHAPTER 2. RULES CONCERNING ALL CONTESTED CASES

2:2.1 RULES CONCERNING ALL CONTESTED CASES

- (a) Whether a contested case hearing is conducted by the Commission, by a hearing commissioner or hearing examiner, in addition to any authority granted in the APR, the chairman, the hearing commissioner or the hearing examiner, as the case may be, shall have the authority to:
 - 1. Administer oaths and to require testimony under oath;
 - 2. Serve process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court;
 - 3. Issue subpoenas and compel the attendance of witnesses;
 - 4. Propound written interrogatories;

5. Take official notice of any generally accepted information or technical or scientific matter in the field of gaming and of any other fact which may judicially noticed by the courts of this Commonwealth;
 6. Permit the filing of amended or supplemental pleadings;
- (b) Whether a contested case hearing is conducted by the Commission, a hearing commissioner or a hearing examiner, and in addition to any rights granted in the APR, the parties shall have the right to:
1. Call and examine witnesses;
 2. Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Commission;
 3. Cross examine opposing witnesses in any matters relevant to the issues of the case;
 4. Impeach any witness, regardless of which party called him to testify;
 5. Offer rebuttal evidence;
 6. Stipulate and agree that certain specified evidence may be admitted, although such evidence may be otherwise subject to objection;
- (c) In any contested case, the Commission shall have the authority to:
1. Grant testimonial immunity;
 2. Order a rehearing; and
- (d) In any contested case held before the Commission, a hearing commissioner or hearing examiner, the following special rules of evidence shall apply:
1. Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters;
 2. Evidence admitted pursuant to (d) 1 above shall be sufficient in itself to support a finding, if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs;
 3. If an applicant, licensee, registrant or person who shall be qualified pursuant to the Tinian Casino Control Act of 1989 is a party and if such party shall not testify in his own behalf, he may be called and examined as if under cross-examination.

SUBCHAPTER 3. RULES CONCERNING APPLICATION HEARINGS

2:3.1 RIGHTS TO HEARINGS; REQUEST, WRITTEN NOTICE

- (a) When the Commission has been provided with all information necessary for action upon an application, the Commission shall serve upon the applicant either personally, by certified mail, to the address on file with the Commission or by facsimile a written notice of the right to a hearing and the responsibility to request a hearing; provided, however, that the Commission may on its own motion direct a hearing to be held.
- (b) Within 15 days after service of such written notice of right to a hearing and responsibility to request a hearing, the applicant may file with the Commission a request for a hearing.

2:3.2 PROCEDURE WHEN NO HEARING IS HELD

In any case in which no timely request for a hearing has been filed and in which the Commission has not directed a hearing, the Commission shall take final action on the application within 90 days after the completion of all investigation and receipt of all information required by the Commission.

2:3.3 BURDEN OF PROOF

- (a) The applicant, licensee or registrant shall have the affirmative responsibility of establishing his individual qualifications by clear and convincing evidence.
- (b) An applicant for a casino license or a casino licensee shall have the affirmative responsibility of establishing by clear and convincing evidence:
 - 1. His individual qualifications;
 - 2. The qualification of each person who is required to be qualified under the act; and
 - 3. The qualifications of the facility in which the casino is to be located.

2:3.4 APPROVAL AND DENIAL OF APPLICATIONS

- (a) The Commission shall have the authority to deny any application pursuant to the provisions of the Act.
- (b) When the Commission is satisfied that an application shall be granted, it shall;
 - 1. Before granting a casino license or conditional casino license:
 - i. Require the applicant to tender all license fees and taxes as required by law and the regulations adopted pursuant to the Act;
 - ii. Require the applicant to post such bond as the Commission may require for the faithful performance of all requirements imposed by law or regulation; the Commission shall fix the amount of the bond or bonds to be required under this subsection in such amounts as it may deem appropriate, according to this title.
 - 2. Before granting any application other than for a casino license;
 - i. Limit or place such restrictions thereupon as the Commission may deem necessary in the public interest;
 - ii. Require the applicant to tender all license fees as required by law and the regulations adopted pursuant to the act.

SUBCHAPTER 4. RULES CONCERNING PROCEEDINGS AGAINST APPLICANTS, LICENSEES AND REGISTRANTS

2:4.1 COMMENCEMENT; COMPLAINT

Any proceeding against an applicant, licensee or registrant shall be brought on by written complaint, which shall include a statement forth in ordinary and concise language the charges and the acts or omissions supporting such charges.

2:4.2 SERVICE OF COMPLAINT

Upon filing of the complaint, the Commission shall serve a copy upon the applicant, licensee or registrant either personally, by certified mail or facsimile to the address on file with the Commission.

2:4.3 NOTICE OF DEFENSE

- (a) Within 15 days after service upon him of the complaint, the applicant, licensee or registrant may file with the Commission a notice of defense, in which he may:
 - 1. Request a hearing;
 - 2. Admit the accusation in whole or in part;
 - 3. Present new matters or explanations by way of defense; or
 - 4. State any legal objections to the complaint.

- (b) Within the time specified, the applicant or licensee may file one or more notices of defense upon any of all of the above grounds.

2:4.4 RIGHT TO HEARING; WAIVER

The applicant or licensee shall be entitled to an evidentiary hearing on the complaint if he files and serves the required notice of defense within the time allowed herein, and any such notice shall be deemed a specific denial of all parts of the complaint not expressly admitted. Failure to file and serve a notice of defense within such time shall constitute a waiver of the right to a hearing, but the Commission, in its discretion, may nevertheless order a hearing. All affirmative defenses must be specifically stated, and unless objection is taken, as provided herein, all objections to the form of complaint shall be deemed waived.

2:4.5 NOTICE OF HEARING

The Commission shall determine the time and place of the hearing as soon as is reasonably practical after receiving the notice of defense. The Commission shall deliver, send by certified mail or facsimile a notice to all parties at least 10 days prior to the hearing. Unless the applicant or licensee contests, the hearing shall not be held prior to the expiration time within which the applicant or licensee is entitled to file notice of defense.

2:4.6 REVOCATION OF LICENSE OR REGISTRATION; HEARING

The Commission shall not revoke any license unless it has first afforded the licensee an opportunity for a hearing. Such hearing shall be held in accordance with the provisions of subchapter 2.

2:4.7 REVOCATION OR SUSPENSION; HEARING

- (a) The Commission shall not revoke any license unless it has first afforded the licensee an opportunity for a hearing in accordance with law and the regulations of the commission. When the Commission has authority under the Act and under regulations of the Commission to suspend a license or certificate without first holding a hearing it shall promptly upon exercising such authority, afford the licensee an opportunity for a hearing in conformity with law and the regulations of the Commission; provided, however, that this subsection shall not apply where;
1. The Act provides that the Commission is not required to grant a hearing in regard to the suspension of a license or certificate; or
 2. The Commission is required by law to revoke or suspend a license or registration without exercising any discretion in the matter of the basis of a judgement of a court of competent jurisdiction; or
 3. The suspension or revocation is based solely upon the failure of the licensee or registrant to maintain insurance coverage as required by law.

2:4.8 EMERGENCY ORDERS; HEARINGS; COMPLAINT

- (a) Within five days after issuance of an emergency order pursuant to the Act, the Commission shall cause a complaint to be filed and served upon the person involved in accordance with the provisions of the Act and the regulations of the Commission. Thereafter, the person against whom the emergency order has been issued and served shall be entitled to a hearing before the Commission.
1. A person shall request a hearing in accordance with the provisions of subchapter 3.

2:5.1 HEARING ON REGULATIONS

- (a) Pursuant to Section 124 of the Act, the Commission shall adopt, amend and repeal regulations in accordance with the provisions of the Administrative Procedures Act.
- (b) Consistent with the requirements of the Tinian Casino Gaming Control Act of 1989 and the Administrative Procedure Act, the Commission may, in its discretion, conduct hearings concerning the adoption, amendment or repeal of its regulations.
- (c) Any public hearing held in connection with a proposed regulation shall be conducted in accordance with the administrative Procedures Act.
- (d) The Commission shall provide at least 15 days notice of any public hearing conducted in connection with a proposed regulation. Such notice shall be published in the Commonwealth Register or provided in a manner reasonably calculated to reach the interested public in accordance with 1CMC 9104.
- (e) When a hearing is held in connection with a proposed regulation, all interested parties shall be afforded the opportunity to attend and to appear before the Commission to submit oral argument in support of or in opposition to the proposed regulation. Such participation does not include the right to present evidence or to cross-examine witnesses, which may be permitted solely in the discretion of the Commission.
 - 1. The Commission may require notice in advance of the date of the proceedings of any individual's intent to participate.
 - 2. This section shall not be construed to establish a right of any individual to appear before the Commission in the event that the Commission may act at a subsequent date to adopt the proposed regulations.

SUBCHAPTER 6. DECLARATORY RULING

2:6.1 DECLARATORY RULINGS

- (a) Any interested person may request that the Commission render a declaratory ruling with respect to the applicability to any person, property or state of facts of any provision of the act or of any regulation of the Commission.
- (b) A request for a declaratory ruling shall be initiated by a petition. The petition shall include the following items with specificity:
 - 1. The nature of the request and the reasons thereof;
 - 2. The facts and circumstances underlying the request;
 - 3. Legal authority and argument in support of the request;
 - 4. The remedy or result desired.
- (c) If the Commission, in its discretion, decides to render a declaratory ruling, a hearing shall be afforded prior to the rendering of such a ruling.
 - 1. Where there exists disputed issues of fact which must be resolved in order to determine the rights, duties, obligations, privileges, benefits or other legal relations or specific parties, such hearings shall be conducted in accordance with subchapter 2.
 - 2. Where there exists no such disputed issues of fact as identified in (c) 1 above, the matter shall proceed with the petition, any other papers requested of the parties, and oral argument, if permitted, by the Commission.
- (d) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the declaratory ruling. In such cases, the Commission may afford these persons an opportunity to

intervene as parties or to otherwise present their views in an appropriate manner which is consistent with the rights of the parties.

Chapter 2 is hereby amended to add Subchapter 7, Statements of Compliance, 2:7.1.

SUBCHAPTER 7 STATEMENTS OF COMPLIANCE

2:7.1 STATEMENTS OF COMPLIANCE

- (a) A hearing shall be afforded prior to the Commission's determination to grant or deny the issuance of a Statement of Compliance. The matter shall proceed with the petition which conforms with Subsection 1:5.2 of the Commission's regulations, any other papers requested of the parties, and oral argument, if permitted by the Commission.
- (b) In appropriate case, the Commission may notify persons who may be interested in or affected by the subject of the Statement of Compliance. In such case, the Commission may afford these persons an opportunity to intervene as parties or to otherwise present their views in an appropriate manner which is consistent with the rights of the parties.

Chapter 2 is hereby amended to add Subchapter 8, Investigative Hearings pursuant to Resolution 92-31.

SUBCHAPTER 8 INVESTIGATIVE HEARINGS.

2:8.1 PURPOSE OF INVESTIGATIVE HEARINGS.

The Commission, in its discretion, may conduct an investigative hearing for the purpose of reviewing any matter related to compliance with the act, a license issued by the Commission or an application filed with the Commission.

2:8.2 HEARING EXAMINER.

An investigative hearing may be conducted by one or more members of the Commission, but less than a majority of the Commission, or other person authorized by the Commission to serve as hearing examiner. If more than one member of the Commission participates in an investigative hearing, the Chairman of the Commission shall designate one member to serve as hearing examiner and conduct the investigative hearing.

2:8.3 AUTHORITY OF HEARING EXAMINER.

The authority of a hearing examiner in an investigative hearing shall be limited to making recommendations to the Commission with respect to the subject matter of the investigative hearing or summarizing evidence gathered in an investigative hearing without making a recommendation.

2:8.4 CONDUCT OF INVESTIGATIVE HEARING.

The hearing examiner shall determine the manner in which the hearing is conducted, including, but not limited to, all related matters regarding notice to interested parties, admissibility of evidence and examination of witnesses.

2:8.5 PRIVATE INVESTIGATIVE HEARINGS.

At the discretion of the Commission or the hearing examiner, an investigative hearing may be conducted in private; provided, however, any recommendation(s) to the Commission may be made available to interested parties.



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands

Commissioners:

Joseph M. Mendloka
Chairman

Jose P. Cruz
Vice Chairman

Raynaldo M. Cing
Lino V. Lizama
Freddy U. Hofschneider

William M. Cing
Executive Director

Legal Counsel

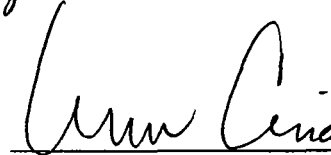
Gaming Consultant

Jerry C. Gatch, CPA
Consultant (Special Advisor)

CERTIFICATION

I, William M. Cing, Executive Director of the Tinian Casino Gaming Control Commission of San Jose, Tinian, which is promulgating the proposed amendments to the Rules Regarding Investigative Hearings herein set forth, by signature below hereby certify that such Rules are a true, complete and correct copy of the Rules Regarding Investigative Hearings formally adopted by the Tinian Casino Gaming Control Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 31st day of August, 1992, at Tinian, Commonwealth of the Northern Mariana Islands.



William M. Cing
Executive Director

PUBLIC NOTICE

Proposed Regulations Promulgated Pursuant to Article XXI of the Commonwealth Constitution and the Tinian Casino Gaming Control Act of 1989.

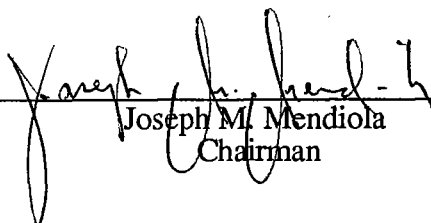
The Tinian Casino Gaming Control Commission (Commission) hereby gives public notice that pursuant to its duties and responsibilities under Article XXI of the Constitution, as amended, and the authority given the Commission by and through the Tinian Casino Gaming Control Act of 1989 promulgates these proposed amendments to TCGCC Regulations Chapter 10, General Provisions, changes in Subchapter 4, Confidential Information, 10-10.2, 10-4.4 and 10-4.8 to be utilized by the Commission under the Tinian Casino Gaming Act of 1989.

The Commission hereby advises the general public that the Rules and Regulations are available at the Commission Office, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

These amendments to the rules and regulations shall be effective upon notice of their adoption as provided by the Commonwealth Administrative Procedure Act.

Dated this 31 day of August, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY:  _____
Joseph M. Mendiola
Chairman

NOTICIA PUBLICKO

Ma-propopone na Areglo yan Regulasion ni ma-establesi sigun i Attikulo XXI gi Commonwealth Constituion yan i Tinian Casino Gaming Control Act of 1989.

I Tinian Casino Gaming Control Commission (Commission) hana' guaha noticia publicko sigun gi responsabilidad gi papa i attikulo XXI gi Constitution, ni ma-amenda, yan i autoridad ni nina'e i Commission gi papa i Tinian Casino Gaming Control Act of 1989, na ha-establesi este siha i ma-propopone na amendasion gi Chapter 10 pot Hinirat Probinsia tinilaika gi Subchpater 4, Infotmasion pot Confidensia, 10-4.2, 10-4.4 yan 10-4.8 ni para hu ma usa gi papa i Tinian Casino Gaming Control Act of 1989.

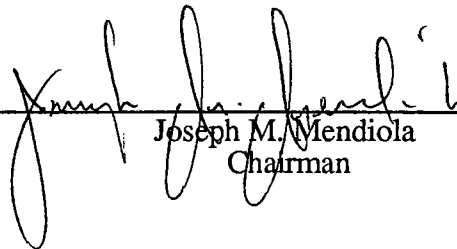
I Commission ha-abibisa i publiku henerat na i areglu yan Regulasion gaige gi Offisinan i Commission, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

Este siha na amendasion gi areglu yan regulasion para u efektibo gi noticia na ma-adabta sigun ni maprobiniyi gi Commonwealth Administrative Procedures Act.

Mafecha gi mina 21 na ha'ane gi August, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY:



Joseph M. Mendiola
Chairman

CHAPTER 10

GENERAL PROVISIONS

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SUBCHAPTER 1. CONSTRUCTION AND APPLICATION OF RULES

10-1.1 Authority

These rules and regulations are issued under and pursuant to the authority of the Tinian Casino Gaming Control Act of 1989

10-1.2 Construction and amendments

- (a) These rules shall be construed in accordance with generally accepted principles of statutory construction.
- (b) These rules shall be liberally construed to permit the Commission to effectively carry out its statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.
- (c) Nothing contained in these rules shall be so construed as to conflict with any provision of the Tinian Casino Gaming Control Act of 1989.
- (d) In special cases and for good cause shown, the Commission may relax or permit deviations from these rules.
- (e) These rules may be amended by the Commission from time to time in accordance with the provisions of the Administrative Procedure Act (1 C.M.C. 9101 et seq.)
- (f) Whenever any provision of these rules requires that an act or event occur on a specified day or date, and such day or date falls upon Saturday, Sunday or legal holiday, such provision shall be construed to refer to the next business day immediately following such day or date.
- (g) Pursuant to Section 124 (i) (k), the Commission may authorize the temporary adoption, amendment or repeal of any rule concerning the conduct of gaming or the use or design of gaming equipment for an experimental period not to exceed 90 days, for the purpose of determining whether such rules should be adopted on a permanent basis. Any interested person may file a petition for temporary rulemaking with the Commission in accordance with Commission regulations at 2:6.1 et seq.

10-1.3 Words and terms; tense, number and gender

- (a) In construing the provisions of these rules and regulations, except when otherwise plainly declared or clearly apparent from the context:
 - 1. Words in the present tense shall include the future tense.
 - 2. Words in the masculine shall include the feminine and neuter genders.
 - 3. Words in the singular shall include the plural and the plural shall include the singular.

10-1.4 Severability and preemption

- (a) In any clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion of these rules or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these rules or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion thereof directly involved in such holding or to the person or circumstance therein involved.
- (b) The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the Act and these rules.

10-1.5 Practice where regulations do not govern

In any matter not governed by these rules and regulations, the Commission shall exercise its discretion so as to carry out the purpose of the Act.

SUBCHAPTER 2. ORGANIZATION AND OPERATION OF THE COMMISSION

10-2.1 Organization

- (a) The Commission consists of five members appointed by the Mayor with the advice and consent of the Municipal Council.
- (b) The officers of the Commission shall include a Chair and a Vice-Chairman who shall be members of the Commission, and an Executive Director who shall not be a member of the Commission.
 - 1. The Chairman shall be elected biannually at the organizational meeting of the Commission by a majority of the full Commission. The Chairman, as chief executive officer of the Commission, shall schedule and preside at all meetings of the Commission; shall appoint the members of the Commission to such committees as the Commission may, from time to time, establish; shall have the authority to accept for filing all applications; shall have the authority to incur on behalf of the Commission such expenses as the Commission shall have approved in its operating budget; shall have general supervision, direction and control of the affairs of the Commission; and shall perform such other duties as are incidental to the office and as may be assigned, from time to time, by the Commission.
 - 2. The Vice-Chair shall be elected biannually at the organizational meeting of the Commission by a majority of the full Commission. The Vice-Chair shall be a member of the Commission other than the Chair. He or she shall possess such powers and shall perform such duties as may be assigned, from time to time, by the Commission. In the absence or inability of the Chair to serve or in the vent of a vacancy in the office of Chair,

the Vice-Chair shall be empowered to carry out all of the responsibilities of the Chair until such time as the Commission elects a new chair.

10-2.2 Meetings

- (a) Regular meetings of the Commission shall be held at least once per month on such dates and at such times and places as the Commission shall establish.
- (b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Commission may deem convenient. Special meetings of the Commission may be called at the discretion of the Chair; but the Chair shall call a special meeting at the request of any three members of the Commission.
- (c) The organizational meeting of the Commission shall be the first meeting of the COMMISSION IN January of every other year.
- (d) The Commission may prepare an agenda describing the order of business for public meetings, which agenda shall include, but not be limited to:
 - 1. Call to order;
 - 2. Roll call;
 - 3. Adoption of agenda;
 - 4. Adoption of minutes;
 - 5. Consideration of applications for licenses;
 - 6. Consideration of petitions for Commission action or approval;
 - 7. Consideration of petitions for Commission action or approval;
 - 8. Chairman's report;
 - 9. Committee reports;
 - 10. Executive director's report;
 - 11. Old business;
 - 12. New business;
 - 13. Questions and comments from the public;
 - 14. Adjournment.
- (e) Where not inconsistent with either the Act or internal policies developed by the Commission, Robert Rules of order shall govern any procedural matters before the Commission or its committees.

10-2.3 Quorum; votes

- (a) A majority of the full Commission shall constitute a quorum at any meeting of the Commission.
- (b) The vote on any matter before the Commission shall be taken in a manner to be determined by the Commission. The names of the members voting for or against or abstaining shall be entered in the minutes of the meeting.

10-2.4 Resolutions and minutes

- (a) The records of the Commission shall include a minute book and a resolution book. The vote on any matter before the Commission shall be set forth in

the minutes in accordance with the requirements of (b) below. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in accordance with the requirements of (c) below and shall be recorded in the resolution book.

- (b) Every vote of the Commission recorded in the minutes shall include the following information:
 - 1. The substance of the matter considered;
 - 2. The vote of the Commission, including the names of any Commissioners dissenting or abstaining;
 - 3. If appropriate, reference to the existence of a formal resolution concerning the matters; and
 - 4. Certification by the Executive Director.

- (c) Every formal resolution of the Commission shall include the following information:
 - 1. A concise statement of the issues presented and the relevant procedural history;
 - 2. The precise statutory authority for the action taken;
 - 3. A precise statement of the action taken by the Commission, including any terms or conditions attached thereto; and
 - 4. Certification by the Executive Director.

SUBCHAPTER 3. INFORMATION AND FILINGS

10-3.1 Offices; hours

- (a) The main offices of the Commission are located at:

P.O. Box 143
San Jose Village
Tinian, MP 96952

- (b) The offices of the Commission are open for the filing of papers and for other business (except for public inspection of documents) from 7:30 A.M. to 4:30 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are open for public inspection of documents from 10:00 A.M. to 4:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The offices of the Commission are closed on legal holidays authorized by the Commonwealth government.

10-3.2 Official records; fees for copies

- (a) No original official record of the Commission shall be released from the custody of the Commission except upon express direction of the Chairman or upon the order of a court of competent jurisdiction.

- (b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in 10-3.1, upon the payment of appropriate fees.
- (c) No person shall directly or indirectly, procure or attempt to procure from the records of the Commission or from other sources, information of any kind which is not made available by proper authority.
- (d) No application, petition, notice, report, document or other paper will be accepted for filing by the Commission and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.
- (e) Copies of official records of the Commission which are required by law to be made available for public inspection shall be made available according to the following fee schedule:

All pages	\$0.10 per page
-----------	-----------------
- (f) All checks for payment of fees, deposits and charges shall be made payable to the order of the "Tinian Municipal Treasurer" and delivered or mailed to the main office of the Commission.

