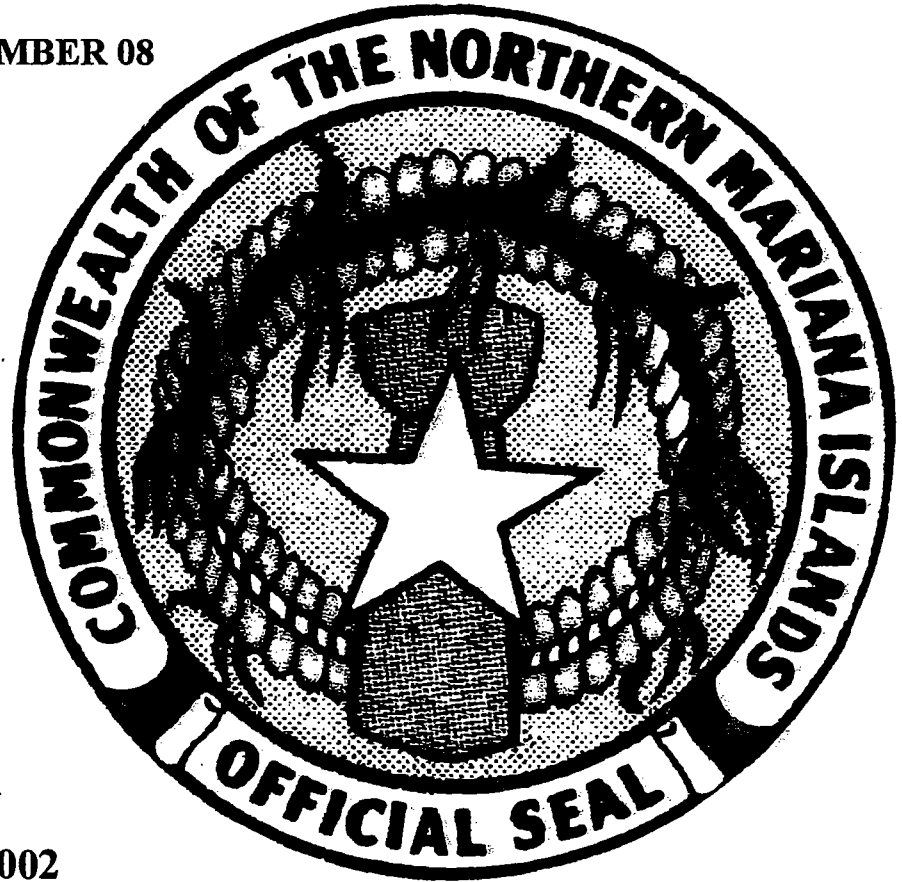


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MARIANA ISLANDS 96950

VOLUME 24 NUMBER 08



AUGUST 21, 2002

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**Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Division of Environmental Quality**



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PUBLIC NOTICE

**PROPOSED REPEAL AND REENACTMENT
OF THE INDIVIDUAL WASTEWATER DISPOSAL SYSTEMS RULES AND
REGULATIONS**

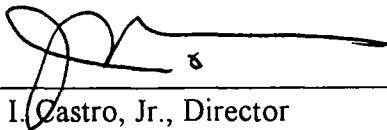
The Director of the Division of Environmental Quality (DEQ), Office of the Governor, Commonwealth of the Northern Mariana Islands (CNMI), hereby notifies the public that DEQ proposes to repeal and reenact the CNMI's Individual Wastewater Disposal Systems Rules and Regulations. The revisions included in the proposed repeal and reenactment are proposed pursuant to the authority of the CNMI Environmental Protection Act, P.L. 2-32, 2 CMC §§ 3101 *et seq.* (as amended by P.L. 11-103), 1 CMC §§ 2646 to 2649, and Public Law 11-108.

The revisions included in the proposed repeal and reenactment will extend requirements for the treatment of animal waste, allow flexibility in approving "alternative" wastewater treatment technology, raise application fees, update enforcement procedures, and clarify, correct, and update several technical provisions of the regulations. The proposed revisions also change the name of the regulations to the "Wastewater Treatment and Disposal Rules and Regulations".

In accordance with 1 CMC § 9104(a), the public has the opportunity to comment on the proposed amendments. Copies of the proposed revisions are available at the offices of the Division of Environmental Quality, located at the third floor of the Morgen Building, San Jose, Saipan. Written comments should be submitted to: Director, Division of Environmental Quality, P.O. Box 1304, Saipan, MP, 95950. Comments must be received by DEQ within thirty (30) days of the date this notice is published in the Commonwealth Register.

Issued by:


Date: 8/10/02



John I. Castro, Jr., Director
Division of Environmental Quality

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

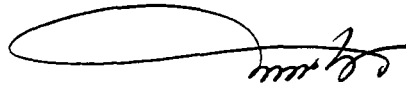
Date: 8/13/02

By: 

Robert T. Torres
Attorney General
By: Peggy Campbell
Assistant Attorney General

Filed by:

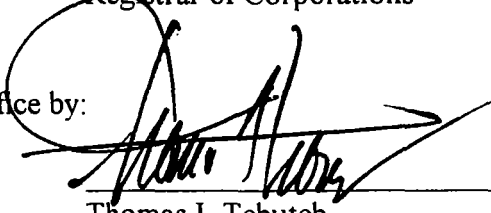
Date: 8/15/02



Soledad B. Sasamoto
Registrar of Corporations

Received at the Governor's Office by:

Date: 8/15/02



Thomas I. Tebuteb
Special Assistant for Administration



Commonwealth of the Northern Mariana Islands
 OFFICE OF THE GOVERNOR
 Division of Environmental Quality



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Nutisia Para I Publiku

Ma propone na para uma diroga yan talun otdetna siha i regulasion yan i areklamenton i Individual Wastewater Disposal Systems.


I Direktot i Environmental Quality (DEQ), ofisinan i Gobetno, Commonwealth i sankattan siha na islas Marianas, para hu infotma i publiku na DEQ ha propone na para hu tulaika enteramente yan hu hagun chumogue nuebu na regulasion yan areklamenton CNMI's Individual Wastewater Disposal System. I para hu fan ma ribisa sigun i ma propone ha inklusu i man ma diroga yan talun otdetna sigun i aturidat i CNMI Environmental Protection Act, P.L. 2-32, 2 CMC 3101 et. seq. (nina amenda nu i P.L. 11-103), 1 CMC 2646 para 2649, yan Lai Pupbliku 11-108.

I para hu fan ma ribisa sigun i ma propone ha inklusu i man ma diroga yan talun odetna para hu ekstiende i nisisariu para treatment animal waste, para hu konsiente lokkue fleksabilidad yanggen para hu ma apreba kumo "alternative" put i wastewater treatment technology, yan i hinatsan applications fees, yan renueban i areklamento siha ni ma enfuetsa, yan hu klaru, hu ma kurihi, yan renueba loskuantos siha na prubision put i regulasion siha ni man teknikat. I ribisa ni man ma propone lokkue ha tulaika i na'an i regulasion para "Wastewater Treatment and Disposal Rules and Regulasion".

Sigun i 1 CMC seksiona 9104 (a), guaha opotunilat i pupbliku na hu fan na'i' opinion put i man ma propone siha na amendasion. Yanggen un nisisita kopian i man ma propone siha na ribisa chek i ofisinan Division of Environmental Quality, gaige gi mina tres na bibenda gi Morgen Building, San Jose, Saipan. I opinion-mu debidi un tuge yan un sabmiti guato gi Direktot i Division of Environmental Quality, P.O. Box 1304, Saipan, M.P., 96950. I opinion-mu debidi hu ma risibi nu i D.E.Q. gi halom trenta (30) dias sigun i ma fechan i notisia ni ma pupblisa gi Rehistran Commonwealth.


Linaknos as:

Fecha: 8/10/02


 John I. Castro, Jr., Direktot
 Division Of Environmental Quality

Sigun para i 1 CMC seksiona 2153, nina amenda P.L. 10-50, i regulasion siha ni man chechetun esta man ma ribisa yan ma apreba taimanu ha sigun i mafotmatna yan ligat genin i ofisinan i Abugadon Henerat.

Fecha: 8/13/02

By: 
 Robert T. Torres
 Abugadon Henerat
 By: Peggy Campbell
 Assistant Attorney General

Pine'lo as:

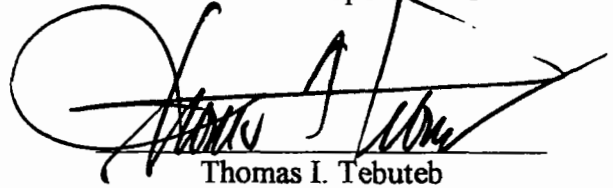
Fecha: 8/15/02

Ma risibi ni Ofisinan Gobietno gi as:

Fecha: 8/15/02



Soledad B. Sasamoto
Rehistradoran Koporasion Siha



Thomas I. Tebuteb
Esipsiat na Ayudante para i Atministrasion

**DIVISION OF ENVIRONMENTAL QUALITY
PROPOSED REPEAL AND REENACTMENT OF THE
INDIVIDUAL WASTEWATER DISPOSAL SYSTEM
RULES AND REGULATIONS**

Citation of Statutory Authority:	The Director of the Division of Environmental Quality (DEQ) proposes to repeal and reenact the CNMI Individual Wastewater Disposal System Rules and Regulations pursuant to the CNMI Environmental Protection Act, P.L. 3-23, 2 CMC §§ 3101 <i>et seq.</i> (as amended by P.L. 11-103), 1 CMC §§ 2646 to 2649, and Public Law 11-108.
Short Statement of Goals and Objectives:	The revisions included in the proposed repeal and reenactment are intended to change the name of the regulations, extend requirements for the treatment of animal waste, allow flexibility in approving “alternative” wastewater treatment technology, raise application fees, update enforcement procedures, and to clarify, correct, and update several technical provisions of the regulations.
Brief Summary of the Proposed Regulations:	The revisions include: the requirement of permits for “confined animal facilities” above a certain size (owners are given two (2) years to comply); basic requirements and prohibitions for animal grazing operations; flexibility to approve alternative wastewater treatment technologies; the addition of general discharge prohibitions; updated information for calculating sewage flows; requirement of “effluent filters” for large septic tanks; expanded requirements for grease traps; clarification of requirements for gravel fill; new illustrations; increased application fees; and revisions to the enforcement and right of entry sections for consistency with the authorizing statutes. The proposed revisions also change the name of the regulations to the “Wastewater Treatment and Disposal” rules and regulations, to reflect the expanded coverage caused by this and previous amendments and revisions.
For Further Information Contact:	John I. Castro, Jr., Director, Division of Environmental Quality Phone: (670) 664-8500/8501, fax (670) 664-8540
Citation of Related and/or Affected Statutes, Regulations, and Orders:	Authorizing statutes are listed above. This action repeals and reenacts the CNMI’s Individual Wastewater Disposal System Rules and Regulations, at 14 Com. Reg. 10316 (Dec. 15, 1992), as amended by 15 Com. Reg. 11003 (Oct. 15, 1993).

**INDIVIDUAL WASTEWATER TREATMENT AND DISPOSAL
SYSTEMS
RULES AND REGULATIONS**

SECTION 1. AUTHORITY

These rules and regulations have been promulgated by the ~~Department of Public Health and Environmental Services~~ Division of Environmental Quality in accordance with the *Commonwealth Environmental Protection Act, (CEPA), 1982, 2- CMC " §§3101 to 3134, (Public Law 3-23), and the Commonwealth Environmental Amendments Act, (CEAA), 1999, Public Law 11-103* 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~~ Division of Environmental Quality 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 residences 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 provide personal and public benefit through protection of groundwater and surface water; ~~and~~ whereas public health can be significantly impacted by design and continued use of substandard disposal systems, and whereas waste from livestock also impacts the quality of ground water and surface water and public health, the purpose of these regulations is to:

- 2.1 To pProtect 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.
- 2.4 To provide for registration and requirements for sanitary waste handling, hauling and disposal.
- 2.4 To establish minimum standards for the treatment of animal wastes.
- 2.4 As with all of the ~~Department of Public Health and Environmental Services, Division of Environmental Quality Regulations~~, the design standards and details described in these regulations and in the permitting processes are for minimum standards. The ultimate responsibility and success and failure of a project lies with the applicant. Although the Division sets these minimum standards that applicant's must follow, it takes no responsibility for possible failures of systems it reviews. Each system must be designed for the specific location and use of the system.

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.~~
- 3.21 "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.
- 3.32 "The Act" means the Commonwealth Environmental Protection Act, (CEPA), 1982, 2 CMC §§ 3101 to 3134, (Public Law 3-23, as amended by the Commonwealth Environmental Amendments Act (CEAA), 1999, Public Law 11-103,) of the Commonwealth of the Northern Mariana Islands.
- 3.3 "Animal Waste" means animal excreta and associated feed losses, bedding, spillage or overflow from watering systems, wash and flushing waters, sprinkling waters from

livestock cooling, precipitation polluted by falling on or flowing into a confined animal facility ("runoff"), and other materials polluted by livestock or their direct products.

- 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 road-way, street or easement abutting the property on which the subject building is located provided that:
- A. For a 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 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 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.~~
- 3.8 "Cesspool" means any buried chamber, including, but not limited to, any metal tank, perforated concrete vault or covered hollow or excavation, which receives discharges of sanitary sewage from a building sewer for the purpose of collecting solids and discharging liquids to the surrounding soil. Cesspools are not an approved method of sewage disposal under these regulations, and all existing cesspools are considered to be substandard.
- 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 Geological Survey (USGS) as potable aquifer recharge zones; or (2) Areas defined by the Director pursuant to the CNMI's

Groundwater Management and Protection Act as a Class I Groundwater Management Zone; or (3) areas determined in consultation with the USGS and the Commonwealth Utilities Corporation.- For the purpose 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 sewer 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 “Confined Animal Facility” means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. Confined Animal Facilities include areas used to grow or house animals, areas used for processing and storage of product, manure, and runoff storage areas, and silage storage areas.
- 3.13 ~~13~~ “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.
- 3.14 ~~14~~ “CUC” means the Commonwealth Utilities Corporation, a public authority 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~~ Division of Environmental Quality 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~~ from any other dwelling or commercial building.

