

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

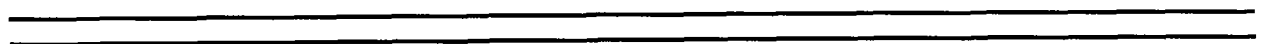
VOLUME 14 NUMBER 12



DECEMBER 15, 1992

COMMONWEALTH

REGISTER



COMMONWEALTH REGISTER
VOLUME 14 NUMBER 12
DECEMBER 15, 1992

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PUBLIC NOTICE

TO: ALL SUBSCRIBERS TO THE COMMONWEALTH REGISTER

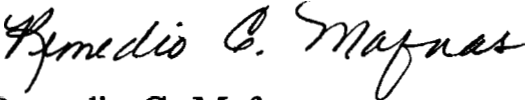
Attached please find the **Table of Contents** for the **Commonwealth Register Volume 14, Number 09** and **Volume 14, Number 12** please use these two table of contents to replace the one you have bounded to your Commonwealth Register for both **Volumes**.

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
DECEMBER 15, 1992
VOLUME 14 NUMBER 12

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Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

DATE: 11/18/92

TYPHOON HUNT (32W)

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

EXECUTIVE ORDER NO. 21-92

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

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared TYPHOON CONDITION I for the island(s) of ROTA, effective 1:00 P.M. and 11/18/92 (Time and Date)

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

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, EFFECTIVE, 1:00 P.M. and 11/18/92 (Time and Date), continuing so long as required

by the disaster emergency situation.

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



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

Tel. 322-9274
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Fax: 322-3598
Cable Address:
728726
DCO SPN 726

DATE: 11/18/92

TYPHOON HUNT (32W)

EXECUTIVE ORDER NO. 22-92

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

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of ROTA, effective 10:00 P.M. and 11/18/92 (Time and Date)

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

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

10:00 P.M. and 11/18/92.
(Time and Date)

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



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

DATE: 11/22/92

SUPER TYPHOON GAY (31W)

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

EXECUTIVE ORDER NO. 23-92

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

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared (UPGRADED) TYPHOON CONDITION II for the island(s) of ROTA, TINIAN, SAIPAN effective 6:00 A.M. 11/22/92 and (Time and Date)

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

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, EFFECTIVE, 6:00 A.M. (Time and 11/22/92 Date), continuing so long as required

by the disaster emergency situation.

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



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

DATE: 11/22/92

SUPER TYPHOON GAY (31W)

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

EXECUTIVE ORDER NO. 24-92

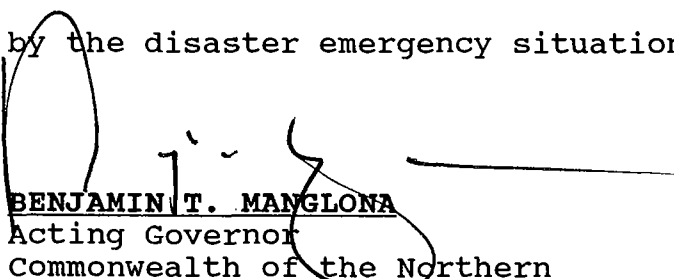
SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared (UPGRADED) TYPHOON CONDITION I for the island(s) of ROTA, TINIAN, SAIPAN effective 4:00 P.M. 11/22/92 and (Time and Date)

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

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the CNMI Emergency Operation Plan (Disaster Emergency Plan) be **ACTIVATED**, EFFECTIVE, 4:00 P.M. (Time and 11/22/92 Date), continuing so long as required

by the disaster emergency situation.


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



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

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

DATE: 11/23/92

SUPER TYPHOON GAY (31W)

EXECUTIVE ORDER NO. 25-92

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

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of TINIAN, SAIPAN, effective 6:00 P.M. and 11/23/92 (Time and Date)

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

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

6:00 P.M. and 11/23/92.
 (Time and Date)

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



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

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

DATE: 10/21/92

SUPER TYPHOON GAY (31W)

EXECUTIVE ORDER NO. 26-92

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

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands has (DOWNGRADED) TYPHOON CONDITION I TO TYPHOON
CONDITION III to the island(s) of ROTA,
effective 6:00 P.M. 11/23/92
(Time and Date)

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

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



Commonwealth of the Northern Mariana Islands
DISASTER CONTROL OFFICE
Emergency Operation Center

Capitol Hill, Saipan, MP 96950

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

DATE: 11/23/92

SUPER TYPHOON GAY (31W)

EXECUTIVE ORDER NO. 27-92

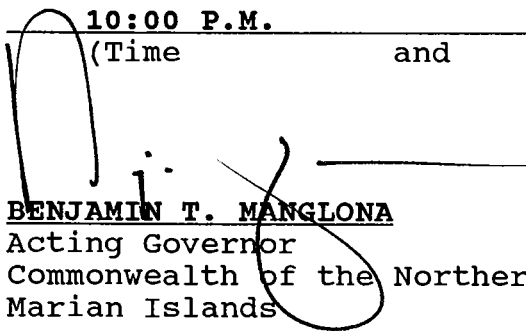
SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Disaster Emergency Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared an "ALL CLEAR" CONDITION to the island(s) of ROTA, effective 10:00 P.M. and 11/23/92 (Time and Date)

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

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

10:00 P.M. and 11/23/92.
(Time and Date)


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

PUBLIC NOTICE

PROPOSED RULES AND REGULATIONS
GOVERNING THE ADMINISTRATION OF THE
ROTA AGRICULTURAL HOMESTEAD PROGRAM (P.L. 7-11)

The Marianas Public Land Corporation (MPLC) hereby gives public notice that it has developed and established the proposed rules and regulations that will govern the administration and implementation of the Rota Agricultural Homestead Act of 1990, (Public Law 7-11). The rules and regulations promulgated are authorized pursuant to Section 3 of Public Law 7-11.

MPLC hereby advises the general public that the proposed Rota Agricultural Homestead Rules and Regulations are available at the MPLC Office, Capitol Hill, Saipan, MP and MPLC Office, Sonsong Village, Rota MP. Interested persons may obtain copies of the proposed rules and regulations for review and comment in writing, addressed to the Executive Director, Marianas Public Land Corporation (MPLC), P.O. Box 380, Capitol Hill, Saipan, MP 96950. Copies may be obtained between the hours of 8:00 a.m. - 4:00 p.m., Monday through Friday.

All documents shall be in writing and submitted within thirty (30) days of the date of this notice for consideration and review. The proposed rules and regulations shall become effective ten (10) days after adoption and final publication.

Dated this 7th day of December, 1992.

MARIANAS PUBLIC LAND CORPORATION

By:



Bertha T. Camacho
Acting Executive Director

10:30 AM

Date & Time

12/15/92



DONNA CRUZ

Received by Governor's Office



SOLEDAD B. SASAMOTO

Registrar of Corporations

11:00 A.M.

Date & Time

12/15/92

NUTISIAN PUPBLIKU

I MANMAPROPOPONI SIHA NA AREKLAMENTO YAN REGULASION
NI GUMUBIEBIETNA I ATMINISTRASION
ROTA AGRICULTURAL HOMESTEAD NA PROGRAMA
(LAI PUPBLIKU NUMIRU 7-11)

I Marianas Public Land Corporation (MPLC) ginen este ha nana'i i pupbliku nutisia na esta ha na'guaha yan estable si priniponi siha na areklamento yan regulasion ni para u gubietna i atministrasion yan emplimentasion i Rota Agricultural Homestead Act of 1990, Lai Pupbliku Numiru 7-11.

I MPLC ginen este ha atbibisa i pupbliku hinerat na guaha siha kopian i manmapropoconi na areklamento yan regulasion gi MPLC Office, Capitol Hill, Saipan, MP yan MPLC Office, Sonsong Village, Rota, MP. Todu interesante siha na petsona sina manmanunule kopia put i manmapropoconi na areklamento yan regulasion para u maribisa yan komento gi tinige guato gi Executive Director, Marianas Public Land Corporation (MPLC), P.O. Box 380, Capitol Hill, Saipan, MP 96950. I kopia siha sina manmachuchule gi duranten i oran alas 8:00 gi egga'an asta oran alas 4:00 despues di talo'ani, Lunes asta Bietnes.

Todu dokumento siha debi di u fanmatuge ya u fanmasatmiti gi halom trenta (30) dias despues de i fechan este na nutisia ni para u makonsidera yan ribisa. I manmapropoconi siha na areklamento yan regulasion u fanefektibu dies (10) dias despues de ma'adapta ya mapupblika put i uttimu.

Mafecha gi este i mina' 7th na dia gi December, 1992.

MARIANAS PUBLIC LAND CORPORATION

As: Bertha T. Camacho
Bertha T. Camacho
Acting Executive Director
10:30 AM 12/15/92
Date & Time

Donna Cruz
DONNA CRUZ
Governor's Office

Soledad B. Sasamoto
SOLEDAD B. SASAMOTO
Registrar of Corporations
COMMONWEALTH REGISTER

ARONGORONGOL TOWLAP

EFEERUL ALLEGH REEL MWOGHUTUGHUTU AMMWELIL
ROTA AGRICULTURAL HOMESTEAD PROGRAM (PUBLIC LAW 7-11)

School Marianas Public Land Corporation (MPLC) e mwuschal arongaar towlap, reel igha aa ffeer allegh kka ebwe ammwela mwoghutughutul mille Rota Agricultural Homestead Act of 1990, alleghul towlap ye (Public Law 7-11). Allegh kkaal, nge eyoor sangi bwangil Section 3 mellol Public Law 7-11.

MPLC e mwuschal arongaar towlap, bew alleghul mwoghutughutul mille Rota Agricultural Homestead, nge eyoor llol Bwulasiyool MPLC Songsong, Rota. Aramas ye e tipali, nge emmwel schagh ebwe bweibwogh kkoopiyal allegh kkaal, nge raa ischiitiw meta mangemangiir me tipeer nge raa afanga ngali Executive Director, Marianas Public Land Corporation (MPLC), P.O. Box 380, Capitol Hill, Saipan, MP 96950. Emmwel rebwe lo bweibwogh kkoopiyal allegh otol ye 8:00 a.m. leesor mwet ngali otol ye 4:00 p.m. leepal, Luunis nwet ngali Bennis.

Alongal mangemang me tiip, nge ebwe isch nge aa atotoolong llol eliigh (30) ral sangi igha e toowow arongorong yeel bwe rebwe amwuri fischiity. Allegh kkaal nge ebwe alegheghelo llol seigh (10) ral sangi igha re adaptaali me atotoowow.

Raalil ye December 7, 1992.

MARIANAS PUBLIC LAND CORPORATION

Sangi:

Blamals
Bertha T. Camacho
Acting Executive Director

10:30 AM 12/15/92
Date & Time

Donna Cruz
DONNA CRUZ
Governor's Office

Soledad B. Sasamoto
SOLEDAD B. SASAMOTO
Registrar of Corporations

11:00 AM 12/15/92
Date & Time

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MARIANAS PUBLIC LAND CORPORATION

PROPOSED RULES AND REGULATIONS PROMULGATED PURSUANT TO THE
ROTA AGRICULTURE HOMESTEAD ACT OF 1990
(PUBLIC LAW 7-11)

The Marianas Public Land Corporation (MPLC), pursuant to its duties and responsibilities under Article XI of the Constitution and the authority given the Corporation by and through the Rota Agriculture Homestead Act of 1990, does hereby promulgated these rules and regulations that shall govern the implementation and administration of the Agriculture Homestead Program, specifically developed for the Island of Rota.

1. AUTHORITY

These rules and regulations are hereby promulgated and issued by the Marianas Public Land Corporation (MPLC) pursuant to Section 3 of the Rota Agriculture Homestead Act of 1990 (Public Law 7-11).

2. PURPOSE

The purpose of these rules and regulations is to set forth the necessary procedures with respect to agricultural homestead applicants; to set out in detail the standards of eligibility; to provide for certain requirements necessary to meet the goals and objectives of the agricultural program; to provide for an efficient system of notice and hearing process for applicants whose applications have been denied, and to provide a basic format to administer and implement the agricultural homestead program.

3. DEFINITIONS

A. Domicile: The place where a person has his true, fixed and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. The permanent residence of a person or place to which he intends to return even though he may actually reside elsewhere. The established, fixed, permanent, or ordinary dwelling place or place of residence of a person, as distinguished from a residence elsewhere.

B. Marriage: The legal opinion of one man and one woman as husband and wife. It is a legal status and requires the issuance

of a marriage license by the Commonwealth with or without a ceremony by a church.

C. Common Law Marriage: One not solemnized in the ordinary way but created by an agreement to marry, followed by cohabitation. Such a marriage requires a positive mutual agreement, permanent and exclusive of all others, to enter into a marriage relationship, combined with cohabitation sufficient to allow the fulfillment of necessary elements to the relationship of a man and woman, and an assumption of marital duties and obligations. The burden of proving such relationship lies with the applicant, however, the existence of children whose birth certificates list both parties to such a relationship as parents shall constitute a prima facie showing of the existence of the relationship. For purpose of these regulations only, the definition of spouse shall include either party to a "common law" marriage.

4. DESIGNATION OF HOMESTEAD AREAS

The Marianas Public Land Corporation may from time to time designate areas suitable for farming and agricultural activities, and shall use such designated areas for the distribution of agriculture homestead lots. No applicant may be granted an agriculture homestead lot outside of the designated area without the prior approval of the Board of Directors.

5. ESTABLISHMENT OF AREA

All eligible applicants shall be entitled to a maximum area of one hectare or 10,000 square meters of agricultural land.

6. PERSONS ELIGIBLE TO HOMESTEAD

All applicants for agriculture homestead lots must meet and satisfy all of the following criteria:

- A. An applicant must be 18 years of age, or over, and be a citizen of the Commonwealth of the Northern Marianas, and of Northern Marianas descent as provided for in the CNMI Constitution.
- B. An applicant must have been domiciled on the island of Rota for not less than five (5) years.
- C. An applicant or his/her spouse must not own or have an interest in agricultural land within the Commonwealth of the Northern Marianas which equals or exceeds 1/2 hectares or 5,000 contiguous square meters.

- D. An applicant or his/her spouse must not have been a recipient of an agriculture homestead lot from a previous agricultural homesteading program.
- E. An applicant shall not receive more than one (1) agriculture homestead lot.
- F. A person is not eligible to apply for a homestead within the first six months after ceasing to cohabited with an applicant or recipient of an agricultural homestead lot. Additionally, if an applicant resumes cohabitating with another applicant or recipient of an agricultural homestead lot within six months after receiving a permit to homestead, the permit shall be considered void for all purposes.

7. INELIGIBLE APPLICANTS

Those applicants who are determined ineligible to receive agricultural lots due to constitutional and statutory restrictions shall be notified in writing of such determination. The letter notice shall specify the reasons for ineligibility and shall inform the applicant of his/her right to appeal the determination within 30 days of the receipt of the notice.

Within each category of eligible applicants, the MPLC shall take into consideration the date of application, so that an earlier applicant shall take precedence over a later applicant, all other factors being equal.

8. PRIORITY OF APPLICANTS

The Marianas Public Land Corporation shall prioritize the applications submitted according to the following categories. In order to verify the information provided in the application and in order to accurately determine the actual need and priority for an agricultural homestead lot, MPLC may require the applicant to provide additional documentation as MPLC deems appropriate.

- A. First Priority
 - 1. Married applicants whose primary source of income is derived from farming.
 - 2. Single applicants whose primary source of income is derived from farming.
- B. Second Priority

1. Married applicants whose primary income is derived from sources other than farming.
2. Single applicants whose primary income is derived from sources other than farming.

9. APPLICATION PROCEDURE

- A. All applicants for agricultural homesteads shall fill out an application form provided by MPLC. Applications may be submitted in the Saipan Office or directly to the Rota Office. Applications shall be date stamped by the MPLC when received.
- B. All applications shall be signed and declared under penalty of perjury.
- C. All applications must be accompanied by a \$100.00 non-refundable application fee.
- D. After submission of an application, MPLC shall verify the eligibility of the applicant and all essential facts set forth by the applicant and, if necessary, require the applicant to appear before the MPLC Homestead Administrator or his designee for an interview to clarify or verify the information given in the application. Approval or disapproval of an application shall be rendered no later than 90 days after receipt of a completed application.
- E. Applicants are required to provide the following documents for eligibility screening purposes:
 1. Birth Certificate
 2. Employment History
 3. Education History

10. ISSUANCE OF HOMESTEAD PERMIT

Upon approval of the application, the MPLC shall issue a permit to enter upon, use and improve the land once the agricultural tract has been surveyed, monumented, mapped, and is ready for homesteading. The MPLC shall, by drawing of lots, choose the agriculture lots for eligible applicants.

After an agricultural lot is chosen for an eligible applicant, the Corporation shall prepare an agriculture homestead permit for the applicant, and shall give a copy of the map showing the

agriculture homestead tract as surveyed and shall also physically show the tract to the homesteader(s).

A permit fee of \$100.00 shall be paid by the homesteader at the time the permit is executed.

11. CONDITIONS OF OCCUPANCY

A. The homesteader shall enter upon and commence the use and improvement of the agriculture lot consistent with a Land Utilization and Planning Program approved by MPLC within 90 days after the receipt of the permit. Homesteader may developed his/her own Land Utilization Planning Program, but shall obtain written approval from MPLC prior to actual use and occupancy of the homestead lot. Upon non-compliance with the foregoing, the permit shall expire and be null and void and the homesteader shall be construed to have waived all rights in and to the land. Upon such occupancy, MPLC shall have the right to enter and repossess the land.

B. The homesteader shall, at all times keep all boundaries clear of any and all weeds, trash and underbrush.

C. MPLC shall show the homesteader the actual boundaries of the homestead lot. However, any subsequent request by the homesteader for relocation of boundaries by MPLC may be undertaken only after a \$300.00 fee is paid in advance.

D. During the period of occupancy, the homesteader shall observe and comply with all rules, regulations and requirements concerning the use, occupation and development of the homestead lot.

12. HOMESTEAD PROGRESS INSPECTION

A. The MPLC shall conduct inspections of the homestead at least four (4) times a year, or more often as it deems necessary to determine compliance with the homestead requirements.

B. After each inspection, the Homestead Inspection Team shall issue a brief report on the progress of and the compliance of the homesteader.

C. In the event that a homesteader is not complying with the homestead requirements, the Inspection Team shall so note in its report and inform the homesteader of the requirement he/she is not complying with. Appropriate written warnings shall contain

specific correcting action to be taken by the homesteader to bring himself/herself into compliance with the homestead requirements.

D. All inspection reports shall be signed by the Inspection Team Chairperson and all participating team members.

13. DEEDS OF CONVEYANCE

Deeds of Conveyance shall be issued by the Marianas Public Land Corporation for homestead lots entered pursuant to the Rota Agriculture Homestead Act of 1990 upon maturity of the permit, and only upon execution of a Certification by the Marianas Public Land Corporation certifying that the homesteader has resided on the island of Rota for three (3) years from the date of entry upon the homestead lot and has complied with all laws, rules and regulations appertaining to the homestead. MPLC shall issue the Deed of Conveyance within six months of the time the homesteader becomes eligible to receive the Deed of Conveyance.

14. TRANSFER OF HOMESTEAD PERMIT

No rights in or to a homestead permit shall be sold, assigned, leased, transferred or encumbered, except that in the event of the death of the homesteader prior to the issuance of a Deed of Conveyance, all rights under the permit shall issue the benefit of such person or persons, if any, as the homesteader shall designate in the permit or letter filed with the Marianas Public Land Corporation. In the event no designation is made by the homesteader, then the permit shall be revoked, and the land, together with all appurtenances thereto entered thereunder, shall revert to MPLC or its successor.

15. PENALTIES

A. Grounds for Revocation of Permit

If at any time after the issuance of the homestead permit, and before the expiration of the permit period, the homesteader abandon the land or fails to comply with the laws, then the permit shall be revoked and the land shall revert to MPLC or its successor. The Marianas Public Land Corporation may at its discretion allow the homesteader an extension of the permit period.

B. Grounds for Disqualification

If an applicant knowingly and willfully submits false information to MPLC under penalty of perjury, the matter

shall be referred to the Attorney General for prosecution and the applicant's permit shall be revoked and the applicant shall be disqualified from participation in the Agriculture Homesteading Program.

16. NOTICE AND HEARING

An applicant whose application for an agricultural homestead has been received, verified, and found not eligible, shall be informed in writing of such decision, the reason therefore, and a right to appeal the decision within 30 days after receipt of such notice by the applicant. The applicant has the right to be represented by a counsel of his/her choosing and to bring witnesses to the hearing. No later than 30 days after the hearing, the Committee, on behalf of the Corporation, shall issue its decision. If the Committee finds that it should deny the application, a written decision to that effect shall be prepared and given to the applicant.

17. WAIVER

The Marianas Public Land Corporation upon recommendation of the Inspection Team and the Homestead Administrator and upon showing of good cause, may waive a homestead requirement in these regulations and the conditions imposed on the permit; provided that no restrictive provisions of the Constitution or statute shall be waived.

18. EFFECTIVE DATE

The rules and regulations promulgated herein shall be effective and have full force and effect of law thirty (30) days after publication of these rules and regulations in the Commonwealth Register.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MARIANAS PUBLIC LAND CORPORATION

PERMIT TO HOMESTEAD AGRICULTURAL LOT _____

This Agricultural Homestead Permit is issued by the Marianas Public Land Corporation in favor of _____, referred to hereinafter as "Homesteader", who is hereby authorized to enter upon, use and improve for agricultural purposes the parcel of land described as per attachment "A", referred to as the "Homesteader", in accordance with the provisions of the Rota Agriculture Homestead Act of 1990 (Public Law 7-11) and the rules and regulations promulgated thereof.

In issuing this permit, the Homesteader hereby agrees as follows:

1. Commencement of Improvement and Occupancy

The Homesteader shall enter upon and commence the use and improvement of the land for agricultural purposes in accordance with the Land Utilization and Planning Program within ninety (90) days after the receipt of the permit in accordance with the following conditions.

2. Standard for Improvements

A Land Utilization and Planning Program approved by the Marianas Public Land Corporation is attached hereto and made a part hereof. Said program shall have the force and effect of standard requirements for the use, occupation and development of the homestead lot.

3. Compliance with Applicable Statutes

Prior to making improvements on the homestead lot, the Homesteader shall consult and comply with the requirements imposed by other government agencies, particularly requirements needed for land clearing and earthmoving.

4. Taxes and Assessments

Any and all taxes, utility charges, or assessments levied upon the homestead lot during the term of the homestead shall be paid, when due, by the Homesteader to the same extent as if the title being provided has already been transferred to the Homesteader.

5. Revocation of Homestead Permit

This permit may be revoked by the Marianas Public Land Corporation if:

- a. The Homesteader fails to enter and commence the improvement of the land in accordance with the requirements established under paragraph (2) above within ninety (90) days from the date of this permit in which case the permit shall be null and void and the land together with all appurtenances thereto shall revert to the Marianas Public Land Corporation or its successor.
- b. The Homesteader, after issuance of the permit, abandons the homestead; fails to comply with the Northern Mariana Islands homestead law, and other applicable rules and regulation or provisions of this permit.

- c. The Homesteader sells or attempts to sell the homestead, whether the sale is recorded or not.
- d. The Homesteader during the 3-year homestead period leases out, or allows somebody else other than immediate family members or hired personnel to use the homestead lot.
- e. There is falsification by the Homesteader of information given in the homestead application to the effect that it renders the Homesteader ineligible to homestead.

6. Reservations of Easements

There is hereby reserved to the Government of the Commonwealth of the Northern Mariana Islands or its assigns, all mineral rights or such water rights as may be required, the existing roadways, right-of-ways, and other easements upon said homestead. There is also hereby reserved for the benefit of the Government of the Commonwealth of the Northern Mariana Islands or its assigns from the above described land necessary rights-of-way for construction of utility lines, pipelines, or other conduits with necessary maintenance and access roads as may be constructed by the authority of the Government of the Commonwealth of the Northern Mariana Islands or its assigns; but this reservation shall not be construed to waive any claim for injury to growing crops, damage to improvements or other injuries sustained by the Homesteader as a direct result of the execution of work or exercise of the right of entry upon the above described property under this reservation.

7. In the event of the death of the Homesteader, then _____ is hereby designated to succeed to the rights and obligations of the Homesteader as provided herein. Any later change of designee shall be in writing and filed with MPLC.

8. Fees and Effective Date

The Homesteader agrees to pay an application processing fee of \$100.00, payable upon execution of this permit. This permit shall be effective on the date of execution.

MARIANAS PUBLIC LAND
CORPORATION

HOMESTEADER

By: _____
Augustin M. Tagabuel
Chairman
Board of Directors

By: _____

Date: _____

Date: _____

Concurred by: _____
William R. Concepcion
Executive Director

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MARIANAS PUBLIC LAND CORPORATION

PERMIT TO HOMESTEAD AGRICULTURAL LOT _____

This Agricultural Homestead Permit is issued by the Marianas Public Land Corporation in favor of _____ and _____, referred to hereinafter as "Homesteaders", who are hereby authorized to enter upon, use and improve for agricultural purposes the parcel of land described as per attachment "A", referred to as the "Homesteaders", in accordance with the provisions of the Rota Agricultural Homestead Act of 1990 (Public Law 7-11) and the rules and regulations promulgated thereof.

In issuing this permit, the Homesteaders hereby agree as follows:

1. Commencement of Improvement and Occupancy

The Homesteaders shall enter upon and commence the use and improvement of the land for agricultural purposes in accordance with the Land Utilization and Planning Program within ninety (90) days after the receipt of the permit in accordance with the following conditions:

2. Standard for Improvements

A Land Utilization and Planning Program approved by the Marianas Public Land Corporation is attached hereto and made a part thereof. Said program shall have the force and effect of a standard requirements for the use, occupation and development of

homestead lot.

3. Compliance with Applicable statutes

Prior to making improvements on the homestead lot, the Homesteaders shall consult and comply with the requirements imposed by other government agencies particularly requirements needed for land clearing and earthmoving.

4. Taxes and Assessments

Any and all taxes, utility charges, or assessments levied upon the Homesteaders lot during the term of the homestead shall be paid, when due, by the Homesteaders to the same extent as if the title provided for has already been transferred to the Homesteaders.

5. Revocation of Permit to Homestead

This permit may be revoked by the Marianas Public Land Corporation if:

- a. If the Homesteaders fail to enter and commence the improvement of the land in accordance with the requirements established under paragraph (2) above within ninety (90) days from the date of this permit, shall be null and void and the land together with all appurtenances thereto shall revert to the Marianas Public Land Corporation or its successors.
- b. The Homesteaders, after issuance of the permit, abandon the homestead; fail to comply with the Rota Agricultural Homestead Act of 1990 (Public Law 7-11) and other applicable rules and regulations; or provisions of this

permit.

- c. The Homesteaders sell or attempt to sell the homestead, whether the sale is recorded or not.
- d. The Homesteaders during the 3-year homestead period lease out, or allow somebody else other than immediate family members or hired personnel to use the homestead lot.
- e. Falsification by the Homesteaders of information given in homestead application to the effect that it renders the homesteaders ineligible to homestead.

6. Reservations of Easements

There is hereby reserved to the Government of the Commonwealth of the Northern Mariana Islands or its assigns, all mineral rights or such water rights as may be required, the existing roadways, right-of-ways, and other easements upon said homestead. There is also hereby reserved for the benefit of the Government of the Commonwealth of the Northern Mariana Islands or its assigns from the above described land necessary rights-of-way for construction of utility lines, pipelines, or other conduits with necessary maintenance and access roads as may be constructed by the authority of the Government of the Commonwealth of the Northern Mariana Islands or its assigns; but this reservation shall not be construed to waive any claim for injury to growing crops, damage to improvements or other injuries sustained by the Homesteaders as a direct result of the execution of work or exercise of the right of entry upon the above described property under this reservation.

7. In the event of the death of both Homesteaders, then _____ is hereby designated to succeed to the rights and obligations of Homesteaders as provided herein. Any later change in designee shall be in writing and filed with MPLC.

8. Fees and Effective Date

The Homesteaders agree to pay application processing fee of \$100.00, payable upon execution of this permit. This permit shall be effective on the date of execution.

MARIANAS PUBLIC LAND
CORPORATION

HOMESTEADERS

By: _____
Augustin M. Tagabuel
Chairman
Board of Directors

By: _____

Date: _____

Date: _____

Concurred by: _____
William R. Concepcion
Executive Director

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MARIANAS PUBLIC LAND CORPORATION

QUITCLAIM DEED
FOR
AGRICULTURAL HOMESTEAD TRACT/LOT

This Indenture is made this _____ day of _____,
19____, by and between the Marianas Public Land Corporation of the
Commonwealth of the Northern Mariana Islands, hereinafter referred
to as "GRANTOR", and _____ and
_____, of _____, Northern
Mariana Islands, hereinafter referred to as "GRANTEES".