10-3.3 Communications; notices

- (a) Except as otherwise provided at 10-3.2, all papers, process or correspondences relating to the Commission should be addressed to or served upon the Tinian Casino Gaming Control Commission at the Commission's main office.
- (b) All such papers, process or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission but a Commissioner or such individual members of the Commission's staff as the Chair may designate, may in his or her discretion receive papers or correspondence or accept service of process.
- (c) Except as otherwise provided by law, notices and other communications from the Commission will be sent to an applicant or licensee by ordinary mail at the address shown in the application or license. Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mails, and the time specified in any such notice shall commence to run from the date of such mailing. Any applicant or licensee who desires to have notices or other communications mailed to an address other than that specified in the application or license shall file with the Commission a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address. An applicant or licensee will be addressed under the name or style designated in the application or license, and separate notices or communication will be sent to individuals named in such application or license unless a specific request for that purpose is filed with the Commission. In the absence of such a specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license.

Applicants and licensees shall immediately notify the Commission of any change of address, and shall specifically request that all notices or other communications be sent to the new address.

10-3.4 Public information office

- (a) Requests for information regarding the Tinian casino Gaming Control Commission may be directed :

Division of Public Affairs
P.O. Box 143
San Jose Village
Tinian, M.P. 96952

- (b) Any person may, upon payment of the appropriate fee pursuant to Commission regulations at 10-3.2 (e), obtain a copy of the Monthly Statements, Quarterly Reports and Annual Reports to the Commission from each casino licensee to be determined by the Commission. Copies of the Commission's Annual Report are available to the public at no charge. Such requests should be directed to the address in (a) above.
- (c) Access to information and data furnished to or obtained by the Commission or Division from any source is subject to the provisions of 10-4.3.

10-3.5 Filing of petitions and applications

- (a) Petitions for formal action by the Commission should be mailed to:

Tinian Casino Gaming Control Commission
Executive Director
P.O. Box 143
San Jose Village
Tinian, M.P. 96952

10-3.6 Petitions for rulemaking

- (a) any interested person may file a petition with the Commission for the adoption, amendment or repeal of any rule, pursuant to Commission

regulations at 1-6.1. Such petition shall be in writing, be signed by the petitioner, and include the following information:

1. The name and address of the petitioner;
 2. The substance or nature of the requested rulemaking;
 3. The reasons for the request;
 4. The specific legal rights, duties, obligations, privileges, benefits or other specific legal relations of the interested person which are affected by the requested rulemaking; and
 5. Reference to the statutory authority under which the Commission may take the requested action.
- (b) Any document submitted to the Commission which is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further action. Such document shall be returned to the petitioner with instructions as to the steps necessary to correct any defects or omissions in accordance with this section.
- (c) A petition for rulemaking shall be scheduled for consideration at a regularly scheduled public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.
- (d) Within 60 days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner a notice of action on the petition which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission.
- (e) Commission action on a petition for rulemaking may include:
1. Denial of the petition;
 2. Filing a notice of proposed rule; or
 3. Referral of the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner.

Chapter 10 is hereby amended pursuant to Resolution 92-31.

SUBCHAPTER 4 CONFIDENTIAL INFORMATION

10-4.1 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings unless the context clearly indicates otherwise.

- (a) *Authorized Personnel* means any member or employee of the Tinian Casino Gaming Control Commission.
- (b) *Confidential Information* means any information or data, furnished to or obtained by the Commission of a type or from a source which is considered confidential pursuant to this subchapter, applicable statutory provision, judicial decision or rule of court.

- (c) Secure Storage Facility means any area room, furniture, equipment, machinery or other device used by the Commission for the storage of confidential information, access to which is limited to authorized personnel at all times by lock, alarms, codes or other appropriate security precautions.

10-4.2 Determination of confidential status

- (a) All information and data furnished to or obtained by the Commission, its members, agents, or employees, which relate to the internal controls, or to the earnings or revenue of any applicant, or licensee, or which pertains to an applicant's criminal record, family or background, obtained from any source, or information provided to the Commission, its members, agents or employees, by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential, shall not be released or disclosed to any person except in accordance with the provisions of this subchapter.
- (b) Any question concerning whether or not a specific item of information or data within the possession of the Commission is deemed to be confidential information pursuant to this subchapter, applicable statutory provision, judicial decision or rule of court, shall be submitted to the Commission or its designee for determination.

10-4.3 Access

Access to confidential information within the possession of the Commission shall be restricted to authorized personnel who require such information in the performance of their official duties.

10-4.4 Retention in secure storage facilities; access

- (a) Confidential information which is not presently being utilized by authorized personnel shall be stored in secure storage facilities designated for such purposes by the Commission. No one except authorized personnel may gain access to designated secure storage facilities except in accordance with the provisions of that subchapter.
- (b) All Commission offices in which secure storage facilities are located shall be protected from unauthorized intrusions at all times. Proper security precautions during non-business hours may include the use of alarm or security guard systems.
- (c) Every secure storage facility shall be placed under the direct supervision and control of an appropriate supervisor who shall periodically review for their effectiveness all security procedures and precautions pertaining to the confidential information stored therein. Security procedures and precautions that are determined to be ineffective shall be immediately corrected.
- (d) Confidential information may be stored in secure facilities on micrographics, hard copy (paper), magnetic media or any other suitable medium, provided adequate security measures are maintained to prevent unauthorized access to or use of such information.

1. Access to confidential information stored on computer or magnetic media shall be restricted to authorized personnel who have obtained the required operating key, code manual or access code from the appropriate supervisor. Operating keys, code manuals and access codes shall be limited in number and shall be controlled by the appropriate supervisor.

10-4.5 Temporary custody by authorized personnel

- (a) Authorized personnel shall not remove confidential information from designated secure storage facilities unless such removal is necessary to the fulfillment of their official Commission duties. Confidential information which is not presently being utilized by authorized personnel shall be promptly returned to the secure storage facility.
- (b) A record shall be maintained on all confidential information which is removed from secure storage facilities other than those which utilize computer or magnetic media. This record shall include:
 1. The name of the person removing the information;
 2. The name of the person for whom the information is being obtained;
 3. the date of removal;
 4. A brief description of the information removed or the number of the file which has been removed; and
 5. The date the information is returned.
- (c) Confidential information shall not be removed from the offices of the Commission without the prior approval of an appropriate supervisor. Such approval shall only be granted where removal of the confidential information is necessary to the performance of the official duties of authorized personnel pursuant to 10-4.8 (a).
- (d) The integrity of confidential information in the possession of authorized personnel shall be preserved at all times. It shall be the personal responsibility of any individual granted temporary custody of confidential information to insure that the information is not shown, released or disclosed to any unauthorized person or to any otherwise authorized person who does not require such information in the performance of their official duties. Confidential information temporarily stored outside designated secure storage facilities shall be maintained in a locked desk or filing cabinet, or protected by other appropriate security precautions.

10-4.6 Copies

A hard copy of confidential information stored on computer or magnetic media, or any other copy of confidential information within the possession of the Commission, shall only be made where absolutely necessary to the administration of the Act, or where an authorized release of the confidential information is made pursuant to this subchapter.

10-4.7 Retention schedule and storage destruction

- (a) The Commission shall establish and maintain a records retention schedule for all confidential information within their possession.

- (b) Any confidential information in the possession of the Commission shall be promptly destroyed in accordance with the provisions of the applicable records retention schedule required by (a) above.

10-4.8

Release; notice

- (a) Confidential information within the possession of the Commission shall not be released or disclosed in whole or in part to any person, except:
1. To authorized personnel in accordance with Section 10-4.3; or
 2. In the discretion of the Commission, to authorized agents of any agency of the CNMI or a municipality thereof, any agency of the United States or a state or territory thereof or any agency of a foreign government, where such agency is obligated by law to maintain the confidentiality of the information; or
 3. Upon lawful order of a court of competent jurisdiction; or
 4. Upon presentation of proper identification, to the applicant, registrant or licensee who furnished the confidential information to the Commission but only to the extent of the information actually furnished by the person requesting such information; or
 5. Upon presentation of a duly executed and notarized release authorization by the applicant or licensee who furnished the confidential information, to any person making written request for specifically identified confidential information.
- (b) 1. If confidential information is released or otherwise disclosed to any person under any circumstances other than those identified in (a) (1), (2), (4) or (5) above, written notice of such release or disclosure shall be given to any applicant or licensee effected, unless notice would otherwise imperil the integrity of casino operations. To the extent known, the notice shall include:
- A. The name and address of the person to whom the information was released or disclosed;
 - B. A description of the information released or disclosed; and
 - C. The date, or anticipated date, of the release or disclosure.
- (c) 2. Whenever reasonably practical, any such notice of confidential information to be released or disclosed shall be given prior to the release or disclosure.

10-4.9

Penalties

- (a) Any direct or indirect willful disclosure of confidential information by authorized personnel of the Commission except as provided herein, shall be a violation of the Commission's Code of Ethics and these regulations.

- (b) The unauthorized release or disclosure of confidential information shall also be a violation.
- (c) Any violation of the provisions of this subchapter by authorized personnel may result in appropriate disciplinary action being taken by the Commission



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands

Commissioners:

Joseph M. Mendiola
Chairman

Jose P. Cruz
Vice Chairman

Raynaldo M. Cing
Lino V. Lizama
Freddy U. Hofschneider

William M. Cing
Executive Director

Legal Counsel

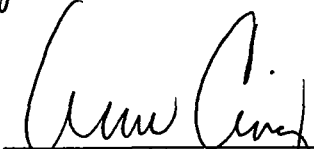
Gaming Consultant

Jerry C. Gatch, CPA
Consultant (Special Advisor)

CERTIFICATION

I, William M. Cing, Executive Director of the Tinian Casino Gaming Control Commission of San Jose, Tinian, which is promulgating the proposed amendments to the Rules Regarding Confidentiality herein set forth, by signature below hereby certify that such Rules are a true, complete and correct copy of the Rules Regarding Confidentiality formally adopted by the Tinian Casino Gaming Control Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 31st day of August, 1992, at Tinian, Commonwealth of the Northern Mariana Islands.



William M. Cing
Executive Director



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624



Public Notice Of Proposed Amendment To The WCC Rules And Regulations

The Board of Trustees/Workers' Compensation Commission (Commission) pursuant to 4 CMC 9351(a)(1), and the Administrative Procedure Act, 1 CMC 9101, *et. seq.*, hereby serves notice that it proposes to promulgate and adopt amendments to the Rules and Regulations of the Commission.

Copies of the proposed amendments are available at the Commission's office on the ground floor of the Nauru Building, Susupe, Saipan, and its offices on Rota and Tinian.

The Commission urges the public to submit written comments and recommendations regarding the proposed amendments within 30 days after the first publication in the Commonwealth Register, to the following address:

NMI Retirement Fund/
Workers' Compensation Commission
P. O. Box 1247
Saipan MP 96950

Dated this 01 day of September, 1992

Crispin A. Taitano
Chairman

Tomas B. Aldan
Administrator



WORKERS' COMPENSATION COMMISSION

NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

PHONE: (670) 234-7228 FAX: (670) 234-9624



Notician Publiko Pot I Mapropopone Na Tinilaika Gi Areklamenton I Programan Workers' Compensation

I Board of Trustees/Workers' Compensation Commission (Commission), sigun gi atordat i lai gi 4 CMC 9351(a)(1), and i Administrative Procedure Act gi papa i 1 CMC 9101, *et. seq.*, mananae noticia gi publiko pot i ha propopone para uma adopta tinilaika gi areklamenton i programan Workers' Compensation Commission.

Copian este na tinilaika guaha gi ofisinan i Commission nui gaige gi primet piso gi Nauru Building, Susupe Saipan, yan lokue gi ofisinan i Commission giyan Luta yan Tinian.

I Commission ha sosojo i publiko para ufan satmiti rekomendasion osino komentos pot este na tinilaika gi halom 30 dias despues de mapublika gi Commonwealth Register. Pot fabot satmiti todo rekomendasion gi sigente na address:

NMI Retirement Fund/
Workers' Compensation Commission
P. O. Box 1247
Saipan MP 96950

Mafecha gi 01 dia de Septiembre, 1992.

Crispin A. Taitano
Chairman

Tomas B. Aidan
Administrator

Amendment To The Workers' Compensation Regulations

The Board of Trustees/Workers' Compensation Commission (Commission) pursuant to 4 CMC 9351(a)(1), and the Administrative Procedure Act, 1 CMC 9101, *et. seq.*, hereby promulgates and adopts the following amendments to the Rules and Regulations of the Commission.

1. Authority

Under and by virtue of Part 29 of the WCC Rules and Regulations, 4 CMC 9351(a)(1), and the Administrative Procedure Act, the Commission hereby promulgates these amendments to its regulations.

2. Amendment. Part 6 of the WCC Regulations is hereby amended to add a new Subpart 6.108, to read as follows:

6.108 Reporting of Premium Collected By Carrier

(a) In order to properly administer the requirement of 4 CMC 9353(c)(2), all carriers receiving premiums for the purpose of providing security for compensation shall file with the Administrator a Quarterly Premium and Remittance Report showing the amount of premium collected during the preceding calendar quarter. The payment of 2% of the premium collected shall accompany the quarterly report. For purposes of this subpart, "*calendar quarter*" means any three months period ending March 31, June 30, September 30, and December 31 of any calendar year.

(b) Such report shall be filed on a form prescribed by the Commission which shall indicate the name of the carrier, the period covered by the report, the total premium received by the carrier, the 2% of premium, and such other information necessary to carry out the purpose of 4 CMC 9353(c)(2).

(c) Such report shall be filed along with the 2% payment on or before the end of the month following the end of the calendar quarter in which the premium was received.

(d) At the end of a calendar year, the carrier shall file with the Administrator the annual Carrier's Remittance Report (Form CWC 901), together with the final quarter's payment of 2% of premium, no later than 30 days following the end of the calendar year. The remittance report shall be accompanied by a list of employers being accorded coverage for workers' compensation during the preceding year, and the amount of which must reconcile with the amount reported on the Quarterly Premium and Remittance Report during the calendar year.

3. Amendment. Part 19, Subpart 19.113 of the WCC Rules and Regulations is hereby amended to read as follows:

19.113 Formal hearings; oral argument; written arguments, and service.

(a) Upon request by any party in interest, a reasonable time for presentation of oral argument shall be allowed. Such party shall also be allowed to file a closing brief upon averment on the record that the case presents a novel or difficult legal or factual issue or issues that cannot be adequately addressed in oral summation. The brief shall be limited to the issue or issues specified by the Hearing Officer or by the party in his/her averment. Such brief shall be filed within 15 days of the conclusion of the hearing.

(b) The opposing party may file a brief in opposition within 15 days of the date of service of the initial brief. The party who filed the initial brief may then file a brief in rebuttal within 7 business days of the date of service of the opposition brief.

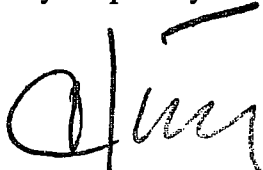
(c) The original brief shall be filed at the office of the Commission and copies thereof shall be served on all the parties. The Rules of Appellate Procedure for the Supreme Court of the CNMI shall govern the method of service of briefs for purposes of this subpart.

(d) Extension of time for filing of briefs must be made to the Hearing Officer in writing and copies served on all parties. Extensions shall not be granted unless good cause is clearly shown.

4. Effective Date

The effective date of these amendments shall be pursuant to 1 CMC 9105(b).

Duly adopted by the Commission this 19th day of March, 1992.



Crispin A. Taitano
Chairman

Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife Department of Natural Resources

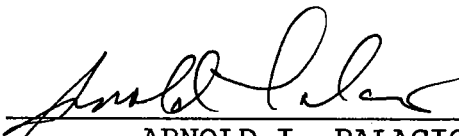
Lower Base
Saipan, Mariana Islands 96950


Cable Address:
Gov. NMJ Saipan
Telephone: 322-9729/9095

PUBLIC NOTICE OF ADOPTION OF RULES AND REGULATIONS FOR SMILING COVE MARINA


The Director of the Department of Natural Resources and the Chief of Fish and Wildlife pursuant to their authority under 1 CMC Section 2655 and Section 3 of P.L. 6-13, respectively, hereby adopt the Rules and Regulations for Smiling Cove Marina as published in the Commonwealth Register on July 15, 1992, Volume 14, No. 7 at pages 7344 to 9380.

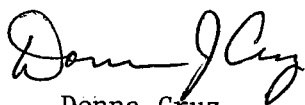
DATED this 18th day of September, 1992.


ARNOLD I. PALACIOS
Chief, Division Fish and Wildlife


Soledad B. Sasamoto
Registrar of Corporations

9/8/92 1:40 p.m.


NICOLAS M. LEON GUERRERO
Director of Natural Resources


Donna Cruz
Governor's Office
9/8/92, 11:35 am

The pages at the start of the proposed regulations were misnumbered. Pages 7330 to 7350 should have been pages 9330 to 9350. Also, pages 7335 to 7337 are not included. These pages, which concern the Micronesian Telecommunications Corporation apparently were slipped in to the midst of the DNR regulations. The error of the publisher in numbering does not affect the contents of the regulations.

Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife
Department of Natural Resources

Lower Base
Saipan, Mariana Islands 96950



Cable Address:
Gov. NMJ Saipan
Telephone: 322-9729/9095

NUTISIAN PUPBLIKU PUT MA ADAPTAN
AREKLAMENTO YAN REGULASION
PARA
SMILING COVE MARINA

I DIREKTOT DIPATAMENTON NATURAL RESOURCES YAN I CHIEF OF FISH
AND WILDLIFE SIGUN GI ATURIDAT NIHA GI FUETSAN 1CMC SEKSIONA
2655 YAN SEKSIONA 3 GI LAI PUPBLIKU 6-13, ESTA HA ADAPTA I
AREKLAMENTO YAN REGULASION SIHA PARA SMILING COVE MARINA NI MA
PUPLIKA GI COMMONWEALTH REGISTER GI JULIO 15, 1992, VOLUME 14,
NO. 7 GI PAHINA 7344 ASTA 9380.

MA FECHA' GI DIA 1st SIEPTEMBRI, 1992.

ARNOLD I. PALACIOS
CHIEF, FISH AND WILDLIFE

Donna Cruz
Governor's Office
9/8/92, 1:35 pm

Soledad B. Sasamoto
Registrar of Corporations

9/8/92 - 1:40 p.m.
NICOLAS M. LEON GUERRERO
DIRECTOR OF NATURAL RESOURCES

I PAHINA SIHA GI TUTUHON I MAPROPONA NA REGULASION TI MAN
DINANCHE. PAHINA 7330 ASTA 7350 DEBI DI U PAHINA 9330 ASTA 9350.
TI MANA HALOM LOKKUE' I PAHINA 7335 ASTA 7337. ESTE SIHA NA PAHINA
PUT MICRONESIAN TELECOMMUNICATION CORPORATION LAO MANAFAN HALOM
ENTALO'I REGULASION DNR. I LINACHE' TI HA AFEKTA I SUHETUN
REGULASION.



Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife Department of Natural Resources

Lower Base

Saipan, Mariana Islands 96950



Cable Address:
Gov. NMJ Saipan
Telephone: 322-9729/9095

ARONGORONG NGALIRR TOWLAP

REEL FISITAL ME FERIL ALLEGHUL

SMILING COVE MARINA

Samollol Bulasiol Natural Resources fengal me Meilapal Fish and Wildlife reel mamawal bwangiir iye e ngaleer me llol aileewal 1 CMC Tettelil 2655 me bwal Tettelil 3 mellol alleghuur towlap iye 6-13, nge reke atotolong allegh kka ebwe Mwai ngare Fis bwe alleghul llol Smiling Cove Marina, iwe e toowow mellol Commonwealth Register wool Ullio (July) 15, 1992, Volume 14, No. 7, mellol susul scheel sengi 7344 mwet ngali 9380.

E fistiw llol raalil iye 1st Sieptembre, 1992

Soledad B. Sasamoto
Registrar of Corporations

Arnold I. Palacios
Chief, Fish and Wildlife

Donna Cruz
Governor's Office

9/8/92 - 1:40pm

Nicolas M. Leon Guerrero
Director of Natural Resources

9/8/92, 1:35pm

'Scheel kewe bweletaal allegh yeel nge esewel. Scheel we 7330 ngali 7350 reel welwellil nge ebwe 9330 mwet ngali 9350. Iwe ese bwal toolong scheel kewe 7335 mwet ngali 7337. Auwtol schee kkaal nge kapasal Micronesian Telecommunication Corporation nge e schuulong llol scheel allegh we alleghuul DNR. Rughuulol scheel llol allegh iyeel nge ese bwal arughaalo kapasal llol Allegh iei.

Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife
Department of Natural Resources

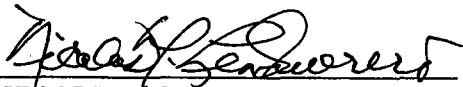
Lower Base
Saipan, Mariana Islands 96950


Cable Address:
Gov. NMJ Saipan
Telephone: 322-9729/9095

CERTIFICATION OF RULES REGARDING SMILING COVE MARINA

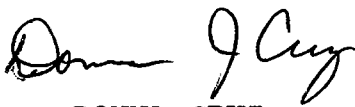
I, Nicolas M. Leon Guerrero, the Director of Department of Natural Resources, which is promulgating the rules and regulations regarding the Smiling Cove Marina published in the Commonwealth Register on July 15, 1992, at pages 7344 to 9380, by signature below hereby certify that such Rules and Regulations are a true, complete, and correct copy of the Rules and Regulations regarding Smiling Cove Marina formally adopted by the Department of Natural Resources. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and Office of the Governor to the Rules and Regulations regarding Smiling Cove Marina referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 2nd day of September, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.


NICOLAS M. LEON GUERRERO
Director of Natural Resources


SOLEDAD B. SASAMOTO
Filed by the Registrar
of Corporations

9/8/92 1:40 p.m.


DONNA CRUZ
Received by the Governor's
Office

9/8/92, 1:35 pm

PUBLIC NOTICE

NOTICE OF ADOPTION OF AMENDMENTS REGULATING THE COMMISSIONING AND PRACTICES OF NOTARIES.

NOTICE IS HEREBY GIVEN that the following regulations regulating the commission and practices of public notaries in the Commonwealth are adopted by the Office of the Attorney General. These regulations are issued under authority granted to the Attorney General in 4 CMC §3312.

These regulations were proposed in the June 15, 1992 issue of the Commonwealth Register (Volume 14, No. 6, p. 9289). At that time the public was asked to comment on the proposed notary regulations and make suggestions for their modification or improvement. Several such comments, both oral and written, were received and considered by the Office of the Attorney General. Copies of the written comments received in response to the prior public notice are available for inspection at the Office of the Attorney General during regular business hours.

As the result of our review of public comments, several changes were made in the regulations as proposed. This notice sets forth (i) those sections which have been modified as the result of our review of the public comments and the reasons therefore and (ii) these sections for which we received public comments and did not conclude that suggested changes were in the public interest or were not authorized by law.

1. Fees. Section 3-201 of the proposed regulations sets out certain maximum fees which may be charged by a notary public. Several comments were received from commissioned notaries that the maximum fees proposed were too low, outdated and unrealistic. The fee schedule set out in § 3-201 is fixed by statute, 4 CMC § 3325, and may not be changed by regulation. The Office of the Attorney General agrees that the statutory fees which have been in effect and unchanged for over 20 years should be changed, but that new legislation is required to accomplish this purpose. The Office of the Attorney General is now considering a request to the Commonwealth legislature to reform the statutory notary fee structure and welcomes the assistance and cooperation of notaries and the general public in this initiative.