- 3.19 "Effluent Filter" means an effluent treatment device installed on the outlet of a septic tank which is designed to prevent the passage of suspended matter larger than one-eighth inch in size.
- 3.1920 "EPA" means the United States Environmental Protection Agency.
- 3.21 "Grazing Unit" is any area of public or private pasture, range, grazed woodland, or other land that is grazed as an entity.
- 3.2022 "Groundwater" is that part of the subsurface water which is in the zone of saturation.
- 3.2123 "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.
- 3.2224 "Individual Wastewater Disposal System" ("IWDS") means a system designed and installed to treat and dispose of sewage from a single structure or group of structures using: (1) a septic tank, together with a leaching field or seepage pit; or (2). ~~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.~~
- 3.2425 "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 exceeds the infiltration 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; (3) Effluent discharges from the absorption system result in contamination of a potable water supply, groundwater, or surface water.
- 3.2526 "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 pours soil.
- 3.27 "Livestock" means domesticated animals.
- 3.2628 "MPLC/MPLA" means the Marianas Public Land Corporation Authority.
- 3.2729 "MVBMVA" means the Marianas Visitors Bureau Authority.

- 3.2830 "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.
- 3.2931 "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.
- 3.3032 "Other Wastewater Treatment Systems" ("OWTS") 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 Systems.~~
- 3.3233 "Permit" as used in these regulations shall mean an Individual Wastewater Disposal System or an Other Wastewater Treatment System permit.
- 3.3334 "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.
- 3.3435 "Potable Water" means water that is of a quality that meets the requirements of the CNMI's Drinking Water Regulations latest revision.
- 3.3536 "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.
- 3.3637 "Public Sewer System" means a common sewage collection, conveyance, and treatment system serving more than one lot, directly controlled by a public authority.
- 3.38 "Runoff" means that part of precipitation or irrigation water that runs off the land into streams or other surface water.
- 3.3739 "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 measurement not to exceed twice the 30-day average limit. Sampling frequency shall be dictated by the Director. BOD(5) and TSS analysis

must be done by acceptable scientific practices as in the current Standard Methods for the Examination of Wastewater Analysis.

- 3.3840 "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.
- 3.41 "Septage" means the domestic liquid and solid sewage pumped from septic tanks, cesspools, holding tanks, vault toilets, chemical toilets or other similar domestic sewage treatment components or systems and other sewage sludge not derived at sewage treatment plants.
- 3.3942 "Septic Tank" means a watertight receptacle which receives the discharges 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 to additional treatment system components or directly into the subsoil through a leaching field or seepage pit.
- 3.4043 "Sewage" or "wastewater" means untreated or insufficiently treated human excreta; food wastes disposed of through sewers; wash water; liquid wastes from residences, commercial buildings, agriculture 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.
- 3.4144 "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.
- 3.4245 "Single Family Dwelling" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
- 3.4346 "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.
- 3.4447 "Water Supply" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
- 3.4548 "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 dimensions.

3.4649 "Zone of Contribution" is the land area which contributes recharge, and therefore potential contaminants, to an existing or proposed water well or well field.

3.4750 "Used Oil" means any oil that has been refined from crude oil, or synthetic oil, that has been used and as a result of such use may be contaminated by physical or chemical impurities.

3.51 "USDA-NRCS" means United States Department of Agriculture, Natural Resources Conservation Service.

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.
- 4.1.3. In addition to the requirements outlined in 4.1.2. and 4.1.3. for the types of activities described in the respective sections, for all new buildings, construction and operation of the IWDS must:
 - 1) be done in a manner that will not contaminate or degrade the groundwater of the CNMI;
 - 2) be done in a manner that 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;
 - 3) be done in a manner that will not be accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;
 - 4) be done in a manner that will not pose a health hazard by being accessible to children;

- 5) be done in a manner that will not create a public nuisance due to odor or unsightly appearance;
- 6) be done in a manner that will not violate any other local or federal laws or regulations governing water pollution or sewage disposal, or
- 7) not be operated when an IWDS Failure has occurred;
- 8) be done in a manner to prohibit the disposal of used oil into the system.

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~~19 of these regulations; (3) The siting and design parameters for an IWDS using a septic tank as 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 Paragraphs 4.2.4 and 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 a day, provided: (1) There is no available public sewer; (2) The project owner(s) prove the technical and financial capabilities 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 Paragraphs 4.2.4 4.3 below.
- 4.2.3. For any ~~commercial chicken raising or piggery operation~~confined animal facility containing any of the following number of head: (1) 15 or more pigs; (2) 20 or more goats; (3) 10 or more cattle; (4) 100 or more chickens; or (5) any confined animal facility which has been found by the Division to have caused, by evidence of direct or indirect discharge, violations of the CNMI Water Quality Standards or CNMI Drinking Water Regulations. Such facilities shall be required to construct and operate an OWTS meeting

~~the requirements of Section 20. All wastewater generated by such operations must undergo treatment before final release to the environment. Treatment of solids and liquid sanitary wastes generated by these operations may be in any form provided the technology can be proven for the specified conditions of the project (volume, strength, temperature, climate, etc.).~~

- 4.2.4 The Director may allow, on a case-by-case basis, construction and use of an "Alternative" OWTS as described in Section 19.19 for any residential, commercial, or industrial project with an average daily sewage flow less than 10,000 gallons per day.
- 4.3 For projects located within a Class I aquifer recharge area (see Definitions, Section 3) with an average daily flow 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 building 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 Director.
- 4.6 Prohibitions:
- 4.6.1 Discharge of treated or untreated sewage directly or indirectly onto the ground surface or into a Water of the Commonwealth constitutes a public health hazard and is prohibited, unless otherwise authorized or permitted within these regulations.
- 4.6.2 Discharge of wastewater from a Confined Animal Facility, and discharge of runoff that has contacted animal wastes from a Confined Animal Facility of any size into a Water of the Commonwealth is prohibited, unless otherwise authorized or permitted within these regulations.
- 4.6.3 Discharge of cooling water, air conditioning water, water softener brine, Reverse Osmosis ("RO") effluent and filter backwash, groundwater, oil, hazardous materials, roof drainage, or other aqueous or non-aqueous substances which are, in the judgment of the Director, detrimental to the performance of the system or to groundwater, shall not be discharged into any IWDS or OWTS.

4.6.4 Increased Flows Prohibited: Except where specifically allowed within these regulations, no person shall cause the total sewage flow to an IWDS or OWTS, as calculated in Section 8 of these regulations, to be increased beyond that allowed under the original permit through the connection an additional dwelling(s) or building(s); increased occupancy; change of a facility's use (e.g., conversion of a single-family dwelling to a barracks); renovation; or construction of an addition; without first obtaining a permit for a new or modified IWDS or OWTS under these regulations.

SECTION 5 APPLICABILITY OF REGULATIONS TO EXISTING AND NEW IWDS, AND OWTS, AND CONFINED ANIMAL FACILITIES

- 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 Director 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.~~
- 5.43 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.
- 5.54 Owners of all existing publicly owned OWTS (i.e., CUC) are not required to obtain a permit from the Division to reconstruct, 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 Director for future publicly owned OWTS.
- 5.5 All existing Confined Animal Facility OWTS shall be subject to the permitting, design, siting, and operational criteria set forth in these regulations within two (2) years of the effective date of these regulations, with the following exception:
- 5.5.1 Confined animal facilities that have been found by the Division to have caused, by evidence of direct or indirect discharge, violations of the CNMI Water Quality Standards or CNMI Drinking Water Regulations, may be required to comply with

the provisions of these regulations within a shorter period of time as part of any order issued by the Director under Section 23 of these regulations.

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 herein after as the "applicant"), has obtained a IWDS or OWTS Permit from the Director. An IWDS/OWTS permit application shall be completed and submitted to the Director 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 Director.

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 modifications 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' Office, MPLAC, and MVAB shall be exempt from payment of application fees. However, no agency is exempt from the requirement 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 50.00
IWDS	MULTI RESIDENTIAL	\$ 200.00
IWDS	NON RESIDENTIAL COMMERCIAL	\$ 200.00
IWDS	ALL OTHERS	\$ 400.00
OWTS	CONFINED ANIMAL FACILITIES	\$ 250.00
OWTS	"LARGE" CONFINED ANIMAL FACILITIES ¹	\$ 500.00
OWTS	ALL OTHERS	\$ 0-100.20/gal. plant capacity

(1) The criteria determining what constitutes a "large" confined animal facility is contained in Section 20.3.

There is a ~~\$ 25-00~~50.00 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 right 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 right 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~~ landmarks that will allow DEQ personnel to locate the project site.
- 6.9 The proposed wastewater treatment system site shall be inspected by the Director 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 Director 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 Director 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. The plans must be in compliance with the Department of Public Works, Building Code requirements.

- 6.13.3 All OWTS permit applications must contain complete structural, hydraulic, and kinetic design calculations certified by a CNMI licensed professional engineer. The Director may allow exceptions for Confined Animal Facility OWTS applications, depending on size, complexity, and potential impacts.
- 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 provide 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 land as determined by application of the requirements of these regulations, the building or proposed use 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 Director.
- 7.1.6 Nothing contained in these regulations shall be construed to prevent the Director 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 Director.

SECTION 8 IDENTIFY AVERAGE DAILY WASTEWATER FLOW RATE

8.1 For the purpose 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 PERSONS</u>
SINGLE FAMILY OR DUPLEX	150 PER BEDROOM	2 PER BEDROOM
APARTMENT	120 PER BEDROOM	2 PER BEDROOM
CONDOMINIUM/HOTEL/BUSINESS HOTEL	150 PER BEDROOM	2 PER BEDROOM
RESORT HOTELS	225 PER BEDROOM	2 PER BEDROOM
BARRACKS/WORKER'S HOUSING	60 PER BED	1 PER BED
RESTAURANT	40 PER SEAT	
LOUNGE	10 PER SEAT	
SCHOOLS	25 PER STU. or FAC.	
BOARDING SCHOOL	100 PER STU. or FAC.	1 STU. or FAC.
OFFICE SPACE	15 PER 100 SQ. FEET	
RETAIL COMMERCIAL SPACE/WAREHOUSE	10 PER 100 SQ. FEET	
FACTORY	15 PER WORKER SHIFT	
SELF-SERVICE LAUNDRY FACILITY	250 PER WASHER	
CAR WASH	40 PER VEHICLE SERVED	
SERVICE STATION	5 PER VEHICLE SERVED	
SWIMMING POOL/BATH HOUSE	10 PER PERSON	
THEATER AUDITORIUM	5 PER SEAT	

<u>TYPE OF DEVELOPMENT</u>	<u>GALLONS PER UNIT PER DAY</u>	<u>NUMBER OF PERSONS</u>
<u>Airports - per passenger</u>	<u>5 per passenger</u>	
<u>Airports - per employee</u>	<u>15 per employee</u>	
<u>Apartments, without laundry</u>	<u>120 per bedroom</u>	<u>2 per bedroom</u>
<u>Apartments with laundry, Condominiums</u>	<u>150 per bedroom</u>	<u>2 per bedroom</u>
<u>Barracks/worker's housing</u>	<u>60 per bed</u>	<u>1 per bed</u>
<u>Bars/lounges - per employee</u>	<u>15 per employee</u>	
<u>Bars/lounges - per seat</u>	<u>10 per seat</u>	
<u>Boarding Houses</u>	<u>50 per guest</u>	
<u>Bowling alleys</u>	<u>75 per lane</u>	
<u>Campgrounds - per tent or trailer site, central bathhouse</u>	<u>50</u>	
<u>Camps - construction</u>	<u>50</u>	
<u>Camps - luxury</u>	<u>100</u>	

<u>Camps – resort – night and day, with limited plumbing</u>	<u>50</u>	
<u>Car Wash</u>	<u>40 per vehicle served</u>	
<u>Clubs – country</u>	<u>100 per resident member</u>	
<u>Clubs – country</u>	<u>25 per non-res. member</u>	
<u>Dwellings – single family</u>	<u>150 PER BEDROOM</u>	<u>2 PER BEDROOM</u>
<u>Factories – (exclusive of industrial wastes, no showers)</u>	<u>25 per person, per shift</u>	
<u>Factories - add for showers</u>	<u>10 per person, per shift</u>	
<u>Hospitals</u>	<u>250+</u>	
<u>Hotels - Business</u>	<u>150 per room</u>	<u>2 per room</u>
<u>Hotels - Resort</u>	<u>225 per room</u>	<u>2 per room</u>
<u>Institutions – other than hospitals (nursing homes)</u>	<u>125</u>	
<u>Laundromats</u>	<u>250 per washer</u>	
<u>Motels – (with bath, toilet, and kitchen wastes)</u>	<u>50</u>	
<u>Office Space</u>	<u>15 per 100 square feet</u>	
<u>Parks – picnic (toilet wastes only) – gallons per picnicker</u>	<u>5 per user</u>	
<u>Parks – picnic (with bathhouses, showers, and flush toilets)</u>	<u>10 per user</u>	
<u>Restaurants – (total)</u>	<u>40 per seat</u>	
<u>Restaurants – (kitchen wastes) per meal served</u>	<u>7 per meal served</u>	<u>(for grease traps)</u>
<u>Retail/commercial space/warehouse</u>	<u>10 per square foot</u>	
<u>Schools - boarding</u>	<u>100 per student or faculty</u>	
<u>Schools – day (without cafeterias, gyms, or showers)</u>	<u>15 per student or faculty</u>	
<u>Schools – day (with cafeterias, but no gyms or showers)</u>	<u>20 per student or faculty</u>	
<u>Schools – day (with cafeterias, gyms, and showers)</u>	<u>25 per student or faculty</u>	
<u>Service Stations</u>	<u>5 per vehicle served</u>	
<u>Shopping Centers – (no food)</u>	<u>10 per 100 square feet</u>	
<u>Sports Stadiums</u>	<u>5 per seat</u>	
<u>Stores – per toilet room</u>	<u>400</u>	
<u>Swimming Pools and Bathhouses</u>	<u>10 per person</u>	
<u>Theaters – movie</u>	<u>5 per auditorium seat</u>	
<u>Trailer Parks</u>	<u>150 per trailer</u>	

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 Director if, in his/her judgement, such unit flow rates are unreasonable.