WITNESSETH THAT:

WHEREAS, Grantees have continuously entered upon, occupied,
and improved a certain public land described below for agricultural
purposes through the Rota Agricultural Homestead Law of 1990, the
first entry being made on _____; and

WHEREAS, Grantees complied with the provisions of the
homestead laws pertaining to the said agricultural tract/lot as
well as the terms and conditions of the Permit to Homestead
Agricultural Tract/Lot No. _____, incorporated herein
by reference.

NOW, THEREFORE, pursuant to the provisions of the Rota
Agricultural Homestead Law of 1990, the first entry being made on
_____; and

WHEREAS, Grantees complied with the provisions of the homestead laws pertaining to the said agricultural tract/lot as well as the terms and conditions of the Permit to Homestead Agricultural Tract/Lot No. _____, incorporated herein by reference.

NOW, THEREFORE, pursuant to the provisions of the Rota Agricultural Homestead Law of 1990, the Grantor having the powers to manage and dispose of public lands under Article XI of the Constitution on behalf of the Commonwealth, now does hereby by these presents remise, release, and quitclaim forever to the Grantees, all rights, title, interest, or claim of the Commonwealth in and to the following described real property situated and lying at _____, Northern Mariana Islands:

Tract/Lot No. _____, containing an area of _____ square meters, more or less, as shown on the Division of Lands and Surveys Official Survey Plat No. _____, dated _____, filed with the Commonwealth Recorder's Office as File No. _____, dated _____, the description therein being incorporated herein by reference.

TO HAVE AND TO HOLD the same unto the Grantees, their heirs and assign forever, together with all fixtures and appurtenances belonging thereto, but reserving to the Commonwealth, its successors and assigns, all mineral rights or such water rights as may be required, the existing roadways and other easement upon the premises. There is also hereby reserved for the benefit of the

Commonwealth, its successors and assigns, from the premises necessary rights of way for construction of utility lines, pipelines, or other conduits with necessary maintenance and access roads as may be constructed by the authority of the Commonwealth, its successors and assigns; but this reservation shall not be construed to waive any claim for injury to growing crops, improvement, surface damage, or other injuries sustained by the Grantees, their heirs and assigns as a direct result of the execution of the work or exercise of the right of entry under this reservation.

IN WITNESS WHEREOF, the Chairman of the Board of Directors of the Marianas Public Land Corporation, pursuant to the authorization of the Board, hereby enters his signature and affixes the seal of the Corporation on the day and year first above written.

MARIANAS PUBLIC LAND CORPORATION

By: _____
Augustin M. Tagabuel
Chairman
Board of Directors

Approved as to form and legality:

MPLC Legal Counsel

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MARIANAS PUBLIC LAND CORPORATION

QUITCLAIM DEED
FOR
AGRICULTURAL HOMESTEAD TRACT/LOT

This Indenture is made this _____ day of _____,
19____, by and between the Marianas Public Land Corporation of the
Commonwealth of the Northern Mariana Islands, hereinafter referred
to as "GRANTOR", and _____ of
_____, Northern Mariana Islands, hereinafter referred
to as "GRANTEE".

WITNESSETH THAT:

WHEREAS, Grantee has continuously entered upon, occupied, and
improved a certain public land described below for agricultural
purposes through the Rota Agricultural Homestead Act of 1990
(Public Law 7-11), the first entry being made on _____;
and

WHEREAS, Grantee complied with the provisions of the homestead
laws pertaining to the said agricultural tract/lot as well as the
terms and conditions of the Permit to Homestead Agricultural
Tract/Lot No. _____, incorporated herein by reference.

NOW, THEREFORE, pursuant to the provisions of the Rota
Agricultural Homestead Act of 1990 (Public Law 7-11), the Grantor
having the powers to manage and dispose of public lands under
Article XI of the Constitution on behalf of the Commonwealth, now

do hereby by these presents remise, release and quitclaim forever to the Grantee, all rights, title, interest, or claim of the Commonwealth in and to the following described real property situated and lying at _____, Northern Mariana Islands:

Tract/Lot No. _____, containing an area of _____ square meters, more or less, as shown on the Division of Lands and Surveys Official Survey Plat No. _____, dated _____, filed with the Commonwealth Recorder's Office as File No. _____, dated _____, the description therein being incorporated herein by reference.

TO HAVE AND TO HOLD the same unto the Grantee his/her heirs and assigns forever, together with all fixtures and appurtenances belonging thereto, but reserving to the Commonwealth, its successors and assigns, all mineral rights or such water rights as may be required, the existing roadways, and other easement upon the premises. There is also hereby reserved for the benefit of the Commonwealth, its successors and assigns, from the premises necessary rights-of-way for construction of utility lines, pipelines, or other conduits with necessary maintenance and access roads as may be constructed by the authority of the Commonwealth, its successors and assigns; but this reservation shall not be construed to waive any claim for injury to growing crops, improvements, surface damage, or other injuries sustained by the Grantee, his/her heirs and assigns, as a direct result of the execution of the work or exercise of the right of entry under this

reservation.

IN WITNESS WHEREOF, the Chairman of the Board of Directors of the Marianas Public Land Corporation, pursuant to the authorization of the Board, hereby enters his signature and affixes the seal of the Corporation on the day and year first above written.

MARIANAS PUBLIC LAND CORPORATION

By: _____
Augustin M. Tagabuel
Chairman
Board of Directors

Approved as to form and legality:

MPLC Legal Counsel



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 FUND'S ADMINISTRATIVE RULES AND REGULATIONS

The Board of Trustees pursuant to 1 CMC 8315(f), and the Administrative Procedure Act, 1 CMC 9101, *et seq.*, hereby serves notice that it proposes to promulgate amendments to the Fund Administrative Rules and Regulations.

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

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

*NMI Retirement Fund
P. O. Box 1247
Saipan MP 96950*

Dated this 03 day of December, 1992.

Teresita B. Aldan
Chairperson

Tomas B. Aldan
Administrator



NORTHERN MARIANA ISLANDS RETIREMENT FUND

P.O. BOX 1247

SAIPAN, MP 96950

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

NOTICIAN PUBLICO POT I MAPROPOPONE NA TINILAIKA GI AREKLAMENTON I PROGRAMAN RETIREMENT FUND

I Board of Trustees i Northern Mariana Islands Retirement Fund, sigun gi atordat i lai gi 1 CMC 8315(f) yan i Administrative Procedure Act gi papa i 1 CMC 9101, et. seq., mananae noticia gi publiko pot i ha propopone tinilaika gi areklamenton i programan Retirement Fund.

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

I Board of Trustees 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

P. O. Box 1247

Saipan MP 96950

Mafecha gi 03 dia de Diciembre, 1992.

A handwritten signature in cursive script, appearing to read "Teresita B. Aldan", written over a horizontal line.

Teresita B. Aldan
Chairperson

A handwritten signature in cursive script, appearing to read "Tomas B. Aldan", written over a horizontal line.

Tomas B. Aldan
Administrator

NORTHERN MARIANA ISLANDS RETIREMENT FUND

Proposed Amendment To The Fund's Administrative Rules And Regulations

The Board of Trustees for the Northern Mariana Islands Retirement Fund promulgates these amendments to the rules and regulations pursuant 1 CMC Section 8315(f), and the Administrative Procedure Act, at 1 CMC 9101, et. seq.

PART I. AUTHORITY

Under and by virtue of the provisions of 1 CMC Section 8315(f), the Board of Trustees for the Northern Mariana Islands Retirement Fund hereby promulgates these amendments to the Fund's Administrative Rules and Regulations.

PART 2. PURPOSE

2.1. To amend Part 2 - Definitions of the rules and regulations to add a new Subsection (k) to define the phrase "Complete Separation From Service" as used under 1 CMC Section 8356, and to amend Subsection (h) - "Regular Interest" of the rules and regulations.

PART 3. AMENDMENTS

3.1. To amend Part 2(h) and add a new Part 2 (k) of the Definitions to read as follows:

(h) "**Regular Interest**" as used in 1 CMC 8313(n) shall mean the following:

(i) For purposes of refunding contributions, the regular interest rate is 3.5%, compounded annually, and credited for each complete year.

(ii) For purposes of payment of prior service or repayment of refunded contributions, the regular interest rate to be applied at the time of election shall be the higher of:

- 1) the investment rate of return of the preceding year; or,
- 2) the actuarial rate in existence at the time of election; or,
- 3) five per cent (5%) per year.

(k) "**Complete Separation From Service**" means separation from government service by any employee of the Commonwealth Government, including its agencies and instrumentalities, whose employment is terminated and is not reemployed by the Commonwealth Government or its agencies and instrumentalities within 90 calendar days from the date of such termination.

(i) Any employee who has obtained a refund of contributions and becomes an employee of the Commonwealth Government or any of its agencies or instrumentalities within 90 calendar days shall return to the Fund any refunded contributions received within 30 days of reemployment.

(ii) If the contributions have not been refunded, and the employee returns to government service, the affected employee is deemed to have never left government employment.

DULY ADOPTED BY THE BOARD OF TRUSTEES ON MAY 21, 1992.



Teresita B. Aldan
Chairperson
Board of Trustees, NMIRF

NOTICE OF ADOPTION OF THE
RULES AND REGULATIONS
FOR THE BOARD OF PAROLE

The Board of Parole hereby gives notice to the general public that it has adopted rules and regulations governing the procedures applicable to the parole process, including application, conditions, revocation, and enforcement. These regulations are adopted pursuant to the authority granted by 6 CMC §4206. Interested persons may obtain copies of the adopted regulations from the Board of Parole.

Dated this 02nd day of December, 1992.

(Signature) Lupe P. Manglona
LUPE P. MANGLONA
Chairperson
Board of Parole

Date: 12/3/92

Filed by: Remellio C. Maynor
for: SOLEDAD B. SASAMOTO
Registrar of Corporations

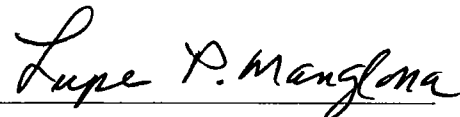
Date: 12/3/92

Received by: Donna Cruz
DONNA CRUZ
Governor's Office

NUTISIA PUT I MANMAADAPTA SIHA
NA REGULASION YAN AREKLAMENTO
PARA I BOARD OF PAROLE

I Board of Parole ginen este, ha nutitisia i pubpliku na manmaadapta areklamento yan regulasion ni para u gobietna i kinalamten ni man aplikao parai parole process, ni enklusus aplikasion, kao para u ma diroga, yan implementasion. Este siha na regulasion manma adapta sigun i fuetsa yan aturidat 6 CMC S4206. Hayi interesao na petsona, siña ha mañule kopian este siha na regulasion ginen i Board of Parole.

Ma fecha' gi dia 02 December, 1992.



LUPE P. MANGLONA
Chairperson
Board of Parole

Date: 12/3/92

Filed by:  
SOLEDAD B. SASAMOTO
Registrar of Corporations

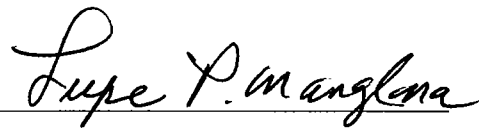
Date: 12/3/92

Received by: 
DONNA CRUZ
Governor's Office

ARONGORONG REEL
FFEERUL ALLEGH MELLOL
LEMELEMIL BOARD OF PAROLE

Schóol Board of Parole sáangi arongorong yeel, nge rekke arongaar towap igha re adaptááilil allégh kka e fil ngáli mwóghutughtul parole process, iye e bwal toolong tingór, kkondisiyoon, assefáál me alléghú. Allégh kkaal nge re adaptááilil sáangi bwángil me ailéewal mille 6 CMC S 4206. Aramas ye e tipáli nge emmwel schagh bwe ebweló bweibwogh kkopiyaal allégh kkaal melløol Bwulasiyool Board of Parole.

E fféer llól rááilil ye 2 December, 1992.



LUPE P. MANGLONA
Chairperson
Board of Parole

Date: 12/3/92


Filed by:  SOLEDAD B. SASAMOTO
Registrar of Corporations

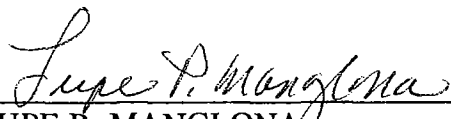
Date: 12/3/92


Received by: DONNA CRUZ
Governor's Office

**CERTIFICATION OF ADOPTED
BOARD OF PAROLE
RULES AND REGULATIONS**

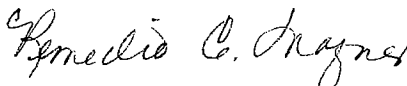
The Chairperson of the Board of Parole, by signature below, hereby certifies that the Board of Parole Rules and Regulations promulgated by the Board of Parole on September 14, 1992 and published in the Commonwealth Register on October 15, 1992 at pages 99794-9821 are a true, correct and complete copy of the Board of Parole Rules and Regulations formally adopted by the Board of Parole. The Chairperson further requests and directs 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 Regulations referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 02ND day of DECEMBER, 1992 at SAIPAN, Commonwealth of the Northern Mariana Islands.



LUPE P. MANGLONA
Chairperson
Board of Parole

Date: 12-3-92


Filed by: *for*: SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 12/3/92


Received by: DONNA CRUZ
Governor's Office

PUBLIC NOTICE


ADOPTION OF PROPOSED REPEAL OF AMENDMENTS TO REGULATIONS RESTRICTING THE ISSUANCE OF BUSINESS LICENSES TO GARMENT MANUFACTURERS, THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES AND ENTRY PERMITS FOR ALIEN GARMENT WORKERS, AND THE ISSUANCE OF CERTIFICATES OF ORIGIN FOR GARMENTS PRODUCED IN THE CNMI.

- Section 1. **Authority.** These regulations are issued under the joint authority of: (1) Commerce and Labor's jurisdiction over business licenses, 1 CMC Section 2453(d) and 1 CMC Section 2454; (2) Commerce and Labor's jurisdiction over labor permits for nonresident workers, 3 CMC Section 4435(b) and 3 CMC Section 4424(a); (3) Attorney General's jurisdiction over immigration of nonresident workers, 3 CMC Section 4435(b) and 3 CMC Section 4331(a); and (4) Finance's jurisdiction over customs, 1 CMC Section 2553(i) and 1 CMC Section 2557.
- Section 2. **Purpose of Regulations.** The purpose of these regulations is to amend the regulations issued on April 14, 1992, and published in the Commonwealth Register on April 15, 1992 at Volume 14, Number 04, pp. 9206 et seq.
- Section 3. **Repealer.** Sections 3, 4, 5 and 6 of the amendments to the regulations published on April 15, 1992 are hereby repealed and the original provisions of the Regulations, as codified, are hereby re-adopted.
- Section 4. **No Further Amendments Intended.** No further amendments are intended. The remainder of the regulations shall continue in force and effect subject to these changes.

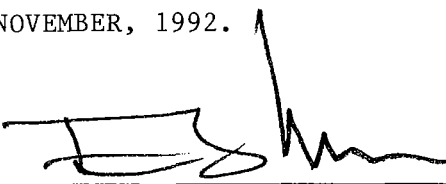
DATED THIS 13th DAY OF NOVEMBER, 1992.



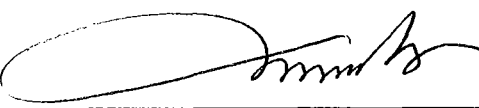
JOAQUIN S. TORRES
Director of Commerce and Labor



ROBERT C. NARAÑA
Attorney General



ELOY S. INOS
Director of Finance



SOLEDAD B. SASAMOTO
Filed by 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



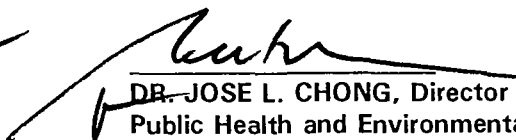
Tels: (670) 234-6114/6984
Fax: (670) 234-1003


PUBLIC NOTICE
ADOPTED AMENDMENT TO DRINKING WATER REGULATIONS PROMULGATED
UNDER THE AUTHORITY OF
2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605
by the
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

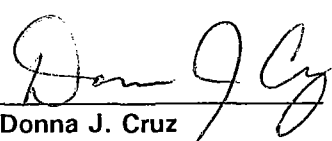
The Director of the Department of public Health and Environmental Services, of the Commonwealth of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605, adopted amendments to the existing CNMI Drinking Water Regulations. These changes conform with the requirements imposed on the Commonwealth in the federal Safe Drinking Water Act. The adopted changes revise the total coliform regulations for determining bacteriological contamination of drinking water. The adopted amendments also establish requirements for mandatory filtration and disinfection of surface waters, and define bottled water companies as regulated public water systems.

The adopted amendments include: major revisions to the section on Microbiological Contaminants; a new section on Filtration and Disinfection; requirements for filtration and disinfection of surface waters and ground water under the influence of surface waters; changes in the sections on Definitions, Variances and Exemptions, and Public Notification; and revisions in the Enforcement.

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

Date: 12/7/92

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

Filed by:
Date: 12/7/92 
SOLEDAD B. SASAMOTO
Registrar of Corporations

Received at Governor's Office:
Date: 12/7/92 
Donna J. Cruz



Commonwealth of the Northern Mariana Islands

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



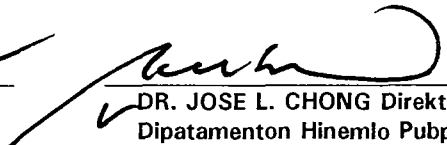
Tels: (670) 234-6114/6984
Fax: (670) 234-1003

NUTISIAN PUBLIKU
NA ESTA MA ADAPTA I AMENDASION PARA HANOM MA GIMEN NI MA ESTABLISA SIGUN I
ATURIDAD
2 CMC §§ 3101 ASTA 3134 YAN 1 CMC §§ 2601 ASTA 2605
GINEN I
DIPATAMENTON HINEMLO PUBLIKU YAN STEDISIUN ENVIRONMENTAL

I Direktot i Dipatamenton Hinemlo Pubpliku yan Setbisiun Environmental gi halom i Commonwealth of the Northern Mariana Islands (CNMI), sigun gi fuetsan 2 §§ CMC 3101 asta 3134 yan 1 CMC §§ 2601 asta 2605 na esta ma adapta i amendasion para i man eksista na Regulasion para Hanom ma Gimem (Drinking Water Regulations). Esta siha na tinulaika i put para u afakcha yan i ma rekomenda siha gi Commonwealth sigun i Federal Safe Water Drinking Act.

I ma adapta na amendasion inklusu: ribisan mayot para seksiona gi halom i Microbiological Contaminants; nuebu na seksiona para Filtration yan Disinfection, i man nisisariu para filtration yan disinfection para i hanom ni man gaige gi hilo'; tinulaika gi seksiona para Defenitions, Variances yan Exemptions, yan lakkue Nutisian Pubpliku; espisiatmente i Kompanian Hanom gi halom buteya siha ni manma maneha komo public water sytem; yan i ribision gi halom Seksiona put Afurtsas (Enforcement Section).

Kopian I ma Adapta na amendasion put Regulacions, Hamon ma Gimem siha manma chule' gi Dipatamenton Hinemlo Pubpliku yan Setbisiun Environmental, Division of Environmental Quality, ni gaige gi hagas Espitat Dr. Torres, Saipan, MP 96950.

Fecha': 12/7/92 
DR. JOSE L. CHONG Direktot
Dipatamenton Hinemlo Pubpliku yan Setbisiun Environmental

Ma File as:
Fecha': 12/7/92 
SOLEDAD B. SASAMOTO
Rehistrasion i Corporation

Fecha': 12/7/92 
DONNA J. CRUZ
Ma Risibi Ginen i Ofisinan Gobetno



Commonwealth of the Northern Mariana Islands

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ARONGORONGOL TOWLAP

ARONGORONG REEL ADAPTAL LLIWEL MELLOL ALLEGHUL SCHALUL UUL (DRINKING WATER) IYE RE FEERU SANGI BWANGIL ME AILEEWAL 2 CMC §§3101 NGALI 3134 ME 1 CMC §§2601 REEL AMMWELEL DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

Direktoodul Dipatamentool Public Health me Environmental Services, mellol Commonwealth of the Northern Mariana Islands (CNMI), reel bwangil me aileewal 2§§ 3101 ngali 3134 me 1 CMC §§2601 ngali 2605, nge ekke ffeer lliiwel mellol mille Alleghul CNMI Drinking Water. Lliiwel kkaal nge ebwe ghol fengal me milikka ebwe lo llo Commonwealth sangi lemelemi federal Safe Drinking Water Act. Milikkaal nge ebwe liwilil alongal allegh reel coliform igha rebwe amwuri bacteriological contamination mellol schalul uul. Allegh kkaal nge ebwe ayoora lemelemi mwoghutughut reel filtration me disinfection ngali schaal kka elo wool pwel, me ebwe attafa metta kkompaniyaal schaal kka e ghal akkameelo schaal llo lee reel rebwe tabweey aileewal public water systems.

Lliiwel kkaal nge a pwal toolong: alongal lliiwel mellol talil kka elo llo Microbiological Contaminants; ebwe lliiwel teali kka llo Filtration me Disinfection; ffeer reel mwoghutughutul schaal kka elo wool pwel me faal reel nguluwal; lliiwel mellol Definitions, Variences me Exemptions. Arongorongol Towlap, me lliiwel llo talil ye rebwe alleghul (Enforcement).

Kopiyaal Allegh kka e ghil ngali Schalul uul nge emmwel schagh bwe aramas rebwe lo bweibwogh sangi Bwulasiyool Public Health me Environmental Services, Division of Environmental Quality, iye e lo fasul Dr. Torres Hospital, Saipan, MP 96950.

Ral: 12/7/92

DR. JOSE L. CHONG, Direktoodul
Depatamentool Public Health me
Environmental Services

Ral: 12/7/92

SOLEDAD B. SASAMOTO
Registrar of Corporations

Ral: 12/7/92

DONNA J. CRUZ
Governor's Secretary

DRINKING WATER REGULATIONS

PART 1 GENERAL PROVISIONS/ AUTHORITY

These regulations have been promulgated by the Department in accordance with 1 CMC §§ 2601 To 2605 and the Commonwealth Environmental Protection Act, 2 CMC §§3101 to 3134. The regulations and technical provisions and specifications to be adopted by the Department from time to time, shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands. The Department shall apply these regulations and standards to all public water systems in the Commonwealth.

PART 2 PURPOSE

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

PART 3 DEFINITIONS

- 3.1 "The Act" means the Commonwealth Environmental Protection Act, 2 CMC §§ 3101 to 3134 (Public Law 3-23).**
- 3.2 "Agency" means the U.S. Environmental Protection Agency unless otherwise specified.**
- 3.3 "Agency Regulations" means those regulations promulgated by the U.S. Environmental Protection Agency pursuant to the Safe Drinking Water Act Amendments of 1986, 42 U.S.C. §§ 300g-1 to 300g-5, §300j-4, and §300j-9 (PL 99-339 §§1412 to 1416, §1445, and §1450). Hereafter referred to as the Safe Drinking Water Act.**
- 3.4 "Backflow" means the reversed flow of contaminated water or other liquids into the distribution system of a potable water supply.**
- 3.5 "Back siphonage" means the reversed flow of liquid caused by a partial vacuum in the potable distribution system.**
- 3.6 "Best available Technology" or "BAT" means the best technology, treatment techniques, or other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into**

consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

- 3.7 "Bottled Water Companies" means a business that produces drinking water in bulk or bottles for retail or wholesale sale to the public.**
- 3.8 "Chief" means the Chief of the Division of Environmental unless otherwise specified.**
- 3.9 "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.**
- 3.10 "Community Water System" means a public water system which serves at least fifteen (15) service connections used by year-round residents, or regularly serves at least twenty-five (25) year-round residents.**
- 3.11 "Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.**
- 3.12 "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.**
- 3.13 "Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.**
- 3.14 "Cross Connection" means any arrangement of pipes, fittings, fixtures, or devices that connects a nonpotable system to a potable system.**
- 3.15 "CT" or "CTcalc" is the product of "residual disinfectant concentration" (C) in mg/l determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes, i.e., "C" x "T". If a public water system applies disinfectants at more than one point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio." In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection**

application point(s). "CT_{99.9}" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts.

$$\frac{Ct_{calc}}{CT_{99.9}}$$

is the inactivation ratio. The sum of the inactivation ratios, or total inactivation ratio shown as

$$\frac{(Ct_{calc})}{(CT_{99.9})}$$

is calculated by adding together the inactivation ratio for each disinfection sequence. A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

- 3.16 "Department" means the Commonwealth Department of Public Health and Environmental Services unless otherwise specified.
- 3.17 "Director" means the Director of the Commonwealth Department of Public Health and Environmental Services unless otherwise specified.
- 3.18 "Division" means the Commonwealth Division of Environmental Quality within the Department of Public Health and Environmental Services unless otherwise specified.
- 3.19 "Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which (1) a pre-coat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (2) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.
- 3.20 "Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.
- 3.21 "Disinfectant" means any oxidant including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

- 3.22 "Disinfectant contact time" ("T" in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration ("C") is measured. Where only one "C" is measured, "T" is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where residual disinfectant concentration ("C") is measured. Where more than one "C" is measured, "T" is (a) for the first measurement of "C", the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first "C" is measured and (b) for subsequent measurements of "C", the time in minutes that it takes for water to move from the previous "C" measurement point to which the particular "T" is being calculated. Disinfectant contact time in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.**
- 3.23 "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.**
- 3.24 "Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.**
- 3.25 "Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified in the International Commission on Radiological Units and Measurements (ICRU).**
- 3.26 "Drinking Water Quality Standards" or "Standards" means those primary or secondary drinking water regulations as promulgated by the U.S. Environmental Protection Agency Regulations.**
- 3.27 "Filtration" means a process for removing particulate matter from water by passage through porous media.**
- 3.28 "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.**

- 3.29 "Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.
- 3.30 "Gross Beta Particle Activity" means the total radioactivity due to beta emission as inferred from measurements on a dry sample.
- 3.31 **"Ground water under the direct influence of surface water" means any water beneath the surface of the ground with (1) significant occurrence of insects or other microorganisms, algae, or large-diameter pathogens such as Giardia lamblia, or (2) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlates to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the Division. The Division determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.**
- 3.32 "Halogen" means one of the chemical elements chlorine, bromine or iodine.
- 3.33 **"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.**
- 3.34 "Man-made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.
- 3.35 "Maximum Contaminant Level (MCL)" means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.
- 3.36 "Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25 degrees C or above.

- 3.37 **"Near the first service connection"** means at one of the 20 percent of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.
- 3.38 **"Non-Community Water System"** means a public water system that is not a community water system.
- 3.39 **"Non-transient non-community water system or "NTNCWS"** means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.
- 3.40 **"Performance evaluation sample"** means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency. The true value of the concentration of the reference material is unknown to the laboratory at the time of analysis.
- 3.41 **"Person"** means the Commonwealth, Federal Government, or any agency or institution thereof, municipality, political subdivision, public or private corporation, individual partnership, association, cooperative association, common carrier, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, public or private corporation, association, or cooperative association.
- 3.42 **"Picocurie (pCi)"** means that quantity of radioactive material producing 2.22 nuclear transformations per minute.
- 3.43 **"Point of Entry Treatment Device"** is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.
- 3.44 **"Point of disinfectant application"** is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.
- 3.45 **"Point-of-use treatment device"** is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

- 3.46 "Potable Water" means water is of a quality that meets the requirements of these regulations.
- 3.47 "Public Water System" means a system for the provision to the public of water through a pipe or pipes, faucet(s) and/or valve(s) for human consumption, if such system has at least fifteen (15) service connections, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes (1) any collection, treatment, storage, and/or distribution facilities under control of the operator of such system and used primarily in connection with such system; and (2) any collection or pre-treatment storage facilities not under such control which are used primarily in connections with such system. **Such term includes bottled water companies which sell more than 80 gallons of water a day.** A public water system is either a "community water system", a "non-community water system", or a "non-transient non-community water system".
- 3.48 "REM" means the unit dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "Millirem (mrem)" is 1/1000 of a rem.
- 3.49 "Residual disinfectant concentration" ("C" in CT calculations) means the concentration of disinfectant measured in mg/1 in a representative sample of water.
- 3.50 "Sanitary Survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.
- 3.51 "Secondary Maximum Contaminant Level" (SMCL) means a non-enforceable guideline related to taste, odor, or color, as well as certain other non-aesthetic effects, of drinking water.
- 3.52 "Sedimentation" means a process for removal of solids before filtration by gravity or separation.
- 3.53 "Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h) resulting in substantial particulate removal by physical and biological mechanisms.

- 3.54 "Standard Sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.
- 3.55 "Supplier of Water" means any person who owns or operates a public water system.
- 3.56 "Surface water" means all water which is open to the atmosphere and subject to surface runoff.
- 3.57 "System with a single service connection" means a system which supplies drinking water to consumers via a single service line.
- 3.58 "Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.
- 3.59 "Total trihalomethanes" (TTHM) means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane [chloroform], dibromochloromethane, bromodichloromethane and tribromomethane [bromoform]), rounded to two significant figures.
- 3.60 "Trihalomethane" (TTHM) means one of the family of organic compounds, name as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.
- 3.61 "Virus" means a virus of fecal origin which is infectious to humans by waterborne transmission.
- 3.62 "Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficiency in treatment, as determined by the appropriate local or Commonwealth agency.