2. Identification. A comment from the public suggested that § 1-105 (11) of the regulations be made stronger to require positive and confirmed identification of notary clients. We have not changed this section, believing that good notary practices as set out in other sections of these regulations along with the identification recording required to be kept by notaries in their journals will substantially reduce the instances of identification fraud before notaries in the Commonwealth.

3. Qualifications. A comment noted that the list of qualifications for notaries in § 2-101(b) did not include the specific statutory qualification for certain United States government employees and contractors set act in 4 CMC § 3313(a). Although § 2-101 (b) (7) of the proposed regulations can be read to include these persons, we agree that specific reference to this statutory provision may be appropriate. Therefore, we have rewritten proposed § 2-101 (b) (7) to insert a new clause which tracks 4 CMC § 3313(a) to specifically deal with the qualifications of those persons.

4. Term of Appointment. A comment noted that the four year term of appointment set out in § 2-102 (as well as § 2-103 and § 2-301(b)) would not be authorized under 4 CMC § 3311(b), which sets a notary's term at two years. This comment correctly points out the conflict between the statute and the proposed regulations and the sections noted above have been changed to reflect the statutory term.

5. Bond Amount. A comment suggested the amount of the notarial bond set out in § 2-103 be increased substantially. The proposed bond amount is set by statute and a larger bond set by regulation would not be authorized.

6. Reappointments. A comment suggested that the Attorney General retains too much discretion under § 2-105 to authorize the reappointment of a notary who has allowed his or her appointment to lapse and who continues to perform notarial acts in the absence of authority. We agree that this comment raises a significant public interest issue and have added language to § 2-105 to make it clear that the Attorney General will not entertain renewal applications in excess of thirty (30) days after expiration if there is evidence that the notary has continued to perform notarial acts in the absence of authority.

7. Disciplinary Procedure. A comment noted that the disciplinary notification provisions in § 2-205 (3) should refer to "Commonwealth" authorities rather than "state, county or city" officials. We believe this change is in order and have modified § 2-205(3) accordingly.

8. Notarizations by Attorneys. Two Commonwealth attorneys at law submitted comments that the language of § 3-102 (2) appears to prevent an attorney who is a notary or an attorney's employee who is a notary from performing any notarial act in connection with the attorney's practice of law. We agree that clarification of this subsection is necessary and have modified the language of § 3-102(2) by adding a new subsection, § 3-102 (5), which specifically addresses this possible conflict. This new subsection makes the restrictions of § 3-102 (2) inapplicable in attorney/notary or attorney employee/notary situations where the notarial act is related to the practice of law.

9. Notarizations for Relatives. A comment was received that suggested that subsection 3-102(3) be clarified to state in more clear and specific wording the extent of degree of relation which will apply in prohibiting a notary from performing a notarial act for a direct and close relative. We have modified the language of § 3-102 (3) to remove the terms "lineal ascendent or descendent" and "sibling" and replaced them with more specific language.

10. Advertising. Two comments questioned the extent of notary advertising restrictions set out in § 3-106(e). As a result of our review of these comments and recent United States Supreme Court decisions relating to restrictions on professional advertising, we have now concluded that notarial advertising regulation should be limited to prohibition of false, misleading, fraudulent or untrue advertising and have modified § 3-106 (e) accordingly. We have also added a requirement that any notarial advertising in a language other than English include an accurate English translation in § 3-106(d).

11. Removal from Office. Two comments pointed out that § 3-109(1) as proposed contains typographical errors which effect the meaning. These have been corrected; the content of this subsection remains unchanged.

12. Deposit of Journal. The Commonwealth Code at 4 CMC § 3324(a) requires the annual deposit of a notary's records with the Clerk of the Superior Court on June 30. One comment noted that Article 4 of the proposed regulations, relating to notarial journals, did not refer to this statutory duty. We agree that the final regulations should refer to this statutory obligation and have added a new section (4-104(f)) tracking the statute but allowing a true and correct copy of the notarial journal to be submitted instead of the original.

13. Vendors of Notary Seals. One comment suggested that § 4-204 relating to requirements for vendors of notarial seals and stamps would be difficult to enforce as many Commonwealth notaries are forced to seek these and other notarial supplies outside the Commonwealth because of a lack of adequate and reliable local vendors. This comment suggested that this section be specifically

limited to persons within the jurisdiction. No change has been made in this section as the jurisdictional limitation suggested is inherent in the statute and the regulations issued thereunder.

14. Subscribing Witness. Both § 5-102 and § 4-103(3) provide for a method whereby a notary may notarize the signature of another by use of a subscribing witness appearing before the notary who swears or affirms that the other person signed the document to be notarized. Comments received strongly oppose this practice as an inducement to fraudulent practices, particularly in the case of land transactions, and an abandonment of an important safeguard of the reliability of the notary's function. Upon further consideration, we agree that notarizations of absent party signatures by way of a subscribing witness are inherently unreliable and should not be authorized in these regulations. We have removed § 4-103(3) and § 5-102 for this reason and noted these sections as "Reserved" in the adopted regulations.

The proper procedure in case of proof of the signature of an absent party would be for the subscribing witness to sign a declaration or affidavit under penalty of perjury, attesting to the validity of his or her own signature if subscribed on the document in question, or to the validity of the absent person and setting forth facts supporting this assertion. Such a declaration, if properly notarized, could be separately recorded. In the case of land transactions, the public will now be able to make its own assessment of the validity of the absent person's signature and will place on the subscribing witness possible liability for slander of title. This modification of the proposed regulations frees the notary from unintentional involvement in absent party signature fraud by requiring that notaries only attest to signatures of persons actually appearing before them.

15. Certified Copies. A comment suggested that the language of § 4-101 and § 5-104 with regard to certified copies when read together requires the notary to maintain a copy of document(s) copied and certified as part of the notary's official records. This was not the intention of the proposed regulations, which should only require that journal entries of the transaction be retained, not copies of the documents themselves. The language of § 5-104 has been modified in the adopted regulations to clarify this issue.

16. Liability. An attorney notary commented that the employee notary liability provisions of § 6-101 (c) appear to create a rebuttable presumption of liability in only a portion of the transactions covered by the subsection. In order to clarify the intent of this subsection, we have added language in the adopted regulations to indicate that a employee notary's previous transactions are also subject to scrutiny for employer misconduct.

17. Apostille. A comment requested clarification of those occasions when a notary should procure an apostille confirming his office pursuant to the Hague Connection of 1961, as described in § 8-103 of the proposed regulations. Under the standard procedures of the Office of the Attorney General, an apostille or certification of authority will be provided to any party, notary or otherwise, requesting same. It is not necessary to procure an apostille in all cases where a Commonwealth notarized document is intended to be used in a Hague Convention signatory country. Our general experience is that an apostille is requested only after a Commonwealth party is informed that it will be necessary for final acceptance of the notarized document. In many cases, transactions are completed abroad using documents notarized in the Commonwealth which do not bear an apostille.

18. Villages. Several comments inquired as to the reason for requiring the village to be listed as the place of notarization and whether this was necessary. The use of village identification was placed in the proposed regulations in order to provide a notarization form similar to mainland U.S. usage of noting a city or county on notarizations. By noting village, we preliminarily concluded that Commonwealth notarizations might be more readily accepted as regular and be unchallenged by persons unfamiliar with the political status and/or geography of the Commonwealth. Upon further inquiry with notaries and attorney-notaries in the Commonwealth, we have concluded that this required deviation from traditional notarial practice in the Commonwealth is not necessary and the absence of detailed signature location information in Commonwealth notarizations is not an area of concern as we had originally considered. The adopted regulations have been modified to remove the requirement for village identification in notarizations.

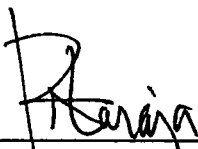
19. Notarizations Outside the Commonwealth. Several comments were received that on occasion Commonwealth notaries have traveled outside the Commonwealth placed notarizations on documents while outside the Commonwealth. The proposed regulations are silent on this matter. We agree that the adopted regulations should specifically address this and have added a new section (§ 3-203) making any notarial act performed outside the physical boundaries of the Commonwealth null, void and of no effect. The basic jurisdictional clause in the regulations, § 2-102, addresses the issue, but a more direct prohibition is also needed.

20. Typographical Errors. The adopted regulations reflect the correction of several typographical errors discovered in further review of the proposed regulations. None of these corrections alters the intent or application of the proposed regulations in any way.

The regulations shall take effect ten (10) days after this publication in the Commonwealth Register.

The Office of the Attorney General is hereby adopting rules and regulations regarding the appointment and duties of notaries. By signature below, I hereby certify that such rules and regulations regarding the same are formally adopted by the Office of the Attorney General and that appropriate copies of such rules and regulations have been filed with the Governor and the Registrar of Corporations.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date indicated below at Saipan, Commonwealth of the Northern Mariana Islands.

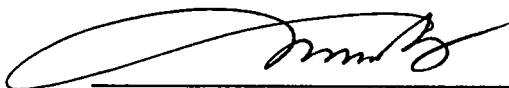


ROBERT C. NARAÑA
Attorney General

9-14-92

DATE

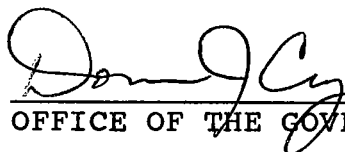
Received:



SOLEDAD B. SASAMOTO
Registrar of Corporations

9/14/92

DATE



OFFICE OF THE GOVERNOR

9/14/92

DATE

Article I - Implementation

§ 1-101 Authority.

These Rules and Regulations ("Regulations") are issued pursuant to the authority of the Attorney General granted under 4 CMC §3312. This statute empowers the Office of the Attorney General to prescribe such rules and regulations as the Attorney General may deem advisable to regulate the appointment and duties of notaries public in the Commonwealth.

§ 1-102 Purposes.

These Regulations shall be construed and applied to advance the underlying purposes of the notary public statute, which are:

- (1) to promote, serve, and protect the public interest;
- (2) to simplify, clarify, and modernize procedures governing notaries;
- (3) to make as consistent as possible the practices and fees of notaries;
- (4) to provide for increased public confidence in notaries public;
- (5) to serve as guidelines for accountability for the community of notaries;
- (6) to educate notaries about the legal, ethical and technical facets of performing a notarial act;
- (7) to increase public awareness and understanding of the notary's role in commerce and law; and
- (8) to instill in notaries a sense of self respect and professionalism in their duties.

§ 1-103 Interpretation.

In these Regulations, unless the context otherwise requires, words in the singular include the plural, and words in the plural include the singular. The term "he" or "his" shall include feminine gender.

§ 1-104 Prospective Effect.

The existing bond, seal, length of commission term, and liability of current notaries commissioned before the effective date of these Regulations shall not be invalidated, modified, or terminated by these Regulations, but those notaries shall comply with these Regulations in performing notarizations and in applying for new commissions upon their becoming effective.

§ 1-105 Definitions.

As used in these Regulations:

- (1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, has admitted, in the notary's presence, having signed a document voluntarily for its stated purposes.
- (2) "Commission" means to empower to perform notarial acts and the written authority to perform those acts.
- (3) "Copy certification" means a notarial act in which a notary certifies having made a photocopy of a document that is neither a public record nor publicly recordable.
- (4) "Jurat" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, has made, in the notary's presence, a voluntary signature and taken an oath or affirmation vouching for the truthfulness of the signed document.
- (5) "Notarial Act" and "notarization" mean any act that a notary is empowered to perform under Section 3-101.
- (6) "Notarial certificate" and "certificate" mean the part of or attachment to a notarized document for completion by the notary and bearing the notary's signature and seal.
- (7) "Notary Public" and "notary" mean any person commissioned to perform notarial acts under 4 CMC § 3311 et seq.
- (8) "Oath" and "affirmation" mean a notarial act or part thereof in which a notary certifies that a person made a vow in the presence of the notary on penalty of perjury.
- (9) "Official misconduct" means: (i) a notary's performance of or failure to perform any act prohibited or mandated respectively by these Regulations or by any other law in connection with a notarization; or (ii) a notary's

connection with a notarization; or (ii) a notary's performance of a notarial act in a manner found by the Attorney General after investigation to be negligent or against the public interest; or (iii) the performance of any act in connection with the notary's official capacity which defies simple common sense or, a breach of a duty of good faith and fair dealing.

- (10) "Personal knowledge of identity" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to eliminate every reasonable doubt that the individual has the identity claimed.
- (11) "Satisfactory evidence of identity" means identification of an individual based on: (i) at least 2 current documents, including those issued by a government with the individual's photograph, signature and physical description, and the other by an institution, business entity, or federal or state government with at least the individual's signature; or (ii) the oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual.

§ 1-106 Severability Clause.

If any provision of these Regulations or their application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Regulations that can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are severable.

Article II - Commissioning

§ 2-101 Commissioning.

- (a) Except as provided in subsection (c), the Attorney General shall commission as a notary any qualified person who submits an application in accordance with these Regulations.
- (b) A person qualified for a notarial commission must:
 - (1) be at least 25 years of age and be a United States citizen or a permanent resident of the Commonwealth;
 - (2) lawfully reside or work in this Commonwealth or be temporarily residing elsewhere, although a resident of the Commonwealth. At least three (3) years residence in the Commonwealth is required;
 - (3) read and write English;
 - (4) submit an application containing no significant misstatement or omission of fact;
 - (5) submit two letters of recommendation;
 - (6) submit a police clearance;
 - (7) Be otherwise qualified for commissioning as a notary pursuant to law, including qualification by reason of employment by the United States government or by a contractor engaged in work for the United States government in the Commonwealth.
- (c) The Attorney General may deny an application based on:
 - (1) the applicant's conviction for a crime involving dishonesty or moral turpitude;
 - (2) revocation, suspension, or restriction of a notarial commission or professional license, such as a license to practice law, or sell securities or real estate, issued to the applicant by the Commonwealth or any State or territory of the United States of America;
 - (3) the applicant's prior official misconduct as defined in Section 1-105, whether or not disciplinary action resulted; and/or

- (4) failure to meet any of the Commissioning requirements of these Regulations.

§ 2-102 Jurisdiction and Term.

A person commissioned as a notary by the Attorney General may perform notarial acts in any part of this Commonwealth for a term of two (2) years, unless the commission is revoked under Section 6-201 or resigned under Section 7-104.

§ 2-103 Bond.

No notarial commission becomes effective until, within 30 days after its issuance, an oath of office and a one thousand dollar bond (\$1000.00) has been filed with the Clerk of Commonwealth Trial Court. The bond must be executed by a licensed surety, bonding for a term of two (2) years commencing on the commission's effective date and terminating on its expiration date, with payment of bond funds to any person conditioned upon the notary's misconduct as defined in Section 1-105.

§ 2-104 Recommissioning.

An applicant for recommissioning as a notary shall timely submit a new application and comply anew with the provisions of Article II of these Regulations.

§ 2-105 Ineligibility for Later Appointment.

A person who has been appointed and commissioned as a Notary Public and who performs any act as such after expiration of his term of office shall be ineligible for a subsequent appointment, unless the Attorney General is satisfied that such act was inadvertent or otherwise explainable. In general, no application for later appointment will be approved if there is credible evidence that a notary continued to perform notarial acts for a period of more than thirty (30) days beyond the expiration of the notary's prior commission.

§ 2-201 Application.

Every application for a notarial commission must be made on forms provided by the Attorney General and include, at least:

- (1) a statement of the applicant's personal qualifications;
- (2) a notarized declaration by the applicant; and
- (3) two letters of recommendation by persons other than immediate family members or the employer of the applicant.

§ 2-202 Statement of Personal Qualifications.

The application must state, at least:

- (1) the applicant's age;
- (2) the applicant's residence address and period of residence in the Commonwealth;
- (3) that the applicant can read and write English;
- (4) all criminal convictions of the applicant, including any pleas of admission and nolo contendere; and
- (5) all issuances, denials, revocations, suspensions, restrictions, and resignations of a notarial commission or other professional license involving the applicant in or any other state or territory of the United States.

§ 2-203 Notarized Declaration.

Every applicant for a notarial commission shall sign the following declaration in the presence of a notary of this Commonwealth:

Declaration of Applicant

I, _____, being first duly sworn, on oath depose and say: That I am the applicant named in the foregoing application for a Notary Public Commission; That I signed the said application; That I have read the said application and know the contents thereof and that all matters and things therein stated and all the answer given to the questions therein set forth are true of my own knowledge.

_____ (signature of applicant)

§ 2-204 Fee for Application.

Every applicant for a notarial commission shall pay to the Commonwealth a nonrefundable application fee of twenty-five (\$25.00) dollars and submit evidence of payment with the application.

§ 2-205 Confidentiality.

Disciplinary information in an applicant's or notary's Statement of Personal Qualifications under paragraphs (4) and (5) of Section 2-202 must be used by the Attorney General and designated commonwealth employees for the sole purpose of performing official duties under 4 CMC Chapter 3 and may not be disclosed to any person other than:

- (1) the applicant;
- (2) the applicant's authorized representative or surety;
- (3) a representative of the federal or Commonwealth government acting in an official capacity; or
- (4) a person specified by court order or by duly authorized notice by the applicant.

§ 2-301 Governmental Employees.

- (a) The Attorney General may commission any number of governmental employees to act as notaries, but notaries so empowered may perform notarial acts only in service of their respective governmental agencies.
- (b) Notaries empowered under this section may perform notarial acts in any part of this Commonwealth for a term of 2 years, and shall seek recommissioning by the Attorney General for each subsequent term.
- (c) An applicant for a notarial commission under this section must meet the requirements in Article II, Part II, except the application shall include a written declaration signed by the applicant's governmental employer stating that the commissioning is in the public interest; and the fee in Section 2-204 is waived for employees of this Commonwealth.
- (d) No bond shall be required of government employee notaries. Costs of all notarial supplies for a notary empowered under this section must be paid from funds of the notary's governmental agency.
- (e) No fees may be charged for governmental notarial services performed by a notary empowered under this section.
- (f) Upon leaving the employment of their governmental agencies, notaries empowered under this section shall resign their commissions immediately under Section 7-104 and dispose of their journals and seals under Section 7-105.
- (g) A notary empowered under this section shall comply with all provisions of these Regulations, unless otherwise specified in this section.

Article III - Powers and Limitations

§ 3-101 Powers and Duties of Notaries.

A notary is empowered to perform the following notarial acts:

- (1) acknowledgements (such as powers of attorney, mortgages, grants, deeds and leases;
- (2) oaths and affirmations to be used before any court, judge, officer or administrative agency in this Commonwealth;
- (3) jurats;
- (4) copy certifications and affidavits;
- (5) to take depositions and affidavits;
- (6) to keep a record of all official acts done by them;
- (7) to keep a record of the parties the date and character of every instrument acknowledged or proved before them;
- (8) when requested and upon payment of their fees therefor, to make and give a certified copy of any record in their office;
- (9) to provide and keep official seals or stamps, which shall be engraved as required by these Regulations; and
- (10) to authenticate with their official seals all official acts;

§ 3-102 Disqualifications.

A notary is disqualified from performing a notarial act if the notary:

- (1) is a signer of or named in the document that is to be notarized;
- (2) will receive directly or indirectly from a transaction connected with the notarial act any commission, fee, advantage, right, title, interest, cash, property, or other consideration exceeding in value the fees specified in Section 3-201; or
- (3) is related to the person whose signature is to be notarized as a spouse, brother or sister, or parent or

child.

- (4) Nothing in subsection 3-102(2) shall prevent any attorney who is a notary, from performing any notarial act done in the course and scope of the attorney's practice of law or the employee's employment, and nothing in this subsection shall prevent an attorney from collecting attorneys fees in any transaction in which the attorney or employee also provides notarial services, provided that no notarial act shall be valid if the notary has a direct or indirect personal monetary interest, other than for attorneys fees and costs, in the subject matter or proceeds of the transaction;

§ 3-103 Impartiality.

- (a) A notary may not influence a person to enter into or not to enter into a lawful transaction involving a notarial act by the notary.
- (b) A notary shall perform notarial acts in lawful transactions for any requesting person who tenders the appropriate fee specified in Section 3-201.

§ 3-104 False Blank Certificates.

A notary may not execute any certificate containing a statement known by the notary to be false or perform any official action with intent to deceive or defraud. Moreover, a notary may not execute any certificate or form or other document which is not completely filled out, including the proper date and signatures.

§ 3-105 Testimonials.

A notary may not endorse or promote any product, service, contest, or other offering if the notary's title or seal is used in the endorsement or promotional statement.

§ 3-106 Unauthorized Practice of Law.

- (a) A non-attorney notary may complete but may not select notarial certificates, and may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.
- (b) This section does not preclude a notary who is duly qualified in a particular profession from giving advice relating to matters in that professional field and charging separate professional fees for advice unrelated to his notarial services.

- (c) A notary may not make representations to have powers, qualifications, rights, or privileges that the office of notary does not have, including the power to counsel on immigration or other legal matters.
- (d) A non-attorney notary who advertises notarial services in a language other than English shall include in the advertisement, notice, or sign in addition to an English language translation the following in the same language:
 - (1) the statement, prominently displayed: "I am not an attorney and have no authority to give advice on immigration or other legal matters"; and
 - (2) the fees for notarial acts specified in Section 3-201(a).
- (e) A notary may not advertise or use the term "notary public" or any equivalent non-English term in any business card, advertisement, notice, or sign in any manner that is misleading, deceptive, fraudulent or untrue.

§ 3-107 Certification without Oath.

No notary public shall certify to the affidavit of a person without personally administering the oath or affirmation to such person. Such act shall constitute grounds for removal from office by the Attorney General. A notary public so removed from office shall be ineligible for a subsequent appointment.

§ 3-108 Removal from Office.

The following shall constitute official misconduct and grounds for removal from office by the Attorney General:

- (a) charging and receiving for an act or service done or rendered by him a fee greater than the amount prescribed by law;
- (b) Dishonestly, unfaithfully, or improperly discharging any of his duties as notary public;
- (c) certifying to the affidavit of a person without administering the oath or affirmation personally to such person;
- (d) conviction under Commonwealth or U.S. Federal statutes of embezzlement, fraud, bribery, theft, forgery, falsification or destruction of records, receiving stolen property, violation of the Consumer Protection Act (4 CMC § 5101 et seq.), violation of any unfair business

practices as described by 4 CMC § 5202 or any other offense which indicates a lack of integrity or honesty; or

- (e) those reasons enumerated in §6-205.

§ 3-109 Removal from Office, Due Process.

A notary may be removed from commission or "decommissioned":

- (1) after a due process hearing before the Attorney General or his designee including the right to be represented by counsel.
- (2) The quantum of proof shall be by the "clear and convincing evidence" standard.
- (3) The burden of proof shall be upon the Attorney General.

§ 3-110 Liability of Notary.

For the official misconduct or negligence of a Notary Public, the notary and the sureties of his official bond are liable to the parties injured thereby for damages sustained. Sureties shall be liable to the extent of the bond.

§ 3-201 Fees.