SECTION 9. SEPTIC TANK DESIGN AND CONSTRUCTION

All IWDS require a septic tank unless the system is an approved OWTS.

- 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 to 1500 (gpd), the septic tank net volume must be 1.5 times the average daily sewage flow (1.5 days' storage capacity).

VOL = Q x 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 x 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 for the initial compartment. A second compartment may be less if approved by the Director.

For all single compartment tanks the minimum dimensions of septic tank shall not be less than six (6) feet depth including the air space by four (4) feet width by six (6) feet length. Scum storage shall equal 15% of the total liquid depth and shall be measured from 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.

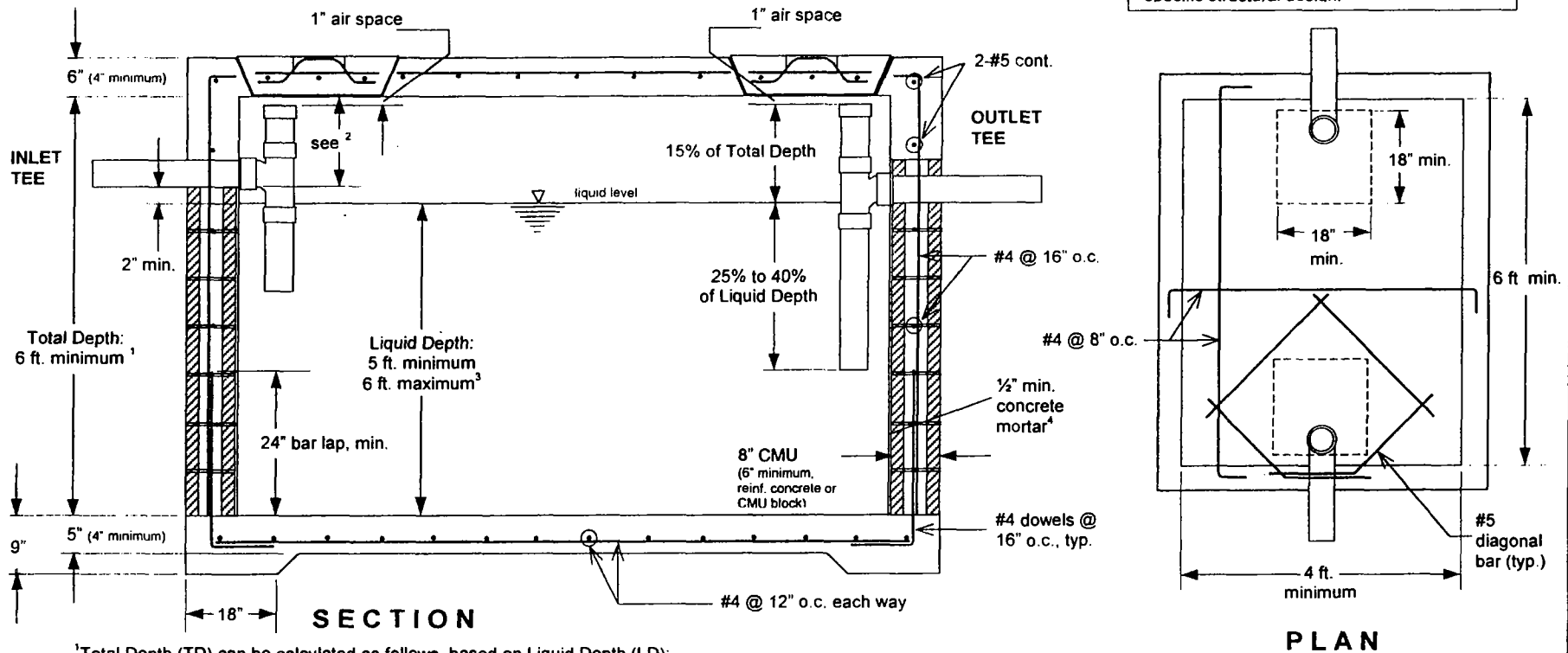
The Director may approve other designs provided sufficient information is submitted demonstrating that the design will perform at least as effectively as the above referenced design. Information must include sufficient studies to demonstrate the treatment levels of the alternative design are equal to or greater than that of the above referenced standards. Such studies may be based either on settling capabilities or biochemical oxygen demand removal. Studies must be conducted using recognized practices and methods. The applicant for such alternate designs has the burden to prove to the Director's satisfaction

that such a system will adequately treat the waste. A system may not be approved without such sufficient studies as described above.

- 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 not less than 25% nor greater than 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 9.2+).
- 9.9 Access to each compartment of the tank shall be provided by a 18" x 18" inch 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 or other impermeable lining material if approved in writing by DEQ prior to application. 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 2,500 psi (pound per square inch). Other materials may be approved by the Director on a case by case basis, provided the materials are is of comparable strength. The applicant must provide sufficient proof as the Director deems necessary to prove that a material is of comparable strength.
- 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 and/or live loads of any nature (e.g., parking lot, driveway), the entire structure shall be designed to withstand H-20 loading (AASHTO

SEPTIC TANK DESIGN REQUIREMENTS

FIGURE 9.1



NOTE:
Structural details provided by Department of Public Works, Technical Services Division for single-family septic tank only. Larger tanks and tanks subject to vehicle traffic will require specific structural design.

¹Total Depth (TD) can be calculated as follows, based on Liquid Depth (LD):

$$TD(\text{inches}) = \frac{LD(\text{inches}) + 1 \text{ inch}}{0.85}$$

Based on this: a 5 ft. LD tank will have a total depth of 72" (6 ft.)
 a 6 ft. LD tank will have a total depth of 86" (7 ft., 2 in.)

²The minimum distance from the bottom of the inlet pipe to the inside surface of the top of the tank can be calculated as follows:

$.15TD - 1 \text{ inch}$
 this will measure 10 inches for a 5 ft. LD tank;
 12 inches for a 6 ft. LD tank

³Tanks can have a liquid depth greater than 6 ft.; however, the excess depth will not be considered for calculating tank capacity. A maximum depth of 6 ft. must be used in the volume calculations.

⁴Septic Tanks must be entirely water-tight to function properly. In addition to the required 1/2" plaster/mortar, concerned homeowners or engineers should also consider a bituminous sealant.

STRUCTURAL REQUIREMENTS

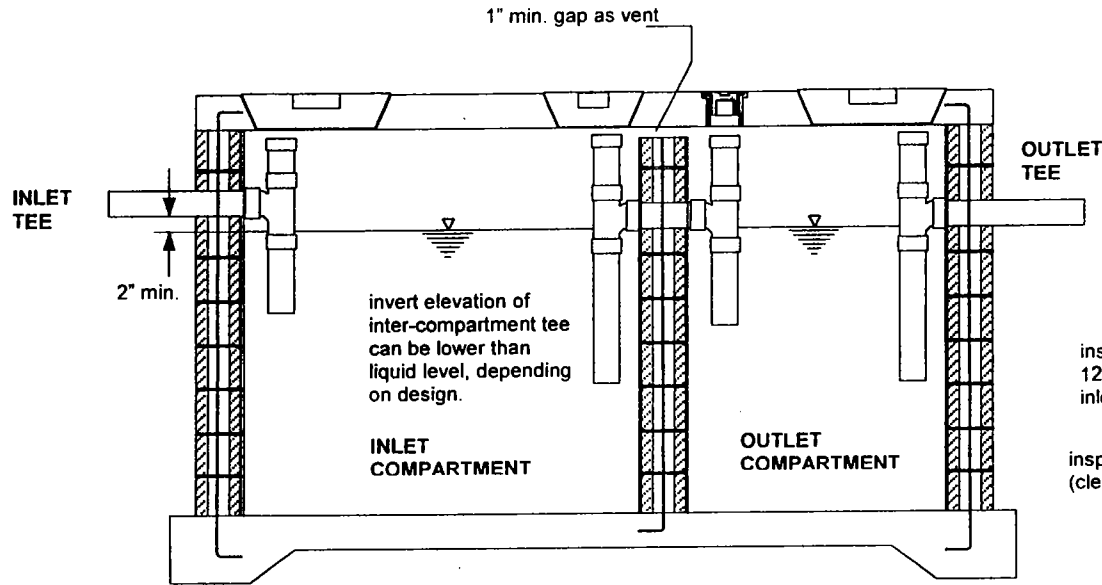
Septic tank cover must be designed to support an earth load of not less than 300 pounds per square foot.

All septic tank reinforcement must be inspected twice by the Department of Public Works, Technical Services Department: Once before pouring the floor slab; and again before pouring the top slab.

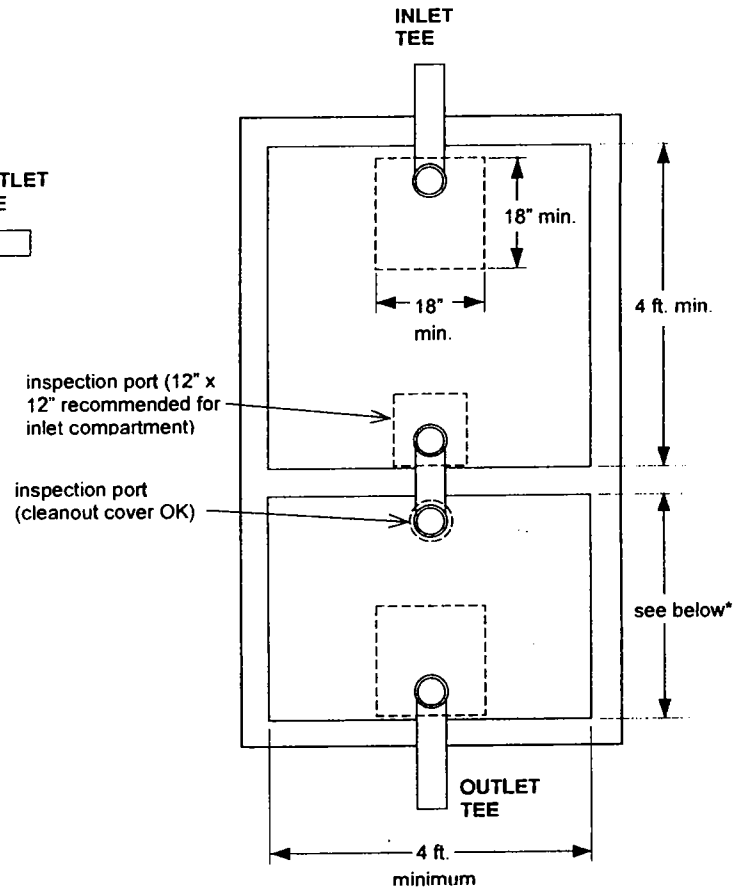
If septic tank is to be located within a driveway or parking area, the entire structure must be designed to withstand H-20 loading (AASHTO Standard). The applicant must submit design calculations to DEQ for approval by the Department of Public Works, Building Safety Code Division.

DOUBLE COMPARTMENT SEPTIC TANK

FIGURE 9.2



SECTION



PLAN

* Inlet compartment must be equal or greater in volume than the outlet compartment. The outlet compartment may be shorter in length than 4 ft., but no shorter than 2 ft.

standard). Placing of any part of an IWDS under a parking lot or driveway must meet all Department of Public Works, Building Code requirements.

- 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 systems.~~
- ~~9.15~~14 Grease traps shall be installed for all restaurants and buildings containing food processing facilities, including restaurants, schools, hospitals, factories, barracks, or other installations from which large quantities of grease related to food processing can be expected to be discharged. Grease traps shall be subject to the following minimum requirements:
- 9.14.1 Location - Grease traps should be installed on a separate building sewer serving that part of the plumbing system into which the grease shall be discharged. Toilet waste shall not be discharged to a grease trap. The discharge from the grease trap must flow to a properly designed septic tank.
- 9.14.2 Capacities - Grease traps shall have a minimum depth of 4 feet and a minimum capacity of 1,000 gallons, and shall have sufficient capacity to provide at least a 24 hour detention period for the kitchen flow.
- 9.14.3 Construction - Grease traps shall be water-tight and constructed of sound and durable materials not subject to excessive corrosion, decay, or to cracking or buckling due to settlement or backfilling. Tanks and covers shall be designed and constructed so as to withstand normal structural loading. A tank installed in groundwater shall be weighted to prevent the tank from floating when it is emptied.
- 9.14.4 Depth of Tees - The inlet tee shall extend to the mid depth of the tank. The outlet tee shall extend to within 12 inches of the bottom of the tank. Tees shall be cast iron or Schedule 40 PVC and properly supported by a hanger, strap or other device.
- 9.14.5 Baffles - Baffles may be provided as necessary to maximize the separation of grease from the sewage.
- 9.14.6 Base - Grease traps shall be installed on a level stable base that will not settle.
- 9.14.7 Materials - Grease traps may be constructed of poured reinforced concrete, precast reinforced concrete, or prefabricated material acceptable to the Director.

9.14.8 Access Manholes - Grease traps shall be provided with a minimum 24 inch diameter manhole frame and a cover to grade over the inlet and outlet.

9.14.9 Accessibility - Grease traps shall be located on the lot so as to be accessible for servicing and cleaning.

9.14.10 Invert Elevation - The invert elevation of the inlet of a grease trap shall be at least 2 inches above the invert elevation of the outlet. Inlet and outlet shall be located at opposite ends of the tank to maximize separation, and at least 12 inches above the maximum groundwater elevation.

9.14.11 Backfill - Backfill around the grease trap shall be placed in such a manner as to prevent damage to the tank.

9.15 The outlet of all septic tanks serving IWDS and OWTS with total design flows greater than 1,000 gallons per day shall be equipped with an effluent filter. The effluent filter shall be an Orenco Systems "Biotube" Effluent Filter, or other similar manufacture, subject to approval by the Director. The filter size shall be selected and installed according to manufacturer's recommendations to maximize the time between cleanings.