PART 4 SITING AND DESIGN REVIEW REQUIREMENTS

4.1 Siting Requirements and Notification of Intent

Before a person may enter into a financial commitment for or initiate construction of a new public water system or increase the capacity of or modify an existing public water system, she/he shall notify the **Division in writing** and submit with such notification a conceptual descriptive plan with appropriate sketches detailing proposed location,

water source capacity, budget estimates and other data as described in paragraph 4.2. She/he shall, to the extent practicable, avoid locating part or all of the new or expanded facility at a site which:

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

4.2 Design and Construction Review Requirements

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

(a) Notification of Intent

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

- (1) Name and address of person who intends to construct or modify public water supply system;
- (2) Name and address of person who will be the supplier of water to the public;
- (3) Location of proposed water source or sources on a 8 1/2 X 11" portion of topographic map section;

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

(b) Review and Action Upon Notice of Intent

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

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

(c) Preparation of Final Drawings and Specifications

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

(d) Review and Approval of Final Drawings and Specifications.

- (1) Final drawings and specifications shall be submitted to the **Division** for review.
- (2) The **Division** shall either:
 - (i) Approve the drawings and specifications; or
 - (ii) Request changes in the drawings and specifications by the constructor.
- (3) The action prescribed in paragraph (2) shall be completed within ten (10) working days from the time the drawings and specifications are received by the **Division**. After any requested changes as requested

under paragraph (2)(ii) have been made, the **Division** shall approve or disapprove within five (5) working days of receipt of the documents.

4.3 Emergency Permits

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

(a) Emergency Permit Revocations

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

PART 5 DRINKING WATER QUALITY STANDARDS

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

Permissible analytical techniques are specified herein. With the written permission of the **Division**, concurred on by the Administrator of the U.S. Environmental Protection Agency, alternative analytical techniques may be employed. An alternative technique shall be acceptable only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by this part.

5.1 Identification of Suppliers of Water

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

5.2 Drinking Water Quality Control

It is the responsibility of the supplier of water to assure a quality of water supply that equals or surpasses drinking water quality standards of Department as set forth in these regulations. This includes assurance by the supplier that users do not contaminate the public supply by the use of faulty plumbing which allows infiltration of any sort into the drinking water distribution system.

5.3 Microbiological Contaminants

5.3.1 Maximum Contaminant Levels (MCL) for Microbiological Contaminants

(a) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density

(1) For a system which collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.

(2) For a system which collects fewer than 40 samples/month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

(b) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in Part 6, this is a violation that may pose an acute risk to health.

(c) A public water system must determine compliance with the MCL for total coliforms in paragraphs (a) and (b) of this section for each month in which it is required to monitor for total coliforms.

(d) The Department identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for total coliforms in paragraphs (a) and (b) of this section:

(1) Protection of wells from contamination by coliforms by appropriate placement and construction;

- (2) Maintenance of a disinfectant residual throughout the distribution system;
- (3) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing program, proper operation and maintenance of storage tanks and reservoirs, and continual maintenance of positive water pressure in all parts of the distribution system;
- (4) Filtration and/or disinfection of surface water, as described in Part 10 or disinfection of ground water using strong oxidants such as chlorine, chlorine dioxide, or ozone; or
- (5) The development and implementation of an EPA-approved State Wellhead Protection Program under the Safe Drinking Water Act, 42 U.S.C. §300h-7 (P.L. 99-339 §1428).

5.3.2 Microbiological Sampling Requirements

(a) Routine sampling:

- (1) Public water systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. These plans are subject to Division's review and revision.
- (2) The monitoring frequency for total coliforms for community water systems is based of the population served by the system, as follows:

TOTAL COLIFORM MONITORING FREQUENCY FOR COMMUNITY WATER SYSTEMS

Population served	Minimum number of samples per month
25 to 1,000 ¹	1
1,001 to 2,500	2
2,301 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800 ⁶	6
5,801 to 6,700	7
6,701 to 7,600	8
7,801 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 to more	480

¹ Includes public water systems which have at least 15 service connections, but serve fewer than 25 persons.

To determine the equivalent population served by a bottled water company divide the maximum number of gallons of ice and water the facility is capable of producing in a day by 3.2 (i.e. On Bottle Company A's reverse osmosis system can produce 4500 gallons of water and ice for sell a day. $4500 \text{ gallons} / 3.2 \text{ gallons per population equivalent} = 1,406.25$ population equivalent served. Bottle Company A is required to take a minimum of 2 samples per month).

If a community water system serving 25 to 1,000 persons has no history of total coliform contamination in its current configuration and a sanitary survey conducted in the past five years shows that the system is supplied solely by a protected groundwater source and is free of sanitary defects, the Division may reduce the monitoring frequency specified above except that in no case may the Division reduce the monitoring frequency to less than one sample per quarter. The Chief of the Division must approve the reduced monitoring frequency in writing.

(3) The monitoring frequency for total coliforms for non-community water systems is as follows:

(i) A non-community water system using only ground water (except ground water under the direct influence of surface water, as defined in Part 3) and serving 1,000 persons or fewer must monitor each calendar quarter that the system provides water to the public, except that the Division may reduce this monitoring frequency, in writing, if a sanitary survey shows that the system is free of sanitary defects. Beginning June 29, 1994 the Division cannot reduce the monitoring frequency for a non-community water system using only ground water (except ground water under the direct influence of surface water, as defined in Part 3) and serving 1,000 persons or fewer to less than once/year.

(ii) A non-community water system using only ground water (except ground water under the direct influence of surface water, as defined in Part 3) and serving more than 1,000 persons during any month must monitor at the same frequency as a like-sized community water system, as specified in paragraph (a) (2) of this section, except the Division may reduce this monitoring frequency, in writing, for any month the system serves 1,000 persons or fewer. The Division cannot reduce the monitoring frequency to less than once/year. For systems using ground water under

the direct influence of surface water, paragraph (a) (3) (iv) of this section applies.

(iii) A non-community water system using surface water, in total or in part, must monitor at the same frequency as a like-sized community water system, as specified in paragraph (a) (2) of this section, regardless of the number of persons it serves.

(iv) A non-community water system using ground water under the direct influence of surface water, as defined in Part 3, must monitor at the same frequency as a like-sized community water system, as specified in paragraph (a) (2) of this section. The system must begin monitoring at this frequency beginning six months after the Division determines that the ground water is under the direct influence of surface water.

(4) The public water system must collect samples at regular time intervals throughout the month, except that a system which uses ground water (except ground under the direct influence of surface water, as defined in Part 3) and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

(5) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine compliance with the MCL for total coliforms in Section 5.3.1. Repeat samples taken pursuant to paragraph (b) of this section are not considered special purpose samples, and must be used to determine compliance with the MCL for total coliforms in Section 5.3.1.

(b) Repeat Sampling:

(1) If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result. A system which collects more than one routine sample/month must collect no fewer than three repeat samples for each total coliform-positive sample found. A system which collects one routine sample/month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found. The Division may extend the 24-hour limit

on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of an extension, the Division must specify how much time the system has to collect the repeat samples.

(2) The system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the Division may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.

(3) The system must collect all repeat samples on the same day, except that the Division may allow a system with a single service connection to collect the required set of repeat samples over a four-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 400 ml (300 ml for systems which collect more than one routine sample/month).

(4) If one or more repeat samples in the set is total coliform-positive, the public water system must collect an additional set of repeat samples in the manner specified in paragraphs (b) (1)-(3) of this section. The additional samples must be collected within 24 hours of being notified of the positive result, unless the Division extends the limit as provided in paragraph (b) (1) of this section.

The system must repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the MCL for total coliforms in Section 5.3.1 has been exceeded and notifies the Division.

(5) If a system collecting fewer than five routine samples/month has one or more total coliform-positive samples and the Division does not invalidate the sample(s) under paragraph (c) of this section, it must collect at least five routine samples during the next month the system provides water to the public, except that the Division may waive this requirement if the conditions of paragraph (b) (5) (i) or (ii) of this section are met. The Division cannot waive

the requirement for a system to collect repeat samples in paragraphs (b) (1)-(4) of this section.

(i) The Division may waive the requirement to collect five routine samples the next month the system provides water to the public if the Division or an agent approved by the Division performs a site visit before the end of the next month the system provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Division to determine whether additional monitoring and/or any corrective action is needed. The Division cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Division to perform sanitary surveys.

(ii) The Division may waive the requirement to collect five routine samples the next month the system provides water to the public if the Division has determined why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. In this case, the Division must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Division official who recommends such a decision, and make this document available to the EPA and public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem. The Division cannot waive the requirement to collect five routine samples the next month the system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. Under this paragraph, a system must still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms in section 5.3.1, unless the Division has determined that the system has corrected the contamination problem before the system took the set of repeat samples required in paragraphs (b) (1)-(4) of this section, and all repeat samples were total coliform-negative.

(6) After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

(7) Results of all routine and repeat samples not invalidated by the Division must be included in determining compliance with the MCL for total coliforms in section 5.3.1.

(c) Invalidation of total coliform samples.

A total coliform-positive sample invalidated under this paragraph (c) does not count towards meeting the minimum monitoring requirements of this section.

(1) The Division may invalidate a total coliform-positive sample only if the conditions of paragraph (c) (1) (i), (ii), or (iii) of this section are met.

(i) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

(ii) The Division on the basis of the results of repeat samples collected as required by paragraphs (b) (1) through (4) of this section, determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Division cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative.

(iii) The Division has a substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system.

In this case, the system must still collect all repeat samples required under paragraphs (b) (1) through (4) of this section, and use them to determine compliance with the

MCL for total coliforms in section 5.3.1. To invalidate a total coliform-positive sample under this paragraph, the decision must be documented in writing, and approved and signed by the supervisor of the Division official who recommended the decision. The Division must make this document available to EPA and the public. The written documentation must state the specific cause of the total coliform-positive sample, and what action the system has taken, or will take, to correct this problem. The Division may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

(2) A laboratory must invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produce a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Division may waive the 24-hour time limit on a case-by-case basis.

(d) Sanitary Surveys:

(1) Public water systems which do not collect five or more routine samples/month must undergo an initial sanitary survey by June 29, 1994 for community public water systems and June 29, 1999 for non-community water systems. Thereafter, systems must undergo another sanitary survey every five years, except that non-community water systems using only protected and disinfected ground water, as defined by the Division, must undergo subsequent sanitary surveys at least every ten years after the initial sanitary survey. The Division must review the results of each sanitary survey to determine whether the existing monitoring frequency is adequate and what additional measures, if any, the system needs to undertake to improve drinking water quality.

(2) Sanitary surveys must be performed by the Division or an agent approved by the Chief of the Division. The system is responsible for ensuring the survey takes place.

(e) Fecal coliforms/*Escherichia coli* (*E. coli*) testing:

(1) If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the system may test for *E. coli* in lieu of fecal coliforms. If fecal coliforms or *E. coli* are present, the system must notify the Division in writing by the end of the day when the system is notified of the test result, unless the system is notified of the result after the Division's office is closed, in which case the system must notify the Division before the end of the next business day.

(2) The Division has the discretion to allow a public water system, on a case-by-case basis, to forgo fecal coliform or *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive of *E. coli*-positive. Accordingly, the system must notify the Division as specified in paragraph (e) (1) of this section and the provisions of section 5.3.1 (b) apply.

5.3.3 Microbiological Analytical Methodology

(a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 ml.

(b) Public water systems need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.

(c) Public water systems must conduct total coliform analyses in accordance with one of the following analytical methods:

(1) Multiple-Tube Fermentation (MTF) Technique, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985. American Public Health Association et al., 16th edition, Method 908, 908A, and 908B---pp, 870-878, except that 10 fermentation tubes must be used; or Microbiological Methods for Monitoring the Environment, Water and Wastes, U.S. EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268 (EPA-600/8-78-017, December 1978, available from ORD

Publications, CERI U.S. EPA, Cincinnati, Ohio 45268). Part III, Section B.4.1-4.6.4. pp. 114-118 (Most Probable Number Method), except that 10 fermentation tubes must be used; or

(2) Membrane Filter (MF) Technique, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition, Method 909, 909A and 909B--pp. 886-896; or Microbiological Methods for Monitoring the Environment, Water and Wastes, U.S. EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268 (EPA-600/8-78-017, December 1978, available from ORD Publication, CERI, U.S. EPA, Cincinnati, Ohio 45268), Part III, Section B.2.1-2.6, pp. 108-112; or

(3) Presence-Absence (P-A) Coliform Test, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition, Method 908E--pp. 882-886; or

(4) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in the article "National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia coli from Drinking Water: Comparison with Presence-Absence Techniques" (Edberg et al.), Applied and Environmental Microbiology, Volume 55, pp. 1003-1008, April 1989. (Note: The MMO-MUG Test is sometimes referred to as the Autoanalysis Colilert System.)

(d) In lieu of the 10-tube MTF Technique specified in paragraph 5.3.3 (1) (a) of this section, a public water system may use the MTF Technique using either five tubes (20-ml sample portions) or a single culture bottle containing the culture medium for the MTF Technique, i.e., laurel tryptose broth (formulated as described in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th Edition, Method 908A--pp. 872). as long as a 100-ml water sample is used in the analysis.

(e) Public water systems must conduct fecal coliform analysis in accordance with the following procedure. When the MTF Technique or Presence-Absence (PA) Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium to determine the presence to total and fecal coliforms, respectively. For EPA-approved

analytical methods which use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium (the laboratory may first remove a small portion of selected colonies for verification), swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium), or inoculate individual total coliform-positive colonies into EC Medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 ± 0.2 C for 24 ± 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test. The preparation of EC medium is described in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association, 16th Edition Method 908C--p. 879, paragraph 1a. Public water systems need only determine the presence or absence of fecal coliforms: a determination of fecal coliform density is not required.

(f) Public water systems must conduct analysis of *Escherichia coli* in accordance with one of the following analytical methods:

(1) EC medium supplemented with 50 ug/ml of 4-methylumbelliferyl-beta-D-glucuronide (MUG) (final concentration). EC medium is described in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition, p. 879. MUG may be added to EC medium before autoclaving, EC medium supplemented with 50 ug/ml of MUG is commercially available. At least 10 ml of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG shall be as specified in paragraph (f) (5) of this section for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (386 nm) in the dark after incubating tube at 44.5 ± 0.2 C for 24 ± 2 hours; or

(2) Nutrient agar supplemented with 100 ug/ml 4-methylumbelliferyl-beta-D-glucuronide (MUG) (final concentration). Methods for the Examination of Waste and Wastewater, 1985, American Public Health Association et al., 16th edition, p. 874. This test is used to determine if a total coliform-positive sample, as determined by the Membrane Filter Technique or any other method in which a membrane filter is used, contains *E. coli*. Transfer the

membrane filter containing a total coliform colony(ies) to nutrient agar supplemented with 100 mg/ml (final concentration) of MUG. After incubating the agar plate at 35 C for 4 hours, observe the colony(ies) under ultraviolet light (386nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.

(g) If a system uses the MMO-MUG Test for total coliform detection, it must test all total coliform-positive cultures for fluorescence. To test for fluorescence, use an ultraviolet light (386 nm) in the dark after incubating the tube or container at 35 ± 0.5 C for 24 ± 28 hours. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is not observed, transfer a 0.1 ml, 28-hour culture to EC Medium + MUG with a pipet. The formulation and incubation conditions of the results are described in paragraph 5.3.3 (f) (1) of this section.

(h) These incorporations by reference were approved by the Director of the Federal Register in accordance with 55 U.S.C. 552(a) and 1 CFR Part 51. Copies of the analytical methods cited in Standard Methods for the Examination of Water and Wastewater may be obtained from the American Public Health Association et al., 1015 Fifteenth Street, NW.; Washington, DC 20005. Copies of the methods set forth in Microbiological Methods for Monitoring the Environment, Water and Wastes may be obtained from ORD Publications, U.S. EPA, 26 W. Martin Luther King Drive, Cincinnati, Ohio 45268. Copies of the MMO-MUG Test as set forth in the article "National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli from Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method" (Edberg et al.) may be obtained from the American Water Works Association research Foundation, 6666 West Quincy Avenue, Denver, CO 80235. Copies may be inspected at EPA's Drinking Water Docket: 401 M Street, SW. Washington, DC 20460, or at the Office of the Federal Register: 1100 L Street. NW: Room 8401: Washington, DC 20408.

(i) Response to violation:

(1) A public water system which has exceeded the MCL for total coliforms in section 5.3.1 must report the violation to the Division in writing no later than the end of the next business day after it learns of the violation, and notify the public in accordance with Part 6.

(2) For public water systems which are Bottled Water Companies which exceed the MCL for total coliforms in section 5.3.1 must comply 5.3.3(i)(1) and do the following:

- 1) immediately discontinue operation and sale of water and ice until given approval by DEQ to resume;**
- 2) dispose of or reprocess all water on the premise located down stream of the disinfection unit including remote sales locations;**
- 3) notify vendors and the public that water and ice produced from the facility does not meet the microbiological standards for potable water established by DEQ and should not be consumed; and**
- 4) conduct a thorough investigation of the source, treatment, storage, and distribution facilities in order to identify potential sources of contamination; and report the findings of the investigation and steps taken to correct system deficiencies to DEQ.**

(3) A public water system which has failed to comply with a coliform monitoring requirement including the sanitary survey requirement, must report the monitoring violation to the Division in writing within ten days after the system discovers the violation, and notify the public in accordance with Part 6.

(4) Except where a different reporting period is specified in this part, the supplier of water must report to the Division in writing within 48 hours the failure to comply with any CNMI drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

(5) The Division hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for microbiological contaminants in 5.3.1.

(i) Protection of wells from contamination by coliforms by appropriate placement and construction;

(ii) Maintenance of a disinfectant residual throughout the distribution system;

(iii) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, and continual maintenance of positive water pressure in all parts of the distribution system;

(iv) Filtration and/or disinfection of surface water, as described in Part 10, or disinfection of ground water using strong oxidants such as chlorine, chlorine dioxide, or ozone.

5.4 Turbidity

5.4.1 Maximum Contaminant Levels for Turbidity

The maximum contaminant levels for turbidity are applicable to both community water systems and non-community water systems using surface water sources in whole or in part. **The requirements of this section apply to filtered systems until June 29, 1993. The requirements in this section apply to unfiltered systems that the Division has determined in writing pursuant to Part 10, must install filtration, until June 29, 1993, or until filtration is installed whichever is later.** The maximum contaminant levels for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

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

(1) Interfere with disinfection;

(2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or

(3) Interfere with microbiological determinations.

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

5.4.2 Turbidity Sampling and Analytical Requirements

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

(b) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at a representative entry point(s) to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with paragraph 5.4.2 above. **If the Division determines that a reduced sampling frequency in a non-community will not pose a risk to public health, it can reduce the required sampling frequency. The option of reducing the turbidity frequency shall be permitted only in those public water systems that practice disinfection and which maintain an active residual disinfectant in the distribution system, and in those cases where the Chief of the Division has indicated in writing that no unreasonable risk to health existed under the circumstances of this option. The turbidity measurements shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for Examination of Water and Wastewater," American Public Health Association, 14th Edition, pp. 132-134; or "Methods of Chemical Analysis of Water and Wastes," EPA Environmental Monitoring and Support Laboratory, March 1979, Method 180.0--Nephelometric Method. Calibration of the turbidimeter shall be made either by the use of a formalin standard as specified in the cited references or a styrene divinyl-benzene polymer standard (Amco-AEPA-1 Polymer) commercially available from Amco Standards International, Inc., 230 Polaris Avenue, No. C, Mountain View, California 94043.**

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

(d) Sampling for non-community water systems shall begin within two years after the effective date of this part.

(e) The Division has the authority to determine compliance or initiate enforcement action based upon analytical results or other information compiled by their sanctioned representatives and agencies.

5.5 Inorganic Chemicals and Physical Characteristics

5.5.1 Maximum Contaminant Levels for Inorganic Chemicals

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

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

<u>Contaminant</u>	<u>Level Milligrams Per Liter</u>
Arsenic	0.05
Barium	1.0
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.0
Selenium	0.01
Fluoride	1.4

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

5.5.2 Inorganic Chemical Sampling and Analytical Requirements

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

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

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

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

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

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

(d) The provisions of paragraphs (b) and (c) of this section notwithstanding, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the mean of two analysis.

When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within twenty-four (24) hours, and if the level mean of the two analysis exceeds the maximum contaminant level, the supplier of water shall report his findings to the **Division in writing** and notify the public pursuant to paragraphs 6.1 and 6.2, which prescribed reporting and public notice.

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

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

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

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

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

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

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

- (i) Reported concentrations from previously required monitoring,
- (ii) The degree of variation in reported concentration and,
- (iii) Other factors which may effect fluoride concentrations such as changes in pumping rates in groundwater supplies or significant changes in the system's configuration, operating procedures, source of water, and changes in stream flows.

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

(6) Analyses for fluoride under this section shall only be used for determining compliance if conducted by laboratories that have analyzed Performance Evaluation samples to **plus or minus 10%** of the reference value at fluoride concentrations from 1.0mg/1 to 10.0mg/1, within the last 12 months.

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

5.5.3 Special Monitoring for Sodium

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

approval, be considered one treatment plant for determining the minimum number of samples. The supplier of water may be required by the **Division** to collect and analyze samples for sodium more frequently in locations where the sodium content is variable.

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

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

(d) Analyses for sodium shall be performed by the flame photometric method in accordance with the procedures described in "Standard Methods for the Examination of Water and Wastewater", 14th Edition, pp. 250-253; or by Method 273.1 Atomic Absorption-Direct Aspiration or Method 273.2 Atomic Absorption-Graphite Furnace, in "Method for Chemical Analysis of Water and Waste", EMSL, Cincinnati, EPA 1979; or by Method D1428-64 (a) in Annual Book of ASTM Standards, part 31, Water.

5.5.4 Special Monitoring for Corrosivity Characteristics

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

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

approval, be considered one treatment plant for determining the minimum number of samples.

(2) Determination of the corrosivity characteristics of the water shall include measurement of pH, calcium hardness, alkalinity, temperature, total dissolved solids (total filtrable residue), chloride, sulfate, and calculation of the Langelier Index in accordance with paragraph (c) below. The determination of corrosivity characteristics shall only include one round of sampling (two samples per plant for surface water and one sample per plant for groundwater sources). In certain cases, the Aggressive of the Langelier Index; the supplier shall request in writing to the **Division** and the **Division** will make this determination.

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

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

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

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

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

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

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

(5) Asbestos cement pipe.

(6) Vinyl lined asbestos cement pipe.

(7) Coal tar lined pipes and tanks.

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

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

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

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

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

(2) Where the corrosivity of the water is sufficient to cause leaching of lead, notice must state in plain language both in English and Chamorro and explanation of the potential sources of lead in drinking water, the potential adverse health effects, reasonable methods available to mitigate lead in drinking water, the mitigation steps the supplier is taking to eliminate lead in drinking water, and the necessity to seek an alternative water supply.

5.5.6 Secondary Maximum Contamination Levels (SMCLs)

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

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

Fluoride	2 Milligrams per liter
Silver	0.09 Milligrams per liter

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

5.6.1 Maximum Contaminant Levels for Organic Chemicals other TTHMs and VOCs

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

<u>Contaminant</u>	<u>Level</u> <u>Milligrams Per Liter</u>
(a) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10, 10-hexachloro-6, 7-epoxy-1, 4,4a,5,6,7,8,81-octahydro-1, 4-endo, endo-5, 8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis (p-methoxyphenyl)-ethane)	0.1
Toxaphene (C ₁₂ H ₆ Cl ₁₀ -Technical chlorinated camphene, 67-69 percent chlorine)	0.005
(b) Chlorophenoxy:	
2,4-D (2,4-Dichlorophenoxy acetic acid)	0.1
2,4,5-T, P Silvex (2,4,5-Trichlorophenoxy proplonic acid)	0.01

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

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

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

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

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

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

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

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

5.7 Total Trihalomethanes (TTHMs)

5.7.1 Maximum Contaminant Levels for Total Trihalomethanes

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

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

5.7.2 Total Trihalomethanes Sampling and Analytical Requirements

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

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

All samples collected shall be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in paragraph 5.7.2. (e) of this section. The system's monitoring frequency may only be reduced upon a written determination by the **Division** that, based upon the data submitted by the system, the system is a maximum TTHM potential of less than 0.10 mg/1 and that, based upon a assessment of the local conditions of the system, the system is not likely to approach or exceed for total TTHMs. The results of all analyses shall be reported to the **Division** within 30 days of the system's receipt of such results. All samples collected shall be used for determining whether the system must comply with the monitoring requirements of paragraph 5.7.2. (a) unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in paragraph 5.7.2. (e). If at any time during which the reduced monitoring frequency prescribed under this paragraph applies, the results from any analysis taken by the system for maximum TTHM potential are equal to or greater than 0.10 mg/1, and such results are confirmed by at least one check sample taken promptly after such results are received, the system shall immediately begin monitoring in accordance with the requirements of paragraph 5.7.2. (a) and such monitoring shall continue for at least one year before the frequency may be reduced again. In the event of any significant change to the system's raw water or treatment program, the system shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the system must comply with the monitoring requirements of paragraph 5.7.2. (a). At the option of the **Division**, the monitoring frequencies may and should be increased above the minimum in those cases where this necessary to detect variation of TTHM levels within the distribution system.

5.7.2 (b) Upon the written request of a community water system, the monitoring frequency required by paragraph 5.7.2. (a) may be reduced by the **Division** to a minimum of one sample analyzed for TTHM per quarter taken at a point in the distribution system reflecting the maximum residence time of the water in the system, upon a written determination by the **Division** that the data from at least 1 year of monitoring in accordance with paragraph 5.7.2. (a) and local conditions demonstrate that total trihalomethane concentrations will be consistently below the maximum contaminant level. If at any time during which the reduced monitoring frequency prescribed under this paragraph applies, the results from any analysis exceed 0.10 mg/1 of

TTHM and such results are confirmed by at least one check sample taken promptly after such results are received or if the system makes any significant change to its source of water or treatment program, the system shall immediately begin monitoring in accordance with the requirements of paragraph 5.7.2. (a) which monitoring shall continue for at least 1 year before the frequency may be reduced again. At the option of the **Division**, a system's monitoring frequency may and should be increased above the minimum in those cases where it is necessary to detect variations of TTHM levels within the distribution system.

5.7.2 (c) Upon written request to the **Division**, a community water system utilizing only ground water sources may seek to have the monitoring frequency required by paragraph 5.7.2 (a) reduced to a minimum of one sample for maximum TTHM potential per year for each treatment plant used by the system taken at a point in the distribution system reflecting maximum residence time of the water in the system. The system shall submit to the **Division** the results of at least one sample analyzed for maximum TTHM potential for each treatment plant used by the system taken at a point in the distribution system reflecting the maximum residence time of the water.

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

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

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

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

Samples for TTHM shall be dechlorinated upon collection to prevent further production of Trihalomethanes, according to the procedures described in the two methods. Samples for maximum TTHM potential

should not be dechlorinated, and should be held for seven days at 25 degrees C (or above) prior to analysis, according to the procedures described in the above two methods.

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

- (1) Evaluate the water system for sanitary defects and evaluate the source water for biological quality;
- (2) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;
- (3) Provide baseline water quality survey data of the distribution system. Such data should include the results from monitoring for coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35 degrees C and 20 degrees C, phosphate, ammonia nitrogen and total organic carbon. Virus studies should be required where source waters are heavily contaminated with sewage effluent;
- (4) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued. Additional monitoring should also be required by the Commonwealth for chlorate, chlorite and chlorine dioxide when chlorine dioxide is used. Standard plate count analyses should also be required by the Commonwealth as appropriate before and after any modifications;
- (5) Consider inclusion in the plan of provisions to maintain an active disinfectant residual throughout the distribution system at all times during and after the modification;

5.8. Volatile Organic Chemicals (VOCs)

5.8.1 Maximum Contaminant Levels for VOCs

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

<u>Contaminant</u>	<u>Level</u> <u>Milligrams per Liter</u>
Benzene	0.005
Vinyl Chloride	0.002
Carbon Tetrachloride	0.005
1, 2-Dichloroethane	0.005
Trichloroethylene	0.005
1, 1-Dichloroethylene	0.007
1,1, 1-Trichloroethane	0.20
para-Dichlorobenzene	0.075

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

5.8.2. Volatile Organic Chemicals Sampling and Analytical Requirements

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

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

(b) Surface water systems shall sample at points in the distribution system representative of each source or at entry points to the

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

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

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

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

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

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

(1) Compositing samples prior to GC analysis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) When VOCs are detected in the first year of quarterly sampling (or any other subsequent sample that may be

taken), regardless of vulnerability, monitoring must be repeated every three months, as required under paragraph 5.8.2 (b) of this section.