Every notary public is entitled to demand and receive the following maximum fees:

- (a) Noting the protest of mercantile paper, \$1;
- (b) Each notice and certified copy of protest of mercantile paper, \$1;
- (c) Noting protest other than of mercantile paper, \$1;
- (d) Each notice and certified copy of protest other than of mercantile paper, \$2;
- (e) Each deposition, or official certificate, \$2;
- (f) Administration of oath, including the certificate of such oath, 25 cents;
- (g) Affixing the certificate of such oath to each duplicate original instrument beyond four, 15 cents;
- (h) Taking any acknowledgment, 50 cents for each party signing; and

- (i) Affixing to each duplicate original, beyond one of any instrument acknowledged before him, his certificate of acknowledgment, 25 cents for each person making such acknowledgment.
- (a) A notary may charge a reasonable travel fee when traveling within the Commonwealth to perform a notarial act if:
 - (1) the notary explains to the person requesting the notarial act that the travel fee is separate from the notarial fee and is neither specified nor mandated by law; and
 - (2) the notary and the person requesting the notarial act agree upon the travel fee in advance.
- (b) A notary may not request, seek or receive any contingent fee or, as a notary fee, any amount based on a percentage of the value of any transaction which he is authenticating.

§ 3-202 Notice of Fees.

Notaries shall maintain and have available for inspection an English language schedule of fees for notarial acts, as specified in Section 3-201(a). No part of any displayed notarial fee schedule may be printed in smaller than 10-point type.

§ 3-203 Notarizations Outside The Commonwealth.

A notary has no authority and may not perform any notarial act outside the geographical territory of the Commonwealth. Any notarial act so performed shall be null, void and of no effect. Notaries performing notarial acts outside the jurisdiction or allowing their notarial stamps seals to be used by another outside the jurisdiction shall be subject decommissioning proceedings.

Article IV - Journal and Seal

§ 4-101 Journal.

A notary shall keep, maintain, protect as a public record, and provide for lawful inspection a chronological, permanently bound official journal of notarial acts, containing numbered pages.

§ 4-102 Entries in Journal.

(a) For every notarial act, the notary shall record in the journal at the time of notarization at least the following:

- (1) the date and time of day of the notarial act;
- (2) the type of notarial act;
- (3) a description of the document or proceeding;
- (4) the signature and printed name and address of each person for whom a notarial act is performed;
- (5) the evidence of identity of each person for whom a notarial act is performed, in the form of either:
 - (i) a statement that the person is "personally known" to the notary, (ii) a description of the identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration, or (iii) the signature and printed name and address of a credible witness swearing or affirming to the person's identity;
- (6) the fee, if any, charged for the notarial act; and
- (7) the address where the notarization was performed if not the notary's business address.

(b) A notary shall record in the journal the circumstances in refusing to perform or complete a notarial act.

§ 4-103 Signatures in Journal.

At the time of notarization, the notary's journal must be signed, as applicable, by:

- (1) the person for whom a notarial act is performed;
- (2) the credible witness swearing or affirming to the

identity of the person for whom the notarial act is performed; and

- (3) [Reserved]
- (4) the 2 witnesses to a signature by mark of the document that is notarized.

§ 4-104 Inspection, Copying, and Disposal of Journal.

- (a) A journal of notarial acts is an official public record that may be inspected in the notary's presence by any individual whose identity is personally known to the notary or proven on the basis of satisfactory evidence, who specifies the notarial act sought, and who signs the notary's journal.
- (b) Upon request in compliance with subsection (a), the notary shall provide a photocopy of an entry in the journal at a cost of not more than fifty (\$.50) cents per photocopy. If a certified copy is requested, the additional cost is as specified in Section 3-201.
- (c) A notary shall safeguard the journal and all other notarial records as valuable public documents and never destroy them, except at the direction of the Office of the Attorney General.
- (d) The journal must be kept in the exclusive custody of the notary, and may not be used by any other notary or surrendered to an employer upon termination of employment.
- (e) Upon resignation, revocation, or expiration of a notarial commission, or death of the notary, the notarial journal and records must be delivered by hand delivery, certified mail or other means providing a receipt to the Office of the Attorney General in accordance with these Regulations. Failure to do so may result in a civil penalty assessment of a maximum of two hundred (\$200.00) dollars to the former notary or his estate.
- (f) A notary shall make and deposit a true and correct copy of his or her notarial journal with the Clerk of the Commonwealth Supreme Court each year on June 30 and also upon resignation, death, expiration of term of office, removal from or abandonment of office, or change of residence from the Commonwealth.

§ 4-201 Official Signature.

In completing a notarial act, a notary shall sign on the notarial certificate exactly and only the name indicated on the notary's commission and seal.

§ 4-202 Official Seal.

- (a) A notary shall keep an official notarial seal or stamp that is the exclusive property of the notary and that may not be used by any other person nor may it be surrendered to an employer upon termination of employment.
- (b) Upon resignation, revocation, or expiration of a notarial commission, or death of the notary, the seal or stamp must be returned to the Attorney General and a new seal or stamp must be obtained for any new (other than renewal) commission under Section 4-204. Failure to so return the seal may within the discretion of the Attorney General, result in a assessment of a civil penalty of a maximum of \$200.00 to the former notary or his estate.

§ 4-203 Seal Impression.

- (a) Near the notary's official signature on a notarial certificate, the notary shall affix in black ink a sharp, legible, and photographically reproducible impression of the notarial seal or stamp that must include the following elements:
 - (1) the notary's name exactly as indicated on the commission;
 - (2) the words "Notary Public", "Commonwealth of the Northern Mariana Islands" and "My commission expires (commission expiration date)";
 - (3) the address of the notary's business or residence; and
 - (4) a border in a rectangular or circular shape no larger than two inches, surrounding the required words.
- (b) Illegible information within a seal impression may be typed or printed legibly by the notary adjacent to but not within the impression.
- (c) An embossed seal impression that is not photographically reproducible may be used in addition to but not in lieu of the seal or stamp described in subsection (a).

§ 4-204 Obtaining a Seal.

- (a) A vendor of notary seals may not provide a notarial seal or stamp, either inking or embossing, to a person claiming to be a notary, unless the person presents the following documents, which the vendor must retain for 5 years: a (i) photocopy of the person's notarial commission, attached to a (ii) notarized declaration substantially as follows:

Application for Notary Seal

I, _____ (name of person requesting seal), declare that I am a notary public duly commissioned by the Commonwealth of the Northern Mariana Islands, with a commission starting date of _____ and a commission expiration date of _____. As evidence, I attach to this paper a photocopy of my commission.

_____ (signature of person requesting seal) (notarial certificate specified in Section 5-101)

- (b) A notary applying for a seal as a result of a change in the notary's legal name shall present a copy of the Confirmation of Notary's Name Change from the Office of the Attorney General in place of the Application for a Notary Seal.
- (c) A vendor of notary seals who fails to maintain a file containing the documents specified in this section may be assessed a civil penalty in the maximum amount of \$100.00.

Article V - Certificates

§ 5-101 General Acknowledgment.

A notary shall use a certificate in substantially the following form in notarizing the signature or mark of persons acknowledging for themselves or as partners, corporate officers, attorneys in fact, or in other representative capacities:
Commonwealth of the Northern Mariana Islands
(Island)

On this _____ day of _____, 19 _____,
before me, the undersigned notary, personally appeared _____,
(personally known to me)
(proved to me through government-issued documentation
who is personally known to me,)
to be the person(s) whose name(s) (is)(are) signed on the
preceding or attached document, and acknowledged to me that
(he)(she)(they) signed it voluntarily for it stated purpose(.

(as partner for _____, a partnership.)
(as _____ for _____, the principal.)
(as _____ for _____,
(a)(the)_____.)
(by mark before _____ and _____,
subscribing witnesses.)

(official signature and seal of notary)

§ 5-102 [Reserved]

§ 5-103 [Reserved]

§ 5-104 Certified Copy.

A notary shall use a certificate in substantially the following form in notarizing a certified copy:

On this _____ day of _____ 19 ____, I certify that the preceding or attached are true, exact, complete, and unaltered photocopies made by me of _____ description of document), (presented to me by the document's custodian, _____,) and that, to the best of my knowledge, the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are available from an official source other than a notary.

(official signature and seal of notary)

Article VI - Liability and Remedies

§ 6-101 Liability of Notary, Surety, and Employer.

- (a) A notary is liable to any person for all damages proximately caused that person by the notary's official misconduct in performing a notarization.
- (b) A surety for a notary's bond is liable to any person for damages proximately caused that person by the notary's official misconduct in performing a notarization, but this liability may not exceed the penalty amount of the bond or of any remaining bond funds that have not been expended to other claimants. Regardless of the number of claimants, a surety's total liability may not exceed the penalty amount of the bond.
- (c) An employer of a notary is liable to any person for all damages proximately caused that person by the notary's official misconduct in performing a notarization related to the employer's business, if the employer directed, encouraged, consented to, or approved the notary's misconduct, either in the particular transaction or, impliedly, by previous actions in at least one similar transaction subject to similar employer conduct.

§ 6-102 Proximate Cause.

Recovery of damages against a notary, surety, or employer does not require that the notary's official misconduct be the sole proximate cause of the damages.

§ 6-201 Revocation.

- (a) The Attorney General may revoke a notarial commission or "decommission" a notary on any ground for which an application for a notarial commission may be denied under Section 2-101, infractions of § 3-102, § 3-103, § 3-104, § 3-105, § 3-106 and subject to the due process protections of § 3-109.
- (b) Resignation or expiration of a notarial commission does not terminate or preclude an investigation into a notary's conduct by the Attorney General, who may pursue the investigation to a conclusion, whereupon it must be made a matter of public record whether or not the finding would have been grounds for revocation.

§ 6-202 Other Remedies.

- (a) The Attorney General may deliver a written official warning to cease misconduct to any notary whose actions are judged to be official misconduct under Section 1-105(9).
- (b) The Attorney General may seek a court injunction to prevent a person from violating any provision of these Regulations.

§ 6-203 Additional Remedies Not Prevented.

The remedies of these Regulations supplement, and do not preclude, other remedies provided by law.

§ 6-204 Cause for Removal

Cause for removal or "decommissioning" shall be those enumerated in 3-108 or:

- (a) A conviction of or entering a guilty or "no contest" plea to any felony or misdemeanor involving moral turpitude or, in the case of attorney at law, any suspension or disbarment in any jurisdiction wherever admitted to practice.
- (b) Adjudication of insanity or incompetence which would support a presumption of inability to understand the nature of an oath, the elements of a simple contract or the duties and obligations of notaries public.

§ 6-205 Reinstatement

Reinstatement and recommissioning may be accomplished upon a showing by the decommissioned notary of reinstatement of civil rights and rehabilitation and, restitution, if any is due, is fully made. In the cases of attorneys at law, reinstatement to the sanctioning bar association or other professional licensing authority.

§ 6-301 Impersonation.

Any person not a notary who knowingly acts as or otherwise impersonates a notary is guilty of a crime as set out in 4 CMC § 3317.

§ 6-302 Wrongful Possession.

Any person who knowingly obtains, conceals, defaces, or destroys the seal, journal, or official records of a notary is guilty of a crime as set out in 4 CMC § 3317.

Article VII - Changes of Status

§ 7-101 Change of Address.

Within 30 days after the change of a notary's business or residence address, the notary shall deliver to the Attorney General by hand delivery certified mail or other means providing a receipt, a signed notice of the change, giving both old and new addresses.

§ 7-102 Change of Notary's Name.

- (a) A notary securing a change of name shall deliver to the Attorney General a signed notice of the change, giving both old and new names and the effective date of the new name.
- (b) Starting on the effective date, a notary with a new legal name shall sign that name on all notarial certificates, but only after the following steps have been completed:
 - (1) the notice described in subsection (a) has been delivered;
 - (2) a Confirmation of Notary's Name change has been received from the Attorney General; and
 - (3) a new seal or stamp bearing the new name exactly as in the confirmation has been obtained; and

§ 7-103 Lost Journal or Seal.

Within 10 days after the loss, destruction or theft of an Official Journal or seal, the notary shall deliver to the Attorney by hand delivery, certified mail or other means providing a receipt, a signed affidavit of loss, destruction or theft, and inform the appropriate law enforcement agency in the case of theft.

§ 7-104 Resignation.

- (a) A notary who resigns a notarial commission shall deliver to the Attorney General by hand delivery certified mail or other means providing a receipt, a notice indicating the effective date of resignation.
- (b) Notaries who cease to reside or work in, or for, this Commonwealth or who become physically incapacitated such that they are unable to read or write shall resign their commissions.

§ 7-105 Disposition of Seal and Journal.

- (a) Except as provided in subsection (b), when a notarial commission is resigned, revoked, or expires, the notary shall:
- (1) as soon as reasonably practicable, surrender the official seal or stamp to the Office of the Attorney General.
 - (2) within 30 days after the effective date of resignation, revocation, or expiration, deliver to the Office of the Attorney General by hand delivery, certified mail or other means providing a receipt, the notarial journal and records.
- (b) A former notary who intends to apply for a new commission and whose previous commission or application was not revoked or denied need not deliver the journal and records within 30 days after commission expiration, but must do so within 3 months after expiration unless recommissioned within that period.

§ 7-106 Death of Notary.

If a notary dies during the term of commission, the notary's heirs or personal representative, as soon as reasonably practicable after death, shall:

- (1) surrender the official seal or stamp to the Office of the Attorney General; and
- (2) deliver to the Office of the Attorney General by hand delivery, certified mail or other means providing a receipt (i) a signed notice of the date of death to the Office of the Attorney General, and (ii) the notarial journal and records.
- (3) Failure to comply with these provisions of may result in a civil penalty, in the discretion of the Attorney General, of a maximum of one hundred (\$100.00) dollars, levied against the deceased notary's estate.

Article VIII - Authentication

§ 8-101 Evidence of Authenticity of Notarial Act.

- (a) The authenticity of the official notarial seal and signature of a notary of this State may be evidenced by:
- (1) a certificate of authority from a designated person in the Office of the Attorney General, authenticated as necessary; or
 - (2) an apostille from the Attorney General in the form prescribed by the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents of October 5, 1961.
- (b) An apostille as specified by the Hague Convention must be attached to any document requiring authentication that is sent to a nation that has signed and ratified this Convention.

§ 8-102 Certificate of Authority.

A certificate of authority evidencing the authenticity of the official notarial seal and signature of a notary of this Commonwealth must be substantially in the following form:

Certificate of Authority for a Notarial Act

I, _____, (name, title, jurisdiction of authenticating official) certify that [name of notary,] the person named in the seal and signature on the attached document[,] is a notary public for the Commonwealth of the Northern Mariana Islands and was authorized to act as such at the time of the document's notarization.

§ 8-103 Apostille.

An apostille prescribed by the Hague Convention, as cited in the annotations to Rule 44 of the Federal Rules of Civil Procedure, must be in the form of a square with sides at least 9 centimeters long and contain exactly the following wording:

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: _____
This public document
2. has been
signed by _____
3. acting in
the capacity of _____
4. bears the seal/stamp of _____

CERTIFIED

5. at _____ 6. the _____
7. by _____
8. No. _____
9. Seal/Stamp _____ 10. Signature: _____

Article VIV

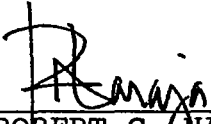
§ 9-101 Distribution

A copy of these regulations shall be furnished to each notary public with his new or renewed Commission and a copy shall be made available to each notary currently commissioned on the effective date of these Regulations.

§ 9-102 Effective Date

The effective date of these Regulations will be the date provided by law after which they are published in the Commonwealth Register and after the required proposal and comment period.

Certified by:



ROBERT C. NARAJA
Attorney General

9-14-92

Date

**NOTICE OF ADOPTION OF AMENDMENT
TO THE IMMIGRATION REGULATIONS**

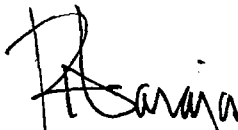
The Attorney General, under the authority vested by Section 5(b), (1) of Public Law No. 3-105, hereby adopts the following amendment to Section 706 of the Comprehensive Immigration Regulations.

Notice of intent to adopt the amendment to the Immigration Regulations was published in the July 15, 1992 issue of the Commonwealth Register. Based on the comments received, the new Section 706. N. and the changes to Section 1201 are adopted as set forth and attached to this notice.

CERTIFICATION

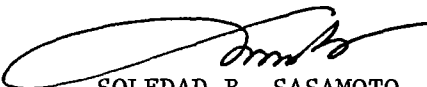
I, Robert C. Naraja, Attorney General, hereby certify that the attached is a true and complete copy of the amendments to the Immigration Regulations adopted by the Attorney General.

Dated: September 14, 1992



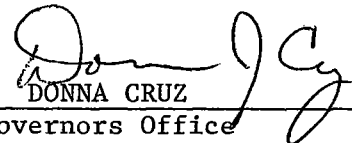
ROBERT C. NARAJA
Attorney General

Dated: September 14, 1992



SOLEDAD B. SASAMOTO
Registrar of Corporations

Dated: September 14, 1992



DONNA CRUZ
Governors Office

LONG TERM BUSINESS ENTRY PERMIT
OFFICE OF IMMIGRATION AND NATURALIZATION
OFFICE OF THE ATTORNEY GENERAL

Section 706.

N. Long term Business Entry permit

1. Definitions. For purposes of this subsection, the following terms shall have the following meanings:

A. "Enterprise" means a commercial or business activity carried on for profit in the Commonwealth.

1) "New Enterprise" means an enterprise existing or prospective which has been established by an alien for the purpose of doing business within the Commonwealth.

2) "Existing Enterprise" means a present or existing enterprise that is engaged in business in the Commonwealth and in which the Alien previously had no ownership interest.

B. "Capital" means money or property used or committed to use in an enterprise in the form of equity or ownership interest, and not as a loan.

C. "Immediate Family" means the Alien Investor's spouse, parents and children.

D. "Review Committee" means a committee composed of the Attorney General or his designee and the Chief of Immigration or his designee.

E. "Public Organization" means a Commonwealth Public Corporation or agency of the Commonwealth government.

2. Approved Investment - General Standard.

An approved investment is one which the Review Committee finds that the Alien has invested or is actively in the process of investing a significant amount of capital in a bona fide enterprise which enterprise benefits the Commonwealth.

3. Evaluation Factors - New Enterprises.

In determining whether a proposed investment in a new enterprise is an approved investment, the Review Committee shall consider the following:

A. The amount of capital invested or to be invested by the Alien Investor;

B. The type of enterprise proposed by the Alien Investor;

- C. The reputation and business experience of the Alien Investor;
- D. The number and type of employment opportunities to be created for Commonwealth residents by the enterprise;
- E. The number of alien workers to be employed by the enterprise;
- F. The demand for the type of enterprise and existing competition;
- G. The island or islands on which the enterprise will be located;
- H. The extent to which the enterprise will reduce imports and increase exports;
- I. The extent to which the enterprise will increase the availability of goods and services at competitive prices to Commonwealth residents;
- J. The extent to which the enterprise will support or enhance existing industries in the Commonwealth;
- K. The extent to which the enterprise will develop the resources of the Commonwealth;
- L. The extent of any equity participation in the enterprise by Commonwealth residents;
- M. Whether the enterprise will be a substantial, on going business, as distinct from a marginal enterprise established solely for the purpose of earning a living for the alien and his family; and,
- N. The extent to which the enterprise will contribute to the overall economic well-being of the Commonwealth without adversely affecting existing social, cultural, and ethnic conditions in the Commonwealth;

4. Evaluation Factors - Existing Enterprises.

In determining whether a proposed investment in an existing enterprise is an approved investment, the Review Committee shall consider the following:

- A. The amount of capital invested or to be invested by the Alien Investor. Minimum investments of \$150,000 in a public organization or \$250,000 in a private enterprise are required;
- B. The type of business engaged in by the existing enterprise;

C. The size and financial integrity of the existing enterprise;

D. The ownership of the existing enterprise; and,

E. The nature and extent of the Alien Investor's participation in the management of the existing enterprise;

5. Application Process.

A. The applicant shall submit three copies of the application for a Long Term Business Entry Permit and such additional information and documentation the applicant desires to include, to the Chief of Immigration. The Chief of Immigration shall transmit a copy of the application and other information and documentation submitted by the applicant to the Attorney General. The Review Committee may request the applicant to supply additional information.

B. The Review Committee shall determine the conditions for approval of the application for a Long Term Business Entry Permit, which may include, but are not limited to, the following:

1. The representations made by the Alien in his application to the Review Committee;

2. The length of time for which the Long Term Business Entry Permit may be granted before it shall be subject to reconsideration for renewal;

3. The types and scope of business activities in which the Alien may engage;

4. Guarantees of employment preferences for Commonwealth residents; and,

5. Such other conditions as the Review Committee deem appropriate.

6. Long Term Business Entry Permit.

A. The Chief of Immigration shall issue a Long Term Business Entry Permit to an Alien whose application has been approved and who is not an excludable alien.

B. The representations made by the Alien Investor in or in conjunction with the application for a Long Term Business Entry Permit and supporting documents, and the conditions imposed under Section 5.B. shall be conditions to approval and issuance of the Alien Investor Long Term Business Entry Permit.

C. The initial term of the Long Term Business Entry Permit shall be for a period not to exceed two years.

D. The members of the immediate family of the holder of a Long Term Business Entry Permit may be issued an entry permit for the same duration as that of the holder, provided such persons are not excludable aliens.

7. Renewal of Long Term Business Entry Permit.

A. The holder of a Long Term Business Entry Permit has no absolute right to renewal of the Long Term Business Entry Permit.

B. The Long Term Business Entry Permit may be renewed if the Review Committee finds that the alien's investment continues to be in compliance with the General Standard set forth in Section 2, considering the Evaluation Factors set forth in Sections 3 and 4, and the conditions imposed under Section 5.B., provided the Alien is not deportable.

C. An alien may apply for a renewal of the Long Term Business Entry Permit by submitting three copies of the renewal application and such additional information and documentation that the Applicant desires to include to the Chief of Immigration at least 90 days prior to the expiration of the Alien Investor's previously issued Long Term Business Entry Permit. The Chief of Immigration shall forward a copy of the application and other materials submitted by the Alien to the Attorney General.

D. If the Review Committee finds that the Alien Investor continues to meet the standards for an Approved Investment and the conditions for the previously Approved Investment, the Chief of Immigration may issue a Long Term Business Entry Permit for a period of up to five years.

Section 1201 of the Immigration Regulations is amended as follows:

Section 1201. fees. The following schedule of non-refundable fees shall apply:

A. Certificate of Identity	\$5.00
B. Vessel or Aircraft Permission to Land	10.00
C. Foreign Investor Visa	500.00
D. Regular Term Business Entry Permit Application and Renewal	100.00
E. Long Term Business Entry Permit and Immediate Family Members Application and Renewal	500.00
F. All other Entry Permits Application, Extension and Renewal	25.00



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

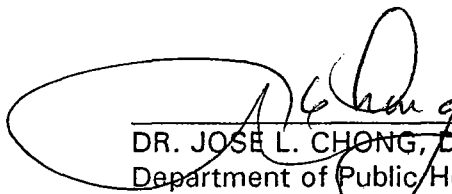
NOTICE OF ADOPTION OF REVISED UNDERGROUND STORAGE TANK REGULATIONS BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services, of the Northern Marianas Islands (CNMI), in accordance with 1 CMC §§ 2601 to 2605 and 2 CMC §§ 3101 to 3134, has adopted the revised Underground Storage Tank Regulations. The final regulations include substantive changes from the proposed regulations published on July 15, 1992.

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.