SECTION 10. PERCOLATION TESTING PROCEDURES

10.1 Dig or bore 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 four (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 two (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 eight (8) hours, and preferably overnight. In granular soils, the percolation test can be made after the water from one (1) 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 six (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 six (6) inches over the gravel. From a fixed reference point, measure the height of the water surface at approximately 30-minute intervals over a four (4) hour period, refilling the hole to a depth of six (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 application EXCEPT where data from IWDS percolation tests conducted in accordance with these regulations and conducted within 250 feet of the proposed IWDS site, and in similar soils and geological conditions are submitted by the Applicant and can be verified by the Division.

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 a “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 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 inches 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. (See FIGURE 11.1)

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 drain lines	42-36 feet	12-6 feet
Length of leaching field	60 feet	24 feet
Width of leaching field	48-42 feet	12-8 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 inch	3/4 inch
Depth from bottom of gravel fill to water table	no maximum	3 feet

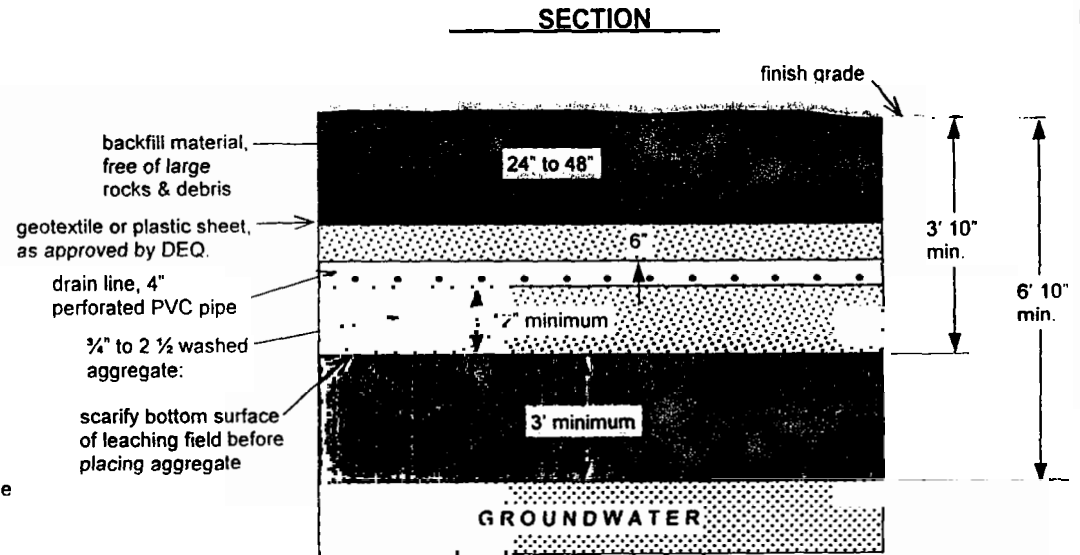
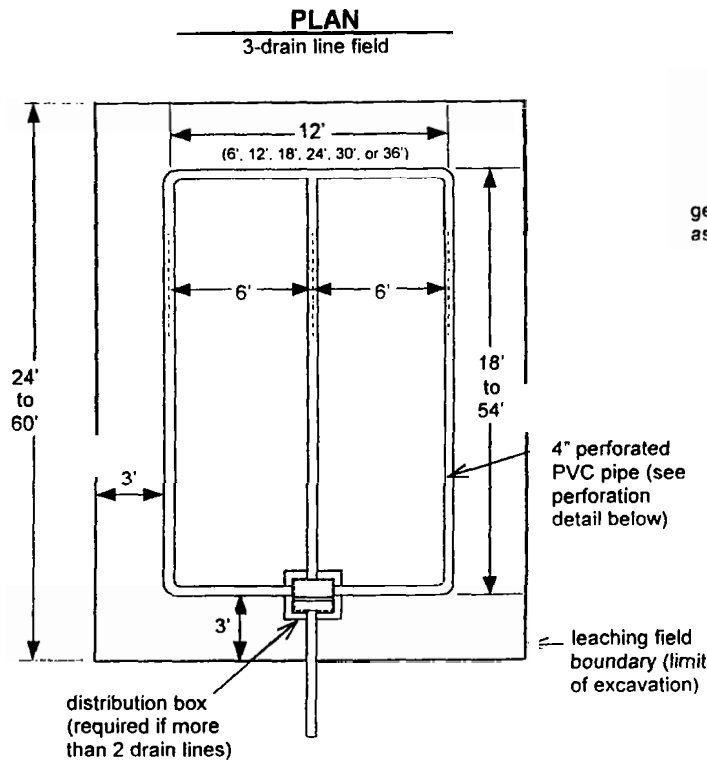
11.6 Construction of leaching field in filled ground is permitted only if the bottom of the leaching bed (bottom of gravel fill material below drain lines) extends continuously beneath the drain lines to a depth of at least 24 inches below the original ground surface.

11.7 Distribution drain lines shall be:

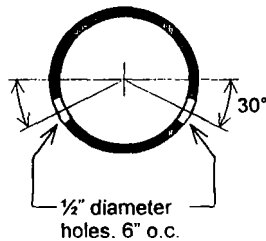
11.7.1 Constructed of perforated PVC pipes. Perforations shall be 1/2-inch diameter, spaced at 6-inches on center on both sides of the pipe, drilled 30 degrees below the horizontal center axis (transverse) of the pipe. (See FIGURE 11.1)

LEACHING FIELD DESIGN REQUIREMENTS

FIGURE 11.1



PERFORATION DETAIL
cross section



Drain pipe shall be 4" PVC, Schedule 40. Schedule 80 pipe shall be used if any portion of the leaching field is to be installed beneath driveways or other areas subject to vehicle traffic.

ALLOWABLE LEACHING FIELD DIMENSIONS

no. drain lines:	2	3	4	5	6	7
width of field:	12'	18'	24'	30'	36'	42'

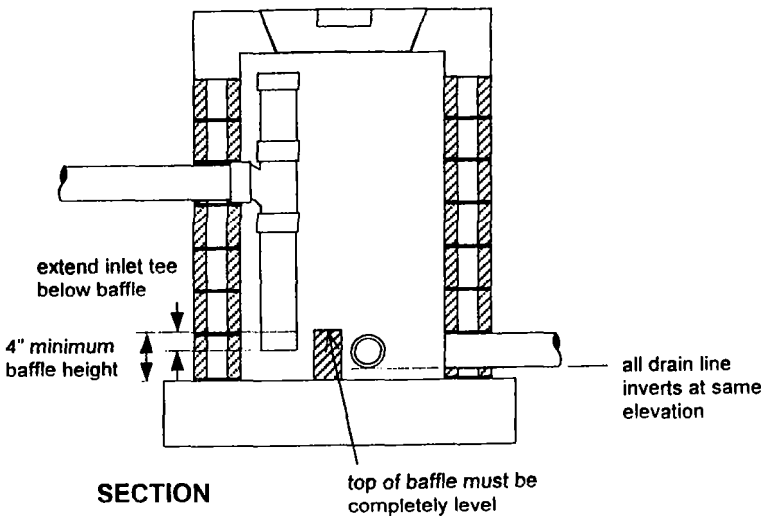
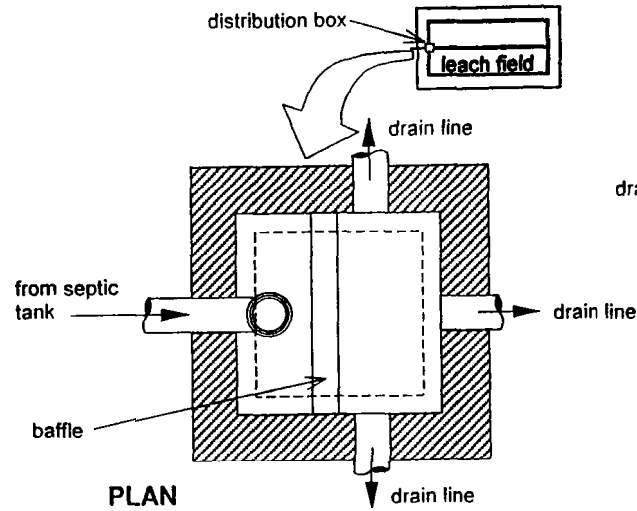
24' to 60' length allowed for any width field

DISTRIBUTION BOXES

(Examples) FIGURE 11.2

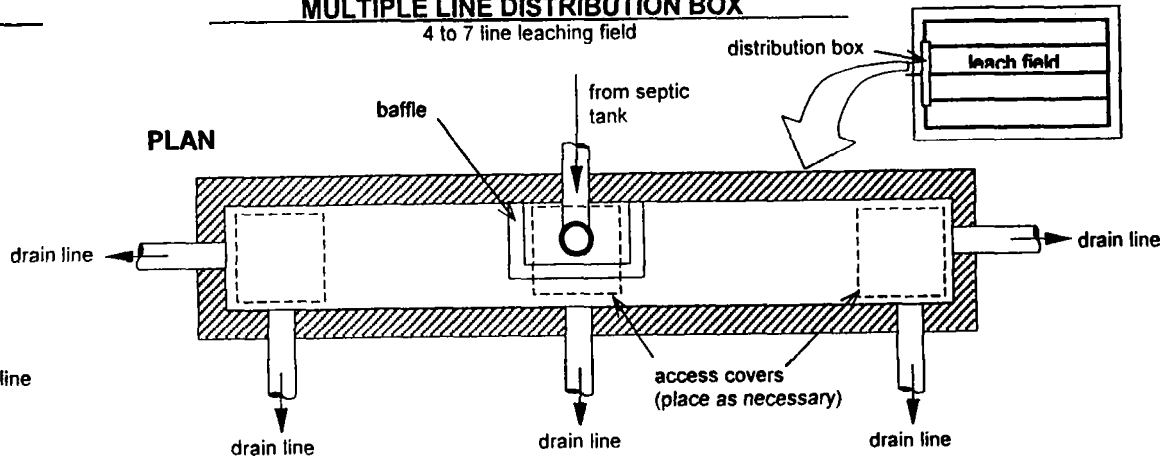
3-LINE DISTRIBUTION BOX

3 line leach fields, multiple leach field systems



MULTIPLE LINE DISTRIBUTION BOX

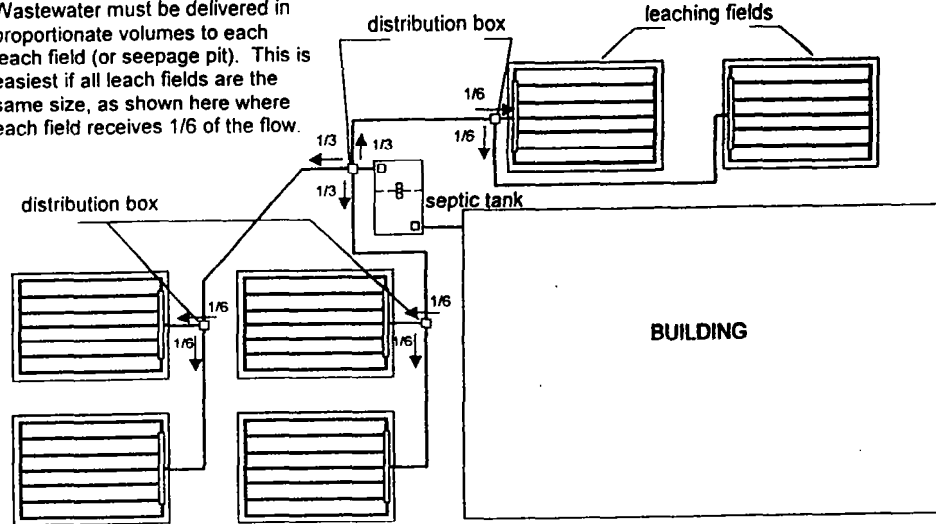
4 to 7 line leaching field



DISTRIBUTION OF WASTEWATER

for multiple leach field systems

Wastewater must be delivered in proportionate volumes to each leach field (or seepage pit). This is easiest if all leach fields are the same size, as shown here where each field receives 1/6 of the flow.



- 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 containing a separate outlet for each distribution line shall be installed for all leaching field disposal systems whenever there are more than two (2) drain lines. Outlet pipes from the distribution box shall have exactly the same bottom of pipe elevation. (SEE FIGURE 11.2)
- 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:
- Distance = 10 feet + [4 x 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 stone, gravel, free from fines, soils, dust or debris 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 a 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 systems.~~

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 Rates).
- 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 setback 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 from the bottom of the seepage pit.

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 inches	3/4 inch
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).