(3) The **Division** may reduce the frequency of monitoring to once per year for a ground water system or surface water system detecting VOCs at levels consistently less than the **MCL** for three consecutive years.

(4) Vulnerability of each public water system shall be determined by **Division** based upon an assessment of the following factors:

- (i) Previous monitoring results;
- (ii) Number of persons served by public water system;
- (iii) Proximity of a smaller system to a larger system;
- (iv) Proximity to commercial or industrial use, disposal, or storage of Volatile Synthetic Organic Chemicals;
- (v) Protection of the water source.

(5) A system is deemed to be vulnerable for a period of three years after any positive measurement of one or more contaminants listed in paragraph 5.9.1 or paragraph 5.8.1 except for trihalomethanes or other demonstrated disinfection by-products.

(i) Compliance with paragraph 5.8.1 shall be determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the **MLC**, then the system shall be deemed to be out of compliance. If a public water system has a distribution system **separable from other parts of the distribution system** with no interconnections, only that part of the system that exceeds any **MLC** as specified in paragraph 5.8.1 will be deemed out of compliance. **The Division** may reduce the public notice requirement to that portion of the system which is out of compliance. If any one sample result would cause the annual average to be exceeded, then the system shall be deemed to be out of compliance immediately. For systems that only take one sample per location because no VOCs were detected, compliance shall be based on that one sample.

(j) Analysis under this paragraph shall be conducted using the following EPA methods or their equivalent as approved by EPA. These methods are contained in "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water," September 1986, available from Environmental and Support Laboratory (EMSL), EPA, Cincinnati, OH 45268 or the Division.

(1) Methods 502.1, "Volatile Halogenated Organic Chemical in Water by Purge and Trap Gas Chromatography."

(2) Method 503.1 "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography."

(3) Method 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry."

(4) Method 502.2, "Volatile Organic Compound in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry."

(5) Method 502.2 "Volatile Organic Compounds in Water by Purge and Trap Capillary Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series."

(k) Analysis under this section shall only be conducted by laboratories that have received conditional approved by EPA or the Division according to the following conditions:

(1) To receive conditional approval to conduct analyses for benzene, vinyl chloride, carbon tetrachloride, 1,2-dichloroethane, trichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, and paradichlorobenzene, the laboratory must:

(i) Analyze Performance Evaluation samples which include these substances provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Division.

(ii) Achieve the quantitative acceptance limits under paragraphs 5.8.2 (k)(1)(iii) and 5.8.2(k)(1)(iv) of this section for at least six of the seven subject organic chemicals. The Division may allow fewer than six of the seven.

(iii) Achieve quantitative results on the analyses performed under 5.8.2(k)(1)(i) that are within **plus or minus** 20 percent of the actual amount of the substances in the Performance Evaluation sample when the actual amount is greater than or equal to 0.010 mg/1.

(iv) Achieve quantitative results only the analyses performed under 5.8.2(k)(1)(i) that are within **plus or minus** 40 percent of the actual amount of the substances in the Performance Evaluation sample when the active amount is less than 0.010 mg/1.

(v) Achieve a method detection limit of 0.0005 mg/1, according to the procedures in Appendix B of Part 136 of the Agency Regulations.

(2) To receive conditional approval for vinyl chloride, the laboratory must:

(i) Analyze Performance Evaluation samples provided by EPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Commonwealth.

(ii) Achieve quantitative results on the analyses performed under 5.8.2(k)(1)(i) that are within **plus or minus** 40 percent of the actual amount of vinyl chloride in the Performance Evaluation sample.

(iii) Achieve a method detection limit of 0.0005 mg/1, according to the procedures in Appendix B of Part 136.

(iv) Receive approval or be currently approved by EPA or the **Division** under 5.8.2(k)(1)(i).

(1) The **Division** has the authority to allow the use of monitoring data collected after January 1, 1983, for purposes of monitoring compliance. If the data is consistent with the other requirements in 5.8.2, the **Division** may use that data to represent the initial monitoring if the system is determined by the **Division** not to be vulnerable under the requirements of 5.8.2 (h)(4).

(m) The **Division** may increase required monitoring where necessary to detect variations within the system.

(n) The Division has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by their sanctioned representatives and agencies.

(o) Each approved laboratory must determine the method detection limit (MDL), as defined in Appendix B to Part 136 of the Agency Regulations, at which it is capable of detecting VOCs. The acceptable MDL is 0.0005 mg/l. This concentration is the detection level for purposes of paragraphs 5.8.2(e), (f), (g), and (h).

5.8.3 Unregulated Organic Chemicals - Special Sampling Requirements

5.8.3(a) List of Unregulated Organic Chemicals

All community and non-transient non-community water systems shall monitor for the following contaminants except as provided in paragraph 5.8.3(b)(5):

Chloroform;
Bromodichloromethane;
Chlorodibromomethane;
Bromoform;
trans-1,2-Dichloroethylene;
Chlorobenzene;
m-Dichlorobenzene;
Dichloromethane;
cis-1,2-Dichloroethylene;
o-Dichlorobenzene;
Dibromomethane;
1,1-Dichloropropene;
Tetrachloroethylene;
Toluene;
p-Xylene;
o-Xylene;
m-Xylene;
1,1-Dichloroethane;
1,2-Dichloropropane;
1,1,2,2-Tetrachloroethane;
Ethylbenzene;
1,3-Dichloropropane;
Styrene;
Chloromethane;
Bromomethane;

1,2,3-Trichloropropane;
1,1,1,2-Tetrachloroethane;
Chloroethane;
1,1,2-Trichloroethane;
2,2-Dichloropropane;
o-Chlorotoluene;
p-Chlorotoluene
Bromobenzene;
1,3-Dichloropropene;
Ethylene dibromide (EDB);
1,2-Dibromo-3-chloropropane (DBCP).

Monitoring for the following contaminants is required at the discretion of the Division:

1,2,4-Trimethylbenzene;
1,2,4-Trichlorobenzene;
1,2,3-Trichlorobenzene;
n-Propylbenzene;
n-Butylbenzene;
Naphthalene;
Hexachlorobutadiene;
1,3,5-Trimethylbenzene;
p-Isopropyltoluene;
Isopropylbenzene;
Tert-butylbenzene;
Sec-butylbenzene;
Fluorotrchloromethane;
Dichlorodifluoromethane;
Bromochloromethane.

5.8.3 (b) Unregulated Organic Chemicals Sampling and Analytical Requirements

(1) All community and non-transient, non-community water systems shall monitor for the contaminants listed in paragraph 5.8.3 (a) by dated specified in Table 1:

TABLE 1 - MONITORING SCHEDULE BY SYSTEM SIZE

NUMBER OF PERSONS SERVED	MONITORING TO BEGIN NO LATER THAN:
Over 10,000	Jan. 1, 1988
3,300 to 10,000	Jan. 1, 1989
Less than 3,300	Jan. 1, 1991

(2) Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

(3) Ground water systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.

(4) The **Division** may require confirmation samples for positive or negative results.

(5) Community water systems and non-transient non-community water systems must monitor for EDB and DBCP only if the **Division** determines they are vulnerable to contamination by either or both of these substances. For the purpose of this paragraph, a vulnerable system is defined as a system which is potentially contaminated by EDB and DBCP, including surface water systems where these two compounds are applied manufactured, stored, disposed of, or shipped up-stream, and for ground water systems in areas where the compounds are applied, manufactured, stored, disposed of, or shipped in the ground water recharge basin, or for ground water systems that are in proximity to under ground storage tanks that contain leaded gasoline.

(6) Public water systems may use monitoring data collected any time after January 1, 1983 to meet the requirements for unregulated monitoring, provided that the monitoring program was consistent with the requirements of 5.9.2.

(7) Instead of performing the monitoring required by this section, a community water system or non-transient non-community water system serving fewer than 150 service connections may send a letter to the **Division** stating that the system is available for sampling. This letter must be sent to the **Division** no later than January 1, 1991. The system shall not send such samples to the **Division**, unless requested to do so by the **Division**.

(8) All community and non-transient non-community water systems shall repeat the monitoring required in 5.8.3 no less frequently than every five years from the dates specified in 5.8.3(a).

(9) Commonwealth or public water systems may composite up to five samples when monitoring for substances in 5.8.3.

(10) Analyses under this section shall be conducted using the recommended EPA methods as follows, or their equivalent as determined by EPA: 502.1, "Volatile Halogenated Organic Compounds in Water by Purge and Trap Gas Chromatography," 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography," 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry," 524.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry, or 502.2, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series." These methods are contained in "Methods for the Determination of Organic Compound in Finished Drinking Water and Raw Source Water," September 1986, available from Environmental Monitoring and Support Laboratory (EMSL), EPA, Cincinnati, Ohio 45268. Analysis of 1,2-dibromo-3-chloropropane (DBCP) and 1,2-dibromoethane (EDB) shall be conducted by Method 504, "Measurement of 1,2-Dibromoethane (EDN) and 1,2-Dibromo-3-chloropropane (DBCP) in Drinking Water by Microextraction and Gas Chromatography," September 1986, available from EMSL, Cincinnati, Ohio 45268 or the State.

(11) Analysis under this section shall only be conducted by laboratories approved under 5.8.2 (k). In addition to the requirements of 5.8.2 (k) each laboratory analyzing for EDB and DBCP must achieve a method detection limit for EDB and DBCP of 0.00002 mg/1, according to the procedures in Appendix B of Part 136 of the Agency Regulations.

5.8.4 Use of Non-Centralized Treatment Devices

(a) Public water systems may use point-of-entry devices to comply with maximum contaminant levels only if they meet the requirements of this section.

(1) It is the responsibility of the public water system to operate and maintain the point-of-entry treatment system.

(2) The public water system must develop and obtain **Division's** approval for a monitoring plan before point-of-entry devices are installed for compliance. Under the plan approved by the **Division**, point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all primary and Secondary Drinking Water Standards and would be of acceptable quality similar to water distributed by a well-operated central treatment plant. In addition to the VOCs, monitoring must include physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.

(3) Effective technology must be properly applied under a plan approved by the **Division** and the microbiological safety of the water must be maintained.

(i) The **Division** must require adequate certification of performance, field testing, and if not included in the certification process, a rigorous engineering design review of the point-of-entry devices.

(ii) The design and application of the point-of-entry devices must consider the tendency for increase in heterotrophic bacterial concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contractor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.

(4) All consumers shall be protected. Every building connected to the system must have a point-of-entry device installed, maintained, and adequately monitored. The **Division** must be assured that every building is subject to treatment and monitoring and that the rights and responsibilities of the public water system customer convey with title upon sale of property if they meet the requirements of this section.

(b) Public water system shall not use bottled water or point-of-use devices to achieve compliance with an MCL. Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health.

(1) The **Division** requires and must approve a monitoring program for bottled water. The public water system must develop and put in place a monitoring program that provides reasonable assurances that the bottled water meets all MCLs. The public water system must monitor a representative sample of the bottled water for all contaminants regulated under 5.8.1 the first quarter that it supplies the bottled water to the public, and annually thereafter. Results of the monitoring program shall be provided to the **Division** annually.

(2) The public water system must receive a certification from the bottled water company that the bottled water supplied has been taken from an "approved source" as defined in 21 CFR 129.3 (a); the bottled water company has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (3); and the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129. The public water system shall provide the certification to the **Division** the first quarter after it supplies bottled water and annually thereafter.

(3) The public water system is fully responsible for the provision of sufficient quantities of bottled water to every person supplied by the public water system, via door-to-door bottled water delivery.

5.9 Radionuclides

5.9.1 Maximum Contaminant Levels for Radionuclides

The following maximum contaminant levels for radionuclides apply to community water systems:

<u>(a) Contaminant</u>	<u>Level</u> <u>pico-Curies per liter</u>
Combined radium-226 and radium-228	5
Gross alpha particle activity (including radium-226, but excluding radon and uranium)	15

(b) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

(c) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalent shall be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Exposure", NBS Handbook 69, as amended August 1963, U.S. Department of Commerce. If two (2) or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year.

TABLE A -- Average Annual Concentrations Assumed to Produce a Total Body or Organ Dose of 4 mrem/year.

<u>Radionuclide</u>	<u>Critical Organ</u>	<u>Pci Per Liter</u>
Tritium	Total Body	20,000
Strontium	Bone Marrow	8

5.9.2 Radionuclides Sampling and Analytical Requirements

(a) Monitoring requirements for gross alpha particle activity, radium-226 and radium-228.

(1) Initial Sampling to determine compliance with paragraph 5.9.1 shall commence immediately upon the effective date of these regulations and the analysis shall be completed within one (1) year from the effective date of these regulations. Compliance shall be based on the analysis of an annual composite of four (4) samples obtained at quarterly intervals.

(i) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed 5 Pci/l at a confidence level of 95 percent (1.65σ , where σ is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, analysis for radium-226 and/or radium-228 shall be made when gross alpha particle exceeds 2 Pci/l.

(ii) When the gross alpha particle activity exceeds 5 Pci/l, the same or equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds 3 Pci/l, the same or an equivalent sample shall be analyzed for radium-228.

(2) For the initial analysis required by paragraph 5.9.2 (a)(1), data acquired within one year prior to the effective date of the regulations, may be substituted at the discretion of the Division.

(3) Suppliers of water shall monitor at least once every four (4) years following the procedure required by paragraph 5.9.2 (a)(1). At the discretion of the Division, when an annual record taken in conformance with paragraph 5.9.2 (a)(1) has established that the average annual concentration is less than half the maximum contaminant levels established by paragraph 5.9.1 analysis of a single sample may be substituted for the quarterly sampling procedure required by paragraph 5.9.2 (a)(1).

(i) More frequent monitoring shall be conducted when ordered by the Division in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.

(ii) A supplier of water shall monitor in conformance with paragraph 5.9.2 (a)(1) within one (1) year of the introduction of a new water source for a community water system. More frequent monitoring shall be conducted when ordered by the Division in the event of possible contamination or when changes in the distribution system or treatment processing occur which may increase the concentration of radioactivity in finished water.

(iii) A community water system using two (2) or more sources having different concentrations of radioactivity shall monitor source water in addition to water from free-flowing tap, when ordered by the **Division**.

(4) If the average annual maximum contaminant level for gross alpha particle activity or total radium as set forth in paragraph 5.9.1 is exceeded, the supplier of a community water system shall give notice to the **Division in writing** and notify the public as required by paragraphs 6.1 and 6.2. Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(b) **Monitoring Requirements for Man-made Radioactivity in Community Water Systems:**

(1) By the effective date of this regulation, systems using surface water sources as may be designated by the **Division** shall be monitored for compliance with paragraphs 5.9.1 (b) and (c) by analysis of a composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. Compliance with paragraph 5.9.1 (b) and (c) may be assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 Pci/1 and if the average annual concentration of gross beta particle activity is less than 50 Pci/1 and if the annual concentrations of tritium and strontium-90 are less than those listed in Table A, provided that if both radionuclides are present, the sum of their annual dose equivalent to bone marrow shall not exceed 4 millirem/year.

(i) If the gross beta particle activity exceeds 50 Pci/1, an analysis of the sample must be performed to identify the major radioactivity constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with paragraph 5.9.1 (b) and (c).

(ii) Suppliers of water shall conduct additional monitoring, as ordered by the **Division** to determine the concentration of man-made radioactivity in principal watersheds designated by the **Division**.

(iii) At the discretion of the **Division**, suppliers of water utilizing only groundwater may be required to monitor for man-made radioactivity.

(2) For the initial analysis required by paragraph 5.9.2(a)(1) data acquired within one year prior to the effective date of these regulations, may be substituted at the discretion of the **Division**.

(3) After the initial analysis required by paragraph 5.9.2 (a)(1), suppliers of water shall monitor at least every four (4) years following the procedure in paragraph 5.9.2 (a)(1).

(4) The supplier of any community water system designated by the **Division** as utilizing waters contaminated by effluents from nuclear facilities shall immediately initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

(i) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three (3) monthly samples. The former is recommended, if the gross beta particle activity in a sample exceeds 15 Pci/1, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 Pci/1, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with the paragraph 5.9.1 (b) and (c).

(ii) For iodine-131, a composite of five (5) consecutive daily samples shall be analyzed once each quarter. As ordered by the **Division**, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

(iii) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. The latter procedure is recommended.

(iv) The **Division** may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made

radioactivity by the supplier of water where the **Division** determines such data is applicable to a particular community water system.

(5) If the average annual maximum contaminant level for man-made radioactivity set forth in paragraph 5.9.1 is exceeded, the operator of a community water system shall give notice to the **Division** pursuant to paragraph 5.8.2 and to the public as required by paragraph 5.8.3. Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the maximum contaminant levels or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(c) Analyses made to determine compliance with paragraph 5.9.1 shall be made in accordance with procedures prescribed by Agency Regulations, 40 CFR 141.25, 141.26.

PART 6 PUBLIC NOTIFICATION

6.1 Maximum Contaminant Level (MCL), Treatment Technique, and Variance and Exemption Schedule Violations

The owner or operator of a public water system which fails to comply with an applicable MCL or treatment technique established by these regulations or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption shall notify persons served by the system as follows:

(a) Except as provided in 6.1(c), the owner or operator of a public water system must give notice:

(1) by publication of not less than three (3) consecutive days in at least one daily newspaper with CNMI distribution in the area served by the system as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a bi-weekly or weekly newspaper of general circulation for a three week period or until the violation is corrected; and

(2) By mail delivery (by direct mail or with the water bill) or hand delivery not later than 45 days after the violation or failure. The **Division** may waive mail or hand delivery if it determines that the

owner or operator of the public water system has corrected the violation or failure within 45 days period; and **the Division makes the waiver in writing and within 45 days period.**

(3) For violations of MCLs of contaminants that may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the public water system as soon as possible but in no case later than 72 hours after the violation. **The following violations are acute violations:**

(i) **Any violations specified by the Division as posing an acute risk to human health.**

(ii) **Violation of the MCL for nitrate as defined in 5.5.1 and determined according to 5.5.2.**

(iii) **Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in 5.3.1 (b).**

(iv) **Occurrence of a waterborne disease outbreak, as defined in Part 3 in an unfiltered system subject to the requirements of Part 10 after December 30, 1991.**

(b) Except as provided in paragraph 6.1. following the initial notice given under 6.1. (a), the owner or operator of the public water system must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.

(c)(1) In lieu of the requirements in 6.1(a) and (b), the owner or operator of the community water system in an area that is not served by a daily, bi-weekly or weekly newspaper of CNMI circulation must give notice by hand delivery or by continuous posting in conspicuous places within the area served by the system, such as the Mayor's Office and Post Office(s). Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in paragraph 6.1. (a)(3) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least three months for as long as the violation or failure exists.

(2) In lieu of the requirements in 6.1. (a) and (b), the owner or operator of a non-community water system may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the system. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in paragraph 6.1.(a) (3) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as violation or failure exists.

6.2 Other Violations, Variances, Exemptions

The owner or operator of a public water system which fails to perform the monitoring required by PART 5, fails to comply with a testing procedures established by these regulations, is subject to a variance granted by these regulations or is subject to an exemption under these regulations, shall notify persons served by the system as follows:

(a) Except as provided in 6.2(c) or (d), the owner or operator of a public water systems must give notice within three months of the violation or granting of a variance or exemption by publication in a daily newspaper of general CNMI circulation in the area served by the system. If the area served by a public water system is not served by a public newspaper of CNMI circulation, notice shall instead by given by publication in a bi-weekly or weekly newspaper of CNMI circulation serving the area.

(b) Except as provided in paragraph 6.2 (c) or (d), following the initial notice given under paragraph 6.2(a), the owner or operator of the public water system must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a variance or exemption must be given every three months for as long as the variance or exemption remains in effect.

(c)(1) In lieu of the requirement 6.2(a) and (b), the owner or operator of a community water system in an area that is not served by a daily, bi-weekly or weekly newspaper of CNMI circulation must give notice, within three months of the violation or granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places with the area served by the system. Posting must continue for as long as the violation exists or a variance or exemption remains in effect. Notice by hand delivery

must be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

(2) In lieu of the requirements of paragraph 6.2(a) and (c), the owner or operator of a non-community water system may give notice, within three months of the violation or the granting of a variance or exemption by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting must continue for as long as the violation exists, or a variance or exemption remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

(d) In lieu of the requirements of 6.2(a), (b) and (c), the owner or operator of a public water system at the discretion of the Division may provide less frequent notice for minor monitoring violations as defined by the Division, if the U.S. EPA has approved the Division's application for a program revision. Notice of such violations must be given not less frequently than annually.

6.3 Notice of New Billing Units

The owner or operator of a community water system must give a copy of the most recent public notice for any outstanding violation of any maximum contaminant level, or any treatment technique or any variance or exemption schedule to all new billing units or new hookups prior to or at the time service begins.

6.4 General Content of Public Notice

Each notice required under part 6 must provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the public water system is taking to correct such violation, the necessity for seeking alternative water supplies if any, and any preventive measures the consumer should take until the violation is corrected. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall include the telephone number of the owner, operator, or designer of the public water system as a source of additional information concerning the notice. Where appropriate, the notice shall be multilingual, including the local vernacular(s).

6.5 Mandatory Health Effects Language

When providing the information on potential adverse health effects required in 6.4 in notices of violation of maximum contaminant levels or treatment technique requirements, or notices of the granting or the continued existence of exemptions or variances, notices of failure to comply with a variance of exemption schedule, the owner or operator of a public water system shall include language specified below for each contaminant. (If language for a particular contaminant is not specified below at the time notice is required, this paragraph does not apply).

(a) Trichloroethylene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for trichloroethylene at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(b) Carbon tetrachloride

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetime. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for carbon tetrachloride at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(c) 1,2-Dichloroethane

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,2-Dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oil, waxes, and resins. It generally gets into the drinking water by improper waste disposal. This chemical has been shown to cause in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for 1,2-Dichloroethane at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(d) Vinyl Chloride

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as result of the breakdown of related solvents. The solvents are used as cleaners and degreaser of metals and generally gets into the drinking water by improper disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. Chemicals that cause cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for vinyl chloride at 0.002 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(e) Benzene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that benzene is health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground

gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetime. Chemicals that cause increased risk of cancer among industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for Benzene at 0.005 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(f) 1,1-Dichloroethylene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1-Dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into the drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for 1,1-Dichloroethylene at 0.007 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(g) Para-dichlorobenzene

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizer, moth balls, and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also

may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(h) 1,1,1-Trichloroethane.

The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper wasted disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system, and circulatory system. Chemicals that cause increased risk of cancer among industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth enforceable standards for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to reduce risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standards is associated with little to none of this risk and should be considered safe.

(i) Total coliforms (To be used when there is a violation of 5.3.1 (a), and not a violation of 5.3.1 (b)) The CNMI Department of Public Health and Environmental Services sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water, and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and any associated headaches and fatigue. These symptoms however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. The Department has set an enforceable drinking water standard for total coliforms to reduce the risk of these

adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

(j) Fecal Coliforms/E. coli (To be used when there is a violation of 5.3.1 (a) or both 5.3.1 (a) and (b)). The Department of Public Health and Environmental Services sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water, and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. The Department has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe. Commonwealth and local health authorities recommend that consumers take the following precautions: Before consuming 1) bring water to a rolling boil for a period of not less than one (1) minute or 2) add two teaspoons of near 5% strength sodium hypochlorite solution (Clorox™, Purex™, etc.) per one hundred (100) gallons of water [approximately (5) drops per gallon] and let stand for 30 minutes before using, or as may be prescribed by the Division.

(k) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Part 10). The Department of Public Health and Environmental Services sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and any

associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. The Department has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet Department requirements is associated with little to none of this risk and should be considered safe.

6.6 Public Notification for Fluoride

(a) Community water systems that exceed the secondary maximum contaminant level for fluoride as determined by the last single sample taken in accordance with the requirements of section 5.5.2(g) but do not exceed the maximum contaminant level for fluoride as specified in section 5.5.2(c) shall give public notice to all billing units annually, all new billing units at the time service begins, and the **Division**.

(b) Notice of violation of the maximum contaminant level for fluoride, notices of variances and exemptions from the maximum contaminant level for fluoride, and notices of failures to comply with variance and exemption schedules for public notice of the maximum contaminant level for fluoride shall include the language specified in the Agency Regulations 40 Code of Federal Regulations section 143.5 (b), FR Doc. 87-24331, filed October 27, 1987, incorporated herein by reference and on file with the **Division**.

In addition, the public notice shall include a description of any steps which the community water system is taking to come into compliance.

6.7 Public Notification for Unregulated Contaminants

(a) The requirements of this section only apply to the contaminants listed in 5.8.3.

(b) The owner or operator of a community water system or non-community water system who is required to monitor under 5.8.3 shall send a copy of the results of such monitoring within 30 days of receipt and any public notice under paragraph (d) of this section to the **Division**.

(c) The **Division** shall furnish the following information to the Agency for each sample analyzed under 5.8.3:

- (1) Results of all analytical methods, including negatives;
- (2) Name and address of the system that supplied the sample;
- (3) Contaminant(s);
- (4) Analytical method (s) used;
- (5) Date of sample;
- (6) Date of analysis.

(d) The owner or operator shall notify persons served by the system of the availability of the results of sampling conducted under 5.8.3 by including a notice in the first set of water bills issued by the system after the receipt of the results or written notice within three months. The notice shall identify a person and supply the telephone number to contact for information on the monitoring results. For surface water systems, public notification is required only after the first quarter's monitoring and must include a statement that additional monitoring will be conducted for three more quarters with the results available upon request.

6.8 Public Notification By the Division

The **Division** may give notice to the public required by this part on behalf of the owner or operator of the public water system if the **Division** complies with the requirements of this part. However, the owner or operator of the public water system remains legally responsible for ensuring that the requirements of this part are met.

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

7.1. Certified Laboratories: For the purpose of determining compliance with the maximum contaminant levels set forth in Part 5 hereinbefore, samples may be considered only, if they have been analyzed by a laboratory certified by the **Division**, or EPA except that measurements for chlorine residual may be performed by any person acceptable to the **Division**.

7.2 Reporting Requirements:

(a) Except where a shorter period is specified in these regulations the supplier of water shall report to the **Division** the results of any test

measurement or analysis required by these regulations within (1) the first ten days following the month in which the result is received, or (2) the first ten days following the end of the required monitoring period as stipulated by the **Division** which ever of these is shortest.

(b) The supplier of water shall report to the **Division** within forty-eight (48) hours failure to comply with any primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this regulation.

(c) The supplier of water is not required to report analytical results to the **Division** in cases where a laboratory performs the analysis and reports the results to the **Division** office which would normally receive such notification from the supplier.

7.3 Record Maintenance: Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records:

(a) Records of bacteriological analyses made pursuant to this part shall be kept for not less than five (5) years. Records of chemical analyses made pursuant to this part shall be kept for not less than ten (10) years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- (1) The date, place, and time of sampling, and the name of the person who collected the sample;
- (2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;
- (3) Date of analysis;
- (4) Laboratory and person responsible for performing analysis;
- (5) The analytical technique/method used; and
- (6) The results of the analysis;

(b) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less

than three (3) years after the last action taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries or communication relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, Commonwealth, or Federal Agency, shall be kept for a period not less than ten (10) years after completion of the sanitary surveys involved.

(d) Record concerning a variance or exemption granted to the system shall be kept for a period ending not less than five (5) years following the expiration of such variance or exemption.

(e) For uniformity of reporting, the Division may prescribe forms on which specific records shall be kept.

7.4 Right of Entry: Members of the Division may at any time enter upon and inspect public water systems, take water samples, and perform tests upon water quality, whether or not the Division has evidence that the system is in violation of any applicable legal requirement.

PART 8 VARIANCES AND EXEMPTIONS

The Division may issue variances and exemptions from the requirements of primary drinking water regulations under conditions and in a manner which are not less stringent than those which may be granted under the Safe Drinking Water Act, 42 U.S.C. §§ 300g-4 to 300g-5 (P.L. 99-339 §§ 1415 to 1416). Variances or exemptions from the MCL for total coliforms may not be granted. Variances from the treatment technique requirements of Part 10 may not be granted. Exemptions from the disinfection requirements of 10.b.2 may not be granted. The Division has stayed the effective date of this section relating to the total coliform MCL of section 5.3.1 (a) for systems that demonstrate to the Division that the violation of the total coliform MCL is due to a persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system.

8.1 Variances

8.1.1 Requirements for a Variance

(a) The Division may grant one (1) or more variances to any public water system within the CNMI from any applicable maximum contaminant level prescribed in these regulations upon a finding that:

(1) Because of the characteristics of the raw water sources which are reasonably available to the system, the system cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulations despite application of the best technology, treatment techniques, or other methods, which the Administrator of EPA finds are generally available (taking costs into consideration); and

(2) The granting of a variance will not result in an unreasonable risk to the health of persons served by the system;

(3) At the time that the variance is granted the **Division** shall prescribe a schedule for;

(i) Compliance (including increments of progress) by the public water system with each contaminant level requirement with respect to which the variance was granted, and

(ii) Implementation by the public water system of such control measures as the **Division** may require for each contaminant, subject to such contaminant level requirement, during the period ending on the date of compliance.