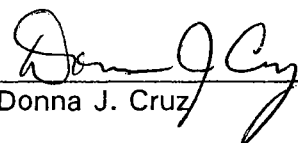
Copies of the UST regulations may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, located at Dr. Torres Hospital, Saipan, MP 96950.

Date: 9/4/92


DR. JOSE L. CHONG, Director
Department of Public Health
and Environmental Services

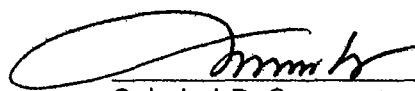
Received at Governor's Office by:

Date: 9/4/92


Donna J. Cruz

Filed by:

Date: 9/4/92


Soledad B. Sasamoto *3:45 p.m.*
Registrar of Corporations



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

ARONGORONGOL ADOPTION

MWOGHUTUGHUTUL FFEERUL LLIWEL, REEL UNDERGROUND STORAGE TANK REGULATIONS EBWE ATOTOOLONG LLOL

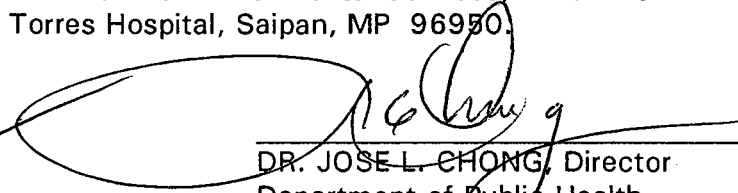
BWULASIYOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

Direktoodul Bwulasiyool Public Health me Environmental Services, mellol Commonwealth of the Northern Marianas Islands (CNMI), reel ebwe attabweey aileewal me bwangil Alleghul Towlap 1-8 me bwal iye 3-23 nge rebwe ayoora lliwel kka ebwe siwel sangi fil ngali ammwelel tangkki kka e ghal lo faal ppwel (Underground Storage Tank) regulations. Aighughuul lliiwelil allegh kkaal nge ebwal yoorolong akkaaw lliiwel iye re feerul wool Hulio 15, 1992.

Lliiwel 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 fischiiy bwe attabweey aileewal allegh. Milikka e bwal toolong llo lliiwel kkaal nge reel rebwe fiteey igha rebwe atotoolong (installation), amwuri fischiiy (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 abossuwow ngare e ghal itto bwe eyoor llesch me meta kka e weiras.

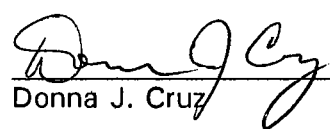
Koopiyal All'ghul milikka UST nge emmwel schagh bwe aramas ebwe lo bweibwogh mellol Bwulasiyool Public Health me Environmental Services, Division of Environmental Quality, iye elo iwe fasul Dr. Torres Hospital, Saipan, MP 96950.

Date: 9/2/92


DR. JOSE L. CHONG, Director
Department of Public Health
and Environmental Services

Received at Governor's Office by:

Date: 9/4/92


Donna J. Cruz

Filed by:

Date: 9/4/92


Soledad B. Sasamoto 3:45 p.m.
Registrar of Corporations



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

NOTISIAN PUPBLIKU

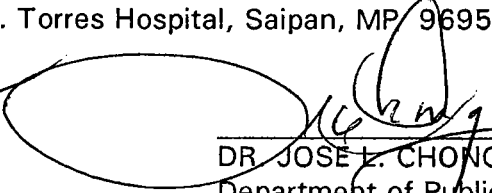
NA ESTA HA ADAPTA I REGULASION PUT TANGKE SIHA GI PAPA TANO

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 (1 CMC §§ 2601 to 2605) yan 3-23 (2 CMC §§ 3101 to 3134), ha infotoma i pupbliku na esta ma adapta i tunalaikan i regulasion put tangke siha gi papa tano. I uttimo siha na amendasion para u tulaika ayu i manmaproponi gi Hulio 15, 1992.

I manmaproponi na regulasion para u afekta todü 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 sistema manmapribihi gi i ma adapta na regulasion. I kondision para ma lisensia, manmega pat manhatsa, manek yan mun'suhan USTs manma engklusu gi halom i manma'adapta siha na regulasion. I propositon 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 regulasion ha probebeni probension para i responsabilidadat fainansiat ni para u asigura i dueno yan operadot USTs siha na sina 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.

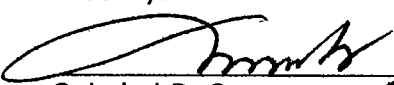
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PART 1

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 §§ 3101 to 3134. 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, 42 USC §§ 6901 to 6992K (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 (42 USC § 6991c) 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, compliance, 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, 2 CMC §§ 3311 to 3333 (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 Resources Management (CRM) Act, 2 CMC § 1501 to 1543 (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

4.1 "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) and no less than the test pressure plus 20% (ie. a 22 psi gauge is not acceptable for use to conduct a 20 psi pressure test).

4.2 "Act" shall mean for the purposes of these regulations unless otherwise specified the Commonwealth Environmental Protection Act, 2 CMC §§ 3101 to 3134.

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

4.4 "Certified Tank Installer" shall mean a person trained by an authorized person on the proper handling, testing, and installation of tank systems. The person "certified tank installer" must be trained in accordance with: 1) the manufacturers specifications; 2) the code of practice developed by a nationally recognized association or independent testing laboratory; and 3) these regulations. Training must pertain to the specific equipment being used on the portion of the tank system being tested. The individual authorized to conduct the training must be trained and certified by the manufacture of the tank, piping, or testing equipment, or by a nationally recognized professional association.

4.5 "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.

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

4.7 "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.

4.8 "Contractor or Agent" shall mean the person designated and bound by contract, signed by all involved parties, to represent the owner or operator to conduct the installation of an UST system. The contractor or agent shall not relieve the owner and operator of liability, and may only be responsible for provisions specified in Part 8 of these regulations, Installation Standards, without a waiver approved by the Chief. The owner and operator may still be held liable for noncompliance with all of the regulations.

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

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

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

4.12 "Director" shall mean the Director of the Department of Public Health and Environmental Services, unless otherwise stated.

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

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

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

4.16 "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.

4.17 "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.

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

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

4.20 "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.

4.21 "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.

4.22 "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.

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

4.24 "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.

4.25 "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.

4.26 "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, any agency or department or instrumentality of the U.S. Federal or Government of the Northern Mariana Islands, or any other legal representative, agency or assignee.

4.27 "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.

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

4.29 "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, 42 USC §§ 9601 to 9675 (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, 42 USC 6901 et seq. (Public Law 94-580) as amended;

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.

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

4.30 "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.

4.31 "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.

4.32 "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.

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

4.34 "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.

4.35 "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed primarily of non-earthen materials (e.g., concrete, steel, fiberglass) that provide structural support.

4.36 "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.

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

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

4.39 "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."

4.40 "USC" shall mean United States Code.

4.41 "UST" shall mean underground storage tank.

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

4.43 "Wetland" shall mean any geographic area which includes areas inundated by surface or groundwater at a frequency and duration that is sufficient to support, and under normal circumstances 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 including associated piping 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 Septic tanks;

5.2.3 Storm water catchment systems;

5.2.4 Wastewater treatment plants;

5.2.5 Surface impoundments, pits, ponds and lagoons;

5.2.6 Flow-through process tanks (except oil:water separators, which must be a US EPA 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 as amended (49 U.S.C App.1671, et sqq.); or

b. The Hazardous Liquid Pipeline Safety Act of 1979 as amended (49 U.S.C App. 2001, et sqq.).

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. DEQ shall comply with the requirements of the Administrative Procedure Act (APA), 1 CMC §§ 9101 to 9115.

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 Regulation and the DEQ UST Program.

7.1.5 No UST Permit to Install shall be issued without prior proof of financial responsibility 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;
- b.** within 90 days of the effective date of these regulations for tanks storing heating oil for consumptive use on premises where stored or storage tanks located on or above the floor in an underground room.

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, renewal, and replacement) payable to the Division of Environmental Quality at the time the application is submitted. Applications for UST Permit to Operate must be renewed yearly.

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 responsibility 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 overfill 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;

8.1.4 tanks shall be equipped with secondary containment either by:

- a.* installation of double walled tanks and 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;

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, or
- b.* manual tank gauging, or
- c.* automatic tank gauging, or
- d.* vapor monitoring, or
- e.* groundwater monitoring, or
- 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, or
- 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 (appropriate detection methods, construction, and installation must be utilized to suit the specific system, whether suction piping or pressure piping):

- a.** automatic line leak detector that detects a release within an hour by restricting or shutting off flow or sounding an alarm, or
- b.** an applicable method used in Part 8.1.5 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; and

8.1.7 all ports, vents, or other apparatuses that could in anyway be construed as a fill port must be 1) properly identified by labeling which is easily visible and 2) locked to prevent accidental spills due to human error.

8.2 The owner or 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 or 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 as per manufacturers specifications 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 time the operating pressure or 50 PSI maximum.

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.

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

8.7 The owner or 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 or operator shall be responsible for compliance with any warranty requirements for equipments 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 within five hundred (500) feet of a wetland boundary; 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 navigable waters; or

f. within tidal or storm wave inundation areas; or

h. 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 or operator shall comply with any additional requirements specified by the Chief as necessary to protect public health and the environment.

8.13 The owner or 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 or operator shall upgrade the UST system such that leak detection is installed and operated in compliance with subpart 8.1.5 by December 1, 1993.

8.14 The owner or 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 8.1.5 by:

8.14.1 December 22, 1990 for all tanks with pressurized and tanks with suction piping installed prior to 1969 or if date of installation is unknown;

8.14.2 December 22, 1991 for tanks with suction piping installed between 1969-1974;

8.14.4 December 22, 1992 for tanks with suction piping installed between 1975-1979; and

8.14.5 December 22, 1993 for tanks with suction piping installed between 1980-1992.

8.15 The owner or 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 8.1.6 by:

8.15.1 May 25, 1992 for pressurized; or

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

PART 9 TANK CERTIFICATION (PERMIT TO OPERATE)

9.1 Upon completion of installation and DEQ's 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 when the precision test is conducted.

9.2 Upon receipt and approval of the precision test results and any additional information requested by DEQ, the Chief may issue a Letter of Certification to the owner or operator.

9.2.1 The Letter of Certification shall testify that:

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

d. the owner or operator has provided proof of financial responsibility 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 (Permit to Operate) 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 There will be a 30 day processing period for any UST Letter of Certification (Permit to Operate), from the time all requirements in this Part have been completed and DEQ determines the application complete.

9.4 Any UST installed prior to the effective date of these regulations must 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.

9.5 The UST Certification is valid for one year from the date of issuance. It is the responsibility of the owner or operator to contact DEQ at least 30 days prior to the expiration of the UST Certification and for requesting renewal of the certification. Precision testing required for UST certification is as specified in Section 10.8 of this regulations.

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

PART 10 MONITORING

10.1 The owner or 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.

10.2 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.

10.3 All UST 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 inventory control requirements in Part 8.1.5 (a) (b), 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.

10.4 Automatic line leak detectors installed in piping through which regulated substances routinely pass under pressure and under suction in accordance with 8.1.5 shall have a line tightness test conducted every year and use a monthly monitoring method conducted in accordance with 8.1.5 (c)(d).

10.5 Piping through which regulated substances routinely pass under pressure and under suction in accordance with 8.1.5 shall have a line tightness test conducted every year and use a monthly monitoring method conducted in accordance with 8.1.5 (c)(d).

10.6 The owner or operator shall be responsible for keeping records of leak detection monitoring.

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

10.7.1 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.

10.8 Each UST shall be precision tested:

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

10.8.2 by November 24, 1992, for all tanks systems not used for storage of heating oil for consumption on-site installed prior to November 24, 1991, as specified in Part 9.1; and

10.8.3 within one year from the effective date of these regulations for existing tank systems used to store heating oil for consumption on-site, that were not tested prior to certification and operation as specified in Part 9.1; and

10.8.4 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

10.8.5 ten years from the date of the initial precision test and annually thereafter, for the operational life of the UST.

PART 11 LEAK REPORTING AND CORRECTION

11.1 The owner or operator shall immediately investigate all suspected leak, spill, overfill, 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, overfill, discharge, or any other release from a UST or associated equipment shall be stopped as soon as practicable by the owner or operator.

11.3 The owner or operator of any UST must report any verified or suspected leak, spill, overfill, 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 or 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 or 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 or 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 or 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 or 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 or 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 or 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 within ninety (90) days of the release or by a date indicated 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 or 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 or 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 a UST from the ground the owner or 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 or operator shall completely fill the tank with a solid, inert material, approved in advance by DEQ.

12.6 Owners or operators of UST 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 or 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 or operator is responsible for submitting a CNMI UST Notification Form each year. The Form must indicate whether any changes 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 or 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 Willful withholding of requested information shall be subject to enforcement procedures specified in Part 15.

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, losses or expenditures which shall be for the confidential use at the Division in the administration of these regulations.

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

13.4.2 The owner or 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 is 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 or operator of a 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 or 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 or 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 December 22, 1993, 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 or 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 or 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 or 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 or 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, 42 USC §§ 9601 to 9675 (Public Law 96-510) as amended, or other applicable laws.

PART 15. ENFORCEMENT

15.1 The Chief may institute civil actions through the Commonwealth Courts and/or by Administrative Orders issued by the Chief and the Director.

15.2 Procedures for Administrative Orders shall be conducted as follows:

15.2.1 The Chief may issue an order to enforce compliance with the Act; any regulations adopted pursuant to the Act; any permit or license issued pursuant to the Act or regulations; any order issued pursuant to the Act, permits, or regulations. Such orders may include but are not limited to a payment of a civil fine, take corrective action, or to cease and desist. Prior to any order for a civil fine the Chief shall issue a notice to the alleged violator and allow the violator a reasonable time, as determined by the Chief, to correct such violation. The administrative order shall serve as a complaint.

15.2.2 The Chief may order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations. Each day of continued violation is a separate offense.

15.2.3 The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.

15.2.4 Any person who is subject to civil penalties, revocation, or suspension pursuant to §§ 15 and 16 shall be served an Administrative Order and Notice of Violation and may upon written request seek a hearing before the Chief or his designee. Request for a hearing must be served upon the Division within seven (7) calendar days from the receipt of the notice of violation or the right to a hearing is waived.

15.2.5 The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations.

15.2.6 The respondent may also request an informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.

15.2.7 If a hearing is conducted the Chief or his designee will preside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.

15.2.8 Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty (30) calendar days.

15.2.9 The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

15.2.10 For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

15.3 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.

15.4 Nothing in §15.2 shall limit the remedy of civil actions through the Commonwealth Courts. At the request of the Chief, transmitted through and with the approval of the Director, the Attorney General shall institute a civil action in the Commonwealth Trial Court for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of the Act; these regulations; any term of a permit issued under the authority of the Act or these regulations; or any order issued to enforce the Act, these regulations, a term of a permit, or prior order.

15.5 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.

15.5.1 The Chief may enter property for purposes specified in subpart **15.5** 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 treat.

15.6 DEQ shall provide for public participation in the enforcement of these regulations.

15.6.1 Public participation shall included 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

15.6.2 Investigating and providing responses 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, permit, 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.

17 SEVERABILITY

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



COMMONWEALTH HEALTH CENTER

PRIMARY HEALTH CARE DIVISION

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

CERTIFICATION

I, Dr. Jose L. Chong, the Director of the Department of Public Health and Environmental Services which is promulgating these revised Regulation 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 4th day of September, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.

A handwritten signature in black ink, appearing to read "Jose L. Chong", written over a horizontal line.

Dr. Jose L. Chong, Director
Department of Public Health and
Environmental Services



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

NOTICE OF ADOPTION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

WELL DRILLING AND WELL OPERATIONS REGULATIONS FOR PUBLIC LAW 1-8, PUBLIC LAW 3-23, AND PUBLIC LAW 6-12

The Director of the Department of Public Health and Environmental Services of the Commonwealth of the Northern Marianas Islands (CNMI), in accordance with Public Law 1-8, Public Law 3-23, and Public Law 6-12, has adopted Well Drilling and Well Operations Regulations. There are no substantive changes from the proposed regulations promulgated July 15, 1992.

The regulations apply to all existing and future wells, drilled either for the purpose of producing water or for furthering geologic research. Included are requirements for permitting, construction, and monitoring of water wells. Also included are requirements for licensing well drillers in the CNMI.

The purpose of the regulations is to: (1) Promote the long-term ability of the CNMI to provide reliable and potable groundwater to the public; (2) Promote non-degradation of the CNMI's groundwater resources; (3) Provide that groundwater resources be put to the highest beneficial use for which they are capable; and (4) To protect public health by protecting and enhancing the quality of existing and potential groundwater resources used for human consumptive purposes.

Copies of the Well Drilling and Well Operations Regulations may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, located at the old Dr. Torres Hospital, As Terlaje, Saipan, MP 96950.

Date: 8/20/92

for Ned J. Aniofa
DR. JOSE L. CHONG, Director
Department of Public Health
and Environmental Services

Date: 8/20/92

Filed By: Soledad Sasamoto
Soledad Sasamoto 2:20 p.m.
Registrar of Corporations

Date: 8/20/92

Rec'd By: Donna Cruz 2:30 pm
Donna Cruz
Governor's Office



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

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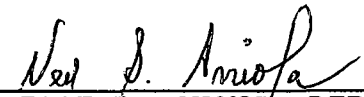
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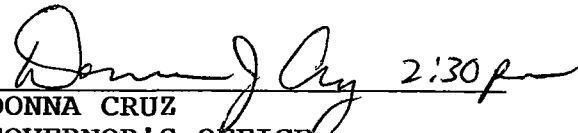
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I PROPOSITUN ESTE NA REGULASION I PARA: (1) ATBANSA MONA'
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DEGRADATION PARA HONOM TUPU GI CNMI (3) PRUBENIYE Hafa siha para
BENEFISIUN TODU I MA'USA-NA. (4) PARA U PROTEHE HINEMLO PUPBLIKU
KOMU MA ATBANSA I KUALIDAD I HANOM NI MA U'USA I PUPBLIKU.

HAYI MALAGO SINA HA MANULE KOPIAN ESTE SIHA REGULASION PARA MANGUADDOK TUPU YAN MANEHAN TUPU GI DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES, DIVISION OF ENVIRONMENTAL QUALITY, NI GAIGE GI HAGAS DR. TORRES HOSPITAL, AS TERLAJE, SAIPAN, MP 96950. HAYI LOKKUE MALAGO MAMATINAS KOMENTU PUT ESTE SIHA NA REGULASION SINA HA TUGE'PAPA YA UNA HANAO GUATU GI CHIEF, DIVISION OF ENVIRONMENTAL QUALITY, POST OFFICE BOX 1304, SAIPAN, MP 96950.

FECHA': 8/20/92 *from* 
DR. JOSE L. CHONG, DIRECTOR
DEPARTMENT OF PUBLIC HEALTH
AND ENVIRONMENTAL SERVICES

FECHA': 8/20/92 FILED BY: 
SOLEIDAD SASAMOTO 2:20 p.m.
REGISTRAR OF CORPORATIONS

FECHA': 8/20/92 REC'D BY:  2:30 p.m.
DONNA CRUZ
GOVERNOR'S OFFICE



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

ARONGORONGOL TOWLAP

DEPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

FFÉÉRÚL ALLÉGH REEL KKEILIL SCHAAL ME YÁYÁÁL

EBWE TOOLONG LLÓL ALLÉGHÚL TOWLAP YE 1-8, ALLÉGHÚL TOWLAP YE 3-23
ME ALLÉGHÚL TOWLAP YE 6-12

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DIVISION OF ENVIRONMENTAL QUALITY, P.O. BOX 1304, SAIPAN, MP
96950.

DATE: 8/20/92

Jose L. Chong
DR. JOSE L. CHONG, DIRECTOR
DEPARTMENT OF PUBLIC HEALTH
AND ENVIRONMENTAL SERVICES

DATE: 8/20/92

FILED BY: *Soledad Sasamoto*
SOLEDAD SASAMOTO 2:20 p.m.
REGISTRAR OF CORPORATIONS

DATE: 8/20/92

REC'D BY: *Donna Cruz* 2:30 pm
DONNA CRUZ
GOVERNOR'S OFFICE

WELL DRILLING AND WELL OPERATIONS REGULATIONS

SECTION 1. AUTHORITY

These rules and regulations have been promulgated by the Department of Public Health and Environmental Services, in accordance with Public Law 6-12 of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications, to be adopted by the Department of Public Health and Environmental Services as necessary, 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.

SECTION 2. PURPOSE

Whereas the Commonwealth is almost entirely dependant upon groundwater for its drinking water supplies; and whereas the unregulated use of the Commonwealth's groundwater resources threatens the quality and availability of this resource; and whereas the general welfare requires that groundwater resources be put to the highest beneficial use for which they are capable, the purpose of these regulations is to:

- 2.1 Promote the long-term ability of the Commonwealth to provide reliable and potable water to the public;
- 2.2 Establish a water well permitting system designed to monitor and regulate the use of the Commonwealth's groundwater resources;
- 2.3 Codify well drillers' licensing requirements;
- 2.4 Promote the non-degradation and rational utilization of the Commonwealth's groundwater resources;
- 2.5 Promote public awareness of the critical importance of protecting the Commonwealth's groundwater resources from contamination and degradation;
- 2.6 Provide that groundwater resources be put to the highest beneficial use for which they are capable; and,
- 2.7 Protect public health by protecting and enhancing the quality of existing and potential groundwater resources used for human consumptive purposes.

SECTION 3. DEFINITIONS

- 3.1 "Abandoned Well" is a well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced. For the purposes of these regulations, any well that has not reported production for two (2) consecutive years shall be considered abandoned unless otherwise amended by the Chief (also referred to as *Plugging and Abandonment*).
- 3.2 "Abutter" is a person that owns or leases land adjacent to or directly across a public right-of-way from a parcel of land in question.
- 3.3 "The Act" means the Commonwealth Groundwater Management and Protection Act of 1988, also known as Public Law 6-12.
- 3.4 "Active Well" is an operating water well or an active monitoring well.
- 3.5 "Annular Space" is the space between the wall of the drilled hole and the outside diameter of the well casing.
- 3.6 "Aquifer" is a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.
- 3.7 "Aquifer Test" is a test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition (see *Pumping Test*).
- 3.8 "ASTM" is the American Society for Testing and Materials.
- 3.9 "AWWA" is the American Water Works Association.
- 3.10 "Basal Groundwater Lens" is groundwater floating on sea water.
- 3.11 "Beneficial Use" shall include the use of water reasonably required for domestic, agriculture, commercial, industrial, recreational, and other purposes on both public and private lands. The use of water for domestic purposes is defined as the highest beneficial use of water.
- 3.12 "Bentonite" is a highly plastic colloidal clay composed largely of montmorillonite used as a drilling additive or as a sealant.