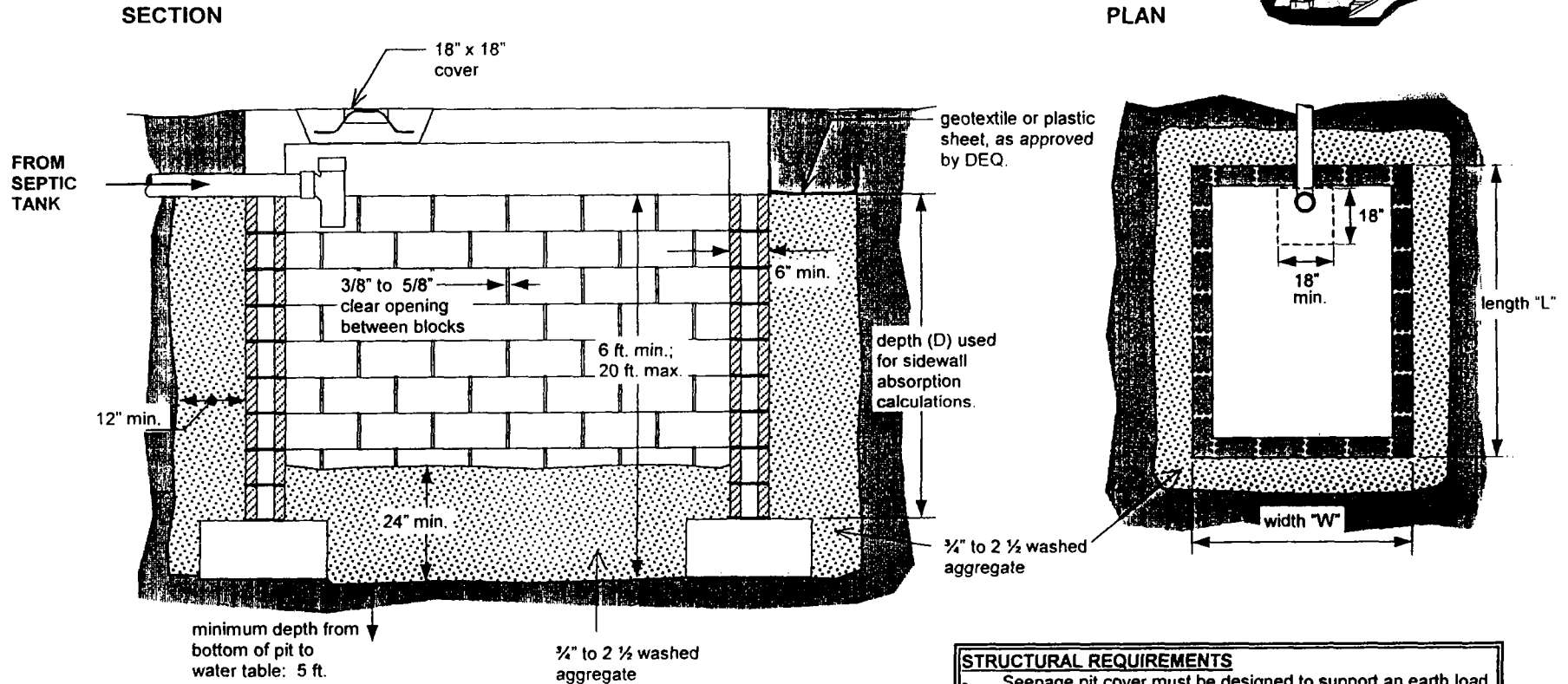
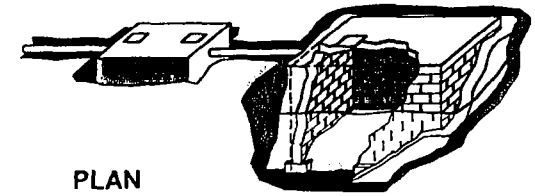
12.7 PVC pipes with tight joints shall be used in connecting the septic tank to the seepage pit.

12.8 Access to the seepage pit shall be provided by a 18" x 18" inch 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 a clear opening of 3/8" to 5/8" inches between each block. (See FIGURE 12.1)
- 12.11 Circular seepage pits are acceptable, provided that the wall area has the required minimum two (2%) percent openings to the surrounding soil.
- 12.12 All seepage pit covers shall be capable of supporting 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, free from fines, soils, dust and debris 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.~~

SEEPAGE PIT DESIGN REQUIREMENTS

FIGURE 12.1



The total absorption area of a seepage pit is the area of the sidewalls only, measured from below the bottom of the inlet pipe. It is calculated as follows:

$$\text{Area} = D(2W + 2L)$$

The length/width ratio of rectangular pits must not exceed 4:1.

Circular seepage pits & walls constructed of reinforced concrete may be used, but the total area of the wall openings must be equal to 2% to 4% of the total sidewall area.

STRUCTURAL REQUIREMENTS

- Seepage pit cover must be designed to support an earth load of not less than 300 pounds per square foot.
- All seepage pit reinforcement must be inspected twice by the Department of Public Works, Technical Services Department: Once before pouring the floor slab; and again before pouring the top slab.
- If seepage pit is to be located within a driveway or parking area, the entire structure must be designed to withstand H-20 loading (AASHTO Standard). The applicant must submit design calculations to DEQ for approval by the Department of Public Works, Building Safety Code Division.

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>FEATURES</u>	<u>MINIMUM REQUIRED SET BACK DISTANCE</u>
Septic tank -	Waters of the CNMI	100 feet
	Buildings	10 feet
	Leaching fields	5 feet
	Seepage pit	0 feet
	Property lines	10 feet
	Water wells	50 feet
	Underground water tanks	50 feet
<u>Leaching fields & Confined- Animal Facilities -</u>	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 pits	Cliff/Steep embankments ³	25 feet
	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) Minimum distance. The Building Safety Code may require greater distances. Includes above ground water tank.
 - (2) Includes springs.
 - (3) Greater than 10 foot vertical drops having 50% slope.

TABLE 13.2
LEACHING FIELD AND WATER WELL MINIMUM SETBACK DISTANCES

<u>NUMBER OF PERSONS SERVED BY WELL</u>	<u>LEACHING FIELD OR UPGRAIDENT FROM WELL</u>	<u>LEACHING FIELD IS DOWNGRAIDENT 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 PERSONS SERVED BY WELL</u>	<u>SEEPAGE PIT IS UPGRAIDENT FROM WELL</u>	<u>SEEPAGE PIT IS DOWNGRAIDENT FROM WELL</u>
Less than 25	150 feet	75 feet
25 or more	300 feet	150 feet

TABLE 13.4
CONFINED ANIMAL FACILITY AND WATER WELL MINIMUM SETBACK DISTANCES

<u>NUMBER OF PERSONS SERVED BY WELL</u>	<u>CONFINED ANIMAL FACILITY IS UPGRAIDENT FROM WELL</u>	<u>CONFINED ANIMAL FACILITY IS DOWNGRAIDENT FROM WELL</u>
Less than 25	150 feet	75 feet
25 or more	300 feet	150 feet

- 13.2 The Director has the authority to make final determination of upgradient and downgradient directions for the purpose of applying set back standards.
- 13.3 The Director may increase the set back distances specified above if, in his/her judgement, 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 the 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 undergoes 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 the groundwater is at least 250 feet.
- 13.4.4 The existing water well(s) 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 persons 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 water; 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 OF COMMERCIAL ESTABLISHMENT INTENDED TO BE SERVED BY SUCH SYSTEM.

- 14.1 New holding tanks, designed for the purpose of containing wastewater without the 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 setback 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 verses 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 Director.
- 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 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 setback 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 Director.

- 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 CMNI and federal regulations.
- 15.2 Notification of concrete pouring must be made twenty-four (24) hours (one working day) 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.
- 15.4.1 Failure to comply with the above requirement 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 or 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 Director 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.
- 16.2 For OWTS in addition to the Certification for Use:
- 16.2.1 The applicant must have an operation and maintenance (O&M) manual approved by the Director. The O&M manual must be revised on a bi-annual basis for the Director's review and approval. In addition the OWTS will be issued a permit with specific requirements of operation and monitoring. The permit will be valid for a period not to exceed three (3)

years. The permittee must apply for a renewal three (3) months prior to the permit expiration. Provided that the permittee applies for the renewal permit in the time period specified, the existing permit shall be considered valid until revised or revoked in writing by the Director. Other requirements as specified in Section 19 will also apply.

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 herein after as "hauler"), and the contents disposed of in accordance with local and federal laws. For Saipan, disposal shall be through the public sewer system, and the disposal points shall be designated by CUC (Commonwealth Utilities Corporation). For other islands, disposal shall be at a seepage disposal site approved by the Division.
- 17.3 Septic tanks should be inspected by the owner at intervals of not more than three (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 three (3) inches of the bottom of the outlet device.
- 17.4.2 The sludge levels is within eight (8) inches of the bottom of the outlet device.
- 17.5 Septic tank and temporary toilet sludge shall be disposed of only ~~be by~~ licensed Haulers and only at pre-approved points ~~within the public sewer systems~~ as described above in Section 17.2.
- 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 there from ("Hauler") shall comply with appropriate business

licensing under CNMI law and, in addition, shall apply for sanitary waste handling registration from the Director. 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 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, 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 device 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 therefore, 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~~\$150.00 per registered vehicle, 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 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 applications 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 Director 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 Director, all haulers shall file with the Director 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 Director, all haulers shall make the daily logs available for review and reproduction by the Director or persons designated by the Director.

- 18.5 Non-compliance of the requirements of these regulations may result in the revocation or suspension of a Hauler's registration.

18.5.1 The Director shall issue a notice of intent to suspend registration to the Hauler informing him/her of the facts warranting suspension, and providing the Hauler with the opportunity to avoid suspension by showing compliance with all requirements for the retention of registration within seven (7) days of receipt of the notice.

18.5.2 If the Hauler fails to show compliance within the specified time period, the suspension shall become effective, and Director shall notify the Hauler of the reasons for the suspension and that he/she Any Hauler whose registration is suspended must correct all discrepancies noted in the suspension within thirty (30) days, otherwise his or her registration may be revoked. The Director shall also notify the Hauler of the opportunity to request a hearing as provided in Section 23.3 and 23.4. The Hauler must request a hearing within seven (7) days of receipt of the notice of suspension.

18.5.3 If the Hauler fails to correct all discrepancies within the thirty (30) day time period, the revocation shall become effective and the Director shall notify the Hauler of the reasons for the revocation and the opportunity to request a hearing as provided in Section 23.3 and 23.4. The Hauler must request a hearing within seven (7) days of receipt of the notice of suspension

- 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 and/or approved by the Division is illegal, and shall be subject to administrative, civil and/or criminal penalty.

SECTION 19. **OWTS DESIGN AND CONSTRUCTION, AND TREATED WASTEWATER EFFLUENT RE-USE**

- 19.1 Except as provided for below in Section 19.9 for "Alternative" treatment systems, and in Section 20 for Animal Waste Management, 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 for \$8.00 per copy (plus shipping) through the Health Research Inc. Health Education Services Division, Publisher, at P.O. Box 7126, Albany, NY 12224, telephone number (518) 439-7286, fax number (518) 439-7022, or on the world wide web at <http://www.hes.org/HES/ten.html>. In addition, OWTS design, construction, operation practices and financial requirements shall meet with any specified criteria as may be set forth by the Director for any particular project.

19.2 OWTS, except as specifically provided for in Sections 19.19 and 20, 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 Director 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 Director may permit up to 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, except in very limited circumstances to allow public projects providing essential public services in isolated areas not served by public sewer. In such cases the burden of proof will be upon the applicant to show that no other reasonable alternative to the proposed project site is available. The design of such systems shall assure that total effluent loading does not exceed 2,250 gallons per acre (the equivalent of five three-bedroom homes) across the entire project site.
- 19.2.2 Through an underground injection well, subject to CNMI's Underground Injection Well regulations and CNMI's Well Drilling and Well Operations regulation. 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 (Japanese, Chinese, and Korean at the discretion of the Director), stating: "CAUTION: This area is irrigated with treated domestic wastewater and may contain harmful human pathogens."
- 19.4 OWTS design 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.
 - 19.4.3 Laboratory, or access to laboratory services, which are capable of measuring BOD(S), TSS, pH, and fecal coliform.
 - 19.4.4 Standby replacement equipment for vital mechanical and electrical components of the plant.

- 19.4.5 The capacity to treat to secondary effluent standards at least 1.5 times the estimated average daily sewage flow calculated for the project.
- 19.4.6 Disinfection, with the ability to maintain a monthly average of not more than 23 colony forming units (cfu)/100 ml of 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.
- 19.4.7 Continuous measurement of influent and effluent flow rates, with flow totalizing.
- 19.4.8 Critical components of the treatment process shall be monitored by alarms, indicating a condition which threatens the finished effluent quality.
- 19.4.9 A complete operations and maintenance manual for all aspects of the plant.
- 19.4.10 Application of corrosion resistant materials and typhoon resistant construction practices wherever possible.
- 19.4.11 Irrigation plan, defining means of irrigation, locations to be irrigated, times of day for irrigation, etc..
- 19.4.12 Establishment and maintenance of an adequate supply of spare parts.
- 19.4.13 A complete sludge handling and disposal plan.
- 19.4.14 An odor control plan.
- 19.5 All OWTS shall be under the direct supervision (i.e. on-site 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 Director 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) cost (provide firm cost basis).
- 19.7.3 The source of revenue to cover the annual (O&M) cost 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 Director.
- 19.9 “Alternative” OWTS – The Director may approve wastewater treatment system designs or individual components not covered under Section 19.1 on a case-by-case basis. Alternative designs will only be considered for approval if proof of acceptance for general use by another state permitting agency or the EPA is submitted. For the purposes of these regulations, proof of acceptance, at a minimum, shall consist of the existence of an EPA design manual, or the inclusion of the system or component on another state’s list of approved products or technologies. The burden of proof for demonstrating new processes, treatment systems, and technologies that the Division is unfamiliar with, lies with the applicant.
- 19.9.1 “Alternative” OWTS may be excluded from the supervision, monitoring, reporting, and financial requirements of sections 19.5, 19.6, and 19.7 by the Director on a case-by-case basis for small systems (less than 5,000 gallons per day) and designs which do not rely on mechanical or electrical components. The Director shall ensure that exclusion from any of the requirements of this section does not create an unreasonable threat to public health and the environment. “Alternative” OWTS are not excluded from the provisions of sections 19.2 (except as noted), 19.3, and 19.4, nor are “Alternative” OWTS excluded from the setback criteria specified in these regulations.

SECTION 20. ANIMAL WASTE MANAGEMENT

- 20.1 Confined Animal Facilities – Facilities containing any of the following number of head: (1) 15 or more pigs; (2) 20 or more goats; (3) 10 or more cattle; (4) 100 or more chickens; or (5) any confined animal facility which has been found by the Division to have caused, by evidence of direct or indirect discharge, violations of the CNMI Water Quality Standards or CNMI Drinking Water Regulations, are required to construct and operate an OWTS.