(b) The **Division** may grant one (1) or more variances to any public water system within the CNMI from any requirement of a specified treatment technique of the regulations upon a finding that the public water system applying for the variance has demonstrated that such treatment technique is not necessary to protect the health of persons because of the nature of the raw source of such system.

(c) Any variance granted pursuant to 8.1.1 (a) shall be conditioned upon compliance by the public water system with the schedule prescribed by the **Division** in 8.1.1 (a)(3). **The schedule prescribed in 8.1.1(a)(3) shall be enforceable by the Division under Commonwealth Law. Any requirement of a schedule on which a variance granted under 8.1.1 (a)(3) as conditioned may be enforced under the Safe Drinking Water Act, 42 U.S.C. §300h-7 (P.L. 99-339 §1414) as if such regulation was part of a national primary drinking water regulation.**

(d) Any schedule prescribe pursuant to 8.1.1 (a)(3) for a public water system granted a variance shall require compliance by the system with each contaminant level requirement with respect to which the variance

was granted as expeditiously as practicable (as the Commonwealth may reasonable determine).

8.1.2 Variance Request: A supplier of water may request the granting of a variance submitting such in writing to the **Division**. Suppliers of water may submit a joint request for variances when they seek similar variances under similar circumstances. Any written request for a variance or variances shall include the following information:

- (a) The nature and duration of variance requested;
- (b) Relevant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the requirements of these regulations; and
- (c) For any request made under paragraph 8.1.1(a):
 - (1) Explanation in full and evidence of the best available treatment technology and techniques;
 - (2) Economic and legal factors relevant to ability to comply;
 - (3) Analytical results of raw water quality relevant to the variance request; and
 - (4) A proposed compliance schedule, including the date each step toward compliance will be achieved. Such schedule shall include as a minimum the following dates:
 - (i) Date by which arrangement for alternative raw water source or improvement of existing raw water source will be completed;
 - (ii) Date of initiation of the connection of the alternative raw water source or improvement of existing raw water source;
 - (iii) Date by which final compliance is to be achieved.
 - (5) A plan for the provision of safe drinking water in the case of an excessive rise in the contaminant level for which the variance is requested.

(6) A plan for interim control measures during the effective period of variance.

(d) For any request made under paragraph 8.1.1(b), a statement that the system will perform monitoring and other reasonable requirements prescribed by the **Division** as a condition to the variance.

(e) Other information, if any, believed to be pertinent by the applicant.

(f) Such other information as the **Division** may require.

8.1.3 Consideration of Variance Request

(a) The **Division** shall act on any variance request submitted pursuant to paragraph 8.1.2 within ninety (90) days of receipt of the request.

(b) In its consideration of whether the public water system is unable to comply with a contaminant level required by these regulations because of the nature of the raw water source, the **Division** shall consider such factors as the following:

(1) The availability and effectiveness of treatment methods for the contaminant for which the variance is requested.

(2) Cost and other economic consideration such as implementing treatment, improving the quality of the source water or using an alternative source.

(c) In its consideration of whether a public water system should be granted a variance to a required treatment technique because such treatment is unnecessary to protect the public health, the **Division** shall consider such factors as the following:

(1) Quality of the water source including water quality data and pertinent sources of pollution.

(2) Source protection measures employed by the public water system.

8.1.4 Disposition of a Variance Request

(a) If the **Division** decides to deny the application for a variance, it shall notify the applicant of its intention to issue a denial. Such notice shall include a statement of reasons for the proposed denial, and shall offer

the applicant an opportunity to present, within thirty (30) days of receipt of the notice, additional information or argument to the **Division**. The **Division** shall make a final determination on the request within thirty (30) days after receiving any additional information or argument is submitted by the applicant, the application shall be denied.

(b) If the **Division** proposes to grant a variance request submitted pursuant to paragraph 8.1.2, it shall notify the applicant of its decision in writing. Such notice shall identify the variance, the facility covered, and shall specify the period of time for which the variance will be effective.

(1) For the type of variance specified in paragraph 8.1.1(a), such notice shall provide that the variance will be terminated when the system comes into compliance with the applicable regulation, and may be terminated upon finding by the **Division** that the system has failed to comply with any requirements of a final schedule pursuant to the terms and conditions of the variance.

(2) For the type of variance specified in paragraph 8.1.1(a), such notice shall provide that the variance may be terminated at any time upon a finding that the nature of the raw water is such that the specified treatment technique for which the variance was granted is necessary to protect the health of persons or upon a finding that the public water system has failed to comply with monitoring and other requirements prescribed by the **Division** as a condition of the granted of the variance.

(c) For a variance specified in paragraph 8.1.1(a)(1), the **Division** shall propose a schedule for:

(1) Compliance (including increments of progress) by the public water system with each contaminant level requirement covered by the variance; and

(2) Implementation by the public water system of such control measures as the **Division** may require for each contaminant covered by the variance.

(d) The proposed schedule for compliance shall specify dates by which steps towards compliance are to be taken, including at the minimum, where applicable:

(1) Date by which final compliance is to be achieved; and

(2) Date of initiation of the connection for the alternative raw water source or improvement of the existing raw water source.

(e) The proposed schedule may, if the public water system has no access to an alternative raw water source, and can effect or anticipate no adequate improvement of the existing raw water source, specify an indefinite time period for compliance until a new and effective treatment technology is developed at which a new compliance schedule shall be prescribed by the **Division**.

(f) The proposed schedule for implementation of interim control measures during the period of variance shall specify interim treatment techniques, methods and equipment and dates by which steps towards meeting the interim control measures are to be met.

(g) The schedule shall be prescribed by the **Division** at the time of the granting of the variance, subsequent to provision of opportunity for hearing pursuant to paragraph 8.1.5.

8.1.5 Public Hearing on Variance and Schedules and Final Action

(a) Before a variance or a schedule pursuant to paragraph 8.1.4 may take effect, the **Division** shall provide notice and opportunity for public hearing on the variance or schedule. A notice given pursuant to the preceding sentence may cover more than one (1) such variance or schedule and a hearing held pursuant to such notice shall include each of the variances covered by the notice.

(b) Public notice of a proposed variance or schedule and opportunity for public hearing on such shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed variance. The public notice shall be posted at the principal post office which serves the area of the public water system and shall be announced over the radio or television station serving the area of the public water supply system. Requests for hearing may be submitted by any interested person. Frivolous insubstantial requests for hearing may be denied by the **Division**. Requests must be submitted to the **Division** within thirty (30) days after issuance of the public notice mentioned above.

Hearing requests shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other requesting a hearing;

(2) A brief statement of the interest of the person making the request in the proposed variance or schedule and of information that the requesting person intends to submit a such hearing; and

(3) The signature of the individual making the request, or, if the request is made of behalf of an organization or other entity, the signature of responsible official of the organization or other entity.

(c) The **Division** shall give notice in a manner set forth in paragraph (b) of this section of any hearing to be held pursuant to a request submitted by any interested person or **Division** motion. Notice of the hearing shall also be sent to the person requesting the hearing, if any. Notice of the hearing shall include a statement of the purpose, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing. The hearing location specified in the public notice shall be within an involved district. Notice of the hearing shall be given not less than fifteen (15) days before the time schedule for the hearing.

(d) A hearing conducted pursuant to paragraph (c) of this section shall be conducted before the **Division**. The **Division** shall have the authority to call witnesses, receive written and oral testimony, compel necessary attendance through subpoena, and take such action as may be necessary to assure the fair and efficient conduct of the hearing.

(e) Final Action: Within thirty (30) days after termination of the public hearing process prescribed above, the **Division** shall, taking into consideration information obtained during the hearing and other relevant information, grant, deny, or grant as modified a proposed variance of schedule. The variance or schedule shall become effective after notice of opportunity for hearing is given pursuant to paragraph 8.1.5(b) if no timely request for hearing is submitted and the **Division** does not hold a public hearing on its own motion.

8.1.6 Alternative Treatment Techniques: The **Division** may grant a variance from any treatment technique requirement of these regulations to a supplier of water, upon a showing from any person that an alternative treatment technique not included in such requirement is at least as efficient in lowering the level of the contaminant with respect to which such requirement was prescribed. A variance under this paragraph shall be conditioned on the use of the alternative treatment technique which is the basis of the variance.

8.2 Exemptions

8.2.1 Requirements for an Exemption:

The **Division** may exempt any public water system from any requirement respecting a maximum contaminant level or any treatment technique requirement, or from both, of these regulations upon a finding that:

- (a) Due to compelling factors (which may include economic factors), the public water system is unable to comply with such contaminant level or treatment technique requirement;
- (b) The public water system was in operation on the effective date of such contamination level or treatment technique requirement; and
- (c) The granting of the exemption will not result in an unreasonable risk to health;
- (d) Each exemption granted a public water system by the **Division** shall be conditioned by the **Division** upon compliance by the public water system with the schedule prescribed by the **Division** pursuant to 8.2.1(d). The requirement of each schedule prescribed by the **Division** pursuant to 8.2.1(d) shall be enforceable by the **Division** under Commonwealth Law. Any requirement of a schedule on which an exemption granted under 8.2.1 is conditioned may be enforced under the Safe Drinking Water Act, 42 U.S.C. § 300g-3 (P.L.99-339 §1414) as if such requirement was part of a national primary drinking water regulation;
- (e) A schedule prescribed pursuant to 8.2.1 (d) for a public water system granted an exemption under 8.2.1 (a)-(b) shall require compliance by the system with each contaminant level and treatment technique with respect to which the exemption was granted.

8.2.2 Exemption Request:

A supplier of water may request the granting of an exemption pursuant to this subpart for a public water system by submitting a request for exemption in writing to the **Division**. Suppliers of water may submit a joint request for exemptions when they seek similar exemptions under similar circumstances. Any written request for an exemption shall include the following information:

- (a) The nature and duration of exemption requested;

- (b) Relevant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the requirements of these regulations;
- (c) Explanation of the compelling factors such as time or economic factors which prevent such system from achieving compliance;
- (d) Other information, if any, believed by the applicant to be pertinent to the application;
- (e) A proposed compliance schedule, including the date when each step toward compliance will be achieved; or
- (f) Such other information as the **Division** may require.

8.2.3 Consideration of an Exemption Request

- (a) The **Division** shall act on any exemption request submitted pursuant to paragraph 8.2.2 within ninety (90) days of receipt of the request.
- (b) In its consideration of whether the public water system is unable to comply due to compelling factors, the **Division** shall consider such factors as the following:
 - (1) Construction, installation, or modification of treatment equipment or systems;
 - (2) The time needed to put into operation a new treatment facility to replace an existing system which is not in compliance; and
 - (3) Economic feasibility of compliance

8.2.4 Disposition of an Exemption Request

- (a) If the **Division** decides to deny the application for an exemption, it shall notify the applicant of its intention to issue a denial. Such notice shall offer the applicant an opportunity to present, within thirty (30) days after receiving such notice, additional information or argument. If no additional information or argument is submitted by the applicant, the application shall be denied.
- (b) If the **Division** grants an exemption request, it shall notify the applicant of its decision in writing. Such notice shall identify the facility covered, and shall specify the termination date of the

exemption. Such notice shall provide that the exemption will be terminated when the system comes into compliance with the applicable regulation, and may be terminated upon finding by the **Division** that the system has failed to comply with any requirements of a final schedule issued pursuant to paragraph 8.2.6.

(c) The **Division** shall propose a schedule for:

(1) Compliance (including increments of progress) by the public water system with each contaminant level requirement and treatment requirement covered by the exemption.

(2) Implementation by the public water system of such control measures as the **Division** may require for each contaminant covered by the exemption.

(d) The schedule shall be prescribed by the **Division** within one (1) year after the granting of the exemption, subsequent to provision of opportunity for hearing pursuant to paragraph 8.2.5.

8.2.5 Public Hearing on Exemption Schedules

(a) Before a schedule proposed by the **Division** pursuant to paragraph 8.2.4(d) may take effect, the **Division** shall provide notice and opportunity for public hearing on the schedule. A notice given pursuant to the preceding sentence may cover the proposal of more than one such schedule and a hearing held pursuant to such notice shall include each of the schedules covered by the notice.

(b) Public notice of a proposed exemption and opportunity for public hearing on an exemption schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed schedule. The public notice shall be posted at the principal post office which serves the area of the public water supply system and shall be announced over the radio or television station serving the area of the public water supply system. Requests for hearing may be submitted by any interested person. Frivolous or insubstantial requests for hearing may be denied by the **Division**. Requests may be submitted to the **Division** within thirty (30) days after issuance date of the public notices mentioned above. Hearing requests shall include the following information.

- (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;
- (2) A brief statement of the interest of the person making the request in the proposed schedule and of information that the requesting person intends to submit at such hearing; and
- (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

(c) The **Division** shall give notice in the manner set forth in paragraph (b) of this section of any hearing to be held pursuant to a request by an interested person or on the **Division's** motion.

Notice of the hearing shall also be sent to the person requesting the hearing, if any. Notice of the hearing shall include a statement of the purpose, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing. The hearing location specified in the public notice shall be given not less than five (5) days prior to the time scheduled for the hearing.

(d) A hearing convened pursuant to paragraph (c) of this section shall be conducted before the **Division**. The **Division** shall have the authority to call witnesses, receive written and oral testimony and take such action as may be necessary to assure the efficient and fair conduct of the hearing.

8.2.6 Final Schedule

(a) Within thirty (30) days after the termination of the public hearing pursuant to paragraph 8.2.5, the **Division** shall take into consideration information obtained during such hearing, revise the proposed schedule as necessary and prescribe the final schedule for compliance and interim measures for the public water supply system granted and exemption under paragraph 8.2.3.

- (1) Drinking water standards pursuant to Part 5 of these regulations by no later than the effective date of this regulation; and
- (2) These regulations as they may be revised.

(b) If the public water system has entered into an enforceable agreement to become part of a regional public water system as a determined by the **Division**, such schedule shall require compliance by the water system with each contaminant level and treatment technique requirement prescribed by:

(1) Drinking water standards prescribed in Part 5 of these regulations by no later than the effective date of this regulation; and

(2) These regulations as they may be revised not later than nine (9) years after their revision.

8.3 Variances from the Maximum Contaminant Level for Fluoride

(a) The Agency identifies the following as the best technology, treatment techniques or other means generally available for achieving compliance with the Maximum Contamination Level for fluoride.

(1) Activated alumina absorption, centrally applied.

(2) Reverse osmosis, centrally applied.

(b) The **Division** requires a community water system to install and/or use any treatment method identified 8.3 as a condition for granting a variance unless the **Division** determines that such treatment method identified 8.3 as a condition for granting a variance is not available and effective for fluoride control for the system. A treatment method shall not be considered to be "available and effective" for an individual system if the treatment method would not be technically appropriate and technically feasible for that system. If, upon application by a system for a variance, the **Division** determines that none of the treatment methods identified in 8.3 are available and effective for the system, that system shall be entitled to a variance under the provisions of the Safe Drinking Water Act, 42 U.S.C. § 300g-4(a)(1)(A) [P.L.99-339 §1415(a)(1)(A)]. The **Division's** determination as to the availability and effectiveness of such treatment methods shall be based upon studies by the system and other relevant information. If a system submits information to demonstrate that a treatment method is not available and effective for fluoride control for that system, the **Division** shall make a finding whether this information supports a decision that such treatment method is not available and effective for that system before requiring installation and/or use of such treatment method.

(c) Pursuant to 8.1, the **Division** shall issue a schedule of compliance that may require the system being granted the variance to examine the following treatment methods:

(1) To determine the probability that any of these methods will significantly reduce the level of fluoride for that system, and

(2) If such probability exists, to determine whether any of these methods are technically feasible and economically reasonable, and that the fluoride reductions obtained will be commensurate with the costs incurred with the installation and use of such treatment methods for that system:

- (i) Modification of lime softening
- (ii) Alum Coagulation
- (iii) Electrodialysis
- (iv) Anion exchange resins
- (v) Well field management
- (vi) Alternate source
- (vii) Regionalization

(c) If the **Division** determines that a treatment method identified in 8.3 or other treatment method is technically feasible, economically reasonable, and will achieve fluoride reductions commensurate with the costs incurred with the installation and/or use of such treatment for the system, the **Division** shall require the system to install and/or use that treatment method in connection with a compliance schedule issued under the provisions of the Safe Drinking Water Act, 42 U.S.C. § 300g-4(a)(1)(A) [P.L.99-339 §1415(a)(1)(A)]. The **Division's** determination shall be based upon studies by the system and other relevant information.

8.4. Variances and Exemptions from the Maximum Contaminant Levels for Organic Chemicals

(a) The agency identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for synthetic organic chemicals: Removal using packed tower aeration; removal using granular activated carbon (except for vinyl chloride).

(b) The **Division** shall require community water systems and non-transient non-community water systems to install and/or use any treatment method identified in 8.4 as a condition for granting a

variance except as provided in paragraph (c) of this section. If, after the system's installation of the treatment method, the system cannot meet the MCL, the system shall be eligible for a variance under the provisions of the Safe Drinking Water Act, 42 U.S.C. § 300g-4(a)(1)(A) [P.L.99-339 §1415(a)(1)(A)].

(c) If a system can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment methods identified in 8.4 would only achieve a minimum reduction in contaminants, the **Division** may issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance.

(d) If the **Division** determines that a treatment method identified in paragraph (c) of this section is technically feasible, the **Division** may require the system to install and/or use that treatment method in connection with a compliance schedule issued under the provisions of Part 8 of these regulations. The **Division's** determination shall be used based upon studies by the system and other relevant information.

(e) The **Division** may require a public water system to use bottle water or point-of-use devices or other means as a condition of granting a variance or an exemption from the requirements of 5.8.1 to avoid an unreasonable risk to health.

(f) Public water systems that use bottled water as a condition for receiving a variance or an exemption from the requirements of 5.8.1 must meet the following requirements in either paragraph (f)(1) or (f)(2) of this section in addition to requirements in paragraph (f)(3) of this section:

(1) The **Division** requires and must approve a monitoring program for bottled water. The public water system must develop and put in place a monitoring program that provides reasonable assurances that the bottled water meets all MCLs. The public water system must monitor a representative sample of the bottled water for all contaminants regulated under 5.8.1 the first quarter that it supplies the bottled water to the public, and annually thereafter. Results of the monitoring program shall be provided to the **Division** annually.

(2) The public water system must receive a certification from the bottled water company that the bottled water supplied has been taken from an "approved source" as defined in 21 CFR 129.3 (a); the bottled water company has conducted monitoring in accordance

with 21 CFR 129.80 (g)(1) through (3): and the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 102.35, 110, and 129.

(3) The public water system is fully responsible for the provision of sufficient quantities of bottled water to every person supplied by the public water system, via door-to door bottled water delivery.

(g) Public water systems that use point-of-use devices as a condition for obtaining a variance or an exemption from the regulations for volatile organic chemicals must meet the following requirements:

(1) It is the responsibility of the public water system to operate and maintain the point-of-use treatment system.

(2) The public water system must develop a monitoring plan and obtain **Division's** approval for the plan before point-of-use devices are installed for compliance. This monitoring plan must provide health protection equivalent to a monitoring plan for central water treatment.

(3) Effective technology must be properly applied under a plan approved by the **Division** and the microbiological safety of the water must be maintained.

(4) The **Division** must require adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-use devices.

(5) The design and application of the point-of-use devices must consider the tendency for an increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contractor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.

(6) All consumers shall be protected. Every building connected to the system must have a point-of-use device installed, maintained, and adequately monitored. The **Division** must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer are conveyed with title upon sale of property.

PART 9 SUPPLY OF DRINKING WATER DURING EMERGENCIES

Three (3) types of emergencies are recognized with respect to water supply systems:

9.1 Toxics Contamination

Non-potability by reason of the presence of toxic or other substances in the supply which, cannot be removed by existing treatment methods and which, if ingested, might be injurious to the health of consumers. Presence of such substances which might be identified by such parameters as odor, taste, color, chemical tests, the presence of extensive fish kills in the water source, or by other evidence.

(a) In this case, the supplier of water will immediately close off the supply to distribution, notify the **Division** and the water consumers by the quickest available means of communication. The supplier will also:

(1) Deliver potable, disinfected water from other suitable sources between the time of know contamination and the time the **Division** declares the water supply potable again.

9.2 Mechanical Failure and/or Major Natural Disaster

Non-potability by reason of the inactivation of the system due to major mechanical failure, typhoon, earthquakes, or similar disaster.

(a) In this case, the supplier will notify the **Division** and the water consumers by the quickest available means of communication. The supplier will also:

(1) Deliver disinfected water from suitable sources to such public consumers as hospitals, clinics, and similar institutions. The water so delivered shall be disinfected to the satisfaction of the **Division**.

(2) Advise consumers as to where potable water from the plant or system may be obtained if such is obtainable.

(3) If potable water is not available from the system, the supplier will advise the consumers by the fastest available media where other water sources may be found in the immediate vicinity. Supplier will also recommend disinfection as prescribed in paragraph 9.1 (a)(4). The supplier shall keep on hand sufficient disinfectant (sodium or calcium hypochlorite) for use of consumers during emergency who may not have access to such disinfectants.

(b) The Office of the Mayor for each municipality in this type of emergency will:

- (1) Notify the **Division** of the emergency; and
- (2) Supervise the operation hereinbefore described under paragraph 9.1 (b).

9.3 Rationing of Water

Non-potability of water supply by reason of the necessity to ration water by emptying mains and distribution lines daily or more frequently:

(a) In this type of emergency, the system must provide suitable water to such public consumers as hospitals, clinics, and similar institutions. The water so delivered shall be disinfected to the satisfaction of the **Division**.

- (1) The system must take appropriate steps to restore service to all parts of the distribution system as soon as possible, and to provide for proper disinfection of the distribution system water supply is potable.
- (2) Advise individual consumers to find other emergency sources of water until notified by the **Division** that the public water supply is potable.
- (3) Advise individual consumers to disinfect their emergency water supply by either 1) bring water to a rolling boil for a period of not less than one (1) minute or 2) add two teaspoons of near 5% strength sodium hypochlorite solution (Clorox™, Purex™, etc.) per one hundred (100) gallons of water [approximately (5) drops per gallon] and let stand for 30 minutes before using, or as may be prescribed by the **Division**.

b) In this type of emergency, the office of the Mayor of each municipality is the local authorized representative of the **Division**. It will, in case of this type of emergency;

- (1) Notify the **Division** of the emergency;
- (2) Supervise the operations described in paragraph(1); and

(3) Document circumstances surrounding the contamination including its cause and identification or any person(s) implicated in such contamination.

(c) Person(s) who, either willfully or by negligence, contaminate public water supplies with toxic or poisonous materials which are not removable by normal treatment methods in use by the system, are subject to criminal prosecution as well as the penalty prescribed under paragraph 10.2 of these regulations. The fine under paragraph 10.2 shall be for the number of days that the system water is contaminated and the system does not meet the standards established by Part 5 of these regulations. The Division and public shall, therefore, be notified by the supplier as prescribed in Part 6 during the entire period of emergency rationing.

(d) The Division will supervise the action prescribed in paragraph 9.3(a).

PART 10. FILTRATION AND DISINFECTION

10.1 General Requirements:

(a) These regulations establish criteria under which filtration is required as a treatment technique for public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, and turbidity. Each public water system with a surface water source or a ground water source under the direct influence of surface water must provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

(1) At least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and

(2) At least 99.99 percent (4-log) removal and/or inactivation of viruses between a point where the raw water is not subject to

recontamination by surface water runoff and a point downstream before or at the first customer.

(b) A public water system using a surface water source or a ground water source under the direct influence of surface water is considered to be in compliance with the requirements of paragraph (a) of this section if it meets the filtration requirements in 10.3 and the disinfection requirements in 10.2.

(c) This regulation applies to all public water systems supplied by a surface water source and to all public water systems supplied by a ground water source under the direct influence of surface water.

(d) The public water system shall make a determination as to whether a ground water source is under the influence of surface water based on criteria established by the Division.

(e) Each public water system using a surface water source or a ground water source under the direct influence of surface water must be operated by qualified personnel who meet the requirements specified by the Division.

10.2 DISINFECTION:

(a) A public water system must comply with any interim disinfection requirements the Division deems necessary before filtration is installed.

(b) A public water system that uses a surface water source that provides filtration treatment must provide the disinfection treatment specified in paragraph (c) of this section beginning June 29, 1993, or beginning when filtration is installed, whichever is later. A system that uses a ground water source under the direct influence of surface water and provides filtration treatment must provide disinfection treatment as specified in paragraph (c) of this section by June 29, 1993, or beginning when filtration is installed, whichever is later. Failure to meet any requirement of this section after the applicable date specified in this introductory paragraph is a treatment technique violation.

(c) Each public water system that provides filtration treatment must provide disinfection treatment as follows:

(1) The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation and/or removal of *Giardia lamblia* cysts

and at least 99.99 percent (4-log) inactivation and/or removal of viruses, as determined by the Division.

(2) The residual disinfectant concentration in the water entering the distribution system, measured as specified in 10.4 cannot be less than 0.2 mg/1 for more than 4 hours.

(3)(i) The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in 10.4 cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml, measured as heterotrophic plate count (HPC) as specified in 10.4, is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = \frac{c+d+e}{a+b} \times 100$$

where:

- a = number of instances where the residual disinfectant concentration is measured;
- b = number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured;
- c = number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;
- d = number of instances where no residual disinfectant concentration is detected and where the HPC is > 500/ml; and
- e = number of instances where the residual disinfectant concentration is not measured and HPC is > 500/ml.

(ii) If the Division determines, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified in 10.4 and that the system is providing adequate disinfection in the distribution system,

the requirements of paragraph (b)(3)(i) of this section do not apply.

10.3 FILTRATION:

A public water system that uses a surface water source or a ground water source under the direct influence of surface water must provide treatment consisting of both disinfection, as specified in 10.2, and filtration treatment which complies with the requirements of paragraph (a), (b), (c) or (d), of this section by June 29, 1993. Failure to meet any requirement of this section after the date specified in this introductory paragraph is a treatment technique violation.

(a) Conventional filtration treatment or direct filtration:

(1) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, measured as specified in 10.4 and (c), except that if the Division determines that the system is capable of achieving at least 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Division may substitute this higher turbidity limit for that system. However, in no case may the Division approve a turbidity limit that allows more than 1 NTU in more than 5 percent of the samples taken each month, measured as specified in 10.4(a) and (c).

(2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in 10.4 (a) and (c).

(b) Slow sand filtration:

(1) For systems using slow sand filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, measured as specified in 10.4 (a) and (c), except that if the Division determines there is no significant interference with disinfection at a higher turbidity level, the Division may substitute this higher turbidity limit for that system.

(2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in 10.4 (a) and (c).

(c) Diatomaceous earth filtration:

(1) For systems using diatomaceous earth filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, measured as specified in 10.4 (a) and (c).

(2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU, measured as specified in 10.4 (a) and (c).

(d) Other filtration technologies. A public water system may use a filtration technology not listed in paragraphs (a)-(c) of this section if it demonstrates to the Division using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of 10.2 (c), consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of viruses. For a system that makes this demonstration, the requirements of paragraph (b) of this section apply.

10.4 Analytical and Monitoring Requirements:

(a) Analytical requirements. Only the analytical method(s) specified in this paragraph, or otherwise approved by the Division, may be used to demonstrate compliance with the requirements of 10.1, 10.2, and 10.3. Measurements for pH, temperature, turbidity, and residual disinfectant concentrations must be conducted by a party approved by the Division. Measurements for total coliforms, fecal coliforms, and HPC must be conducted by a laboratory certified by the Division or EPA to do such analysis. Until laboratory certification criteria are developed for the analysis of HPC and fecal coliforms, any laboratory certified for total coliform analysis by EPA is deemed certified for HPC and fecal coliform analysis. The following procedures shall be performed in accordance with the publications listed in the following section. Copies of the methods published in Standard Methods for the examination of Water and Wastewater may be obtained from the American Public Health Association et. al., 1015 Fifteenth Street, NW., Washington, DC 20005; copies of the Minimal Medium ONPG-MUG Method as set forth

in the article "National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli from Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method" (Edberg et al.), Applied and Environmental Microbiology, Volume 54, pp. 1595-1601, June 1988 (as amended under Erratum, Applied and Environmental Microbiology, Volume 54, p. 3197, December, 1988), may be obtained from the American Water Works Association Research Foundation, 6666 West Quincy Avenue, Denver, Colorado, 80235; and copies of the Indigo Method as set forth in the article "Determination of Ozone in Water by the Indigo Method" (Bader and Hoigne), may be obtained from Ozone Science & Engineering, Pergamon Press Ltd., Fairview Park, Elmsford, New York 10523. Copies may be inspected at the U.S. Environmental Protection Agency, Room EB15, 401 M Street, SW., Washington, DC 20460 or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC.