- 3.13 "*Casing*" is a tubular retaining structure which is installed in the well bore to maintain the well opening.
- 3.14 "*Chief*" means the Chief of the Division of Environmental Quality within the Department of Public Health and Environmental Services.
- 3.15 "*Commonwealth*" means the Commonwealth of the Northern Mariana Islands (also *CNMI*).
- 3.16 "*Community Water System*" is a public water system serving at least 15 service connections or 25 of the same individuals year round.
- 3.17 "*Cone of Depression*" is a depression in the water table that is in the shape of an inverted cone and develops around a well which is being pumped. The outer edge of the cone of depression defines the Radius of Influence of the pumping well.
- 3.18 "*Confined Aquifer*" is groundwater under pressure, whose upper surface is the bottom of an impermeable bed.
- 3.19 "*Contamination*" means the introduction of any physical, chemical, biological, or radiological substance into water which has the potential to pose a threat to human health or the environment or to impede the most beneficial use of water.
- 3.20 "*Department*" means the Department of Public Health and Environmental Services, unless otherwise specified.
- 3.21 "*Degradation*" is change in the quality of water which makes it less suitable for the highest beneficial use.
- 3.22 "*Director*" means the Director of the Department of Public Health and Environmental Services, or his duly authorized representative, unless otherwise specified.
- 3.23 "*Division*" means the Division of Environmental Quality (DEQ) unless otherwise specified.
- 3.24 "*Drilling Fluid*" or "*Driller's Mud*" is a fluid composed of water or water and clay used in the drilling operation.
- 3.25 "*Drinking Water Quality Standards*" as defined and established in the Commonwealth's Drinking Water Regulations, latest revision.
- 3.26 "*Duplex*" means a building which is designed exclusively for the occupancy of one family in each of the two units which are attached to each other and separate from other buildings.

- 3.27 "EPA" is the United States Environmental Protection Agency.
- 3.28 "Groundwater" is that part of the subsurface water which is in the zone of saturation.
- 3.29 "Hazardous Material" is any material because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly contained, stored, transported, processed, handled, manipulated, or otherwise accidentally released into the environment.
- 3.30 "Hazardous Waste" is any waste because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly collected, contained, stored, transported, processed, recovered, treated, disposed, handled, manipulated, or otherwise accidentally released into the environment.
- 3.31 "Head" is the energy contained in a water mass, produced by elevation, pressure, or velocity.
- 3.32 "High Level (Perched) Groundwater" is groundwater encountered above the general zone of phreatic water and is a more or less isolated body of groundwater whose position is controlled by structure or stratigraphy.
- 3.33 "Hydraulic Conductivity" is the rate of flow of water in gallons per day through a cross section of one square foot under a unit hydraulic gradient (gpd/sq ft).
- 3.34 "Hydraulic Gradient" is the rate of change in total head per unit of distance of flow in a given direction. For the purposes of these regulations, "upgradient" shall imply the direction from a reference point toward a higher hydraulic grade; and "downgradient" shall imply the direction from a reference point toward a lower hydraulic grade.
- 3.35 "Individual Wastewater Disposal System" means a system designed and installed to dispose of sewage from a single structure or group of structures using a disposal method other than discharge into a public sewer. Such a system may consist of a septic tank, together with a leaching field or seepage pit, or other treatment unit.

- 3.36 "*Leaching Field*" means a buried system of perforated pipes, bedded in crushed rock or coral, through which treated or partially treated sewage effluent may seep or leach into the surrounding porous soil.
- 3.37 "*Monitoring Well*" is a well constructed for the purposes of observing subsurface hydrologic conditions and collecting hydrologic or water quality data, and not for use in extracting water for a beneficial use.
- 3.38 "*Non-Community Water System*" is a public water system serving at least 25 individuals daily at least 60 days out of the year.
- 3.39 "*Non-Public Water Supply*" means the source(s) of water for any water system not meeting the definition of a Public Water System.
- 3.40 "*NWWA*" is the National Water Well Association.
- 3.41 "*Overpumping*" means a groundwater withdrawal rate which causes saltwater intrusion and increases the chloride ion and total dissolved solids concentration in the well water discharge.
- 3.42 "*Parabasal Groundwater*" is groundwater continuous with basal groundwater, but is not directly in contact with sea water; volcanic formations typically support parabasal groundwater.
- 3.43 "*Permeability*" is the capacity of a geologic material for transmitting fluid.
- 3.44 "*Permit*" as used in these regulations shall mean a Well Drilling or a Well Operations permit.
- 3.45 "*Person*" means any individual, firm, partnership, association, corporation, both public and private; and any entity or agency of the Commonwealth Government or the United States of America.
- 3.46 "*Potable Water*" means water that is of a quality that meets the requirements of the Commonwealth's Drinking Water Regulations, latest revision.
- 3.47 "*Public Water Supply*" means the source(s) of water for a public water system (see definition of *Public Water System*).
- 3.48 "*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 a 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. Human consumption

includes such normal uses as drinking, cooking, bathing, showering, dishwashing, and/or oral hygiene.

- 3.49 "*Pumping Test*" is a test that is conducted to determine aquifer or well characteristics (see *Aquifer Test*).
- 3.50 "*Recharge Well*" or "*Injection Well*" means a well constructed for the purpose of introducing water or other liquid substances into the ground as a means of replenishing groundwater basins or repelling intrusion of sea water, or of disposing of a liquid waste stream. (See the Commonwealth's Underground Injection Control Regulations, latest revision, for a more complete definition of an underground injection well.)
- 3.51 "*Saltwater Intrusion*" means the inland and upward movement of the fresh water - salt water boundary, usually caused by a disruption in the equilibrium of the two water bodies resulting from excessive withdrawal from the basal water lens.
- 3.52 "*Seawater Well*" means a water well equipped with full well casing down to depth at least 150 feet below sea level. The well screen or open hole portion of the well shall begin at least 150 feet below sea level. "Seawater well" also means any water well with full well casing down to the well screen or open hole portion of the water well, with the screened or open hole portion located within groundwater having a chloride ion concentration of 10,000 ppm (1/2 isochlore) or a conductivity reading of 20,000 umoh's under static (non-pumping) conditions.
- 3.53 "*Screen*" or "*Well Screen*" is a filtering device used to keep sediments from entering a water well or monitoring well.
- 3.54 "*Seepage Pit*" means a covered pit with open-jointed or perforated lining through which treated or partially treated sewage effluent may seep or leach into the surrounding soil.
- 3.55 "*Sewage*" or "*Wastewater*" means untreated or insufficiently treated human excreta; food wastes disposed of through sewers; wash water; or liquid wastes from residences, commercial buildings, agricultural operations, industrial establishments, or places of assembly.
- 3.56 "*Single Family Dwelling*" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
- 3.57 "*Significant Well Modification*" means any change, replacement, or other alteration of any well, pump, or pumping equipment which involves drilling or redevelopment activities, changing the depth of water withdrawal, or changing the capacity of the

- well or equipment in order to withdraw more or less water.
- 3.58 "*Specific Capacity*" is the rate of discharge of a water well per unit of drawdown, expressed in gpm/ft.
- 3.59 "*Sustainable Yield*" means the water supply that may normally be withdrawn from a water source at the maximum rate which will not unduly impair or degrade source utility or source quality, including yield from an undeveloped or partially developed source.
- 3.60 "*Test Well*" or "*Exploratory Well*" is a well constructed for geologic or hydrologic exploration and not intended for use as a water well (see Section 19).
- 3.61 "*Transmissivity*" is the rate at which water is transmitted through a unit width of an aquifer under a unit hydraulic gradient, given in gallons per minute through a vertical section of an aquifer one foot wide and extending the full saturated height of the aquifer (gpd/ft).
- 3.62 "*Unconfined (free) Groundwater*" means groundwater that has a free groundwater table; i.e., water not confined under pressure.
- 3.63 "*Water Supply*" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
- 3.64 "*Water Well*" is any hole drilled, dug, or bored at any angle, either cased or uncased, for the purpose of obtaining water.
- 3.65 "*Well*" is any hole drilled, dug, or bored at any angle, either cased or uncased, and includes water wells, test wells, and monitoring wells.
- 3.66 "*Well Seal*" means an approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or the curbing of a well and the piping or equipment installed therein, the purpose of which is to prevent pollutants from entering the well.
- 3.67 "*Yield*" is a quantitative term, expressed as a rate of volume over a unit of time, such as millions of gallons per day ("MGD").
- 3.68 "*Zone of Contribution*" is the land area which contributes recharge, and therefore potential contaminants, to an existing or proposed water well or well field.

SECTION 4. WELL DRILLER'S LICENSE REQUIREMENTS

- 4.1 Any person, public or private, who is engaged or intends to engage in the drilling of wells is required to apply for a Well Driller's License. Such licenses are required not only of those who make a regular business of well drilling, but all who may construct wells for their own purposes, for others as an incident to any line of business activity, or for the exchange or barter of services. A copy of the Well Driller's License application form is available from the Division. The application shall be submitted to the Chief on forms supplied by the Division, and shall include at a minimum the following information:
- a. Name and business address/telephone number of well drilling company.
 - b. Name of duly authorized individual representing well drilling company.
 - c. Commonwealth Contractor and Business license numbers.
 - d. Documents detailing the applicant's bonding and financial capability, and insurance for comprehensive and general liability coverage;
 - e. Evidence of the applicant's qualifications and experience in conducting well drilling activities in the CNMI;
 - f. Signature of the applicant or authorized representative thereof indicating under penalty of perjury that the information provided in the application is true and accurate to the best of his or her knowledge.
- 4.2 A non-refundable fee of ten thousand dollars (\$10,000.00), payable to the Division, shall accompany each application for a new Well Driller's License. A non-refundable fee of one thousand dollars (\$1,000.00), payable to the Division, shall accompany each Well Driller's License renewal application.
- 4.3 No well drilling of any kind shall be performed except by those well drillers with a valid license. The well driller's license number shall be prominently displayed on the side of the drill rig.
- 4.4 An applicant for a Well Driller's License must prove the following to the satisfaction of the Chief. The Chief shall have the discretion to require additional information as deemed necessary for a specific application.
- a. The applicant proves valid insurance coverage for comprehensive and general liability in an amount not less

than \$ 250,000 each occurrence, and \$ 500,000 aggregate for the period in which the driller's license is valid. The applicant is also required to carry Worker's Compensation coverage in accordance with local labor laws. The applicant must prove insurance coverage in the above amounts for the full period in which the Well Driller's License is to be valid.

- b. The applicant is in possession of the necessary equipment to properly perform well drilling work and related tasks.
- 4.5 An applicant for a Well Driller's License must obtain a Performance Bond in the amount of Twenty-Five Thousand Dollars (\$25,000.00), to remain in effect for the full period in which the Well Driller's License is to be valid. The Bond shall be made payable to the Division, and the Chief shall use the proceeds from the Bond to pay for any corrective action to any well(s) not located or constructed in accordance with these Regulations.
- 4.6 An applicant's field crew chief(s) (those individuals with actual direct supervisory authority over well drilling activities in the field) must have the following qualifications:
- a. Have at least two (2) years continuous work experience in well drilling and field testing techniques;
 - b. Demonstrate knowledge of lithologic sampling methods; aquifer testing; pump testing; and water quality sampling through trial demonstration under the direct supervision of Division staff.
- 4.7 The Chief shall deny an application for a Well Driller's License or renewal thereof if the information submitted by the applicant does not demonstrate that the applicant satisfies the requirements pertinent to the license. The applicant may appeal the Chief's decision in accordance with the provisions of Section 16 of these Regulations.
- 4.8 A well driller's license shall not, under any circumstances, be transferrable from one location to another, or from one person to another, without the approval of the Chief.
- 4.9 The license shall be valid for a period of one (1) year starting from the date of issuance.
- 4.10 A fully completed well drilling license application shall be submitted to the Chief for review at least thirty (30) calendar days prior to the scheduled start of any well drilling business activities.

- 4.11 Renewal application of a well driller's license shall be submitted at least thirty (30) calendar days before expiration of such license.
- 4.12 Failure to apply for renewal of a well driller's license within one (1) year after its expiration will result in the requirement to apply for a new Well Driller's License, and to pay the new well driller's license fee.
- 4.13 Reinstatement of any well driller's license which has been revoked by the Chief, as provided for under Section 17 of these Regulations, requires the submission of a new well driller's license application, and payment of the new well driller's license fee.
- 4.14 All current well driller's licenses shall remain valid until their stated expiration date, after which all currently licensed well drillers must apply for license renewal pursuant to these regulations. Current well driller's licensees failing to meet the minimum requirements set forth in this section shall not be granted renewal of their well drilling license. Individuals not employed by the well driller on a full-time basis (i.e., consultants) may not be used to satisfy the personnel qualifications requirements of this section.
- 4.15 "Provisional" or "temporary" well driller's licenses shall not be issued by the Chief.
- 4.16 No person shall deface, alter, forge, counterfeit, or falsify a well driller's license.

SECTION 5. WELL DRILLING PERMIT APPLICATION REQUIREMENTS

No well may be drilled unless the owner of the land upon which the well is to be drilled, or the Lessee of said land (to be known hereinafter as "the applicant"), has obtained a Well Drilling Permit from the Chief. It is the responsibility of the licensed well driller to confirm that a valid well drilling permit has been issued to the applicant by the Division. Administrative penalties may be imposed upon both the applicant and the well driller, as per Section 17 of the Regulations, if any well is drilled without first obtaining a Well Drilling Permit. A Well Drilling Permit application shall be completed and submitted to the Chief for all new wells, or significant modification to any existing well(s). Water wells, test wells, and monitoring wells, provided they are on the same parcel of land, and will be constructed within 180 days, require submission of only a single Well Drilling Permit application.

Application for drilling an Underground Injection Well shall be made in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), a copy of which can be obtained at the office of the Division.

The well drilling permit covers well siting and design criteria, and well construction, testing, and development activities. The well drilling permit application shall be submitted to the Chief and shall include at a minimum the information covered in this Section.

The requirements of this Section apply to all applicants that have not received a Well Drilling Permit as of the date these regulations become effective. A copy of the Well Drilling Permit application form is available from the Division.

The application may be filled out by the applicant or his authorized representative. In either case, the applicant shall sign and date the application, and shall be responsible for all statements made therein.

Information to be provided in the well drilling permit application form shall include:

- 5.1 Name, address, and telephone number of the applicant. If the applicant is not the owner of the land, a lease or other title document must be provided with the application to prove the applicant's legal right to use the property.
- 5.2 Type of application (new, revision, or renewal).
 - a. A new application is for those applicants who seek to construct new well(s) or make significant modification to existing well(s).

- b. A revised application is for those applicants who seek to make a substantial change to the scope of work as described in the original permit application. Substantial changes to original scope include but are not limited to the number of wells, the discharge rate requested, the location of the well(s), or the intended use(s) of the proposed well(s).
- c. A renewal application is for those applicants whose well drilling, development, testing, and reporting activities are not completed within 180 days from the date of issuing the original well drilling permit.

5.3 Well drilling permit application fees shall be in accordance with the following fee schedule. Payment of fees is required at the time of submitting each permit application, and is non-refundable. Fees shall be paid by check, and made payable to the Division. The Commonwealth Utilities Corporation is exempt from payment of permit application fees.

WELL DRILLING PERMIT APPLICATION FEE TABLE

<u>Application Type</u>	<u>Total Well Discharge Capacity Requirement¹</u>	<u>Application Fee²</u>
New	less than 20 gpm	\$ 50.00
	21 gpm to 100 gpm	\$ 200.00
	101 gpm to 200 gpm	\$ 1000.00
	201 gpm to 350 gpm	\$ 2000.00
	351 gpm to 500 gpm	\$ 4000.00
	over 500 gpm	\$ 8000.00
Revised	If discharge capacity requirements changes, the final cost to the applicant shall be based upon the above. If well location changes, no adjustment in fees is necessary.	
Renewal	There is no well drilling permit renewal fee.	

NOTES FOR FEE TABLE:

- (1) See Section 11 defining total well discharge capacity requirement.
- (2) Fees for significantly modified wells shall be the incremental new application fee. For example, if a project is to be expanded, involving a well discharge capacity requirement increase from 80 gpm to 120 gpm, the fee is \$800.00
- (3) There are no application fees for test wells or monitoring wells.
- (4) Lab fees are not included in the above. If the applicant wishes to utilize the Division's laboratory services for certain water quality sampling and analysis, the appropriate laboratory fees shall be paid to the Division at the time of application.

- 5.4 Well driller's name, address, telephone number, and well driller's license number (with expiration date).
- 5.5 Type of well drilling equipment and drilling method to be employed.
- 5.6 Proposed well drilling start date (for reference only).
- 5.7 Intended use for the proposed well.
- 5.8 Schematic design of the proposed well construction.
- 5.9. Calculated well production capacity requirement (see Section 11 of these regulations for requirements of well production capacity for various intended uses).
- 5.10 A map drawn at a scale of not more than one (1) inch equals one hundred (100) feet showing the following data **FOR BOTH PUBLIC AND NON-PUBLIC WATER SUPPLIES:**
 - a. Location of property lines and survey monuments with ties to proposed well location.
 - b. Name of property owner upon which well is to be located, and name of abutters of said property.
 - c. A site location plan (no scale required) sufficiently accurate to allow Division staff to find the site.
 - d. Describe existing land use(s).
 - e. Sketch of existing and/or proposed access to well site(s).

FOR PUBLIC WATER SUPPLIES, ADD TO THE MAP REQUIRED BY 5.10 THE FOLLOWING INFORMATION:

- f. Ground surface topography, with contour intervals not to exceed ten (10) feet, within 150 feet of the proposed well location.
- g. Location of all existing or proposed public sewer lines, sewer pump stations, and other sewerage facilities, individual waste disposal systems, intermittent or perennial streams, ponding basins, other wells (either active or abandoned), buildings, storm water drains, and wetlands within a 500 foot radius of the proposed well location. In addition, the applicant is responsible for certifying that the proposed PUBLIC WATER SUPPLY meets the minimum set-back requirements outlined in Section 6 of these regulations.

- h. Location and elevation of a temporary benchmark established by a registered land surveyor.
 - i. A statement as to whether the proposed well is to be constructed within the 100-year flood plain area.
 - j. Location of pump test well water discharge.
- 5.11 The proposed well location shown on a United States Geological Survey map, scale 1: 25,000. Indicate on the map the latitude and longitude (to the nearest second) of the proposed well site(s).
- 5.12 If available at the time of submitting the well drilling permit application, provide other project information, including the following:
- a. A brief description of the project the well is a part of; i.e., project name, project scope (number of rooms, housing units, etc.).
 - b. Other permits required, such as a Coastal Resources Management permit (including major siting projects), an individual wastewater disposal system permit, an earth moving permit, and any federal permits. The applicant shall provide permit numbers, application dates, special permit conditions, and other permit information available at the time of applying for the well drilling permit.
- 5.13 The proposed well site shall be inspected by the Chief or Division staff member prior to issuance of a well drilling permit. The applicant shall provide a physical marking (i.e., stake with flagging) prior to field inspection by the Division. The applicant or his authorized representative shall accompany the Division Chief or staff member during the field inspection.
- 5.14 A fully completed well drilling permit application shall be submitted to the Chief for review at least thirty (30) calendar days prior to the scheduled start of any well drilling activities.
- 5.15 A well drilling permit shall remain valid for a period of 180 calendar days from the date of issuance. All well drilling, development, testing, and reporting activities must be completed within the 180 calendar day period.
- 5.16 If the original permit expires prior to completion of all well drilling, testing, and reporting activities, the applicant may apply for a renewal of a well drilling permit. An application for renewal shall include all data required for a new permit, and shall be submitted at least thirty (30) calendar days

prior to expiration of the original permit. A permit that expires without renewal shall require resubmission of a new permit application and application fees.

SECTION 6. WELL SITING CRITERIA

All new public and non-public water supply wells shall be setback a distance from potential sources of contamination. The setback distances shall define a wellhead protection area. There shall be an established wellhead protection area around each new public and non-public groundwater supply. The wellhead protection area is defined by a downgradient and side dimensions from the well, and upgradient dimension from the well normally equal to twice the downgradient dimension. Paragraph 6.1 shall be used in siting a new public water supply well.

6.1 PUBLIC WATER SUPPLY wellhead protection area requirements are:

<u>EXISTING LAND USE</u>	<u>MINIMUM DOWN/UPGRADIENT DIMENSIONS OF WELLHEAD PROTECTION AREA</u>
Above/Below Grade Structures	10/10
Road Drainage Course	50/100
Surface Water Body	150/150
Public/Private Sewer Line	100/200
Sewage Pump Station	150/300
Seepage Pit, Outhouse, Cesspool, Leachfield	150/300
Underground Fuel Storage Tank	500/500
Auto, Heavy Equipment, Engine Repair Facility	250/500
Underground Injection Well	250/500
IWDS Effluent Disposal (> 5,000 gpd)	500/500
Above Ground Fuel Storage Facility (< 2,000 gal)	250/500
Above Ground Fuel Storage Facility (> 2,000 gal)	1000/2000
Landfill or Hazardous Waste Storage/Treatment Fac	1000/2000
Unsewered Industrial Process	1000/2000

6.2 NON-PUBLIC WATER SUPPLY wellhead protection area requirements are:

Road Drainage Course	25/50
Surface Water Body	75/75
Public/Private Sewer Line	75/150
Sewage Pump Station	75/150
Seepage Pit, Outhouse, Cesspool, Leachfield	75/150

All other set back distances shall be as listed in 6.1 above.

6.3 In addition to the above, wells shall be setback a minimum of 25 feet from property lines, and a minimum of 25 feet from overhead power lines. Well drillers are encouraged to contact the local telephone, water, sewer, and power authorities to determine the presence of buried utilities in the area of any proposed drilling activities. All damages sustained to property as a result of well drilling activities shall be the responsibility of the well driller performing the work.

- 6.4 The Chief may order an applicant to conduct a comprehensive hydrogeologic investigation if any of the above listed land uses pose a threat to a proposed public water supply, even if the potential contamination source is located outside the designated wellhead protection area. Refer to Section 20 of these regulations regarding such an investigation.
- 6.5 For water supply wells located downgradient of a known or potential source of contamination, or whose Zone of Contribution is occupied by a known or potential source of contamination, the Chief may require the installation of one or more monitoring wells, and require the establishment of a groundwater monitoring program. The cost of all groundwater monitoring related costs shall be borne by the applicant. See Section 20 of these regulations for information pertaining to the requirements for monitoring wells and hydrogeologic investigations.
- 6.6 Set back distances from other possible sources of contamination will be established on a case by case basis.
- 6.7 For all known or potential sources of contamination the Chief may require greater set-back distances than those listed in Paragraph 6.1, should the prevailing hydrogeology of the proposed well site (such as within geologic formations known to have very high transmissivity values) warrant such measures.
- 6.8 Wherever possible, wells shall be located upgradient (upstream of the area's prevailing groundwater flow pattern) of any known or potential source of contamination.
- 6.9 If the groundwater gradient cannot be reasonable estimated, then the wellhead protection area shall be a circle with the well at its center, and with a radius equal to the average of the downgradient and upgradient dimensions listed above.
- 6.10 The top of the casing shall terminate a minimum of 12 inches above any known conditions of flooding by drainage or runoff from the surrounding land.
- 6.11 The siting of underground injection wells shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), latest revision, a copy of which can be obtained at the office of the Division.
- 6.12 See Sections 14 and 15 of these Regulations for allowed exemptions from the above requirements.

6.13 Applicants for new public or non-public groundwater supplies proposed within 250 feet of the CUC water distribution system must submit a letter or statement from the CUC Water Division Chief with the Well Drilling permit application, stating that CUC is not capable of providing water service at the applicant's property. No well drilling permit shall be issued for projects located within 250 feet of a CUC distribution main unless a denial letter from CUC Water Division is submitted.