- 20.2 Confined Animal Facility OWTS, except for systems meeting the specifications for “large” confined animal facilities under Section 20.3, are excluded from the OWTS land application, design, supervision, monitoring, reporting, and financial requirements of sections 19.3, 19.4, 19.5, 19.6, and 19.7. Confined Animal Facility OWTS shall be designed to prevent direct and indirect discharge of untreated animal waste to Waters of the Commonwealth and groundwater, through the utilization, as appropriate, of components and practices such as septic tanks and leach fields, waste storage ponds, waste storage structures, application of manure or runoff water to agricultural land, waste utilization, composting, burial, or any other method determined to provide adequate protection of public health and the environment by the Director. Systems designed and certified by the USDA-NRCS under an EQUIP cost-share grant shall be considered to meet the requirements of this section.
- 20.3 OWTS for “large” confined animal facilities, which for the purpose of these regulations are facilities containing more than 100 head of pigs, 1000 chickens, or 50 cattle, may be required to meet more stringent requirements, determined by the Director on a case-by-case basis.
- 20.4 Confined Animal Facility OWTS are required to meet the siting criteria specified in Section 13 of these regulations. Facilities that are required to obtain an OWTS permit because of violations of the CNMI Water Quality Standards or the CNMI Drinking Water Standards will be required to re-locate to meet the siting criteria, unless the Director certifies that further violations can be reasonably prevented by facility re-design as part of the OWTS permit. Facilities that cannot re-locate outside the siting criteria, and from which discharge cannot be prevented by facility re-design, shall not be permitted.
- 20.5 Owners of Confined Animal Facility OWTS are required to continuously operate and maintain their systems in accordance with the instructions given by the system designer. Failure to do so may result in suspension or revocation of the OWTS permit.
- 20.6 Grazing units are not considered Confined Animal Facilities for the purposes of these regulations, and are not required to construct or operate an OWTS. However, all owners and operators of grazing units shall employ the following practices, at a minimum, to prevent the direct or indirect discharge of animal waste to Waters of the Commonwealth:
- 20.6.1 Owners and operators of grazing units shall confine livestock within the grazing unit through properly constructed and maintained fences.
- 20.6.2 Owners and operators of grazing units shall exclude livestock from within 20 feet of any Water of the Commonwealth through the use of properly constructed and maintained fences. Stream crossings are allowed where necessary.

20.6.3 If the Director has evidence that suggests runoff from a grazing unit has caused or contributed to violations of the CNMI Water Quality Standards or CNMI Safe Drinking Water Regulations, the Director may require the owner or operator of the grazing unit to implement the range and pastureland components of a Resource Management System (RMS) as defined in the Field Office Technical Guide of the USDA-NRCS.

SECTION 210. TEMPORARY TOILETS FACILITIES (TTF)

2021.1 Temporary Toilet Facilities (TTF) shall be provided for:

2021.1.1 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.

2021.1.2 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:

$$\text{TTF} = 1 + [\text{No. of persons expected} \times \text{hours of event}] / 2,000$$

EXAMPLE: $\text{TTF} = 1 + [3,000 \text{ people} \times 4 \text{ hours}] / 2,000 = 7 \text{ TTF}$

2021.2 Temporary Toilet Facilities may be portable toilet type, chemical, recirculating or combustion providing they comply with existing CNMI Codes.

2021.3 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.

2021.4 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 Director 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 22.23.

TABLE 2021.1
NUMBER OF TTF REQUIRED FOR CONSTRUCTION SITES

NUMBER OF EMPLOYEES

1 to 15
 16 to 30
 31 to 50
 over 50

MINIMUM OF TTF REQUIRED

1
 2
 3
 Additional 1 unit per 20
 persons of fraction thereof.

SECTION 2422. ACTION ON APPLICATIONS

~~2422.1~~ The Director may require the applicant to furnish additional information, plans, or specifications before acting on an application for any license registration or permit.

~~2422.2~~ Each application for Hauler's license registration, OWTS or IWDS permit shall be reviewed for completeness. The Division shall review and act on any application for a license registration or OWTS or IWDS permit within twenty one (21) ~~thirty (30)~~ calendar days of ~~the date the application is deemed complete.~~ receipt of the initial application.

~~2422.3~~ 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.

~~2422.4~~ 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 test, 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.

~~2422.5~~ The Director shall notify the Applicant in writing of his or her decision regarding any application for license registration or permit. The Director 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 request for reconsideration appeal of the Director's decision and shall include justification for the request. The Request for reconsideration appeal shall be served upon the Division within seven (7) days from receipt of the disapproval or conditional approval. Failure to file this request appeal within seven (7) calendar days shall constitute a waiver of the Applicant's rights to any future reconsideration by the Director. appeal of the . . . In the event no request for reconsideration is filed within the time specified, the Director's decision shall be considered final agency action for purposes of judicial review under the Administrative Procedures Act, 1 CMC § 9101, et seq.

~~2422.6~~ A permit or license registration issued pursuant to these regulations shall not be transferred from one location to another, or from one person to another, without the written approval from the Director.

SECTION 2223. PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

- ~~22.1~~ The Director may institute civil actions through the Commonwealth Courts or by Administrative Orders issued by the Director and the Secretary.
- ~~22.2~~ Civil actions initiated through the Commonwealth Courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.
- ~~22.3~~ 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 Director 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.
- ~~22.4~~ Procedures for Administrative Orders shall be conducted as follows:
- ~~22.4.1~~ The Director may issue and 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 by the Director or designee and the expiration of any reasonable period allowed for corrective action is a separate offense.
- ~~22.4.2~~ The written request for a hearing shall serve as a answer to a complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain all the factual allegations contained in the complaint with regard to which the alleged violator 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. An oral answer may also be given at the time of hearing should a hearing be requested.

- ~~22.4.3~~ — ~~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 Director and the Secretary.~~
- ~~22.4.4~~ — ~~If a hearing is conducted the Director or designee will preside over the hearing. The Director 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 Director. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Director in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Director 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.~~
- ~~22.4.5~~ — ~~Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Secretary. 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 Secretary. A copy of the request of review must be filed with the Director on the same day it is filed with the Secretary. The Secretary may elect to review the case and issue a written decision or affirm the Director's decision. She/he will issue a written decision within thirty (30) calendar days.~~
- ~~22.4.6~~ — ~~The Secretary'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.~~
- ~~22.4.7~~ — ~~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.~~
- ~~22.5~~ — ~~The Director 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 Director may suspend or revoke a Hauler's license for violation of the Act, regulations, license, or permit.~~

- ~~22.5.1 — No application for a Hauler's license may be made within one (1) year after revocation of such license by the Director for the reasons identified above.~~
- ~~22.6 — The Director 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.~~
- ~~22.7 — 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.~~
- ~~22.8 — 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 Director shall also remain in effect.~~
- ~~22.9 — If the Director or Director's designee 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.~~
- ~~22.10 — The Director or Director's designee may enter property for purposes specified in subpart 22.9 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.~~
- 23.1 In accordance with 2 CMC § 3131(a), if the Director has reason to believe a violation of the provisions of the Act, these regulations, and/or the terms of any permit issued pursuant to the Act and these regulations has occurred or is occurring, the Director may issue any necessary order to enforce the aforementioned provisions and permit conditions. Such order shall be in the form of a written warning, Notice of Violation, Cease and Desist Order, or Administrative Order signed by the Director or his authorized representative and shall provide notice of the facts constituting the violation, penalties that may be imposed, and, where appropriate, provide a reasonable timeframe in which to take corrective action.
- 23.2 If any person subject to an order issued pursuant to 23.1 fails to comply with the order, the Director may issue an Administrative Order or other such Order imposing penalties as

provided by 2 CMC § 3131(c). The Order shall state the facts constituting the violation, the particular sections of the Act, regulations or permit involved, the proposed penalty including any proposed permit suspension, revocation, or modification, and monetary penalties including any penalty for cost of corrective action taken by the Division, and the opportunity to request a hearing. Such Order shall be personally served or served by certified mail, return receipt, on persons subject to the penalties in the Order.

23.3 Any person subject to an Order imposing penalties pursuant to 23.2, may request, in writing, a hearing before the Director or his/her designee. Request for a hearing shall be served upon the Director within seven (7) calendar days from receipt of the Order. Failure to request a hearing within seven (7) calendar days shall constitute a waiver of the right to a hearing and the Division may take the necessary action to enforce the Order.

23.4 Procedures for hearings shall be conducted in accordance with the Administrative Procedures Act (APA), 1 CMC § 9101, et seq., and as follows:

23.4.1 The Director shall serve notice of the hearing in accordance with APA § 9109(a) at least ten (10) days before the scheduled hearing date.

23.4.2 The alleged violator or "respondent" shall submit a written response to the Order at least five (5) days before the hearing. The written request for a hearing may serve as the response to the Order. The request for hearing or "response" shall clearly and directly admit, deny, or explain all the factual allegations contained in the notice of violation with regard to which the respondent has knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The response shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, and (2) the facts which respondent intends to place at issue. Failure to admit, deny, or explain any material factual allegation contained in the Order may be deemed an admission of the allegation.

23.4.3 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 the Director.

23.4.4 The Director or designee will preside over the hearing. The Presiding Officer 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 at the discretion of the Presiding Officer. Evidence presented at the hearing need not conform with the prescribed rules of evidence, but may be limited by the Presiding Officer in any manner

she/he reasonably determines to be just and efficient and promote the ends of justice. The Presiding Officer 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.

23.4.5 The decision of the Director or Presiding Officer 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.

23.5 Emergency Suspension of Permits. If the Director determines that a violation of a permit issued pursuant to the Act and these regulations has resulted in an imminent threat to public health, safety or welfare, the Director may summarily suspend a permit. A hearing for revocation or other action shall be promptly instituted and determined pursuant to the procedures in 23.4.

23.6 Revocation of Hauler's Registration. In addition to the provisions in Section 18.5, the Director may revoke a Hauler's registration for any material misstatement or misrepresentation made by the licensee made for the purposes of obtaining or retaining such license. The Director shall notify the Hauler in writing of the facts warranting revocation. The Hauler shall have seven (7) calendar days from the date of receipt of the notice to provide a written response addressing the facts in the notice and showing compliance with all lawful requirements for retention of the registration. Failure to timely request a hearing or to provide reasonable explanation for the alleged misstatements or misrepresentations shall result in revocation of the registration. The Director shall notify the Hauler of the revocation and the opportunity to request a hearing within seven (7) calendar days of receipt of the notice. Any hearing will be conducted pursuant to 23.4.

23.4.1 No application for a Hauler's license may be made within one (1) year after revocation of such license by the Director for the reasons identified above.

23.7 Criminal Penalties. Any person who knowingly and willfully commits any act in violation of the Act, regulations, or permit, may be subject to criminal penalties as set forth in 2 CMC § 3131(d).

SECTION 2324. 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 Director 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 Director, but shall be made at reasonable times unless an emergency dictates otherwise.~~

~~23.2 If the Director 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 Director to perform his /her duties under this Act, the Director 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 Director 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.~~

24.1 In accordance with 2 CMC § 3132, the Director or his authorized representative may inspect any facility or records subject to the provisions of the Act and these regulations. The inspection may be conducted with or without advance notice, as authorized by § 3132.

SECTION 2425. SEVERABILITY

2425.1 If any rule, section, sentence, clause, or phrase of these regulations or its application to any person or circumstances 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.

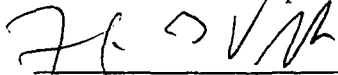
PUBLIC NOTICE OF PROPOSED AMENDMENTS
TO THE RULES AND REGULATIONS
FOR THE OPERATION OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY


The Secretary of Finance hereby gives notice to the general public that the Department of Finance is proposing to amend the Rules and Regulations for the Operation of the CNMI Lottery, as originally published in the Commonwealth Register, Volume 15, No. 10, October 15, 1993, and subsequently amended on April 20, 2000, Commonwealth Register, Volume 22, No. 4. This amendment is made pursuant to the Department's authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §9301, 1 CMC §9306, 1 CMC §9313(c) and the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and Executive Order 94-3.

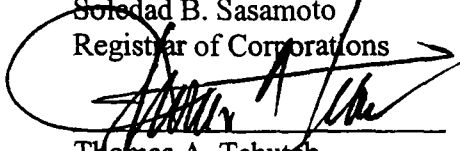
The purpose of these amendments are enacted to implement, interpret, prescribe and clarify the policies and procedures required to implement, regulate and supervise the operation of the CNMI Lottery. These Rules and Regulations shall have the force and effect of law.

The proposed regulations may be inspected at, and copies obtained from the Secretary's Office, EDP Bldg., Capital Hill, Saipan, MP 96950. The proposed regulations are published in the Commonwealth Register.

The Secretary of Finance is soliciting comments on this proposed amendment to the Amended Rules and Regulations for the Operation of the CNMI Lottery from the general public. Anyone interested in commenting on this proposed amendment may do so in writing. Comments may be addressed to the Secretary of Finance, Department of Finance, P.O. Box 5234 CHRB, Saipan, MP 96950. All comments must be received within 30 days from the date of this notice published in the Commonwealth Register.

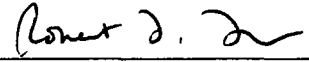
Certified By: 
Frankie Villanueva
Secretary
Department of Finance
Date: 8-14-02

Filed By: 
Soledad B. Sasamoto
Registrar of Corporations
Date: 8/15/02

Received By: 
Thomas A. Tebuteb
SAA, Office of the Governor
Date: 8/15/02

Pursuant to 1 CMC §2153, as amended by P.L. 10-50, the regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

Dated this 15th Day of August 2002.



Robert T. Torres
Attorney General

Notisian Pubpliku Put Man Ma Proposito Na Amendasion Para I Areklamento Yan Regulasion Siha Para I operasion I Commonwealth Northern Mariana Islands Lottery

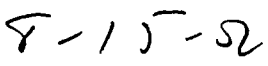
I Sekretariun i Finance este na momento man nãñã'i' notisia para i henerát pubpliku na i Depátamenton i Finance ma propopone para hu amenda i areklamento yan regulasion para i operasion i CNMI Lottery, ni ma pupblisa gi hãlom i Commonwealth Registrar, Vol. 15, Numiru 10, Oktubre 15, 1993, yan i man ma amenda gi Abrit 20, 2000, gi Commonwealth Registrar, Vol. 22, Numiru 4. Este na amendasion mafatinas sigun para hu establese aturidát yan direksion siha ni ginagagao gi hãlom i Commonwealth Code inklusu yan tai limitea nu i, 1 CMC Seksiona 9301, 1 CMC Seksiona 9306, 1 CMC Seksiona 9313(c) yan i Commonwealth Administrative Procedure Act, 1 CMC Seksiona 9101 et. seq. , yan Executive Order 94-3.

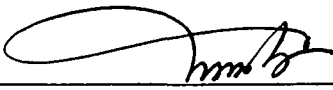
I rason este na amendasion siha para hu otdena put para hu implimenta, hu eksplika, hu difina yan hu na kláru i areklamento (policies and procedures) ni anisisita para hu ma implimenta, hu manea, yan hu adahi i operasion CNMI Lottery. Este siha na Areklamento yan Regulasion in eninfeksa ni lai.