(1) Fecal coliform concentration--Method 908C (Fecal Coliform MPN Procedures), pp. 878-880, Method 908D (Estimation of Bacterial Density), pp. 880-882, or Method 909C (Fecal Coliform Membrane Filter Procedure), pp. 896-898, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition.

(2) Total coliforms concentration--Method 908A (Standard Total Coliform Multiple--Tube (MPN) Tests), pp. 872-876, Method 908B (Application of Tests to Routine Examinations), pp.876-878, Method 908D (Estimation of Bacterial Density), pp. 880-882, Method 909A (Standard Total Coliform Membrane Filter Procedure), pp. 887-894, or Method 909B (Delayed--Incubation Total Coliform Procedure), pp. 894-896, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition; Minimal Medium ONPG-Mug Test, as set forth in the article "National Field Evaluation of a Defined Substrate Method for the Simultaneous Enumeration of Total Coliforms and Escherichia coli from Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method" (Edberg et al.), Applied and Environmental Microbiology, Volume 54, pp.1595-1601, June 1988 (as amended under Erratum, Volume 54, p. 3197, December, 1988).

(Note: The Minimal Medium ONPG-MUG Test is sometimes referred to as the Autoanalysis Colilert Erratum System). Systems may use a five-tube test or a ten-tube test.

(3) Heterotrophic Plate Count--Method 907A (Pour Plate Method), pp. 864-866, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition.

(4) Turbidity--Method 214A (Nephelometric Method--Nephelometric Turbidity Units), pp. 134-136, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition.

(5) Residual disinfectant concentration--Residual disinfectant concentrations for free chlorine and combined chlorine (chloramines) must be measured by Method 408C (Amperometric Titration Method), pp. 303-306, Method 408D (DPD Ferrous Titrimetric Method), pp. 306-309, Method 408E (DPD Calorimetric Method), pp. 309-310, or Method 408F (Leuco Crystal Violet Method), pp. 310-313, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition. Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD calorimetric test kits if approved by the Division. Residual disinfectant concentrations for ozone must be measured by the Indigo Method as set forth in Bader, H., Hoigne, J., "Determination of Ozone in Water by the Indigo Method; A Submitted Standard Method"; Ozone Science and Engineering, Vol. 4, pp. 169-176, Pergamon Press Ltd., 1982, or automated methods which are calibrated in reference to the results obtained by the Indigo Method on a regular basis, if approved by the Division.

Note: This method will be published in the 17th edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association et al.; the Audiometric Method in the 16th edition may not be used.

Residual disinfectant concentrations for chlorine dioxide must be measured by Method 410B (Amperometric Method) or Method 410C (DPD Method), pp. 322-324, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association et al., 16th edition.

(6) Temperature--Method 212 (Temperature), pp. 126-127, as set forth in Standard Methods for the Examination of Water and

Wastewater, 1985, American Public Health Association et al., 16th edition.

(7) pH--Method 423 (pH Value), pp. 429-437, as set forth in Standard Methods for the Examination of Water and Wastewater, 1985, American Public Health Association, 16th edition.

(b) Monitoring requirements:

A public water system that uses a surface water source or a ground water source under the influence of surface water and provides filtration treatment must monitor in accordance with this paragraph (b) beginning June 29, 1993, or when filtration is installed, whichever is later.

(1) Turbidity measurements as required by 10.3 must be performed on representative samples of the system's filtered water every four hours (or more frequently) that the system serves water to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Division. For any systems using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the Division may reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For systems serving 500 or fewer persons, the Division may reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the Division determines that less frequent monitoring is sufficient to indicate effective filtration performance.

(2) The residual disinfectant concentration of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment, and systems serving 3,300 or fewer persons may take

grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies each day prescribed below:

System size by population	Samples/day
≤ 500	1
501 to 1,000	2
1,001 to 2,500	3
2,501 to 3,300	4

The day's samples cannot be taken at the same time. The sampling intervals are subject to DEQ review and approval.

If at any time the residual disinfectant concentration falls below 0.2 mg/1 in a system using grab sampling in lieu of continuous monitoring, the system must take a grab sample every 4 hours until the residual disinfectant concentration is equal to or greater than 0.2 mg/1.

(3)(i) The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in 5.3.2 (a), except that the Division may allow a public water system which uses both a surface water source or a ground water source under direct influence of surface water, and a ground water source to take disinfectant residual samples at points other than the total coliform sampling points if the Division determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in paragraph (a)(3) of this section, may be measured in lieu of residual disinfectant concentration.

(ii) If the Division determines, based on site-specific considerations, that a system has no means for having a sample transported and analyzed for HPC by a certified laboratory under the requisite time and temperature conditions specified by 10.4 (a)(3) and that the system is providing adequate disinfection in the distribution system,

the requirements this paragraph do not apply to that system.

PART 11 ENFORCEMENT

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

11.2 Procedures for Administrative Orders shall be conducted as follows:

11.2.1 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.

11.2.2 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.

11.2.3 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.

11.2.4 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 designed. 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.

11.2.5 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.

11.2.6 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.

11.2.7 If a hearing is conducted the Chief or his designed 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 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.

11.2.8 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.

11.2.9 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.

11.2.10 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.

11.3 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 as may be necessary or appropriate to implement or effectuate the provisions and purposes of these regulations.

11.4 Nothing in §11.2 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.

11.5 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.

11.5.1 The Chief may enter property for purposes specified in subpart 11.5 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 threat.

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

11.6.1 Public participation shall include 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

11.6.2 Investigating and providing responses to citizen complaints about violations.

11.5 Nothing in this section shall prevent US EPA enforcement of either the federal or CNMI Drinking Water Regulations.

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

PART 12 PENALTIES FOR VIOLATIONS

12.1 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.

12.2 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.

12.3 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.

12.4 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.

12.5 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.

PART 13 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 Chong, the Director of the Department of Public Health and Environmental Services which is promulgating the Regulation regarding Amended Drinking Water Regulations as hereinabove set forth, by signature below I hereby certify that such Regulations are a true, complete and correct copy of the Regulations regarding Drinking Water 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 7 th day of December, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.



Dr. José 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
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PUBLIC NOTICE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES ADOPTED AMENDMENTS AND REVISIONS TO INDIVIDUAL WASTEWATER DISPOSAL SYSTEM REGULATIONS FOR PUBLIC LAW 3-23

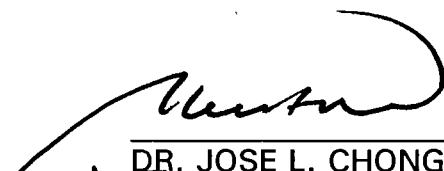
The Director of the Department of Public Health and Environmental Services of the Northern Mariana Islands (CNMI), in accordance with Public Law 3-23, amends and revises the CNMI's Individual Wastewater Disposal System (IWDS) Regulations.

The amended and revised regulations apply to all new IWDS systems in the CNMI. The design and siting criteria for conventional septic tank/leaching systems has been revised. Also the amendments cover wastewater treatment systems other than septic tank/leaching systems.

The amendments and revisions are to: (1) Assure that public health and the environmental are protected; (2) To protect groundwater from contamination; (3) Establish a standardized permit application format designed to provide for more efficient review and approval of permit applications; (4) To establish minimum design, construction, and operation criteria for wastewater treatment systems.

Copies of the amended and revised Individual Wastewater Disposal System 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: 12/7/92


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

Date: 12/7/92


SOLEDAD SASAMOTO
Registrar of Corporations

Date: 12/7/92


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

NUTISIAN PUBLIKU DIPATAMENTON HINEMLO PUBLIKU YAN STEBISIUN ENVIRONMENTAL SERVICES I MA ADAPTA NA AMENDASION YAN TINULAIKA SIHA PARA REGULASION SISTEMAN INDIVIDUAL WASTEWATER DISPOSAL PARA LAI PUBBLIKU 3-23


I DIREKTOT DIPATAMENTON HINEMLO PUBLIKU YAN STEBISIUN ENVIRONMENTAL SERVICES GI HALOM NORTHERN MARIANA ISLANDS (CNMI), SIGUN GI SINANGAN YAN FUETSAN LAI PUPBLIKU 3-23, MA ADAPTA I AMENDASION YAN RIBISA I REGULASION CNMI INDIVIDUAL WASTEWATER DISPOSAL SYSTEM (IWDS).

I MA ADAPTA NA AMENDASION YAN RIBISA NA REGULASION INAPLILIKA TODU I MAN NUEBU NA SISTEMAN IWDS GI CNMI. ESTA MARIBISA I PLANU YAN SITING CRITERIA PARA I SISTEMAN CONVENTIONAL SEPTIC TANK/LEACHING. LOKKUE' I MA ADAPTA NA AMENDASION INKLUSU PUMALU SIHA NA KLASEN SISTEMA FUERA DI SISTEMAN SEPTIC TANK/LEACHING.


I MA ADAPTA NA AMENDATION YAN RIBISION NI PARA U: (1) ASIGURA NA MAPROTEHI I HINEMLO TAOTAO YAN I URIYA; (2) MAPROTEHE I HANOM GI PAPA EDDA POTNO U FAN BINENU; (3) MA' ESTABLESI UN SISTEMA PARA U MARIKONOSI MAOLEK TODU I APLIKASION LISENSIA YAN U FAN MA APREBA; (4) MA ESTABLESI MINIMUM DESIGN, KONTRAKSION, YAN KINALAMTEN OPERASION PARA SISTEMAN WASTEWATER TREATMENT.

KOPIAN I MA ADAPTA NA AMENDASION YAN RIBISION REGULASION SISTEMAN INDIVIDUAL WASTEWATER DISPOSAL, SINA HA MACHULE GI DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES, DIVISION OF ENVIRONMENTAL QUALITY, GI HAGAS ESPITAT DR. TORRES, AS TERLAJE, SAIPAN, MP 96950.


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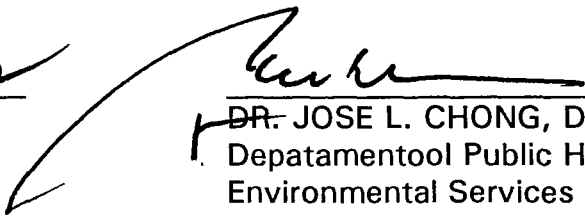
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Direktoodul Dipatamentool Public Health me Environmental Services, mellol Commonwealth of the Northern Mariana Islands (CNMI), reel attabweey aileewal me bwangil alleghul Towlap Ye 3-23, nge ekke ayooro lliiwel mello Alleghul CNMI Individual Wastewater Disposal System (IWDS). Lliiwel kkaal nge e bwal toolong: alongal IWDS kka e ffeeta mellol CNMI. Mwoghutughutul ffeerul me bwuley Ye ebwe lo iye reel Conventional Septic Tank/Leaching me sistemaal nge e bwal lliiwel. Lliiwel kkal nge e bwal toolong Wastewater Treatment System me bwal akkaaw kilikka saabw Septic Tank/Leaching System.

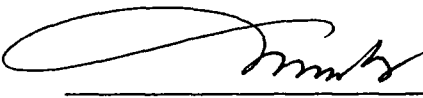
Bwulul lliiwel kkaal nge ebwe: (1) Ebwe pilleey ilighiir aramas bwe rete sumway me milikka weleyorosch; (2) Pileey schaal kka faal pwel bwe ete nngow; (3) Ayooro tappal ye rebwe ghi amwuri fischiiy applicationul lisensiya; (4) Ayooro minimum design reel akkayul, me amwoghutul Wastewater Treatment Systems.

Kopiyaal lliiwelil alleghul Individual Wastewater Disposal System nge emmwel schagh bwe aramas rebwe lo bweibwogh sangi Bwulasiyool Public Health me Environmental Services, Division of Environmental Quality, iye e lo fasul Dr. Torres Hospital, Saipan, MP 96950.

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DONNA J. CRUZ
Governor's Secretary

INDIVIDUAL WASTEWATER DISPOSAL SYSTEMS RULES AND REGULATIONS

SECTION 1. AUTHORITY

These rules and regulations have been promulgated by the Department of Public Health and Environmental Services in accordance with the Commonwealth Environmental Protection Act 2 CMC §§ 3101 to 3134 (Public Law 3-23) 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 large numbers of Commonwealth residents currently rely and will continue to rely on on-site wastewater disposal systems for treatment and disposal of wastewater; and whereas proper design, construction, and operation of these systems provides personal and public benefit through protection of groundwater and surface waters; and whereas public health can be significantly impacted by design and continued use of substandard disposal systems, the purpose of these regulations is to:

- 2.1 Protect the health of the wastewater disposal system user and his/her neighbors.
- 2.2. To establish minimum standards that will ensure that the discharge of wastewater:
 - 2.2.1. Will not contaminate or degrade the groundwater of the CNMI;
 - 2.2.2. Will not contaminate or degrade the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes or for recreational purposes;
 - 2.2.3. Will not be accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;
 - 2.2.4. Will not pose a health hazard by being accessible to children;
 - 2.2.5. Will not create a public nuisance due to odor or unsightly appearance; or

- 2.2.6. Will not violate any other local or federal laws or regulations governing water pollution or sewage disposal.
- 2.3 To provide for a reasonable service life for such systems.

SECTION 3. **DEFINITIONS**

- 3.1 "Abutter" means a person that owns or leases land adjacent to or directly across a public right-of-way from a parcel of land in question.
- 3.2 "Abutting Property" means that property which lies next to any road, street, or easement in which a public sewer is located. The boundary of the property abutting the sewer need not physically touch the sewer easement so long as that piece of land separating the sewer easement from the abutting property consists of a public right of way, easement, road, or street not owned or controlled by another private owner, so that the abutting property owner would not be required to obtain an easement in order to connect his/her property with the sewer.
- 3.3 "The Act" means the Commonwealth Environmental Protection Act 2 CMC §§ 3101 to 3134 (Public Law 3-23) of the Commonwealth of the Northern Mariana Islands.
- 3.4 "Aquifer" means 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.
- 3.5 "Available Sewer" means a public sewer which has been constructed in a roadway, street or easement abutting the property on which the subject building is located provided that:
- A. For single family dwelling and duplexes the public sewer, or an existing building or exterior drainage facility located on the subject property which is connected to the public sewer, is within 200 feet of the single family dwelling or duplex, and the public sewer is no more than 20 feet above the lowest floor level of the single family dwelling or duplex; and
 - B. For all other buildings and structures the public sewer is no more than fifty (50) feet above the lowest floor level.
- 3.6 "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.

- 3.7 "Building" means a structure having a roof and intended to shelter people, animals, property, or business activity, or any structure used or intended to be used for supporting or sheltering any use or occupancy.
- 3.8 "Chief" means the Chief of the Division of Environmental Quality or his duly authorized representative unless otherwise specified.
- 3.9 "Class I Aquifer Recharge Area" means the area contributing surface infiltration to a geologic formation, or part of a formation, that is water bearing and which currently transmits, or is believed capable of transmitting, quantities of potable water to supply pumping wells or springs. For the purpose of these regulations, the regions of Saipan considered Class I aquifer recharge areas shall be one of the following: (1) Areas so defined and mapped by the United States Geologic Survey as potable aquifer recharge zones, or (2) Areas defined by the Chief pursuant to the CNMI's Groundwater Management and Protection Act as a Class I Groundwater Management Zone. For the purposes of these regulations, all of Tinian and Rota shall be considered a Class I aquifer recharge area.
- 3.10 "CNMI" means the Commonwealth of the Northern Mariana Islands.
- 3.11 "Community Sewer System" means a common sewage collection, conveyance, and treatment system serving more than one lot, directly controlled by an individual or community association duly authorized by those served (i.e., IWDS permittee) to undertake the responsibility of control and operation of the system.
- 3.12 "Contamination" means the introduction of any physical, chemical, biological, or radiological substance into surface or groundwater which has the potential to pose a threat to human health or the environment, or to impede the most beneficial use of water.
- 3.13 "CUC" means the Commonwealth Utilities Corporation, a public authority providing currently providing treatment for domestic and industrial wastewater.
- 3.14 "Department" means the Department of Public Health and Environmental Services unless otherwise specified.
- 3.15 "Director" means the Director of the Department of Public Health and Environmental Services or his duly authorized representative unless otherwise specified.
- 3.16 "Division" means the Division of Environmental Quality unless otherwise specified.
- 3.17 "DPW" means the Department of Public Works.

- 3.18 "Duplex" means a building which is designed exclusively for the occupancy of one family in each of two units which are attached to each other and which are detached for any other dwelling or commercial building.
- 3.19 "EPA" means the United States Environmental Protection Agency.
- 3.20 "Groundwater" is that part of the subsurface water which is in the zone of saturation.
- 3.21 "House Sewer or Building Drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer pipe beginning 5 feet outside the building walls.
- 3.22 "Individual Wastewater Disposal System" means a system designed and installed to treat and dispose of sewage from a single structure or group of structures using a septic tank, together with a leaching field or seepage pit. Wastewater treatment systems not employing septic tanks together with leaching fields or seepage pits are defined "Other Wastewater Treatment Systems" (OWTS).
- 3.23 "IWDS" means Individual Wastewater Disposal System.
- 3.24 "IWDS Failure" or "System Failure" means (1) The IWDS refuses to accept sewage effluent at the rate of design application, resulting in interference with plumbing fixture use; (2) Sewage effluent exceed the infiltrative capacity of the soil resulting in objectionable odors, ponding, seepage, or other discharge of the effluent to the surface of the ground or to surface waters; OR (3) Effluent discharges from the absorption system result in contamination of a potable water supply, groundwater, or surface water.
- 3.25 "Leaching Field" means a buried system of perforated pipes, bedded in washed crushed rock, through which primary or secondary treated sewage effluent may seep or leach into the surrounding porous soil.
- 3.26 "MPLC" means the Marianas Public lands Corporation.
- 3.27 "MVB" means the Marianas Visitor's Bureau.
- 3.28 "Monitoring Well" is a well constructed for the purpose of observing subsurface hydrologic conditions and collecting hydrologic or water quality data, and not for use in extracting water for a beneficial use.
- 3.29 "NPDES" means National Pollutant Discharge Elimination System. An NPDES permit is required for all municipal and industrial

waste and waste treatment plant discharges to the waters of the Commonwealth.

- 3.30 "Other Wastewater Treatment System" means a system designed and installed to treat and dispose of sewage from a single structure or group of structures using a means other than a septic tank together with a leaching field or seepage pit.
- 3.31 "OWTS" means Other Wastewater Treatment System.
- 3.32 "Permit" as used in these regulations shall mean an Individual Wastewater Disposal System permit.
- 3.33 "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.
- 3.34 "Potable Water" means water that is of a quality that meets the requirements of the CNMI's Drinking Water Regulations, latest revision.
- 3.35 "Primary Treated Wastewater" for the purpose of these regulations means wastewater which has passed through a septic tank of the size and configuration as required by these regulations.
- 3.36 "Public Sewer System" means a common sewage collection, conveyance, and treatment system serving more than one lot, directly controlled by a public authority.
- 3.37 "Secondary Treated Effluent" for the purpose of these regulations means domestic, non-industrial wastewater which has undergone physical, chemical, and/or biological treatment in order to effect the following characteristics: (1) 5-day Biochemical oxygen demand, BOD(5), of not more than 20 mg/l; (2) Total suspended solids, TSS, of not more than 20 mg/l; (3) Total nitrogen concentration of not more than 1.0 mg/l; and (4) Fecal coliform concentration of not more than 23 colony forming units per 100 ml. All figures given are for 30-day averages, with single measurements not to exceed twice the 30-day average limit. Sampling frequency shall be dictated by the Chief. BOD(5) and TSS analysis must be done by acceptable scientific practices as in the current *Standard Methods for the Examination of Water and Wastewater Analysis*.
- 3.38 "Seepage Pit" means a covered pit with open-jointed lining through which primary or secondary treated sewage effluent may seep or leach into the surrounding porous soil.
- 3.39 "Septic Tank" means a watertight receptacle which receives the discharge of sewage and is designed and constructed so as to retain solids, digest organic matter through a period of

retention, and allow the treated liquids to discharge into the subsoil through a leaching field or seepage pit.

- 3.40 "Sewage" or "Wastewater" means untreated or insufficiently treated human excreta; food wastes disposed of through sewers; wash water; liquid wastes from residences, commercial buildings, agricultural or animal husbandry/slaughter operations, industrial establishments, or other places of assembly; and such diluting water e.g., storm water inflow) as may have entered the waste disposal system.
- 3.41 "Significant Treatment System Modification" means any change, replacement, or reconstruction of any IWDS or OWTS because of: (1) System failure; (2) Increase in influent sewage flow rate above the design capacity of the existing system; or (3) Obsolescence.
- 3.42 "Single Family Dwelling" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
- 3.43 "Water of the Commonwealth" means all waters, either fresh, brackish, or marine, including: (1) Shore waters surrounding the CNMI; (2) Intermittent and perennial streams; (3) Lakes, springs, and wetlands; and (4) Surface storm water drainage systems, whether publicly or privately owned.
- 3.44 "Water Supply" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
- 3.45 "Wellhead Protection Area" means an area within close hydrogeologic proximity of an existing well or spring, configured as an oval with equal downgradient and side dimensions from an individual wellhead/spring, and with an upgradient dimension from the wellhead/spring equal to twice the downgradient dimension.
- 3.46 "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. CONSTRUCTION AND OPERATION OF AN IWDS OR OWTS

- 4.1 Construction and operation of an IWDS is permissible under the following conditions:
- 4.1.1. For all new single family dwellings or duplexes provided: (1) There is no available public sewer; and (2) The siting and design parameters outlined in these regulations are met.

- 4.1.2. For all other new buildings and structures provided:
(1) There is no available public sewer; (2) There is no discharge of oily, toxic, or hazardous wastes; and (3) The siting and design parameters outlined in these regulations are met.
- 4.2 Construction and operation of an OWTS is permissible only under the following conditions:
- 4.2.1 For any new residential project serving 100 persons or more, provided: (1) There is no available public sewer; (2) The project owner(s) prove the technical and financial capability to meet the OWTS operational requirements specified in Section 18 of these regulations; (3) The siting and design parameters for an IWDS outlined in these regulations **cannot** be met due to limitations of site soil, topography, and/or lot size; and (4) The siting and design parameters for an OWTS outlined in these regulations are met. Residential projects serving less than 100 persons shall not be permitted to construct and operate an OWTS unless otherwise provided for in Paragraph 4.3 below. The number of persons served by a project shall be determined in accordance with Section 8 of these regulations.
- 4.2.2 For any non-residential commercial or industrial project with average daily sewage flows greater than 10,000 gallons per day, provided: (1) There is no available public sewer; (2) The project owner(s) prove the technical and financial capability to meet the OWTS operational requirements specified in Section 19 of these regulations; and (3) The siting and design parameters for OWTS outlined in these regulations are met. Non-residential or industrial projects with average daily sewage flows less than 10,000 gallons per day shall not be permitted to construct and operate an OWTS, unless otherwise provided for in Paragraph 4.3 below.
- 4.2.3 For any commercial chicken raising or piggery operation. All wastewater generated by such operations must undergo treatment before final release to the environment. Treatment of solid and liquid sanitary wastes generated by these operations may be in any form provided the technology can be proven for the specific conditions of the project (volume, strength, temperature, climate, etc.)
- 4.3 For projects located within a Class I aquifer recharge area (see Definitions, Section 3) with a average daily sewage flows greater than 5,000 gallons per day, the Applicant **must** install and operate an OWTS meeting the siting, design, operations, and financial requirements of these regulations.

- 4.4 A building or structure will be considered new when originally constructed, or when remodeled or extended such that the floor area is increased by greater than twenty percent (20%).
- 4.5 All buildings and structures connected to an existing IWDS or OWTS shall be connected to a public sewer if and when required to do so by the Commonwealth Utilities Corporation's Sewer Use Regulations, as amended, or as directed by the Chief.

SECTION 5. APPLICABILITY OF REGULATIONS TO EXISTING AND NEW IWDS AND OWTS

- 5.1 All new IWDS shall be subject to the design and siting criteria set forth in these regulations. IWDS applications submitted to the Division after the effective date of these regulations shall be subject to the requirements set forth herein.
- 5.2 The Chief may require modifications and repairs on any existing Individual Sewage Disposal System if the IWDS has failed.
- 5.3 All existing OWTS shall be subject to the design, financial, and operational criteria set forth in these regulations within one (1) year of the effective date of these regulations.
- 5.4 All new OWTS shall be subject to the design, siting, financial, and operational criteria set forth in these regulations. OWTS applications submitted to the Division after the effective date of these regulations shall be subject to the requirements set forth herein.
- 5.5 Owners of all existing publicly owned OWTS (i.e., CUC) are not required to obtain a permit from the Division to re-construct, modify, or operate an OWTS provided that the Publicly owned OWTS is subject to the NPDES permitting process, administered by the EPA. Provisions of these regulations may also be waived by the Chief for future publicly owned OWTS.

SECTION 6. IWDS AND OWTS PERMIT APPLICATION REQUIREMENTS

No IWDS or OWTS (together referred to as "waste treatment system") may be constructed unless the owner of the land upon which the waste treatment system is to be constructed, or the Lessee of said land (together to be known hereinafter as the "Applicant"), has obtained a IWDS or OWTS Permit from the Chief. An IWDS/OWTS permit application shall be completed and submitted to the Chief for all new waste treatment systems, or modifications and/or expansions to same. Before construction may commence on an IWDS or OWTS, a permit for construction must be issued by the Chief.

The application may be filled out by the Applicant or by the Applicant's Authorized Representative. In either case, the Applicant shall sign and date the application, and shall be responsible for all statements and information contained therein.

Information required on the IWDS/OWTS permit application shall consist of the following:

- 6.1 Name, address, and telephone number of the Applicant. If the Applicant is not the owner of the land, the lease or other title document must be provided with the application to prove the applicant's legal right to use the property.
- 6.2 Type of application (new, revision, or renewal)
 - 6.2.1 A new application is for those Applicants who seek to construct new IWDS or OWTS, or make significant modification to existing IWDS or OWTS.
 - 6.2.2 A revised application is for those Applicants who seek to make a change to the scope of work after original submission of the application (i.e., upward or downward change in sewage flows, service population, or change in treatment system) and before start of construction. After construction begins, a new application must be submitted.
 - 6.2.3 A renewal application is for those Applicants whose proposed IWDS/OWTS construction activities has not commenced within 90 days from the date of issuing the original IWDS/OWTS construction permit.
- 6.3 IWDS/OWTS permit application fees shall be in accordance with the following fee schedule. Payment of application fee 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. All CNMI government agencies, and semi-autonomous agencies such as the Public School System, CUC, Mayors' Offices, MPLC, and MVB, shall be exempt from payment of application fees. However, no agency is exempt from the requirements of these regulations unless specifically stated in these regulations.

IWDS/OWTS NEW PERMIT APPLICATION FEE TABLE

<u>SYSTEM TYPE</u>	<u>SERVICE LEVEL</u>	<u>APPLICATION FEE</u>
IWDS	Single Family/Duplex	\$ 25.00
IWDS	Multi-Residential	\$ 200.00
IWDS	Non-residential Commercial	\$ 200.00
OWTS	All	\$ 0.10/gal plant capacity

There is a \$ 25.00 fee for all revised applications, regardless of system type or level of service. For changes from IWDS to OWTS, there is an additional fee equal to the difference as calculated from the above table. There is no fee for a renewal application.