SECTION 7. WELL CONSTRUCTION CRITERIA

- 7.1 The annular space on all wells shall be sealed to protect the well and/or the aquifer from entrance of surface or shallow contaminants. The minimum distance for sealing off the annular space shall be 50 feet, unless otherwise provided for below.
- a. For wells constructed in very shallow aquifers (less than 50 feet deep to the water table), the applicant may seal the annular space to a lesser depth provided the applicant can demonstrate to the Chief that the well construction will provide protection from entrance of surface or shallow contaminants. In no instance shall the annular seal be constructed to a depth less than 25 feet. The annular seal shall not be placed until Division personnel perform a site inspection.
 - b. For wells constructed in unconsolidated material, prone to collapsing, a conductor casing shall be installed to the depth of the seal specified above. The 2-inch (min) space between the conductor casing and production (well) casing shall be filled with sealing material.
 - c. The sealing material shall conform to the latest revision of the NWWA specification for well sealants, or shall be made up of Cement grout - 2 1/2 parts by volume of sand to one part by volume of cement, with 5 to 7 gallons of water per bag.
 - d. High sulfate resistant cement (Type V Portland Cement) shall be used for sealing mixtures, due to its corrosive resistant properties.
 - e. The sealant shall be allowed to "set" in-place at least 24-hours before well construction operations may resume.
 - f. Before placing sealant material, the annular space shall be flushed.
 - g. An approved filter pack of rounded pea gravel or sand sized for screen shall be installed between the bore hole and the well casing wherever grout is not placed.
- 7.2 Openings into the well seal shall be protected from entrance of surface waters or foreign matter. Well casing air vents shall be equipped with stainless steel insect screen and shall have downturned "U" bend.
- a. A 1.0-inch diameter PVC schedule 40 pipe (Sounding Tube) shall extend from a point at least 6-inches above the top of the well down to the bottom of the well in order to facilitate water level measurements. If the sounding tube

is installed on the inside of the well casing, then each time the well undergoes significant modification, the sounding tube shall be properly reconstructed before the well is put back into service.

- b. Each well equipped with a submersible pump shall have a properly constructed well cap and gasket installed (sanitary seal).
- c. Each well equipped with a turbine pump shall have its pump head base plate properly gasketed to the well casing top flange.

7.3 Each well shall have a reinforced concrete pedestal constructed around the well head. The pedestal shall be a minimum of 6-inches thick, 3 feet by 3 feet in dimension, constructed continuous with the grout seal, and set into the ground several inches, sloping gently away from the well cap. The ground around the concrete pedestal shall be sloped away from the well.

7.4 All water wells shall be equipped with the following:

- * Sounding tube
- * Well casing air vent (bent downward, screened)
- * Check valve
- * Pressure gauge
- * Gate valve
- * Sample tap (If well is equipped with a chlorination system, the sample tap shall be located upstream of the chlorine injection point.)
- * Flow meter
- * Pressure relief valve, if well is made part of a hydropneumatic system.

7.5 Minimum inside diameters for well casing shall be based on the required installed capacity of the well, as defined in Section 11 of these regulations, and shall be in accordance with the table below:

<u>Capacity of Well (gal/min)</u>	<u>Min Inside Diameter of Well (inches)</u>
less than 30	5
30 to 100	6
100 to 199	8
200 to 349	10
350 to 650	12
Above 650	As directed by Chief

- a. Minimum wall thickness for steel well casing and conductor casing shall be 1/4 inches. Steel casing joints shall be screwed type with external sleeves, or welded. Steel casing shall conform to ASTM A-53 or A-120. Use of steel well casing is discouraged, due to the highly corrosive nature of much of the Commonwealth's groundwaters.
 - b. Minimum wall thickness for PVC well casing shall be schedule 40 for wells with depths up to 75 feet, and schedule 80 for wells with depths from 75 feet to 350 feet. PVC may not be used for well casing in wells deeper than 350 feet, or for conductor casing, or under conditions requiring driven well casing unless certification by the manufacturer is given for the specific application. PVC well casing shall conform to ASTM F-480.
 - c. Reinforced fiberglass casing may be suitable for casing depths of up to 500 feet, provided the manufacturer certifies that the casing has the required strength.
 - d. No casing material other than steel, stainless steel, PVC, or fiberglass shall be permitted unless granted special approval by the Chief.
- 7.6 Dug wells and driven wells are prohibited for use as drinking water supplies (public or non-public), unless otherwise granted special permission by the Chief.
- 7.7 The construction of underground injection wells shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), a copy of which can be obtained at the office of the Division.
- 7.8 Only clean, potable water shall be used in drilling fluids whether employed alone or in combination with drilling additives. Only high grade clays or commercial chemicals, proposed by the applicant and given prior approval by the Chief, shall be used in make-up of any drilling fluid.
- 7.9 Whenever there is an interruption in work on the well, such as an overnight shutdown, during inclement weather, or period between testing, etc., the well opening shall be closed and secured (by tack welding or other approved means) with a cover designed to insure the public safety, prevent damage to the well, and prevent the introduction of unwanted materials into the well.
- 7.10 Lead, all alloys/materials containing lead, and paints and coatings containing lead or mercury shall be strictly prohibited from introduction into any new or existing water

well.

- 7.11 All wells should be constructed both straight and plumb. Plumbness should provide for the proper installation of equipment.
- 7.12 For wells constructed in unconsolidated or incompetent geologic structures, well screens will likely be required. Well screens shall have the following properties:
- a. Constructed with slot openings continuous around the circumference of the screen, allowing for efficient well development and operation.
 - b. Constructed with slot openings spaced to provide maximum open area consistent with strength requirements and well packing (or native earth) grain size distribution. Slot openings should be V-shaped and widen inward.
 - c. Constructed of a single, corrosion resistant metal.
 - d. Screen design shall be submitted to the Chief for review and approval prior to installation.

SECTION 8. WELL DEVELOPMENT AND DISINFECTION

- 8.1 Developing, redeveloping, or conditioning of a well shall be done with care and by methods which will not cause damage to the well or its casing or cause adverse subsurface conditions that may destroy or damage barriers to the vertical movement of water between aquifers.
- 8.2 Where chemical agents have been introduced into the well or surrounding area in the course of well construction, development, and/or redevelopment, the well shall be pumped until these agents have been removed. Sampling may be required to verify removal.
- 8.3 Upon completion of well development and flushing, but before the start of the pump test, the well driller shall disinfect the well and discharge piping. Disinfection shall be accomplished by maintenance of a free chlorine residual of at least 100 parts per million (ppm) for a period of at least 24 hours. See the following table for guidance in determining the necessary chlorine dose to achieve a chlorine concentration of 100 ppm in the well water. After first application of chlorine into the well, the well driller shall momentarily operate the test pump in order to mix the chlorine solution in the well water and to introduce chlorine into the discharge piping. A chlorine solution shall be applied to the interior of the well casing above the water level.

CHLORINE COMPOUND REQUIRED TO PRODUCE A 100 MG/L SOLUTION PER 100 FEET OF WATER-FILLED CASING

<u>Well Casing Diameter</u>	<u>65% HTH dry wt.(1)</u>	<u>5.25% Commercial Bleach liquid measure</u>
6 inch	4.0 oz.	40 oz.
8 inch	6.0 oz.	64 oz.(1/2 gallon)
10 inch	8.0 oz.	112 oz.
12 inch	12.0 oz.	160 oz.
16 inch	22.0 oz.	256 oz.(2 gallons)
20 inch	34.0 oz.	428 oz.

NOTES:

- (1) Where a dry chemical is used, it should be mixed with water to form a chlorine solution before putting it into the well.
- (2) All other chemical additives applied in and around the well require approval by the Chief prior to use.

SECTION 9. PUMP TESTING AND WATER QUALITY SAMPLING REQUIREMENTS

- 9.1 The objective of the pump test is to prove that groundwater exists in sufficient quantities to meet the long-term water needs of the project, and that *the maximum monthly well production allocation* as defined in Section 11 of these regulations will not result in degradation of groundwater quality or potability. The Commonwealth is committed to a policy of non-degradation of its groundwater resources.
- 9.2 At a minimum, a 36-hour pump test (24-hours for non-public water supplies), or "sustained yield test", shall be required on all water wells. The Chief may require a longer test duration, if the hydrogeologic characteristics of the site and the water requirements of the project warrant it. The pump test shall be conducted only after the well has been developed, flushed, and disinfected.
- 9.3 For projects with a *total well discharge capacity requirement* of more than 200 gpm (see Section 11 of these regulations for determination of the total well discharge capacity requirement), a qualified hydrogeologist or groundwater engineer shall supervise the pump test process and report to the Division on the results of the test in accordance with the requirements of these regulations.
- 9.4 The start of pump test must be scheduled with the Division at least two (2) working days in advance.
- 9.5 The well driller shall test the pump, generator, and discharge piping, valves, meters, and gauges as necessary to assure their proper adjustment and good operating condition at least 24-hours in advance of the scheduled start of the well pump test. In the event pump testing equipment is not operational, the well driller will promptly notify the Division.
- 9.6 The sustained yield pump test shall be continuous, and shall monitor water level, rate of discharge, and water quality in accordance with the following schedule:
- a. Water level measurements are to be recorded to the nearest one-one hundredth of a foot (0.01 feet), using an electronic depth sounder, a "data logger", or a steel tape (with chalk) properly calibrated.

<u>Duration</u>	<u>Interval (minutes)</u>
0 to 10 min	every minute
12 to 30 min	every 2 minutes
40 min to 1 hour	every 10 minutes
90 min to 8 hours	every 30 minutes
9 hours to 24 hours	every 1 hour

26 hours to 36 hours every 2 hours (for PWS only)

- b. An aquifer recovery test shall be conducted immediately upon the completion of the pump test. Water levels shall be measured every 1 minute for 60 minutes, or every one minute until such time as the water level recovers to within 95 percent of its pre-pumping level, which ever occurs first (i.e.; if the total pump test drawdown is 100 feet, then measurements shall be made until such time as the aquifer recovers to within 5 feet of its original pumping level). If the aquifer takes more than one hour to recover, measurements shall be made every 10 minutes until such time as the aquifer recovers to 95 percent of its pre-pumping level.
- c. Flow rates shall be measured through a mechanical flow meter, and recorded at least once every 30 minutes for the first 8 hours of the pump test, and every hour thereafter. Other methods of flow measurement must be given prior approval by the Chief.

After installation of the permanent pumping and piping equipment, but before the well is put into service, the well and equipment shall be disinfected in accordance with the procedures outlined in paragraph 8.3.

- 9.7 Water pumped from the well in the course of the pump test shall discharge a minimum of 100 feet downgradient of the well. Discharge water shall not impact surrounding property, nor shall it create a public nuisance. Discharge water shall not be permitted to pond or collect, but shall drain freely in the direction away from the well(s) being tested.
- 9.8 In the event 2 or more wells are constructed for the same project, the Chief may require simultaneous pump tests. For all multiple well pump tests, the applicant shall submit a pump test plan indicating sampling scheduling, pumping rates, and water level measurement to the Chief prior to performing the test.
- 9.9 The well site shall be relatively clean, free of excessive mud and debris, prior to the start of the pump test.
- 9.10 Injectivity tests, geophysical logging, and mechanical integrity testing for underground injection wells shall be conducted in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), latest revision, a copy of which can be obtained at the office of the Division.

9.11 Routine water quality analysis shall be conducted during the course of pump test. Analysis can be performed at the Division's water quality laboratory or other EPA certified laboratory. Routine water quality analysis includes sampling for the following parameters.

- * Chloride
- * Total Hardness
- * Nitrate
- * pH
- * Total Dissolved Solids (TDS)
- * Conductivity
- * Total Coliform

For Public Water Supplies: Chloride, hardness, pH, conductivity, and TDS shall be taken at hour 0 (start of pump test), and at hours 2, 4, 6, 8, 12, 16, 24, 30, and 36. Clean, clear 500 ml plastic bottles shall be used. Bottles shall be labeled by project name, time and date of sampling, sample number, and person responsible for taking the sample.

For Non-Public Water Supplies: Chloride, hardness, pH, conductivity, and TDS shall be taken at hour 0 (start of pump test), and at hours 2, 4, 6, 8, 12, 16, and 24. Clean, clear 500 ml plastic bottles shall be used. Bottles shall be labeled by project name, time and date of sampling, sample number, and person responsible for taking the sample.

For All Water Wells: Nitrate and total coliform shall be taken at the end of the pump test, placed in specially prepared bottles given by the analyzing laboratory, and delivered to the lab in accordance with the lab's instructions. Bottles shall be labeled by project name, constituent to be analyzed, time and date of sampling, sample number, and person responsible for taking the sample.

At the conclusion of the pump test, sampling will be conducted for other non-routine water quality parameters (i.e., VOC's) as may be required by the Chief.

9.12 The cost of water quality analysis is not included in the well drilling permit application fee. The applicant should inquire into the cost of the required routine and non-routine laboratory analysis prior to submitting a well drilling application. If the Division laboratory is used, water quality sampling results will be mailed to the applicant. No operations permit will be issued if the results of this water quality analysis exceeds the CNMI Drinking Water Standards, latest revision, unless the water supply is to undergo appropriate treatment. Regardless of any treatment process proposed, all water wells must undergo routine water quality analysis.

- 9.13 The Well Operations permit application includes copies of the forms to be used in reporting the results of the pump test and routine water quality analysis.
- 9.14 Applicants submitting water samples to the Division's Laboratory shall comply with all Division Lab sampling procedures and sample submission policies. A copy of the "Division Lab Water Sampling Procedures and Sample Submission Policies" is available at the office of the Division.

SECTION 10. WELL DRILLING ACTIVITY REPORTING FOR WELL OPERATIONS PERMIT APPLICATION

- 10.1 The applicant shall submit copies of geologic (lithologic) logs to the Division. Geologic samples shall be taken every 10 feet and duly logged on forms provided by the Division, unless otherwise waived by the Chief in writing prior to the start of well drilling.
- 10.2 The applicant shall submit actual "as-built" well construction sections and material specifications, hydrogeologic data (static water level based on USGS datum), drawdown, and pump test flow rate. Forms for submission of this information are included in the Well Operations permit application.
- 10.3 The applicant shall submit all water quality sampling results as specified in Section 9 of these regulations.
- 10.4 The applicant shall submit a site specific hydrogeologic report, if made a condition of the applicant's Well Drilling permit issued by the Chief. The general requirements for a hydrogeologic investigation are given in Section 20 of these regulations.
- 10.5 A well operations permit will not be issued without submission of the above information.
- 10.6 Should the well construction, pump test, and analytical data indicate that long-term degradation of groundwater quality may occur as a result of withdrawing water at the depth and rate as requested by the applicant, the Chief may require subsequent pump test(s) at reduced flow rate(s) and at different depth(s), etc. until such time as it can be shown that no degradation of the groundwater will occur as a result of the applicant's withdrawal of his permitted maximum monthly well production allocation. The purpose of this provision is, in part, to minimize the possibility of saltwater intrusion which can occur due to overpumping wells.

SECTION 11. WATER SUPPLY CAPACITY GUIDELINES

- 11.1 Water supply capacity guidelines are given in Table 11.1. The total of all uses constitutes the estimated average daily water supply requirement. The applicant shall provide a detailed summary, by class of use, of the project's total average daily water supply requirement, on forms provided by the Division.
- 11.2 For those projects proposing no form of water treatment, the average daily well withdrawal requirement is equal to the *average daily water supply requirement* identified in paragraph 11.1 above. For those projects proposing water treatment as part of their water supply facilities, the *average daily well withdrawal requirement* shall be equal to the *average daily water supply requirement* established in paragraph 11.1 above, divided by the stated efficiency (expressed in its decimal form) of the proposed treatment system.
- 11.3 The project's maximum monthly well production allocation shall be equal to no more than 150 percent of the flow, expressed in gallons per month, of the *average daily well withdrawal requirement* as identified in paragraph 11.2 above.
- 11.4 The well pump test flow rate shall be set at the *maximum monthly well production allocation*, expressed in gallons per minute, identified in paragraph 11.3 above. Well pump tests shall be conducted in accordance with the requirements of Section 9 of these regulations. Actual maximum monthly well withdrawal allocation for individual wells shall be subject to the following limitations:
- a. If degradation in the ambient groundwater quality is measured in the course of the pump test, the applicant will be required to reduce the water supply requirement of the project; install additional wells to provide for a reduced rate of withdrawal from each production well; or both, until subsequent pump tests confirm there is no degradation in groundwater quality as a result of the applicant's withdrawal of the permitted *maximum monthly well production allocation*.
- 11.5 The project's total well discharge capacity requirement shall be equal to 200 percent of the *average daily well withdrawal requirement* identified in paragraph 11.2 above, expressed in gallons per minute. This flow rate will dictate well construction parameters and selection and design of pumping systems. This provision is to assure that:
- a. There is an adequate water supply during short-term periods of peak use;

TABLE 11.1

WATER SUPPLY CAPACITY GUIDELINES

<u>TYPE OF DEVELOPMENT</u>	<u>UNIT OF MEASUREMENT</u>	<u>GALLONS PER UNIT PER DAY</u>
SINGLE FAMILY HOME	BEDROOM	150
DUPLEX	BEDROOM	150
MULTIPLE FAMILY (APT)	BEDROOM	120
CONDOMINIUM	BEDROOM	120
BUSINESS HOTELS/MOTELS	BEDROOM	120
RESORT HOTELS	BEDROOM	225
BARRACKS/WORKER'S HOUSING	BED	60
HOSPITALS	BED	250
RESTAURANTS	SEAT	40
LOUNGE	SEAT	10
SCHOOLS WITH CAFETERIA	STUDENT/FACULTY	25
SCHOOLS WITHOUT CAFETERIA	STUDENT/FACULTY	15
BOARDING SCHOOL	STUDENT/FACULTY	100
OFFICE SPACE	100 SF GROSS AREA	15
RETAIL COMMERCIAL SPACE	100 SF GROSS AREA	10
GARMENT FACTORY	WORKER SHIFT	15
AIRPORT	PASSENGER	5
SELF-SERVICE LAUNDRY FAC	WASHER	250
CAR WASH	VEHICLE	40
SERVICE STATION	EMPLOYEE	150
SWIMMING POOL/BATH HOUSE	PERSON	10
THEATER/AUDITORIUM	SEAT	5

NOTES:

(1) The Division may modify the above standards for a specific project if the applicant provides historical metered water use data for other like projects indicating a more appropriate gallons per unit water requirement.

(2) For a type of development not listed above, the applicant shall provide a detailed summary of projected water use for review by the Division. The Chief reserves the right to modify water use projections made by an applicant for a given type of development not listed above.

(3) For some Resorts, Hotels, Apartments, Condominiums, and Motels, other ancillary water uses may have to be factored into the total water supply requirement. These uses may include swimming pools, health clubs, gardening/irrigation, on-site staff housing, and air conditioning.

(4) Seasonal water use needs, such as golf course irrigation supply, shall be determined on the basis of a dry year dry season irrigation requirement.

(5) For the purpose of these Regulations, the water use figures listed above shall take precedence over other water use figures used by Coastal Resources Management Office and CUC.

- b. An allowance is made for declining well yield and pump performance over time;
 - c. The water supply facilities for large projects (with more than one well in production) will be capable of producing all of, or a significant portion of, the average daily water supply requirement with one well out of service.
- 11.6 If the total well discharge requirement established in paragraph 11.5 above exceeds 200 gallons per minute, then the applicant shall be required to install at least two (2) water supply wells to serve the project, whose combined discharge capacity is equal to or greater than the flow rate established in paragraph 11.5 above.
- 11.7 For systems proposing water treatment, the treatment plant rated capacity shall be equal to or greater than the total well discharge capacity requirement.
- 11.8 The Chief will establish the total well discharge capacity requirement based upon the water supply needs of the project, and shall establish the maximum monthly well production allocation for each well on the basis of well pump test data, well drilling data, and water quality analytical data.
- 11.9 The applicant shall provide atmospheric storage equal to at least two (2) days' of the average daily water supply requirement as determined in paragraph 11.1 above.

EXAMPLE

Given:

The proposed "Jewel of Micronesia" resort project has a calculated total average daily water supply requirement of 201,600 gallons per day (gpd), based upon the proposed number of resort bedrooms, condominium bedrooms, restaurant seating capacity, on-site staff housing, etc. Table 11.1 was used as a reference in determining the above daily requirement. The developers of the resort propose to use a reverse osmosis treatment system with a stated efficiency of 40 percent.

Solution:

Average daily water supply requirement is 201,600 gpd = 140 gpm

Average daily well withdrawal requirement is
 $\frac{140 \text{ gpm}}{.40} = 350 \text{ gpm}$
(.40 (treatment plant efficiency))

Total well discharge capacity requirement is
 $350 \text{ gpm} \times 200 \text{ percent} = 700 \text{ gpm}$

Maximum monthly permitted withdrawal for all wells is therefore:
 $350 \text{ gpm} \times 150 \text{ percent} = 525 \text{ gpm}$, or
22.8 million gallons per month

Because the total well discharge capacity requirement is greater than 200 gpm, at least two (2) wells are required. The developer proposes to install four wells, each with an installed production capacity of 25 percent of the total requirement, or 175 gpm each.

Because the total well discharge capacity requirement is divided equally among the four proposed wells, each well shall be allocated a maximum monthly production of 130 gpm (one-quarter of the total), or 5.7 million gallons per month.

Because the proposed production wells do not have a discharge capacity requirement greater than 350 gpm (each), there is no need for installing test wells to determine the limits of the wells' Radius of Influence (see Section 19 for requirements related to determination of a well's Radius of Influence).

The proposed production wells must undergo a 36-hour pump test (this is a public water system, as defined in Section 3, served by non-seawater well). The pump test flow rate for each well in this example will be set at 130 gpm. Since the project has a total well discharge capacity requirement greater than 200 gpm, a qualified hydrogeologist or groundwater engineer is required to supervise the

pump test(s). In this example, the Chief determined that the four wells must be pump tested at the same time.

In this particular example, water quality sampling results reveal there was no degradation of the groundwater during the pump test. Therefore, the applicant is granted the *maximum monthly well production allocation* as requested. There is no need to reduce the pump test discharge rate, install additional wells, pump from a different depth, and/or re-perform the pump test and sampling.

SECTION 12. WELL OPERATIONS PERMIT APPLICATION REQUIREMENTS

No person may operate a well or withdraw groundwater without a valid well operations permit issued by the Chief. Upon satisfying all of the well drilling permit requirements, and prior to placing any new or significantly modified well into service (including monitoring wells), the applicant must submit a new well operations permit application to the Division. Underground injection wells are exempted from the requirements of this Section. Application for operating an underground injection well shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), a copy of which can be obtained at the office of the Division.

The well operations permit covers as-constructed well location, construction, testing, and development data for all new or significantly modified wells. The well operations permit application shall be submitted to the Chief, and shall include at a minimum the information covered in this Section.

The requirements of this Section apply to all applicants that have not received a well drilling permit as of the date these regulations become effective. A copy of the Well Operations permit application form is available from the Division. See Section 18 for applicable requirements for wells in operation as of the date these Regulations become effective.

The application may be filled out by the applicant or his authorized representative. In either case, the applicant shall sign and date the application, and shall be responsible for all statements made therein.