I ma proposito na regulasion siha siña ma insura, yan siña mañule hao kopia genin i Ofisanan Sekretariun i Finance, gi EDP Building, giya Capitol Hill, Saipan, M.P. 96950. I man ma proposito na regulasion siha ma pupblisa gi hãlom Commonwealth Registrar.

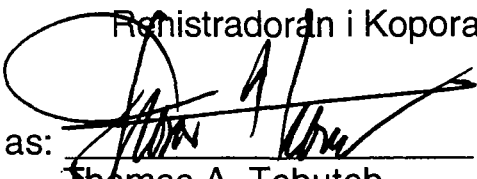
I Sekretariun i Finance ha rikuekuesta opinion siha put este na amendasion esta man ma amenda put i areklamento yan regulasion para i operasion i CNMI Lottery ginen i pubpliku. Maseha háyi na petsona interesao man nã'i' opinion put este i propositun amendasion hu na hãlom tinige' . Yanggen para un submiti opinion-mu siña ha un nã'i' guatu i Sekretariun i Finance, Dipátamenton i Finance, P.O. Box 5234 CHRB, Saipan, M.P. 96950. Todu i opinion debidi hu ma risibi gi hãlom trenta (30) dias ginen anai ma fecha este na notisia ni ma pupblisa gi hãlom i Commonwealth Registrar.

Inapreba as: 
Frankie Villanueva
Sekretario
Dipattamentun I Finance


Fecha

Linaknos as: 
Soledad B. Sasamoto
Registradoran i Koporasion Siha

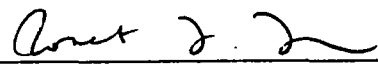
8/15/02
Fecha

Rinisibi as: 
Thomas A. Tebuteb
Espisiat Na Ayudanten Administrasion
Ofisinan i Gobietno

8/15/02
Fecha

Sigun i 1 CMC Seksiona 2153, ni man ma amenda ginen i Lai Puplicu 10-50, i regulasion siha ni man chechetun esta man ma ribisa yan ma apreba ginen i Abugadon Henerat CNMI.

Ma fecha 15th na dia gi Agosto 2002.


Robert T. Torres
Abugadon Henerat

**ARONGORONGOL TOULAP REEL POMWOL LIWEL KKAAL
NGALI ALLEGHUL TINGOR ME REEL
COMMONWEALTH NORTHERN MARIANA ISLANDS LOTTERY**

Somwolul Finance e isisiwow arong ngaliir Toulap bwe Depattamentol Finance ekke pomwoli bwe ebwe liwel allegh kkaal reel mwoghutughutul CNMI Lottery, iye aa fasul yoor me ffeerlo mellol Commonwealth Register, Volume 15, No. 10, Sarobwel 15, 1993, me millikka ra pomwoli wool Seeta 20, 2000, Commonwealth Register Volume 22 No. 4. Sangi Depattamento lloI bwangil me afalayal (Directions) iye ischilong lloI Commonwealth Code ebwal toolong, lloI 1 CMC 9301, 1 CMC 9306, 1CMC 9313 (c) me Commonwealth Administrative Procedure Act 1CMC 9101 et. seq., me Executive order 94-3.

Bwulul liwel kkaal igha aa alleghelo bwe rebwe ayoora, sassal, afalafal, me ebwe ffatlo allegh kkaal reel mwoghutughutul CNMI Lottery. Allegh kkaal nge eweewe schagh igha aa ffeerlo bwe allegh (Law).

Pomwol liwel kkaal iye rebwe amwari, me emwel ubwe bweibwogh copy me reel Secretary's Office, EDP Bldg., Capitol Hill, Saipan, MP 96950. Pomwol allegh kkaal iye aa ffeerlo lloI Commonwealth Register.

Samwolul Finance ekke tingor ayegh me mangemang reel pomwol liwel kkaal iye aa fasul liwel reel mwoghutughutul CNMI Lottery sangiir toulap. Schookka eyoor jaar mangemang reel pomwol allegh kkaal, rebwe isisiong reel Bwulasiyol Finance, P.O. Box 5234 CHRB, Saipan, MP 96950. Ischiitiw yoomw mangemang, nge aa atootolong lloI iligh (30) ral sangi raalil ye e arongowow mellol Commonwealth Register.

Certified by: Frankie Villanueva
Frankie Villanueva
Secretary
Department of Finance

8-15-02
Ral

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

8/15/02
Ral

Bwughiyal: Tomas A. Tebuteb
Tomas A. Tebuteb
SAA, Office of the Governor

8/15/02
Ral

Sangi 1 CMC iye aa liwel sangi P.L. 10-50, allegh kkaal iye aa appasch ngali me ra takkal amwai me alleghuyal CNMI Attorney General.

Ral yeel 15 raalil Eluwel 2002.

Robert T. Torres
Robert T. Torres
Attorney General



Office of the Secretary
Department of Finance

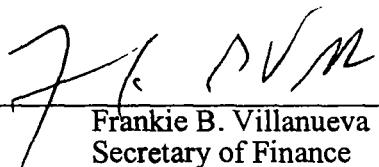
P.O. Box 5234 CHRBSAIPAN, MP 96950

TEL. (670) 664-1100 FAX: (670) 664-1115

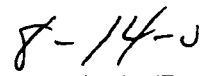
DEPARTMENT OF FINANCE
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS
FOR THE OPERATION OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS LOTTERY

- Citation of Statutory Authority: The proposed amendments to the Rules and Regulations for the Operation of the CNMI Lottery are promulgated pursuant, but not limited to 1 CMC §9306, 1 CMC §9313(c) and the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and Executive Order 94-3.
- Statement of Goals and Objectives: To amend the Rules and Regulations for the Operation of the CNMI Lottery, as published in the Commonwealth Register Volume 15, No. 10, October 15, 1993 and Commonwealth Register, Volume 22, No. 6, June 20, 2000.
- Brief Summary of the Rules: The rules and regulations provide the policies and procedures required to implement and regulate and supervise the operation of the CNMI Lottery. These rules and regulations may be amended, modified or repealed as deemed appropriate by the CNMI Department of Finance.
- For Further Information, Contact: Frankie B. Villanueva, Secretary of Finance. Telephone number 664-1100 and facsimile number 664-1115.
- Citation of Related and/or Affected Statutes, Regulations and Orders: 1 CMC §9301 *et. seq.*; Commonwealth Register, Volume 15 No. 10, October 15, 1993 and Commonwealth Register Volume 22, No. 6, June 20, 2000.

Submitted by:



Frankie B. Villanueva
Secretary of Finance



Date

RULE 31 – RULES FOR MARIANAS LOTTERY**31.0 Definitions**

For the purposes of “Marianas Lottery”, a 5 of 38 lotto game, the following definitions apply unless the contract requires a different meaning or is otherwise inconsistent with the intention of the rules adopted by the Commonwealth Department of Finance:

- (1) “ Authorized Retailer” means a person under contract with the Marianas Lottery Licensee to sell Game Tickets to the public.
- (2) “Central Computer System” means the computer system maintained by the Marianas Lottery Licensee for the recording of Tickets sold for a particular Drawing.
- (3) “Drawing” means that process whereby the Lottery Licensee through the use of a random number generator selects five winning numbers between 1 and 38.
- (4) “Drawing Coordinator” means the person designated by the Marianas Lottery Licensee to develop and implement procedures for conducting drawings.
- (5) “Game” means the opportunity provided a player to purchase a ticket with the chance to win a prize by purchase of that ticket.
- (6) “Game Ticket” or “Ticket” means a ticket produced by a Terminal, which contains the caption “Marianas Lottery”, a game play of which has five numbers from 1 through 38 followed by the drawing date, the price of the ticket, a retailer number, and a serial number.
- (7) “Marianas Lottery Licensee” means the person licensed by the Commonwealth Department of Finance to operate the Marianas Lottery lotto pursuant to these rules.
- (8) “Person” means any natural person, corporation, partnership, limited partnership, limited liability company, or any other entity recognized under the laws of the Commonwealth of the Northern Mariana Islands.
- (9) “Play” or “Game Play” means the five different numbers from 1 through 38 which appear on Ticket and are to be played by player in a game.
- (10) “Quick Pick” means the random selection by a terminal of five different numbers from 1 through 38 which appear on a Ticket and are to be played by player in the game.
- (11) “Random Number Generator” means a computer- driven electronic device or mechanical device capable of producing numbers at random.
- (12) “Terminal” means a device owned by the Marianas Lottery Licensee and leased to an Authorized Retailer and is the only device that can issue Game Tickets.
- (13) “Winning Numbers” means the five numbers between 1 and 38, randomly selected at each drawing, which shall be used to determine winning plays contained on a game ticket.

31.1 Price

- (1) Game plays shall sell for \$1 each. Game plays and tickets may only be purchased through an Authorized Retailer.
- (2) An offer to buy and an offer to sell a Marianas Lottery ticket shall be made only at a location which has a contract with the Marianas Lottery Licensee or only by a method which is approved by the Commonwealth Department of Finance.

31.2 Ticket Purchase, Characteristics and Restrictions

- (1) Marianas Lottery is a pari-mutuel lotto game. A player must select a set of five different numbers, between 1 and 38 for input into a terminal. Tickets can be purchased from a terminal operated by an Authorized Retailer. The player may provide the numbers to the authorized retailer or by requesting "Quick Pick" from the retailer. The retailer will then issue a Game Ticket, via the Terminal, containing the selected number set or Quick Pick number set that constitutes a game play. Authorized Retailers shall cease selling Tickets for a particular Drawing 60 minutes before the scheduled drawing.
- (2) A ticket shall be the only valid receipt for claiming a prize or prizes. A play slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected.
- (3) It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. A Marianas Lottery ticket may not be voided or cancelled by returning the ticket to the retailer, including tickets that are printed in error. The placing of plays is done at the player's own risk through the authorized retailer who is acting on behalf of the player in entering the player's plays.

31.3 Drawings

- (1) Marianas Lottery Drawings shall normally take place once a week every Friday night at 6:29 PM. Drawings for a particular week shall never take place prior to Friday night at 6:29 PM, but may take place at some later times.
- (2) The Marianas Lottery Licensee shall designate a Drawing Coordinator. Drawings shall be conducted pursuant to the procedures developed by the Drawing Coordinator. The objective of a drawing shall be to randomly select

five winning numbers between 1 and 38. Drawings may be conducted with the aid of mechanical drawing equipment or a random number generator or other such devices as the Drawing Coordinator may determine.

- (3) The equipment used to determine the winning combination shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. No prizes shall be paid until after all post-inspection checks have been completed.
- (4) If, during a drawing for a game, a mechanical or electronic failure or operator error causes an interruption in the selection of numbers or symbols, the Drawing Coordinator will call a "technical difficulty". Any number drawn prior to a "technical difficulty" being declared will stand and be deemed official after passing inspection and certification by the Drawing Coordinator. The drawing of the remaining numbers shall commence only after the Drawing Coordinator finds that the "technical difficulty" has been corrected. Nothing in this subsection shall supersede the determination by the Marianas Lottery Licensee of equipment malfunction, tampering, or fraud resulting in the voiding of the entire drawing.
- (5) The Marianas Lottery Licensee will delay payment of all prizes if any evidence exists or there are grounds for suspicion of equipment malfunction, tampering, or fraud. Payment shall be made after an investigation is completed and the Marianas Lottery Licensee approves the drawing will be conducted to determine an actual winner.

31.4 Determination of Prize Winners

- (1) Prizes for each Drawing shall be drawn in the following order and determined and awarded on the following basis:
 - (a) First Prize – Match 5 numbers – Minimum Pool amount to be divided equally among valid tickets will be the greater of \$45,000.00 or the amount described in Rule 31.6.
 - (b) Second Prize – Match 4 numbers – Minimum Pool amount to be divided equally among valid tickets will be the greater of \$3,500.00 or the amount described in Rule 31.6.
 - (c) Third Prize – Match 3 numbers – Minimum Pool amount to be divided equally among valid tickets will be the greater of \$1,500.00 or the amount described in Rule 31.6.
- (2) Validated winning Tickets may be redeemed for a prize only through the Marianas Lottery Licensee from the hours of 9:00 am through 5:00 pm,

Monday through Friday excluding legal holidays as defined by the government of the Commonwealth of the Northern Mariana Islands. The Commonwealth Department of Finance shall keep on record the current address and locations of the Marianas Lottery Licensee for purposes of redeeming winning Tickets.

- (3) Prize winners shall have 60 days from the date of the drawing in which to redeem their prize. Unclaimed prizes shall lapse on the 61st day.
- (4) Unclaimed prizes, including any unclaimed portion of a minimum pool that was divided equally among winning tickets shall lapse in accordance with 1 CMC §9315.
- (5) Marianas Lottery licensee shall not be bound by any rule or agreement made between syndicate or group entrants.
- (6) Subject to Rule 31.4(7) and even though a ticket may bear only the name of a syndicate, Marianas Lottery will recognize only the person(s) by whom the ticket is surrendered as the absolute owner (and where more than one in equal shares) and except as ordered by a court of competent jurisdiction shall not be bound to take notice or see to the execution of any trust, whether express, implied or constructive to which any such ticket may be subject. Payment by Marianas Lottery to the person(s) surrendering the ticket of any prize money payable thereon shall be a good discharge to Marianas Lottery, notwithstanding any notice Marianas Lottery may have of the right, title, interest or claim of any other person(s) to such prize money.
- (7) Subject to the discretion of the Marianas Lottery, no prize money shall be payable except on surrender of the prize winning ticket to Marianas Lottery. The ticket name and address section should be completed before presentation for prize validation, and full identification may be required prior to payment. Claimant shall also indicate his Social Security Number (SSN) or Taxpayer Identification Number (TIN) on the ticket.