- 6.4 Percolation test and soil log report for all IWDS and OWTS systems proposing subsurface disposal of treated effluent, except as provided for in Section 10.10.
- 6.5 Calculations defining average loading to the wastewater treatment system (refer to Section 8).
- 6.6 Proposed construction start and completion dates.
- 6.7 Detailed plans and specifications of the proposed treatment system, with complete and concise design calculations, design references employed, and assumptions made.
- 6.8 Site Plan. The site plan must contain at a minimum all of the following:
- 6.8.1 Delineation of property boundaries and lot number.
- 6.8.2 Delineation of public rights of way, easements and access roads, if applicable.
- 6.8.3 Indication of all existing and proposed structures on the lot including their location with respect to the lot boundaries.
- 6.8.4 Location of proposed disposal system in relation to property boundaries, **water wells**, public rights of way, easements and access roads, existing structures and utilities, and the proposed building(s).
- 6.8.5 Topography of the project site, showing contour lines drawn at 2-foot (1-meter) intervals, and floor elevation of the existing or proposed building(s) to be served by the proposed wastewater treatment system. Indicate reference elevation point (benchmark). **THIS PROVISION IS NOT APPLICABLE TO SINGLE FAMILY/DUPLEX IWDS APPLICATIONS.**

- 6.8.6 Vicinity Map showing adjacent streets with names and other land marks that will allow DEQ personnel to locate the project site.
- 6.9 The proposed wastewater treatment system site shall be inspected by the Chief or Division staff member prior to issuance of a IWDS/OWTS permit. The Applicant or his/her authorized representative may be called upon to accompany DEQ on the initial site visit.
- 6.10 A fully completed permit application for an IWDS shall be submitted to the Chief for review at least thirty (30) calendar days prior to the planned start of construction.
- 6.11 A fully completed permit application for an OWTS shall be submitted to the Chief for review at least ninety (90) calendar days prior to the planned start of construction.
- 6.12 An IWDS/OWTS permit shall be void if the work authorized by said permit is not commenced within three (3) months after its issuance; or is suspended or abandoned for a period of three (3) months at any time the work has commenced. Such a voided permit shall require submission of a new IWDS/OWTS permit application (under "renewal").
- 6.13 Permit application certification requirements:
- 6.13.1 All IWDS permit applications EXCEPT those that serve a single family home or duplex shall be certified ("stamped") by a professional Civil Engineer licensed by the Board of Professional Licensing to practice in the CNMI who has proven a complete understanding of the requirements of IWDS design. Architects, unlicensed engineers, and unqualified licensed engineers shall not certify any IWDS or OWTS permit applications.
- 6.13.2 All proposed septic tanks and seepage pits subject to traffic loads (i.e., those located in parking areas, driveways) MUST submit complete structural design drawings and calculations, certified by a licensed professional engineer.
- 6.13.3 All OWTS permit applications must contain complete structural, hydraulic, and kinetic design calculations certified by a CNMI licensed professional engineer.
- 6.14 If an Applicant wishes to dispose of primary or secondary treated wastewater on another lot, duly recorded with the CNMI Registrar of Deeds, then that Applicant must request and obtain a written easement recorded on the deed of the lot designated for disposal of wastewater. The easement shall reflect the location of the septic tank and leaching field(s) or seepage pit(s), and further reflect the setbacks listed in

Section 13 of these regulations (i.e., the easement must state that no building may be built within 10 feet of the septic tank, etc.). This requirement to record an IWDS easement shall apply even if the owner or lessee of the other lot is the Applicant for the IWDS.

SECTION 7. IWDS GENERAL DESIGN PARAMETERS

7.1 The following general design provisions shall apply to all new IWDS:

7.1.1 Where permitted by Section 4 of these regulations, a building may be connected to an individual sewage disposal system which complies with other provisions set forth in these regulations. The type of system shall be determined on the basis of location, soil porosity, and groundwater level and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharge into a sub-surface leaching field or seepage pit.

7.1.2 All individual sewage disposal systems shall be so designed that additional subsurface drain fields, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage.

7.1.3 No property shall be improved in excess of its capacity to properly absorb sewage effluent in the quantities and by the means provided in these regulations.

7.1.4 When there is insufficient lot area or improper soil conditions for adequate sewage disposal from a proposed building or proposed use of the land as determined by application of the requirements of these regulations, the building or proposed use shall be shall not be permitted.

7.1.5 Where public sewers may be installed at a future date, provision should be made in the household plumbing system for connection to such sewer, in the time frame specified by the Chief.

7.1.6 Nothing contained in these regulations shall be construed to prevent the Chief from requiring compliance with higher requirements than those contained herein where such higher requirements are essential to maintain a safe and sanitary condition.

7.1.7 No wastewater disposal system installations, construction, repairs or additions shall be made by the

owner or lessee of the property without a written permit from the Chief.

SECTION 8. IDENTIFY AVERAGE DAILY WASTEWATER FLOW RATE

8.1 For the purposes of these regulations, the unit flow rates are found on TABLE 8.1 below.

TABLE 8.1

QUANTITIES OF SEWAGE FLOWS

<u>TYPE OF DEVELOPMENT</u>	<u>GALS PER UNIT PER DAY</u>	<u>NO. OF PERSONS¹</u>
SINGLE FAMILY OR DUPLEX	150/BR	2/BR
APARTMENT	120/BR	2/BR
CONDOMINIUM/MOTEL/BUSINESS HOTEL	150/BR	2/BR
RESORT HOTELS	225/BR	2/BR
BARRACKS/WORKER'S HOUSING	60/BED	1/BED
RESTAURANTS	40/SEAT	
LOUNGE	10/SEAT	
SCHOOLS	25/STU or FAC	
BOARDING SCHOOL	100/STU or FAC	1/STU or FAC
OFFICE SPACE	15/100 SF GROSS	
RETAIL COMMERCIAL SPACE	10/100 SF GROSS	
FACTORY	15/WORKER SHIFT	
SELF-SERVICE LAUNDRY FACILITY	250/WASHER	
CAR WASH	40/VEHICLE SERVED	
SERVICE STATION	5/VEHICLE SERVED	
SWIMMING POOL/BATH HOUSE	10/PERSON	
THEATER/AUDITORIUM	5/SEAT	

NOTES: (1) Determination made solely for the purpose of assessing service population per the requirements of Section 4 of these regulations.

8.2 Please specify flow rates for all other uses. Unit flow rates employed for "other uses" are subject to modification by the

Chief if, in his/her judgment, such unit flow rates are unreasonable.

SECTION 9. SEPTIC TANK DESIGN AND CONSTRUCTION

All IWDS require a septic tank.

9.1 The net volume of a septic tank is measured from below the effluent pipe. The following shall apply for sizing septic tanks:

9.1.1 For average daily sewage flows 0 to 500 gallons per day (gpd), the septic tank net volume must be 750 gallons (100 cubic feet).

9.1.2 For average daily sewage flows between 501 and 1500 gpd, the septic tank net volume must be 1.5 times the average daily sewage flow (1.5 days' storage capacity).

$Vol = Q \times 1.5$, where Q is the average daily sewage flow.

9.1.3 For average daily sewage flows greater than 1500 gpd, the septic tank net volume must be 1,125 + 0.75 times the average daily sewage flow.

$Vol = 1,125 + [0.75 \times Q]$

9.2 Septic tank design shall be such as to provide access for cleaning, adequate volume for settling, and for sludge and scum storage. The structural design shall provide for a sound durable tank which will sustain all loads and pressures and will resist corrosion.

9.3 The siting criteria specified in Section 13 of these regulations shall be met for all new septic tanks.

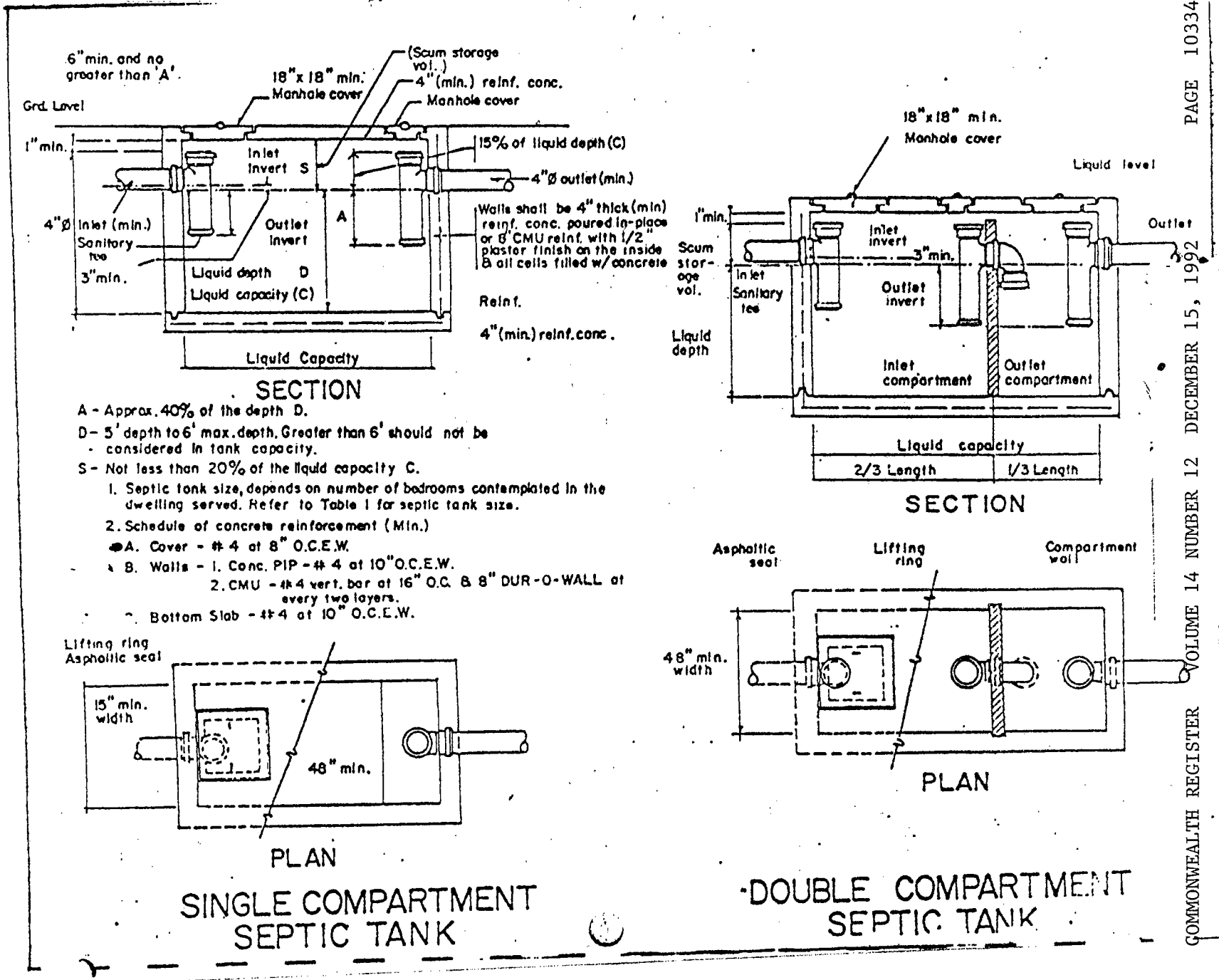
9.4 The liquid depth (as measured from the bottom of the tank outlet pipe to tank bottom) shall be at least five (5) feet and not more than six (6) feet deep. A liquid depth greater than six (6) feet shall not be considered in determining tank capacity.

9.5 No tank or compartment thereof shall have an inside horizontal dimension of less than four (4) feet. Scum storage shall equal 15% of the total liquid depth and shall be measured from the top of the liquid level to the vertical top of the inlet tee and outlet tee excluding the one (1) inch air space at the top of the tank.

9.5.1 I.e., for 5-foot liquid depth tanks, the distance from the bottom of the inlet pipe to the inside surface of the top of the septic tank shall be 10 inches.

- 9.5.2 I.e., for 6-foot liquid depth tanks, the distance from the bottom of the inlet pipe to the inside surface of the top of the septic tank shall be 12 inches.
- 9.6 The bottom of the septic tank inlet pipe shall be at least two (2) inches above the bottom of the septic tank outlet pipe(s). The septic tank outlet pipe(s) shall be at least the size of the septic tank inlet pipe (see FIGURE 9.1).
- 9.7 The vertical leg of the outlet tee shall extend upward to within one (1) inch of the underside of the cover and downward to a point which is 40% of the liquid depth below the liquid surface (see FIGURE 9.1).
- 9.8. When multi-compartment tanks are used, the volume of the first compartment shall be equal to or greater than that of the second compartment (see FIGURE 9.1).
- 9.9 Access to each compartment of the tank shall be provided by a 18" x 18" minimum manhole or removable cover. The inlet and outlet tee connections shall also be accessible through properly placed manholes, or easily removed covers.
- 9.10 Where the top of the septic tank is below ground grade level, manholes shall be built up to ground grade level.
- 9.11 The wall of the septic tank shall not be less than 6 inches thick reinforced concrete poured in place; or not less than 6 inches thick load bearing concrete hollow block reinforced at every 16 inches on center, and laid on a solid foundation with mortar joints well filled, and plastered with 1/2 inch concrete mortar in the inside of the tank. The tank covers and floor slabs shall be not less than 4 inch thick reinforced concrete. Septic tank covers may either be poured-in-place or pre-cast. The minimum compressive strength of any concrete septic tank wall, top and covers, or floor shall not be less than 2500 psi (pound per square inch).
- 9.12 All septic tank covers shall be capable of supporting an earth load of not less than 300 pounds per square foot where the maximum coverage does not exceed three (3) feet. Where septic tanks may be subject to traffic loads (e.g., parking lot, driveway), the entire structure shall be designed to withstand H-20 loading (AASHTO standard).
- 9.13 After the completion of the septic tank and before it is put into use, the inside shall be cleaned and all forms removed.
- 9.14 Storm water, water treatment wastewater, cooling water, and roof drainage shall not be directed into any septic system.
- 9.15 Grease traps shall be installed for all restaurants and food processing facilities.

FIGURE 9.1



- SECTION**
- A - Approx. 40% of the depth D.
 - D - 5' depth to 6' max. depth. Greater than 6' should not be considered in tank capacity.
 - S - Not less than 20% of the liquid capacity C.
1. Septic tank size, depends on number of bedrooms contemplated in the dwelling served. Refer to Table 1 for septic tank size.
 2. Schedule of concrete reinforcement (Min.)
 - ⊙ A. Cover - # 4 at 8" O.C.E.W.
 - ⊙ B. Walls - 1. Conc. PIP - # 4 at 10" O.C.E.W.
 - 2. CMU - # 4 vert. bar at 16" O.C. & 8" DUR-O-WALL at every two layers.
 - ⊙ C. Bottom Slab - # 4 at 10" O.C.E.W.

SINGLE COMPARTMENT SEPTIC TANK

DOUBLE COMPARTMENT SEPTIC TANK

SECTION 10. PERCOLATION TESTING PROCEDURES

10.1 Dig or bore the hole(s) with horizontal dimensions from 4 to 12 inches and vertical sides to the depth of the bottom of the proposed absorption area. Holes can be bored with a 4-inch to 12-inch diameter hand-held auger.

A portion of the test hole shall be dug to a depth at least 4 feet below the bottom of the proposed absorption area.

10.2 Roughen or scratch the bottom and sides of the test hole(s) to provide a natural surface. Remove all loose materials from the hole. Place about 2-inches of coarse sand or fine gravel in the bottom of the hole to prevent bottom scouring.

10.3 Fill the hole with clear water to a minimum depth of 12 inches over the gravel. By refilling, or by supplying a surplus reservoir of water (i.e., automatic siphon), keep water in the hole for at least 8 hours, and preferably overnight. In granular soils, the percolation test can be made after the water from one filling has seeped away.

10.4 Percolation rate measurements should be made on the day following the saturation process, except in sandy soils (conducted same day).

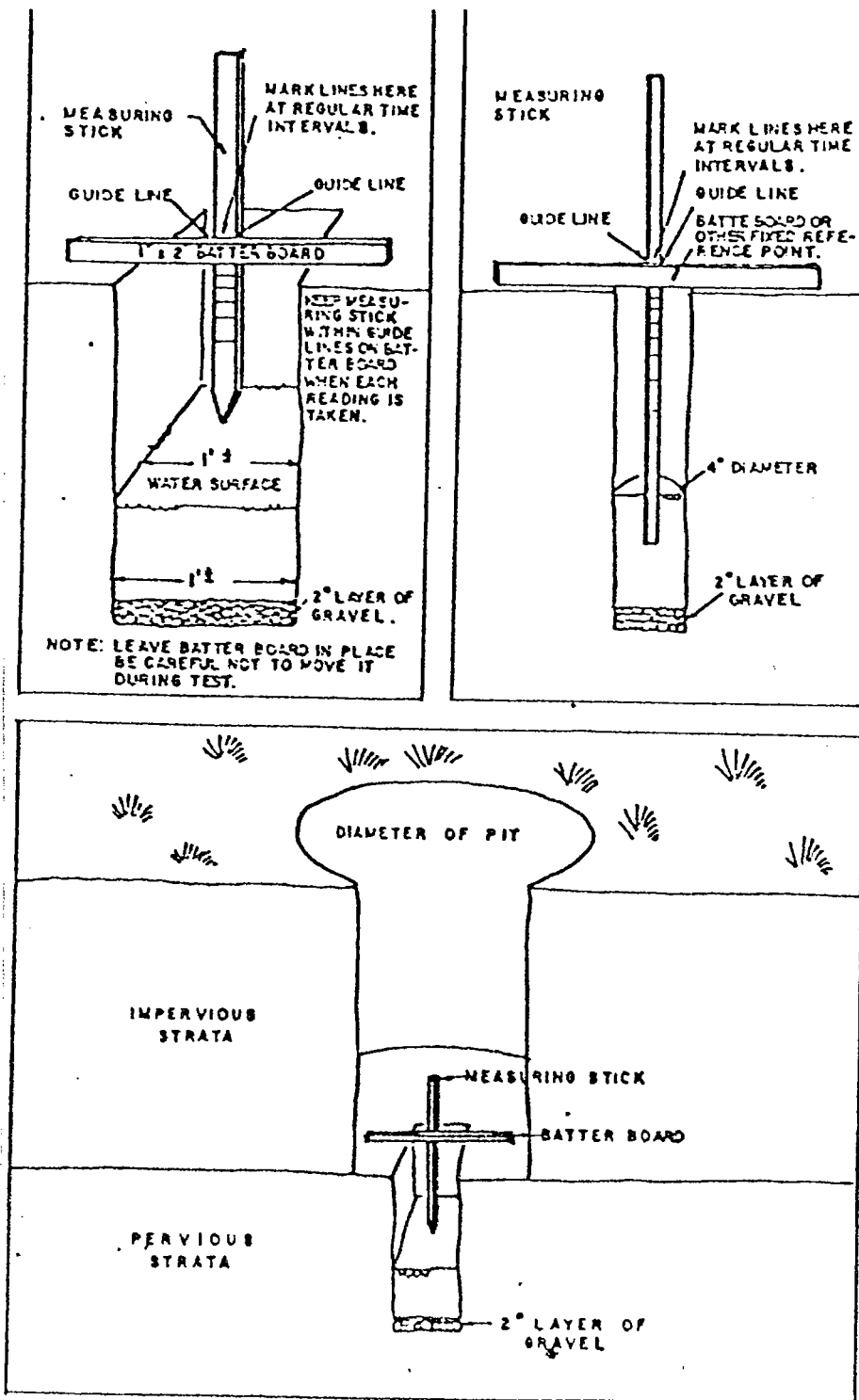
10.5 **If water remains in the test hole on overnight saturation, adjust the depth of water to 6-inches over the gravel. From a fixed reference point, measure the drop in water level at approximately 30-minute intervals over a 4-hour period. The drop which occurs during the final 30-minute period is used to calculate the percolation rate. If a soil or site is determined to be poorly drained with an accompanying high water table, it is unsuitable regardless of percolation test data.**

10.6 **If no water remains in the hole after overnight saturation, add clear water to a depth of 6-inches over the gravel. From a fixed reference point, measure the height of the water surface at approximately 30-minute intervals over a 4-hour period, refilling the hole to a depth of 6-inches when the percolation rate indicates the hole will run dry before the next reading is made. The drop which occurs during the final 30-minute period is used to calculate the percolation rate.**

If a hole must be refilled to obtain a final 30-minute reading, determine from the previous reading the water level drop during that interval and add water until the level above the bottom equals this figure plus one-half inch. Continue the test, measuring the drop during the final 30-minute period.

- 10.7 In sandy soils, or other soils in which the first 6-inches of water seep away in less than 30 minutes, the time interval between measurements can be taken as 10-minutes, and the test run over a period of one (1) hour. The drop which occurs in the final 10-minute period is used to calculate the percolation rate.
- 10.8 Percolation tests shall be required in support of all multi-residential, commercial, and industrial IWDS applications.
- 10.9 Percolation tests shall be required in support of all multi-residential, commercial, and industrial OWTS applications where the Applicant proposes subsurface disposal of the treated wastewater effluent.
- 10.10 Percolation tests shall be required in support of all single family and duplex IWDS applications EXCEPT where data from IWDS percolation tests conducted in accordance with these regulations and conducted within 250 feet of the proposed IWDS site are submitted by the Applicant and can be verified by the Division.

FIGURE 10.1



SOURCE: Public Health and Social Services, No. 526

SECTION 11. LEACHING FIELD DESIGN AND CONSTRUCTION

An applicant for an IWDS, or an OWTS proposing subsurface disposal of treated wastewater effluent, may employ a leaching field (also known as an "absorption field", "absorption bed", or "leaching bed") to dispose of primary or secondary treated effluent. This section of the regulations describes the design and construction requirements associated with uses of a leaching field.

- 11.1 Where percolation rates and soil characteristics and site conditions meet the requirements of these regulations, a leaching field may be installed.
- 11.2 The area of a leaching field bed shall depend on: (1) The tested or assumed percolation rate (see Section 10 for Percolation Testing Procedures), and (2) The average daily sewage flow rate (see Section 8 for Quantifying Average Daily Sewage Flow Rate).
- 11.3 A leaching field may be constructed if ALL of the following criteria are met:
 - 11.3.1 The leaching field is to be located in an area which is well drained (no storm water flooding), and to which no storm water is diverted for percolation or sedimentation.
 - 11.3.2 The leaching field is to be located in an area which has a ground slope no greater than 15 percent.
 - 11.3.3 The leaching field is to be located in an area which has safe access, and is not subject to severe erosion.
 - 11.3.4 The leaching field can be constructed in the required size while maintaining the set back requirements specified in Section 13 of these regulations.
 - 11.3.5 The leaching field does not exceed the dimensional limitations specified in this section.
 - 11.3.6 The percolation test indicates a percolation rate between 0.67 inches per hour and 30 inches per hour.
 - 11.3.7 The soil test pit did not reveal groundwater within six (6) feet of the existing ground surface.
 - 11.3.8 The soil test pit did not reveal groundwater within three (3) feet of the bottom of the proposed leaching bed.
- 11.4 The total needed absorption area of a leaching field shall be determined by TABLE 11.1 (Section 19 gives leaching field sizing criteria when used in connection with an OWTS). The

Applicant shall determine the required soil absorption factor from the results of the percolation test, and multiply the required soil absorption factor by the average daily sewage flow rate determined through the use of TABLE 8.1.

TABLE 11.1

LEACHING FIELD DESIGN

<u>FINAL SOIL PERCOLATION RATE</u>	<u>REQUIRED SOIL ABSORPTION FACTOR</u>
18 inches to 30 inches per hour.	2.5 gallons/sq ft/day
12 inches to 17.99 inches per hour.	2.2 gallons/sq ft/day
6 inches to 11.99 inches per hour.	1.6 gallons/sq ft/day
4 inches to 5.99 inches per hour.	1.3 gallons/sq ft/day
2 inches to 3.99 inches per hour.	0.9 gallons/sq ft/day
1.33 to 1.99 inches per hour.	0.8 gallons/sq ft/day
1 to 1.32 inches per hour.	0.6 gallons/sq ft/day
0.67 to 0.99 inches per hour.	0.5 gallons/sq ft/day

11.5 All leaching field construction shall conform to the dimensional limitations and requirements shown on Table 11.2.

TABLE 11.2

LEACHING FIELD CONSTRUCTION

<u>DESIGN PARAMETER</u>	<u>MAX VALUE</u>	<u>MIN VALUE</u>
Number of drain lines	7 lines	2 lines
Diameter of drain lines	4 inches	4 inches
Length of drain lines	54 feet	18 feet
Width of leaching field	42 feet	12 feet
Length of leaching field	60 feet	24 feet
Spacing of drain lines center to center	6 feet	6 feet
Distance from drain line to edge of field	3 feet	3 feet
Depth of final cover (total) over drain lines	48 inches	24 inches
Depth of gravel fill material under drain lines	no maximum	12 inches
Depth of gravel fill material over drain lines	12 inches	6 inches
Size of gravel fill	2 1/2 in.	3/4 in.
Depth from bottom of gravel fill to water table	no maximum	3 feet

11.6 Construction of leachfield in filled ground is permitted only if the bottom of the leaching bed (bottom of gravel fill material below drain lines) extends continuously beneath the drain lines to a depth of at least 24 inches below the original ground surface.

11.7 Distribution drain lines shall be:

- 11.7.1 Constructed of perforated PVC pipes. Perforations shall be 1/2 -inch diameter, spaced at 6-inches on center on both sides of the pipe, drilled 30 degrees below the horizontal center axis (transverse) of the pipe.
- 11.7.2 Laid with a slope ranging from flat to 0.001 foot/foot, as measured along the length of the drain line. The ends of the drain lines shall be capped or looped to other drain lines.
- 11.7.3 Schedule 80 if the leaching field is placed in an area subject to heavy loads, such as from cars and other vehicles.
- 11.8 A distribution box shall be installed for all leaching field disposal systems whenever there are more than 2 drain lines. Outlet pipes from the distribution box shall have exactly the same bottom of pipe elevation.
- 11.9 If two or more separate leaching fields are proposed, each field shall have applied a proportionate daily volume of sewage. Leaching fields must be separated by at least a 10-foot clear buffer between the outside edges of each field. Separate leaching fields constructed at different elevations (drain pipe, bottom of bed) shall be separated by the following formula:
- $$\text{Distance} = 10 \text{ feet} + [4 \times \text{difference in elevation (ft)}]$$
- 11.10 Before placing gravel filter material or drain lines in a prepared excavation, all smeared or compacted surfaces shall be removed from the leaching bed area by raking to a depth of 1-inch and the loose material removed. Clean store, gravel, varying in sizes from 3/4 inch to 2-1/2 inches shall be placed in the trench above and below the drain lines to the depth required in TABLE 11.2.
- 11.11 After placement of all gravel fill material, but before backfilling with earth over the leaching field, the entire leaching field area shall be covered with a geotextile or other material acceptable to the Division. The geotextile shall be Geomat 100, Mirafi 140, Terra Tex GS, or other similar manufacture. After placement of the geotextile, but before earthen backfilling, Division staff shall be afforded the opportunity to inspect the leaching field construction to assure compliance with these regulations.
- 11.12 Storm water, water treatment wastewater, cooling water, and roof drainage shall not be directed into any septic system.

SECTION 12. SEEPAGE PIT DESIGN AND CONSTRUCTION

An applicant for an IWDS, or an OWTS proposing subsurface disposal of treated wastewater effluent, may employ a seepage pit to dispose of primary or secondary treated effluent. This section of the regulations describes the design and construction requirements associated with use of a seepage pit(s).

- 12.1 Where percolation rates and soil characteristics and site conditions meet the requirements of these regulations, a seepage pit may be installed.
- 12.2 The absorption area of a seepage pit is the wall area below the bottom of the inlet pipe. The outside dimensions of the gravel backfill around the seepage pit shall not be used in calculation of absorption area.
- 12.3 The required absorption area of a seepage pit shall depend on:
 - (1) The tested or assumed percolation rate (see Section 10 for Percolation Testing Procedures), and
 - (2) The average daily sewage flow rate (see Section 8 for Quantifying Average Daily Sewage Flow Rate).
- 12.4 A seepage pit may be constructed if ALL of the following criteria are met:
 - 12.4.1 The seepage pit is to be located in an area which is well drained (no storm water flooding), and to which no storm water is diverted for percolation or sedimentation.
 - 12.4.2 The seepage pit is to be located in an area which has a ground slope no greater than 15 percent.
 - 12.4.3 The seepage pit is to be located in an area which has safe access, and is not subject to severe erosion.
 - 12.4.4 The seepage pit can be constructed in the required size and configuration specified in this section, while maintaining the set back requirements specified in Section 13 of these regulations.
 - 12.4.5 The percolation test indicates a percolation rate in the range of 0.67 inches per hour to 30 inches per hour.
 - 12.4.6 The soil test pit did not reveal groundwater within twelve (12) feet of the existing ground surface.
 - 12.4.7 The soil test pit did not reveal groundwater within five (5) feet of the bottom of the seepage pit.
- 12.4 The total required absorption area of a seepage pit shall be determined by TABLE 12.1 (Section 19 gives seepage pit sizing criteria when used in connection with an OWTS). The required soil absorption area equals the required soil absorption

factor (from TABLE 12.1) multiplied by the average daily sewage flow rate (from TABLE 8.1).

TABLE 12.1

SEEPAGE PIT DESIGN

<u>FINAL SOIL PERCOLATION RATE</u>	<u>REQUIRED SOIL ABSORPTION FACTOR</u>
18 inches to 30 inches per hour.	2.5 gallons/sq ft/day
12 inches to 17.99 inches per hour.	2.2 gallons/sq ft/day
6 inches to 11.99 inches per hour.	1.6 gallons/sq ft/day
4 inches to 5.99 inches per hour.	1.3 gallons/sq ft/day
2 inches to 3.99 inches per hour.	0.9 gallons/sq ft/day
1.33 to 1.99 inches per hour.	0.8 gallons/sq ft/day
1 to 1.32 inches per hour.	0.6 gallons/sq ft/day
0.67 to 0.99 inches per hour.	0.5 gallons/sq ft/day

12.5 All seepage pit construction shall conform to the dimensional limitations and requirements shown on Table 12.2.

TABLE 12.2

SEEPAGE PIT CONSTRUCTION

<u>DESIGN PARAMETER</u>	<u>MAX VALUE</u>	<u>MIN VALUE</u>
Length/width ratio	4:1	1:1
Total inside depth	20 feet	6 feet
Percentage openings in wall	4 %	2 %
Depth of gravel fill below pit floor	no maximum	24 inches
Thickness of gravel fill around pit	no maximum	12 inches
Depth below gravel fill to water table	no maximum	3 feet
Size of gravel fill	2 1/2 in.	3/4 in.
Earthen cover over top of pit	24 inches	no minimum

12.6 When more than one seepage pit is used, the following criteria must be met:

12.6.1 Installation shall be made in parallel.

12.6.2 Each seepage pit shall be the same size.

12.6.3 A distribution box shall be used to assure that each seepage pit is given an equal daily sewage flow.

12.6.4 The pits shall be separated by at least two (2) times the inside pit diameter (if pits are circular), or at

least two (2) times the average of the length and width of the pits (if the pits are rectangular).