Information to be provided in the well operations permit application form shall include:

12.1 Name, address, and telephone number of the applicant. If the owner of the well and the operator of the well are not the same, a notarized statement from the owner of the well granting permission for the operation and maintenance of the well must accompany the application.

12.2 Type of application (new, revision, or renewal).

a. New applications are for all new wells, for change of use from one type of well to another, and for wells which have undergone significant modification.

b. Revised applications are for those applicants who seek to make a substantial change to the scope of work as described in the original permit application. Substantial changes to original scope include the number of wells, the discharge rate requested, the location of

the well(s), the intended use(s) of the proposed well(s), change in ownership or maintenance responsibility of the well(s), etc.

- c. Renewal applications are for wells whose operations permits have expired. All well operations permits expire on September 30 of the year following issuance of a permit, and are renewable each September 30 thereafter.

12.3 Well operation permit application fees shall be in accordance with the following fee schedule. Payment of fees is required at the time of submitting each permit application, and is non-refundable. Fees shall be paid by check, and made payable to the Division. The Commonwealth Utilities Corporation is exempt from payment of permit application or renewal fees.

WELL OPERATIONS PERMIT APPLICATION FEE TABLE

<u>Application Type</u>	<u>Total Well Discharge Capacity Requirement(1)</u>	<u>Application Fee</u>
New	less than 20 gpm	\$ 25.00
	21 gpm to 100 gpm	\$ 100.00
	101 gpm to 200 gpm	\$ 500.00
	201 gpm to 350 gpm	\$ 1000.00
	351 gpm to 500 gpm	\$ 2000.00
	over 500 gpm	\$ 4000.00
Revised	If discharge capacity requirements change, fee to be based upon the above. If well location changes, no adjustment in fees is necessary.	
Annual Renewal	Calculated based upon 50% of fees paid in accordance with the above schedule. Projects with a total well discharge capacity requirement less than 20 gpm (such as a single family home or a duplex) are exempt from the requirement of renewal of permit, and therefore are exempt from payment of renewal fees.	

NOTES FOR FEE TABLE:

(1) See Section 11 of these regulations for determination of a project's total well discharge capacity requirement.

(2) There are no application fees for test wells and monitoring wells.

Semi-annual routine water quality sampling is required as a condition of the well operations permit process for all projects except those with a total well discharge capacity requirement less than 20 gpm. See Section 13 of these

regulations for the routine semi-annual water quality sampling requirements.

The Chief has the authority to require any applicant to sample for other "non-routine" water quality parameters as part of the original well operations permit application or as part of renewing a well operations permit. These non-routine parameters may be any of the regulated contaminants listed in the Commonwealth's Drinking Water Regulations. Laboratory fees for all water well water quality sampling are not included in the above fee schedule.

12.4 Use of the well.

12.5 For new or significantly modified wells SERVING NON-PUBLIC WATER SUPPLY SYSTEMS, submit a cross-section of the well as constructed.

12.6 For new or significantly modified wells SERVING PUBLIC WATER SUPPLY SYSTEMS, submit a cross-section of the well as constructed, and include the following:

- a. Elevation of static water level in well (USGS datum)
- b. Elevation of water level at end of the pump test (24-hour test for non-public water supplies, and 36-hour test for all public water supplies) at the requested well discharge rate.
- c. Elevation of pump
- d. Pump type, horsepower, manufacturer, material of construction, and pump curve information.
- e. Hydraulic calculations supporting size of pumping equipment.
- f. Master flow meter type, size, manufacturer, and material of construction.
- g. Elevation of top and bottom of well screen. In an unconfined basal or parabasal aquifer, the Division strongly recommends that the well screen or open hole section of the well be installed such that the well draws from as close to the top of the aquifer as possible after pumping equilibrium is reached.
- h. Elevation of limits of the annular seal.
- i. Expected well head discharge pressure at permitted flow rate.

- 12.7 The as-constructed well location, project name, and project scope shall be exactly as indicated in the well drilling permit application. Any changes from the information provided in the well drilling permit application must be reported to the Division immediately.
- 12.8 All information identified in Section 10 of these regulations.
- 12.9 The well shall be inspected by the Chief or Division staff member prior to issuance of a well operations permit (for new or significantly modified wells, or application renewal).
- 12.10 A fully completed well operations permit application shall be submitted to the Chief for review at least thirty (30) calendar days prior to the scheduled start of any well production activities.
- 12.11 The well owner shall apply for a renewal of a well operations permit at least thirty (30) days prior to expiration of the existing well operations permit. Failure to maintain a valid well operations permit for an active water well may result in fines and other administrative penalties as provided for in these regulations.

SECTION 13. WELL OPERATIONS PERMIT OBLIGATIONS

13.1 All owners of projects with a total well discharge capacity requirement greater than 20 gpm shall, on a semi-annual basis, perform *routine water quality analysis* on the water from each well. Samples shall be taken from a point prior to any chemical addition or form of treatment. Routine analysis includes sampling for the following parameters. Such analysis may be performed at the Division's laboratory or other EPA certified laboratory.

- * Chloride
- * Total Hardness
- * Nitrate
- * pH
- * Total Dissolved Solids
- * Conductivity
- * Total Coliform (if a public water supply)

13.2 *Other non-routine water quality analysis* may be required by the Chief, in accordance with the vulnerability of the drinking water supply to source(s) of contamination. Such non-routine analysis may be for any of the regulated drinking water contaminants listed in the Commonwealth's Drinking Water Regulations. Samples shall be taken from a point prior to any chemical addition or form of treatment. Non-routine analysis shall be performed by an EPA certified laboratory. The cost of all such analysis shall be borne by the applicant.

13.3 All owners of public water systems (community and non-community water systems) shall also sample their water supplies in accordance with the requirements of the Commonwealth's Drinking Water Regulations, latest revision.

13.4 All owners of active water wells subject to the requirements of paragraph 13.1 shall, on a monthly basis, record total well production (in gallons).

13.5 The data requirements specified in paragraphs 13.1 through 13.4 shall be submitted with each well operations permit renewal application. Failure to provide this data will result in an incomplete renewal application. See Section 17 of the regulations regarding the penalties associated with submission of an incomplete well operations renewal application.

13.6 Pumpage of any well in any month which exceeds 110 percent of the permitted maximum monthly withdrawal rate must be reported to the Division within seven (7) working days after the end of the month in question. Failure to do so will result in violation of these regulations, with fines imposed for each continued day of violation until such time as the applicant files a report with the Chief explaining the circumstances

leading up to exceeding the permitted pumpage rate, and a plan to avoid recurrence of exceeding the maximum monthly withdrawal rate. See Section 17 of these regulations regarding the imposition of fines and other penalties.

SECTION 14. EXEMPTIONS FOR SEAWATER WELLS

In recognition of the limited public value of salty groundwater as a vital public resource, these Regulations provide for certain exemptions for wells to be developed within saltwater groundwater. Except for the specific exemptions listed below, all other provisions of these Regulations shall apply to seawater wells (see Section 3 for the definition of "Seawater Well"). Verification of the analysis proving chloride or conductivity of well water shall be made by the Division.

All seawater wells must undergo reverse osmosis treatment plus post-treatment chlorination if the exemptions of this Section are to apply. Because this treatment process requires the application of sophisticated technology, the Division requires that supervision, operation, and maintenance of the water treatment facilities be performed by qualified, experienced personnel. Use of the reverse osmosis treatment process requires safe disposal of the treatment waste stream, in a manner that will not impact human health or the environment.

All well drilling permit applications for seawater wells must include a complete water treatment waste stream disposal plan. This plan must prove that no degradation of the groundwater will occur as a result of discharging the water treatment waste stream, and must prove that the CNMI Water Quality Standards will not be violated.

Under all conditions and circumstances, public water supplies shall meet the requirements of the CNMI's Drinking Water Regulations, regardless of the exemptions provided for in this Section.

For all seawater wells, the following exemptions from these Regulations are provided.

- 14.1 Well Siting Criteria. Down gradient and upgradient wellhead protection dimensions for seawater wells may be reduced by up to 66 percent for existing land uses listed in Paragraph 6.1 and 6.2, down to no less than 50 feet, provided the well is constructed with at least 100 feet of solid casing. Seawater wells are exempted from the provisions of Paragraph 6.3.
- 14.2 Well Development and Disinfection. Seawater wells are exempted from the provisions of Paragraph 8.3.
- 14.3 Pump Testing Requirements. Seawater wells are exempted from the provisions of Paragraphs 9.3, 9.6, and 9.11. The pump test requirements for seawater wells shall be 24-hour duration, with chemical analysis and water level measurements taken at hour 0 (start of pump test), hour 4, 8, 16, and 24. Routine chemical analysis shall include chloride, total

hardness, pH, TDS, and conductivity. The Chief may order tests for other parameters.

- 14.4 Water Supply Capacity Guidelines. Seawater wells are exempted from the provisions of Paragraphs 11.3, 11.4, and 11.8.
- 14.5 Well Operations Permit Application Requirements. Seawater wells are exempted from the provisions of payment for Well Operations Permit Renewal Fees (included in Paragraph 12.3).
- 14.6 Well Operations Permit Obligations. Seawater wells are exempted from the provisions of Paragraphs 13.1, 13.2, 13.3, and 13.6.
- 14.7 Action On Applications. Seawater wells are exempted from the provisions of Paragraph 16.6.
- 14.8 Monitoring Wells And Comprehensive Hydrogeologic Investigations. Seawater wells are exempted from the provisions of Paragraphs 20.1 through 20.4.

SECTION 15.

EXEMPTIONS FOR WELLS PRE-DETERMINED TO UNDERGO REVERSE OSMOSIS TREATMENT

In recognition of the effective removal of contaminants provided by reverse osmosis, exemptions from certain provisions of these Regulations are warranted for non-seawater wells pre-determined to undergo reverse osmosis treatment. Except for the specific exemptions listed below, all other provisions of these Regulations shall apply to wells pre-determined to undergo reverse osmosis water treatment. The reverse osmosis membrane must have a molecular weight cut off (MWCO) value no greater than 300. The treatment process must include post-membrane chlorination.

All well drilling permit applications for wells pre-determined to undergo reverse osmosis treatment must include a complete water treatment waste stream disposal plan. This plan must prove that no degradation of the groundwater will occur as a result of discharging the water treatment waste stream, and must prove that the CNMI Water Quality Standards will not be violated.

Under all conditions and circumstances, public water supplies shall meet the requirements of the CNMI's Drinking Water Regulations, regardless of the exemptions provided for in this Section.

For all wells pre-determined to undergo treatment by reverse osmosis, the following exemptions from these Regulations are provided.

15.1 **Well Siting Criteria.** Down gradient and upgradient wellhead protection dimensions for wells pre-determined to undergo reverse osmosis treatment may be reduced by up to 66 percent for existing land uses listed in Paragraph 6.1 and 6.2, down to no less than 50 feet, provided the well is constructed with at least 100 feet of solid casing. Wells pre-determined to undergo reverse osmosis water treatment are exempted from the provisions of Paragraph 6.3.

15.2 **Well Development and Disinfection.** Wells pre-determined to be treated by reverse osmosis are exempted from the provisions of Paragraph 8.3.

SECTION 16. ACTION ON APPLICATIONS

- 16.1 The Chief may require the applicant to furnish additional information, plans, or specifications before acting on an application for any license or permit.
- 16.2 Each applicant for license or permit shall be issued a notice, sent by the Chief, as to whether or not the Division finds the application complete within ten (10) calendar days of receipt of the application. The Chief shall review and act on any permit application and license within thirty (30) calendar days of determining the application complete.
- 16.3 The Chief shall notify the applicant in writing of his or her decision regarding the application for a well drilling license, or well drilling or well operations permit (original or renewal). The Chief shall inform the applicant of sufficient facts and reasons upon which a disapproval or conditional approval was based. The applicant shall be afforded the opportunity to file a written appeal of the Chief's decision. Request for appeal shall be served upon the Division within seven (7) calendar days from receipt of the disapproval or conditional approval. Failure to file this appeal within seven (7) calendar days shall constitute a waiver of the applicant's rights to any future appeal of the Chief's decision.
- 16.4 A well drilling permit or a well operations permit issued pursuant to these regulations shall not be transferred from one location to another, or from one person to another, without the written approval of the Chief.
- 16.5 The Commonwealth Utilities Corporation shall receive priority in the issuance of all well drilling and well operations permits.
- 16.6 The Chief may order a reduction in the maximum monthly discharge allocation at the time of well operations permit renewal if subsequent hydrogeologic data, water quality analytical data, etc. warrants such change in order to protect the Commonwealth's groundwater resources from degradation.

SECTION 17. PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

- 17.1 The Chief may issue any order to enforce compliance with the Act, or any regulations adopted pursuant to the Act, and any permit or license issued pursuant to the Act and such regulations. Such orders may include but not be limited to a payment of a civil fine, taking corrective action, Cease and Desist Order, or Administrative Order.
- 17.2 The Chief may order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. No prior notification of violation is necessary before imposition of a civil fine. Each day of continued violation after issuance of written notice is a separate offense.
- 17.3 The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.
- 17.4 The Chief may suspend or revoke a Well Operations permit under the following conditions:
- a. The well is not being maintained or operated in accordance with these regulations or any permit or license conditions; or
 - b. The continued operation of the well threatens to contaminate the groundwater resources of the Commonwealth or threatens public health or the environment, as determined by the Chief; or
 - c. The well operations permittee has made material misrepresentation or misstatement concerning the quality or quantity of water produced by the subject well; or
 - d. Reporting requirements have not been met.
- 17.5 A Well Operations permit for a PUBLIC WATER SUPPLY that does not undergo an appropriate form of treatment may be suspended under the conditions specified in Paragraph 17.4 or under the following conditions:
- a. The water produced from such well fails to meet the Commonwealth's Drinking Water Quality Standards; or
 - b. The Division's or any other person's investigation and sampling of the well's production provides evidence of contamination. Under this provision, suspension of the

operations permit shall remain in effect until laboratory analysis confirms that no contamination exceeding the Commonwealth's Drinking Water Regulations are present.

- 17.6 The Chief may fine any well operations permittee for any material misrepresentation or misstatement of the quality or quantity of water produced by the subject well.
- 17.7 The Chief may fine any well operations permittee for tampering with or rendering inoperable any well or appurtenant facility (such as meter, sample tap) necessary for the determination of compliance with the conditions of the well operations permit.
- 17.8 The Chief may revoke a well driller's license or well drilling permit for any material misstatement or misrepresentation made by the licensee or permittee made for the purposes of obtaining or retaining such license or permit. The Chief may suspend or revoke a well driller's license or well drilling permit for violation of the Act, regulations, license, or permit.
- 17.9 A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.
- 17.10 No application for a well driller's license or well drilling permit may be made within one (1) year after revocation of such license or permit by the Chief for the reasons identified in paragraph 17.8 above.
- 17.11 Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine or not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.
- 17.12 Any person who is subject to civil penalties, revocation, or suspension pursuant to Section 17 may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or his/her designee. Request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing. The Chief may compromise any penalty.

- 17.13 Any well operations permittee who does not or cannot meet the data submission requirements for a well operations permit renewal may be issued a conditional extension of the original operations permit for a period not to exceed 90 calendar days, during which time the permittee must submit a minimum of two sets of routine water quality samples (see paragraph 13.1) to the Division's laboratory, and submit monthly well production meter readings. If the permittee fails to accomplish these tasks during the conditional extension, the Chief may revoke the Well Operations permit. The permittee shall also remain subject to the provisions of paragraph 17.2.
- 17.14 The written request for a hearing shall serve as the answer to the complaint. The request for a hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator ("respondent") has any knowledge. Where respondent has no knowledge of a particular factual allegation and so state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations.
- 17.15 The respondent may also request an Informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.
- 17.16 If a hearing is conducted, the Chief or his/her designee will reside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The evidence presented at such hearing need not conform with the prescribed rule of evidence, but may be limited by the Chief in any manner he/she reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within fifteen (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.
- 17.17 Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of the issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing

before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision within thirty (30) calendar days.

17.18 The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

17.19 For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified) of any Administrative Order, Notice of Violation, Cease and Desist, or order for payment of a civil fine. If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

SECTION 18. EXISTING WELLS

- 18.1 Every owner or user of any well existing at the time these regulations go into effect shall, upon written request from the Chief, disclose the location and all other facts and information within the owner's/user's knowledge relating to such well. The owner/user shall include a statement of the manner in which the well is being used or operated, the volume of water being drawn or flowing therefrom, and the methods and means of control thereof.
- 18.2 Owners of wells in existence at the time these regulations go into effect that do not have valid Well Operations Permits shall be required to submit a complete Well Operations Permit application by August 30 of the year following the effective date of these Regulations. All of the submission requirements for obtaining a Well Operations Permit specified in these Regulations shall apply.
- 18.3 Owners of wells in existence at the time these regulations go into effect that do have valid Well Operations Permits shall be required to submit a complete Well Operations Permit renewal application by August 30 of the year following the effective date of these Regulations. All of the submission requirements for obtaining a renewed Well Operations Permit specified in these Regulations shall apply. All Well Operations Permits in effect as of the effective date of these Regulations shall expire on September 30 of the year following the effective date of these Regulations.
- 18.4 For the purpose of assessing annual well operations permit and permit renewal fees for existing wells in operation on the effective date of these Regulations, Well Operations Permit and permit renewal applicants must submit calculations defining the total well discharge capacity requirement. Failure of the applicant to submit this information may result in the Chief assigning a total well discharge capacity requirement.
- 18.5 Within 180 days of the effective date of these Regulations, owners of all wells in operation, whether or not in possession of a Well Operations Permit, must comply with the requirements of Paragraphs 7.2, 7.3, 7.4, 7.10, 13.1, and 13.4.

SECTION 19. TEST WELLS

- 19.1 For all water wells with a well capacity requirement greater than 350 gallons per minute, the Chief may require that test wells be installed in order to determine the limits of the well's Radius of Influence.
- 19.2 Test wells shall be treated like other wells, subject to permit requirements, except that a group of test wells located on a single property may be considered under one permit.
- 19.3 Test wells, unless developed into water producing wells, monitoring wells, or underground injection wells, must be properly destroyed in accordance with pertinent paragraphs of Section 22 of these regulations.
- 19.4 A well originally permitted as a test well may be converted to a water well provided the applicant applies for and receives a Well Drilling Permit for a water well prior to conversion.

SECTION 20 MONITORING WELLS AND COMPREHENSIVE HYDROGEOLOGIC INVESTIGATIONS

The Chief may require the installation of permanent groundwater monitoring wells in order to monitor the effects of groundwater withdrawal facilities or potential sources of contamination on the quality of the Commonwealth's groundwater resources, and to determine whether or not such facilities or potential sources of contamination are preventing the highest beneficial use for which these resources are capable.

20.1 Monitoring wells shall be constructed under the direct supervision of a qualified hydrogeologist or groundwater engineer, in accordance with Best Engineering Practices (BEP), and shall be designed and sited in such a way as to assess any changes to groundwater quality that may be occurring. Determination of the number of monitoring wells, the contaminant parameters for which these wells will be sampled, and the frequency of sampling shall be made by a qualified hydrogeologist familiar with the general hydrogeology of the Commonwealth and the specific threats to groundwater quality posed. Such determinations shall be made as a part of a Comprehensive Hydrogeologic Investigation (CHI) of the project area. Other hydrogeologic investigative tools, such as installation of test wells, ground penetrating radar (GPR), specific conductance surveys, review of existing geologic data, etc., will likely be required to properly conduct such an investigation. The hydrogeologist shall submit to the Chief a Scope of Work prior to beginning the CHI for review and comment. Upon completion of the CHI, the hydrogeologist shall summarize the means and methods of the investigation, summarize all findings, and propose a groundwater monitoring plan. The Chief shall review the plan, and may require modifications to it prior to its approval and implementation.

20.2 A CHI may be ordered by the Chief for any project, either currently in operation or proposed which by their nature constitutes a potential threat to the groundwater resources of the Commonwealth and specifically to groundwater used for drinking water supplies, including but not limited to:

- a. Underground fuel storage facilities;
- b. Solid waste disposal facilities;
- c. Hazardous waste storage or disposal facilities;
- d. Hazardous materials manufacturing, storage, or disposal facilities;
- e. Large scale groundwater withdrawal projects (projects

with total well discharge capacity requirements greater than 0.5 million gallons per day);

- f. Golf courses and other agro-commercial land uses which are regular users of pesticides, fungicides, or fertilizers;
- g. Wastewater treatment and disposal facilities discharging directly or indirectly to the groundwater serving projects with an average daily wastewater generation rate of 10,000 gallons per day or more. These facilities may be either an approved IWDS or a wastewater treatment facility.
- h. Any underground injection well (see the Division's Underground Injection Control regulations for a definition of an underground injection well).

20.3 The CHI shall include a contingency plan in the event contamination of the groundwater is detected.

20.4 The cost to conduct a CHI, and the cost of all groundwater monitoring and laboratory analysis shall be borne by the owner of the facility.

SECTION 21. DISCONTINUED USE OF WELLS

21.1 A well shall be considered abandoned if the well is not being used in compliance with or maintained under a valid operation permit or the well has not been used for a period of 24 consecutive months.

21.2 Monitoring wells used in the investigation or management of groundwater basins are not considered abandoned so long as they are maintained for this purpose.

21.3 Owners of a well that is to be made inactive shall notify the Chief, in advance and in writing, of the expected period of inactivation and the reasons for inactivating the well.

SECTION 22. REQUIREMENTS FOR DESTRUCTION OF ABANDONED WELLS

- 22.1 All abandoned wells, including test wells, shall be destroyed by a licensed well driller in such a way that they will not produce water or act as a channel for the interchange of waters between aquifers. The owners of or those with a leasehold interest in the property upon which an abandoned well exists shall be responsible for all costs associated with abandonment, unless otherwise provided for by law.
- 22.2 Before the hole is filled, the well shall be inspected by a licensed well driller to determine its condition, details of construction, and whether there are any obstructions that will interfere with the process of filling and sealing. The well driller shall propose in writing the means and methods for filling the abandoned well to the Chief for review and approval prior to start of well filling work. All work shall be performed in accordance with applicable NWWA and AWWA standards.
- 22.3 The well driller shall notify the Division in writing at least three (3) working days in advance of scheduled well filling operations.

SECTION 23. ACCESS TO WELLS

- 23.1 Any duly authorized officer, employee, or representative of the Division may enter and inspect any property where a well is being constructed, operated, or filled, for the purpose of ascertaining the state of compliance with these regulations. No person shall refuse entry to an authorized representative of the Division and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such inspection.

SECTION 24. SEVERABILITY

- 24.1 If any rule, section, sentence, clause, or phrase of these regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these regulations or the application of these regulations to other persons or circumstances or property shall not be affected.



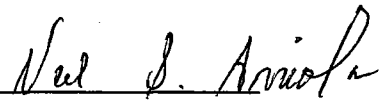
COMMONWEALTH HEALTH CENTER

OFFICE OF THE DIRECTOR

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

CERTIFICATION

I, Dr. Jose Chong, the Director of the Department of Public Health and Environmental Services which is promulgating the Regulation regarding Well Drilling and Well Operations hereinabove set forth, by signature below I hereby certify that such Regulations are a true, complete and correct copy of the Regulations regarding Well Drilling and Well Operations 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 20th day of August, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.

for 
Dr. Jose Chong, Director
Department of Public Health and
Environmental Services