31.5 Ticket Validation Requirements

- (1) To be a valid ticket and eligible to receive a prize, all the following requirements must be satisfied:
 - (a) The Ticket data must have been recorded in the central computer system prior to the drawing and the information appearing on the Ticket must correspond with the computer record;
 - (b) The Ticket shall be intact to the extent that all information appearing on the Ticket corresponds with the Marianas Lottery Licensee's computer records;

- (c) The Ticket shall not be altered, mutilated or tampered with in any manner;
 - (d) The Ticket shall not be counterfeit;
 - (e) The Ticket must have been issued by an Authorized Retailer in an authorized manner;
 - (f) The Ticket must not have been stolen or canceled;
 - (g) The Ticket must not have been previously paid;
 - (h) The Ticket is subject to all other confidential security checks of the Lottery.
- (2) Except as provided in Rule 31.3, a Ticket shall be the only valid receipt for claiming a prize. A copy of a Ticket or a play slip has no pecuniary or prize value and shall not constitute evidence of Ticket purchase or of numbers selected.
- (3) A Ticket shall be validated through the Lottery's computer system.
- (4) In the event of a dispute between the Marianas Lottery Licensee and a claimant as to whether a Ticket is a winning Ticket, and if the Marianas Lottery Licensee determines that the Ticket is not a winning Ticket, the Marianas Lottery Licensee may replace the disputed Ticket with a Ticket of at least the equivalent sales price for a future drawing of the same game. This shall be the sole and exclusive remedy of the claimant.
- (5) In the event a defective Ticket is purchased, the only responsibility or liability of the Lottery or the Authorized Retailer shall be the replacement of the defective Ticket with another Ticket for a future drawing of the same game.
- (6) The final decision on whether a prize will be paid shall be made by the Marianas Lottery Licensee.

31.6 Allocation of Revenues

- (1) 35 percent of all weekly gross sales revenues over \$15,000 shall be reserved for prizes and shall be allocated to the prize categories as set forth below.

First Prize Pool 90.00%
 Second Prize Pool 7.00%
 Third Prize Pool 3.00%

- (2) In the event it is determined that there are no valid winning tickets for a specific prize category (i.e. "Match 5", "Match 4", or "Match 3") in any given drawing, all monies allocated for that particular prize category shall be carried forward and accumulated with the monies allocated for that particular prize category for the next drawing. This process shall continue until such time as there is one or more valid winning ticket(s) for the particular prize category.

- (3) In the event the "Marianas Lottery" game is terminated for any reason whatsoever, any prizes which were not won shall be reallocated by the Marianas Lottery Licensee. Any prizes which were won but not claimed within sixty (60) days of the drawing shall revert to the CNMI government.
- (4) Nothing in these regulations shall prohibit the Marianas Lottery Licensee from declaring prizes larger than the minimum amounts set forth herein prior to any drawing. Such declaration shall only be made by delivering to the CNMI Secretary of Finance a notarized notice from the Marianas Lottery Licensee setting forth the prizes to be offered for a specified drawing.

31.7 Probability of Winning

The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations of five drawn from a field of 38 numbers.

First Prize	1 in 501,942
Second Prize	1 in 3,042
Third Prize	1 in 95
Any Prize	1 in 92

31.8 Governing Law

All players must abide by all laws, rules, regulations, and procedures applicable to the Marianas Lottery Lotto game. The Marianas Lottery Licensee shall make all final decisions regarding the game, including but not limited to, all final decisions regarding the determination of prize winners and the validation of tickets.

31.9 Suspension of Marianas Lottery Lotto Game

At the discretion of the Marianas Lottery Licensee, the Marianas Lottery Lotto Game may be suspended or terminated at any time to be effective prior to any scheduled drawing. In case of a terminated drawing, the sole remedy for holders of tickets for such drawing shall be the refund of the ticket purchase price.



Commonwealth of the Northern Mariana Islands
Department of Public Health

Office of the Secretary

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES
DEPARTMENT OF PUBLIC HEALTH

Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC §2603(f) and 2605(j), provides that the Secretary of the Department of Public Health (DPH) shall administer all government owned facilities and shall implement rules and regulations for the efficient delivery of health services in the CNMI.

Pursuant to this authority, the Secretary is amending specific fees from the Schedule of Medical and Other Related Fees which was published in its entirety, and adopted, in the Commonwealth Register Volume 17, Number 2, dated February 15, 1995 and Volume 17, Number 4, dated April 15, 1995, respectively. These amendments are necessary to reflect accurately in the Schedule of Medical and Other Related Fees the types of services that are now being provided by the Department. The amendments are attached herewith and will be incorporated into the DPH Schedule of Medical and Other Related Fees upon adoption.

In adopting these Amendments to the Schedule of Fees, it is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedure Act, specifically 1 CMC §9104. Copies of the proposed Amendments to the Schedule of Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of CHC. Comments on the proposed Amendments to the Schedule of Fees may be sent to the Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. All comments must be received within 30 days from the date this notice is published in the Commonwealth Register.

Certified By:


JAMES U. HOFSCHEIDER, M.D.
SECRETARY
Department of Public Health

8/15/02
DATE

Filed By:


SOLEDAD B. SASAMOTO
Registrar of Corporations

8/21/02
DATE

Received By:


THOMAS A. TEBUTEB
SAA
Governor's Office

8/21/02
DATE

Pursuant to 1 CMC §2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 21 day of August 2002.

Robert T. Torres
Attorney General

By: 
Debra Knapp
Assistant Attorney General



Commonwealth of the Northern Mariana Islands
Department of Public Health

Office of the Secretary

NUTISIAN PUBLIKU

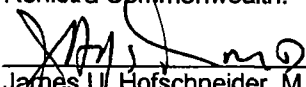
PRINUPONI SIHA NA AMENDASION GI LISTAN APAS
DIPATTAMENTON HINEMLO' PUBLIKU

I Tituulu I gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12 yan patikulatmente i 1 CMC §2603(f) yan 2606(j), ha pribebeni i Sikritarion Dipattamenton Public Health (DPH osino' Dipattamenton Hinemlo' Publiku, na para guiya u atministra todü fasilidat gobetno siha yan u enfuetsa todü areklamento yan regulasion siha para minaolek mana'en setbision hinemlo' gi halom i (CNMI) Islas Marianas.

Sigun gi este na aturidat, i Sikritariu ha amemenda espisifiku siha na presiu ginen i lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) ni ma publika gi entieru-na, yan ma adapta, gi Rehistran Commonwealth, Volume 17, Numeru 2, gi Febreru 15, 1995 yan Volume 17, Numero 4, gi Abril 15, 1995. Prisiu este siha na amendasion gi listan presiu siha put mediku yan otro siha apas put para u reflektä i dinanche siha na klasin setbisio ni ma pribeni gi dipattamento. I amendasion mandadana sigun este na notisia ya u ma na patte gi lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi depattamento gi ma adaptanna.

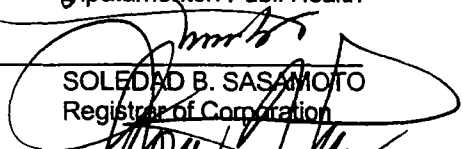
Gi ma adaptanna este siha na amendasion gi listan presiu siha, ha entensiosiona i Dipattamenton Hinemlo' Publiku kumumple i kondesion siha ni manma' establesi nu i "Administrative Procedure Act" na akto, espesiatmente i 1 CMC §9104. Kopia siha put i manma prupoponi na amendasion gi Listan Apas siha sina manmachuchule' gi Ufisinan i Sikritarion Hinemlo' Publiku gi primet bibenda gi CHC. Dokomento siha put i manma' prupoponi na amendasion gi Listan Apas sina mana' fanhahanao guato gi: Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. Todü dokomento siha debi di u fanma risibi gi halom trenta (30) dias despues di i fechan ni publika este na nutisia gi Rehistra Commonwealth.

Mas settefika nu as:


James U. Hofschneider, M.D.
Sektretariu
Dipattamenton Publi Health


08/15/02
Fecha

Ma Rikot nu as:


SOLEDAD B. SASAMOTO
Registrar of Corporation

8/21/02
Fecha

Ma Resibi as:


Thomas A. Tebuteb
SAA
Governor's Office

8/21/02
Fecha

Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Dated this 21 day of August 2002

Robert T. Torres
Attorney General

By: 
Debra Knapp
Assistant Attorney General



**Commonwealth Matawal Wool Faluw Kka
Faluwasch Marianas
Depattamentol Public Health**



Bwulasiyol Secretary

Arongorongol Touiap
Pomwol Liiwel Kkaal Reel Atol Obwos Sangi Bwulasiyol Public Health

Title 1 CMC Division 2, Chapter 2, mebwal 1 CMC 2603 me 2605(j), sangi milikkaal nge Secretary mellol Bwulasiyol Public Health (DPH) ebwe mwoghutaaghali alongal yaal government facilities me ebwe ayoora allegh bwe ebwe fil mwoghutughutul health services mellol CNMI.

Sangi bwangil, Secretary nge ebwe ffat reel liiwelool atol obwos mereel Medical me akkaaw obwos ikka e arongowow mellol aighughul, me adopt-lo llo Commonwealth Register Volume 17, Numoro 2, ral ye Maischigh (February) 15, 1995 me Volume 17, Numoro 4, raail ye Seeta (April) 15, 1995, ikkaal taliil. Liiwel kkaal nge e welepakk bwe ebwe ffat reel atol Medical me akkaaw tappal obwos reel services kka depattamento ye ayoora. Liiwel kkaal nge e appasch ngali nge ebwe isisilong llo (DPH) atol Medical me akkaaw obwos ngare re adoptaay.

Reel rebwe adoptaay liiwel kkaal sangi atol obwos, mangemangil Bwulasiyol Public Health nge ebwe tabwey lamal Administrative Procedure Act, scheescheel 1 CMC 9104. Copi kkaal reel pomwol liiwel me atol obwos nge emmwel rebwe bweibwogh me Bwulasiyol Public Health ye elo ground floor me CHC. Ngare eyoor yoomw ayegh reel pomwol liiwel kkaal sangi atol obwos nge ebwe akkafangelo reel Bwulasiyol Secretary mereel Public Health, PO Box 500409, Seipel MP 96950. Ayegh kkaal nge ebwe atootolong llo eiigh (30) ral sangi llo raail ye e arongowow mellol Commonwealth Register.

<p>Certified by:</p> <p><u><i>[Signature]</i></u> JAMES D. HOFSCHEIDER, MD Secretary Department of Public Health</p>	<p><u><i>[Signature]</i></u> RAL</p>
<p>Isaliyal:</p> <p><u><i>[Signature]</i></u> SOLEDAD B. SASAMOTO Registrar of Corporations</p>	<p><u><i>[Signature]</i></u> RAL</p>
<p>Bwughiyal:</p> <p><u><i>[Signature]</i></u> THOMAS A. TEBUTEB SAA Governor's Office</p>	<p><u><i>[Signature]</i></u> RAL</p>

Sangi aileewal 1 CMC 2153 iye a liiwel mereel Public Law 10-50 allegh kkaal nge ra amwuri me alleghuyal CNMI Attorney General's Office.

Raail ye 21 aram ye Agosto 2002.

Robert T. Torres
Attorney General

Sangi: *[Signature]*
Debra Knapp
Assistant Attorney General

27. Crown - Stainless, permanent tooth - per tooth	276.00
28. Denture - complete upper	746.00
29. Denture - complete lower	734.00
30. Denture - Immediate upper	779.00
31. Denture - Immediate lower	779.00
32. Adjust full denture, upper	52.00
33. Adjust full denture, lower	52.00
34. Adjust partial denture upper	43.00
35. Adjust partial denture lower	43.00
36. Denture partial (per tooth)	100.00
37. Denture reline full upper	179.00
38. Denture reline full lower	198.00
39. Denture rebase full upper	303.00
40. Denture reline partial upper	234.00
41. Denture reline partial lower	202.00
42. Denture rebase partial upper	270.00
43. Denture rebase partial lower	267.00
44. Denture repair	115.00
45. Denture repair, per tooth	88.00
46. Denture repair simple - Acrylic	120.00
47. Denture repair w/impression	110.00
48. Partial denture w/clasp wire (per clasp)	131.00
49. Denture cleaning/polishing	30.00
50. Recement Bridge	35.00
51. Extraction, simple permanent (per tooth)	75.00
52. Extraction deciduous (per tooth)	72.00
53. Surgical extraction soft tissue impaction (per tooth)	164.00
54. Surgical extraction erupted tooth (per tooth)	146.00
55. Surgical extraction impaction sect. Tooth (per tooth)	216.00
56. Surgical extraction bony impaction (per tooth)	265.00
57. Removal residual roots unexposed	119.00
58. Removal residual roots exposed	75.00
59. Prescription w/examination	20.00

Established Dental Fees
(schedule presently in use)

Bureau of Dental Health Services

1	oral examination	\$ 5.00
2	simple extraction	\$ 20.00
3	surgical extraction	\$ 40.00
4	alveolectomy	\$ 25.00
5	gingivectomy (quadrant)	\$ 30.00
6	root canal therapy (per canal)	\$ 75.00
7	pulpotomy	\$ 40.00
8	amalgam restorations: one surface	\$ 20.00
	two surfaces	\$ 30.00
	three surfaces	\$ 40.00
9	prisma	\$ 25.00
10	temporary restoration (zoe)	\$ 15.00
11	oral prophylaxis	\$ 30.00
12	full mouth scaling	\$ 30.00
13	x-ray, single	\$ 5.00
14	x-ray, full mouth	\$ 40.00
15	gold crown	\$ 300.00
16	non-precious metal crown	\$ 200.00
17	porcelain crown	\$ 250.00
18	acrylic crown	\$ 50.00
19	stainless steel crown	\$ 40.00
20	crown and bridge (precious metal/per unit)	\$ 300.00
21	crown and bridge (non-precious metal/per unit)	\$ 200.00
22	wire clasp (contoured)	\$ 15.00
23	clasp (casted)	\$ 50.00
24	gold inlays: one surface	\$ 150.00
	two or more surfaces	\$ 200.00
25	lingual bar (contoured)	\$ 150.00
26	lingual bar (casted)	\$ 250.00
27	denture, full upper and lower	\$ 200.00
28	denture, partial	\$ 50.00
		(plus \$10 per tooth)
29	denture repair	\$ 35.00
30	denture reline	\$ 75.00
31	denture rebase	\$ 100.00
32	fracture management	\$ 150.00
33	pit and fissure sealant (per tooth)	\$ 5.00
34	topical fluoride application	\$ 35.00
35	fluoride tablets (100 tablets)	\$ 0.50