12.7 PVC pipe with tight joints shall be used in connecting the septic tank to the pit.

12.8 Access to the seepage pit shall be provided by a 18" x 18" minimum manhole or removable cover. The inlet connection(s) shall also be accessible through properly placed manholes, lifting rings or by easily removed covers.

12.9 Where the top of the seepage pit is below grade level, manholes shall be built up to finished grade level.

12.10 For a rectangular seepage pit:

12.10.1 The walls shall not be less than 6 inches thick reinforced concrete poured in place, laid on a solid foundation, provided that a minimum of 2 percent of the wall area evenly distributed below the bottom of the inlet pipe is open to the surrounding soil, OR

12.10.2 The walls shall not be less than 6 inches thick load bearing concrete hollow block reinforced at every 16 inches on center, and laid on a solid foundation and placed with horizontal mortared joints. The vertical joints shall not be mortared, and shall have an clear opening of 3/8 to 5/8 inches between each block.

12.11 Circular seepage pits are acceptable, provided that the wall area has the required minimum 2 percent openings to the surrounding soil.

12.12 All seepage pit covers shall be capable of supporting an earth load of not less than 300 pounds per square foot where the maximum coverage does not exceed three (3) feet. Where seepage pits may be subject to traffic loads (e.g., parking lot, driveway), the entire structure shall be designed to withstand H-20 loading (AASHTO standard).

12.13 After the completion of the seepage pit and before it is put into use, the inside shall be cleaned and all forms removed.

12.14 The space between the seepage pit lining and the earth shall be filled with clean 3/4" to 2 1/2 " crushed rock or gravel from a depth of at least three (3) feet below the bottom of the pit up to the bottom of the inlet pipe.

12.15 After placement of all gravel fill material, but before backfilling with earth over the gravel fill material around the seepage pit, the gravel area shall be covered with a

geotextile. The geotextile shall be Geomat 100, Mirafi 140, Terra Tex GS, or other similar manufacture. After placement of the geotextile, but before earthen backfilling, Division staff shall be afforded the opportunity to inspect the seepage pit construction to assure compliance with these regulations.

- 12.16 Storm water, water treatment wastewater, cooling water, and roof drainage shall not be directed into any septic system.

SECTION 13. IWDS AND OWTS SITING CRITERIA

- 13.1 All IWDS components are subject to the set back distances specified in TABLE 13.1. If an OWTS proposes disposal of the treated wastewater effluent through either a leaching field or seepage pit system, then the set back requirements for these shall be as listed below.

TABLE 13.1**IWDS AND OWTS SITING CRITERIA**

<u>IWDS COMPONENT</u>	<u>FEATURE</u>	<u>MINIMUM REQUIRED SET BACK DISTANCE</u>
Septic Tank	Waters of the CNMI	100 feet
	Buildings	10 feet
	Leaching Field	5 feet
	Seepage Pit	0 feet
	Property Lines	10 feet
	Water Wells	50 feet
	Underground Water Tanks	50 feet
	Water Lines	10 feet
Leaching Field	Waters of the CNMI	150 feet
	Buildings ¹	15 feet
	Septic Tank	5 feet
	Property Lines	5 feet
	Water Wells ²	see Table 13.2
	Underground Water Tanks	50 feet
	Water Lines	25 feet
Seepage Pit	Waters of the CNMI	150 feet
	Buildings ¹	15 feet
	Septic Tank	0 feet
	Property Lines	10 feet
	Water Wells ²	see Table 13.3
	Underground Water Tanks	50 feet
	Water Lines	25 feet
	Cliff/steep embankments ³	25 feet

- NOTES: (1) Min. distance. The Building Safety Code may require greater distances. Includes above ground water tanks.
 (2) Includes springs.
 (3) Greater than 10 foot vertical drop having 50% + slope.

TABLE 13.2**LEACHING FIELD AND WATER WELL MINIMUM SET BACK DISTANCES**

<u>NUMBER OF PEOPLE SERVED BY WELL</u>	<u>LEACHING FIELD IS UPGRADIENT FROM WELL</u>	<u>LEACHING FIELD IS DOWNGRADIENT FROM WELL</u>
less than 25	150 feet	75 feet
25 or more	300 feet	150 feet

TABLE 13.3**SEEPAGE PIT AND WATER WELL MINIMUM SET BACK DISTANCES**

<u>NUMBER OF PEOPLE SERVED BY WELL</u>	<u>SEEPAGE PIT IS UPGRADIENT FROM WELL</u>	<u>SEEPAGE PIT IS DOWNGRADIENT FROM WELL</u>
less than 25	150 feet	75 feet
25 or more	300 feet	150 feet

13.2 The Chief has the authority to make the final determination of upgradient and downgradient directions for the purpose of applying set back standards.

13.3 The Chief may increase the set back distances specified above if, in his/her judgment, the volume of sewage discharge, the hydrogeologic conditions, and/or the size of the water well service population warrants further protective measures.

13.4 The minimum set back distance from existing water well to a proposed leaching field or seepage pit may be decreased by up to 2/3, but in no case to less than 50 feet, provided ALL of the following conditions are met:

13.4.1 If water produced from the water well(s) in question undergo reverse osmosis (RO) treatment with membranes having a molecular weight cut-off of 300 or less.

13.4.2 The RO treatment process provides post-treatment disinfection, capable of maintaining a residual chlorine concentration of at least 0.2 mg/l 30 minutes after treatment.

13.4.3 The depth to groundwater is at least 250 feet.

- 13.4.4 The existing water wells located within the set back distances specified above have been constructed in accordance with the CNMI's Well Drilling and Well Operations regulations.
- 13.4.5 The Applicant submits evidence that existing water well(s) located within the set back distances specified above currently undergo RO treatment.
- 13.4.6 The existing water well(s) is owned by the Applicant. If the water well(s) is owned by another person, that person's written consent must be submitted with the permit application. All of the other requirements listed above must still be met if the well is owned by another person.

SECTION 14 HOLDING TANKS

Where site limitations of lot size and/or soil type are such that methods of on-site wastewater disposal described herein cannot be utilized, the possibility of storing a dwelling's or small commercial operation's wastewater in water-tight tanks (holding tanks), with periodic pumping by licensed Hauler (see Section 18) may be permitted in very limited circumstances. The purpose of permitting holding tanks is to provide land owners with some economic beneficial use of the land without compromising environmental quality or public health.

Holding tanks are not seen as viable long-term solutions to on-site treatment and disposal of wastewater, because of: (1) Continuing costs; (2) Potential for illicit connections to drains, ditches, or surface waters; and (3) Lack of regulatory management resources to assure proper system maintenance and operation.

HOLDING TANK SYSTEMS MUST BE APPROVED BY DEQ PRIOR TO CONSTRUCTION OF THE DWELLING OR COMMERCIAL ESTABLISHMENT INTENDED TO BE SERVED BY SUCH SYSTEM.

- 14.1 New holding tanks, designed for the purpose of containing wastewater without release to the surrounding soil, shall be permitted **ONLY** if **ALL** of the following conditions are met:
- 14.1.1 There is no available sewer.
- 14.1.2 The holding tank system serves residential or commercial uses with average daily wastewater flows less than 1,000 gpd, as determined by Table 8.1 of these regulations.
- 14.1.3 The holding tank is designed and constructed with a storage capacity equal to at least five (5) days of average day wastewater flow.

- 14.1.4 The holding tank system is provided with a septic tank sized in accordance with Section 9 of these regulations.
- 14.1.5 The holding tank meets the set back requirements for septic tanks, as listed in Section 13 of these regulations.
- 14.1.6 The owner of the holding tank system submits a copy of a written contract for wastewater pumping service. The contract must be made with a licensed Hauler, and must include a commitment to pump the holding tank **daily**, in an amount equal to at least the average daily sewage flow for the project. The term of the agreement must be for at least 90 days. Copies of all subsequent Hauler's contract(s) must be submitted to the Division prior to expiration of current contract. All holding tank owners must have contracts with a licensed Hauler.
- 14.1.7 Submission of a five (5) year economic analysis, comparing the total costs associated with the holding tank/hauling system versus the following alternatives: (1) Connection to the public sewer; (2) Purchase/lease of additional land necessary to construct an IWDS in accordance with these regulations; and (3) Change of use of the building to a non-water consuming ("dry") use, such as warehousing. In addition, the source(s) of revenue necessary to cover costs of the holding tank/hauling system must be identified.
- 14.1.8 All holding tanks shall be monitored with a water level device suitably designed for wastewater service. The water level device shall be connected to an audible alarm. The alarm setting shall be made between 66% and 75% of the holding tank's liquid capacity. The alarm shall not be disarmed by the holding tank owner, Hauler, or any other individual, without first obtaining approval from the Chief.
- 14.2 Holding tanks may be permitted for dwellings and commercial establishments occupied and in use at the time these regulations become effective **ONLY** if **ALL** of the following conditions are met:
- 14.2.1 The need for a holding tank is brought about by the failure of the existing septic system. A holding tank shall not be permitted for existing buildings or uses seeking expansion.
- 14.2.2 There is no available sewer.

- 14.2.3 The holding tank system serve residential or commercial uses with average daily wastewater flows less than 2,500 gpd.
- 14.2.4 The holding tank is designed and constructed with a storage capacity equal to at least five (5) days of average day wastewater flow.
- 14.2.5 The holding tank system is provided with a septic tank sized in accordance with Section 9 of these regulations.
- 14.2.6 The holding tank meets the set back requirements for septic tanks, as listed in Section 13 of these regulations.
- 14.2.7 The owner of the holding tank system submits a copy of a written contract for wastewater pumping service. The contract must be made with a licensed Hauler, and must include a commitment to pump the holding tank **daily**, in an amount equal to at least the average daily sewage flow for the project. The term of the agreement must be for at least 90 days. Copies of all subsequent Hauler's contract(s) must be submitted to the Division prior to expiration of current contract. All holding tank owners must have contracts with a licensed Hauler.
- 14.2.8 Submission of a five (5) year economic analysis, comparing the total costs associated with the holding tank/hauling system versus the following alternatives; (1) Connection to the public sewer; (2) Purchase/lease of additional land necessary to construct an IWDS in accordance with these regulations; (3) Change of use of the building to a non-water consuming ("dry") use, such as warehousing. In addition, the source(s) of revenue necessary to cover costs of the holding tank/hauling system must be identified.
- 14.2.9 All holding tanks shall be monitored with a water level device suitably designed for wastewater service. The water level device shall be connected to an audible alarm. The alarm setting shall be made between 66% and 75% of the holding tank's liquid capacity. The alarm shall not be disarmed by the holding tank owner, Hauler, or any other individual, without first obtaining approval from the Chief.
- 14.3 As of the effective date of these regulations, holding tanks shall not be permitted for projects that have not first obtained permission to operate a holding tank/hauling system.

SECTION 15. INSPECTION OF WORK IN PROGRESS

- 15.1 The project shall be inspected on a regular basis by Division staff to assure that construction of IWDS or OWTS components (i.e., septic tanks, seepage pits, leaching fields, packaged treatment plants, etc.) are in compliance with approved plans and specifications, and in accordance with these and other CNMI and federal regulations.
- 15.2 Notification of concrete pouring must be made twenty-four (24) hours in advance to Division staff.
- 15.3 All construction work shall be inspected by Division staff prior to covering or concealment. Notification shall be made at least twenty-four (24) hours (one working day) in advance of scheduled covering.
- 15.4 Failure to comply with the above requirements may result in unnecessary delays to the project, a suspension of work, denial of a Certification for Use, and/or an order to remove portions or all of the offending structures.
- 15.5 After completion of the project, final inspection by Division staff shall be conducted on IWDS and OWTS components to assure that the work has been accomplished in accordance with the approved plans and specifications and that CNMI requirements are met.

SECTION 16. IWDS CERTIFICATION FOR USE

- 16.1 After final inspection of an IWDS indicates that the work performed was done in accordance with approved plans and specifications, and that the system is in compliance with the requirements of these regulations and any permit conditions issued under these regulations, the Chief or his authorized representative shall issue an IWDS Certification for Use. A Certification for Use must be granted to the Applicant prior to the disposal of wastes into an IWDS.

SECTION 17. IWDS MAINTENANCE

- 17.1 Maintenance of septic tanks, seepage pits, and leaching fields shall be the responsibility of the owner.
- 17.2 Owners of septic tanks or seepage pits shall have them emptied and cleaned as necessary by a licensed IWDS Cleaning and Hauling Contractor (referred to hereinafter as "Hauler"), and the contents disposed of in accordance with local and federal law. Disposal shall be through the public sewer system, and the disposal points shall be designated by CUC.

- 17.3 Septic tanks should be inspected by the owner at intervals of not more than 3 years, to determine the rates of scum and sludge accumulation. The inlet and outlet structures and key joints should be inspected for damage after each pump-out.
- 17.4 A septic tank should be cleaned whenever:
- 17.4.1 The bottom of the scum layer is within 3 inches of the bottom of the outlet device.
- 17.4.2 The sludge levels within 8 inches of the bottom of the outlet device.
- 17.5 Septic tank and temporary toilet sludge shall be disposed of only by licensed Haulers and only at pre-approved points within the public sewer system.
- 17.6 Septic system cleaning agents (i.e. degreasers) shall be approved by the EPA for such use.

SECTION 18. CLEANING WASTEWATER SYSTEMS, DISPOSAL OF WASTEWATER, REQUIREMENTS AND PROCEDURES

- 18.1 All persons engaged in the business of cleaning individual sewage disposal systems or disposing of the wastes therefrom ("Haulers") shall comply with appropriate business licensing under CNMI law and, in addition, shall apply for sanitary waste handling registration from the Chief. Such businesses shall be conducted in conformity with the following requirements and in accordance with these regulations.
- 18.1.1 The name of the company using a vehicle for cleaning purposes, and the word "WASTEWATER", shall be legibly lettered on both sides of each such vehicle.
- 18.1.2 Every vehicle used for cleaning purposes shall be equipped with a watertight tank or body and be maintained in a clean and sanitary condition. Sewage waste shall not be transported in an open body vehicle.
- 18.1.3 All portable receptacles used for transporting liquid or solid waste shall be factory-built for the purpose of hauling wastewater, shall be watertight, and equipped with tight-fitting lids, and shall be cleaned daily.
- 18.1.4 All pumps and hose lines shall be properly maintained so as to prevent leakage.
- 18.1.5 The hose or any similar devise used for discharging waste must be inserted into the earmarked manhole to a depth of approximately two (2) feet, to prevent any spray or spillage into the surrounding area.

- 18.1.6 Every precaution must be taken to prevent any public nuisance or health hazard which may be caused by their service.
- 18.2 Registration shall be issued to any person properly making application therefor, who is not less than twenty-one (21) years of age, has successfully demonstrated the ability to handle the equipment and the knowledge of where the liquid wastes may be legally disposed of. Registration forms are available from the Division. The registration fee is \$200.00, non-refundable, and must be paid at the time of applying for registration, or renewal thereof.
- 18.3 Registration issued pursuant to these Regulations is not transferable and shall expire on December 30th of each year. A Registration may be renewed for an ensuing year by making application for renewal of the registration, which shall be issued upon determination of the applicant's observance of sanitary laws, ordinance, and directions. Such application shall have the effect of extending the validity of the current registration until a new registration is received or the Applicant is notified by the Chief that the renewal of the registration has been refused.
- 18.4 All haulers shall keep a daily log of service, identifying name, address, date, and volume of sewage removed. Upon request by the Chief, all Haulers shall file with the Chief a statement giving the name and the address of the owner of each and every one of the premises cleaned by said Hauler. In addition, upon request by the Chief, all Haulers shall make the daily logs available for review and reproduction by the Chief or persons designated by the Chief.
- 18.5 Non-compliance of the requirements of these regulations may result in the revocation or suspension of a Hauler's registration. Any Hauler whose registration is suspended must correct all discrepancies noted in the suspension within 30 days, otherwise his or her registration may be revoked.
- 18.6 Registration under these regulations shall not be construed as impairing in any manner, the powers and duties established by law or regulation of any other authorized government entity in the CNMI.
- 18.7 Disposal of sewage to any location other than the location(s) specified by CUC is illegal, and shall be subject to administrative and/or criminal penalty.

SECTION 19. OWTS DESIGN AND CONSTRUCTION, AND TREATED WASTEWATER EFFLUENT RE-USE

- 19.1 The design and construction of all OWTS shall follow the criteria and recommended practices outlined in the "Recommended Standards for Wastewater Facilities", a report by the Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers, latest edition. Copies of the "Recommended Standards for Wastewater Facilities" may be obtained through the Health Research Inc. Health Education Services Division, Publisher, at P.O. Box 7126, Albany, NY 12224, telephone number (518) 439-7286. In addition, OWTS design, construction, and operation practices and financial requirements shall meet with any specific criteria as may be set forth by the Chief for any particular project.
- 19.2 OWTS shall be designed and operated to produce, at a minimum, a secondary treated effluent. A secondary treated effluent may be disposed of in the following ways, subject to the approval of the Chief and other local and federal government agencies:
- 19.2.1 Through a subsurface disposal system, such as a seepage pit or a leaching field system, subject to the requirements of these regulations. The Chief may permit up to a 50% reduction in soil absorption area for secondary treated effluent. No subsurface disposal systems for OWTS secondary treated effluent shall be permitted in a Class I aquifer recharge area.
- 19.2.2 Through an underground injection well, subject to CNMI's Underground Injection Well regulations and the CNMI's Well Drilling and Well Operations regulations. No underground injection disposal systems for OWTS secondary treated effluent shall be permitted in a Class I aquifer recharge area.
- 19.2.3 Through direct discharge to the waters of the Commonwealth, subject to the CNMI's Water Quality Standards, EPA NPDES permitting requirements, and Section 404 Department of the Army permitting requirements.
- 19.2.4 Through land application, subject to the requirements of this section of the regulations.
- 19.3 Treated wastewater may be land applied only if it meets the secondary treated effluent standards stated in Section 3 of these regulations, and only if the treated effluent is first discharged directly to a ponding basin which has the equivalent of 30-days' storage of treated effluent. The ponding basin must be lined with a high density polyethylene (60 mil minimum) membrane which inhibits downward percolation of effluent into the groundwater. The membrane shall be

installed with at least 6-inches of sand below and 12-inches of sand above the membrane. From this ponding basin, secondary treated effluent may be land applied provided ALL of the following criteria are met:

- 19.3.1 The treated effluent is not used for the irrigation of food crops.
 - 19.3.2 The treated effluent is not used for the irrigation of parks, playgrounds, school yards, residential/commercial garden landscaping, or for use in fountains.
 - 19.3.3 The treated effluent is applied at a rate not to exceed 2.0 inches per week (10,000 gallons per hectare per day), and never applied at such a rate that the effluent has the opportunity to pond or puddle before being absorbed into the upper soil horizon.
 - 19.3.4 The area undergoing irrigation with treated effluent is marked with signs in such number and location that members of the public subject to exposure could be reasonably expected to encounter such a sign. The signs shall be written in Chamorro, Carolinian, and English (and Japanese, Chinese, and Korean at the discretion of the Chief), stating: "Caution: This area is irrigated with treated domestic wastewater and may contain harmful human pathogens."
- 19.4 OWTS designed for treated effluent land application must be designed by an experienced licensed professional engineer in the field of wastewater treatment. In this instance, the engineer may be licensed in any U.S. jurisdiction. At a minimum, the OWTS design shall provide for the following:
- 19.4.1 A contingency plan which assures that no untreated or partially treated wastewater will be delivered to the final use area.
 - 19.4.2 Back up power facilities, activated by an automatic transfer switch.
 - 19.4.2 Laboratory, or access to laboratory services, which are capable of measuring BOD(5), TSS, pH, and fecal coliform.
 - 19.4.3 Standby replacement equipment for vital mechanical and electrical components of the plant.
 - 19.4.4 The capacity to treat to secondary effluent standards at least 1.5 times the estimated average daily sewage flow calculated for the project.
 - 19.4.5 Disinfection, with the ability to maintain a monthly average of 23 cfu/100 ml fecal coliform in the treated

effluent stream, and to maintain and monitor a chlorine residual of 0.1 mg/l before discharge to the ponding basin.

- 19.4.6 Continuous measurement of influent and effluent flow rates, with flow totalizing.
 - 19.4.7 Critical components of the treatment process shall be monitored by alarms, indicating a condition which threatens the finished effluent quality.
 - 19.4.8 A complete operations and maintenance manual for all aspects of the plant.
 - 19.4.9 Application of corrosion resistant materials and typhoon resistant construction practices wherever possible.
 - 19.4.10 Irrigation plan, defining means of irrigation, locations to be irrigated, times of day for irrigation, etc.
 - 19.4.11 Establishment and maintenance of an adequate supply of spare parts.
 - 19.4.12 A complete sludge handling and disposal plan.
 - 19.4.13 An odor control plan.
- 19.5 All OWTS shall be under the direct supervision of a licensed wastewater treatment plant operator, holding a valid license from any U.S. jurisdiction, and holding the appropriate operator certification level for the size and type of plant proposed. There shall be no exceptions to this standard.
- 19.6 The Chief shall specify the reporting requirements for each specific OWTS permitted under these regulations. At a minimum, reporting shall be made monthly, and include influent and effluent total and average daily flow, influent and effluent water quality data, and a description of plant maintenance performed.
- 19.7 The Applicant for an OWTS must submit the following data:
- 19.7.1 Estimated construction cost for the OWTS (provide information in support of the estimate).
 - 19.7.2 Estimated annual operations and maintenance (O & M) costs (provide firm cost basis).
 - 19.7.3 The source of revenue to cover the annual (O & M) costs identified above, plus a minimum allocation to a

contingency fund of at least 15 percent of the estimated annual O & M costs.

- 19.8 Failure to comply with the requirements of this and other sections of these regulations pertaining to OWTS may result in suspension or revocation of the OWTS permit. No OWTS may operate without a valid OWTS permit issued by the Chief.

SECTION 20 TEMPORARY TOILET FACILITIES (TTF)

20.1 Temporary Toilet Facilities (TTF) shall be provided for:

20.1.1 Any construction job-site where working toilets connected to a sanitary sewer system are not readily available for the needs of the employees. The minimum number of TTF required for a construction site shall be consistent with TABLE 20.1.

20.1.2 Any carnival, fair, sporting event, outdoor concert or large public gathering requiring a permit, hereafter, collectively referred to as a "special event", where adequate working toilet facilities connected to a sanitary sewer do not exist. The number of TTF required shall be calculated as follows:

$$\text{TTF} = 1 + [\text{No. of people expected} \times \text{hours of event}] / 2,000$$

Example: $\text{TTF} = 1 + [3,000 \text{ people} \times 4 \text{ hours}] / 2,000 = 7 \text{ TTF}$

- 20.2 Temporary Toilet Facilities may be portable toilet type, chemical, recirculating or combustion providing they comply with existing CNMI Codes.
- 20.3 Any construction site or special event requiring DEQ approval for permitting will provide proof that the minimum required number of toilet facilities are available or will be available for the period of time that the permits are valid.
- 20.4 Any construction site not complying with the minimum number of TTF will be given a written warning and given 48 hours to comply. Failure to comply within the given period will result in a Cease and Desist Order issued by the Chief and the revocation of the Division's approval required for any permit(s) associated with the project, and/or civil fines as provided for in Section 22.

TABLE 20.1**NUMBER OF TTF REQUIRED FOR CONSTRUCTION SITES**

<u>NUMBER OF EMPLOYEES</u>	<u>MINIMUM NUMBER OF TTF REQUIRED</u>
1 to 15	1
16 to 30	2
31 to 50	3
over 50	Additional 1 unit per 20 persons or fraction thereof.

SECTION 21. ACTION ON APPLICATIONS

- 21.1 The Chief may require the applicant to furnish additional information, plans, or specifications before acting on an application for any license or permit.
- 21.2 Each application for Hauler's license or IWDS permit shall be reviewed for completeness. The Division shall review and act on any application for a license or IWDS permit within thirty (30) calendar days or receipt of the initial application.
- 21.3 Each application for an OWTS permit shall be reviewed for completeness. The Division shall review and act on any application for an OWTS permit within ninety (90) calendar days or receipt of the initial application.
- 21.4 For all applications found to be incomplete, the Division will notify the Applicant via a short written statement, describing the deficiencies found. Corrective and/or follow-up action, design, field tests, etc., is the responsibility of the Applicant. The Division is not responsible, nor will Division personnel undertake, completion or correction of an incomplete or incorrect permit or license application.
- 21.5 The Chief shall notify the Applicant in writing of his or her decision regarding any application for license or permit. The Chief shall inform the Applicant of sufficient facts and reasons upon which a disapproval or conditional approval of a complete application 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.
- 21.6 A permit or license 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.

SECTION 22. PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

- 22.1 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.
- 22.2 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. Each day of continued violation after issuance of written notice and the expiration of any reasonable period allowed for corrective action is a separate offense.
- 22.3 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.
- 22.4 The Chief may fine any OWTS owner and/or operator for any material misrepresentation or misstatement of the quality or quantity of treated effluent produced by the subject plant.
- 22.5 The Chief may revoke a Hauler's license for any material misstatement or misrepresentation made by the licensee made for the purposes of obtaining or retaining such license. The Chief may suspend or revoke a Hauler's license for violation of the Act, regulations, license, or permit.
- 22.6 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.
- 22.7 No application for a Hauler's license may be made within one (1) year after revocation of such license by the Chief for the reasons identified in paragraph 22.5 above.
- 22.8 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 of 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.

- 22.9 Any person who is subject to civil penalties, revocation, or suspension pursuant to Section 22 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.
- 22.10 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.
- 22.11 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.
- 22.12 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.
- 22.13 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.

- 22.14 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.
- 22.15 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 23. RIGHT OF ENTRY

- 23.1 As a condition for the issuance and continuation of any permit granted under these regulations, the holder of a permit shall allow prompt access to the premises covered by the permit to the Chief or his authorized representative for the purpose of inspecting the premises for compliance with the terms of the permit. The inspection may be made with or without advance notice to the permit holder, with good purpose, at the discretion of the Chief, but shall be made at reasonable times unless an emergency dictates otherwise.
- 23.2 If the Chief has probable cause to believe a violation of these regulations or any order issued under these regulations, or any term of a permit granted that these regulations has occurred or is imminent, or if it is necessary to permit the Chief to perform his duties under this Act, the Chief shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.
- 23.3 The Chief or his authorized representative may enter upon any property for the purpose set forth in Paragraph 23.2 of this section without an order or warrant if he/she has probable cause to believe ALL of the following:
- 23.3.1 That a violation described in the subsection has occurred or is imminent.
- 23.3.2 That the violation poses a serious, substantial, and immediate threat to the public health or welfare.
- 23.3.3 That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of the

violation or the taking of any necessary mitigating or remedial measures.

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.



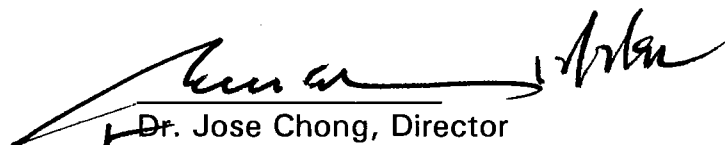
COMMONWEALTH HEALTH CENTER

PRIMARY HEALTH CARE DIVISION

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 Individual Wastewater Disposal System Regulations as hereinabove set forth, by signature below I hereby certify that such Regulations are a true, complete and correct copy of the Regulations regarding Individual Wastewater Disposal System 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 7 th day of December, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.


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

**CERTIFICATION OF ADOPTED
AMENDMENTS TO
DESIGNATED TOURIST SITE REGULATIONS**

The Managing Director of the Marianas Visitors Bureau, by signature below, hereby certifies that the Amendments to the Designated Tourist Site Regulations promulgated by the the Marianas Visitors Bureau on September 30, 1992 and published in the Commonwealth Register on October 15, 1992 at pages 9978-9981 are a true, correct and complete copy of the Amendments to the Designated Tourist Site Regulations formally adopted by the Marianas Visitors Bureau. The Managing Director further requests and directs 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 Regulations referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 18th day of November, 1992 at Saipan, Commonwealth of the Northern Mariana Islands.



BENNET T. SEMAN
Managing Director
Marianas Visitors Bureau