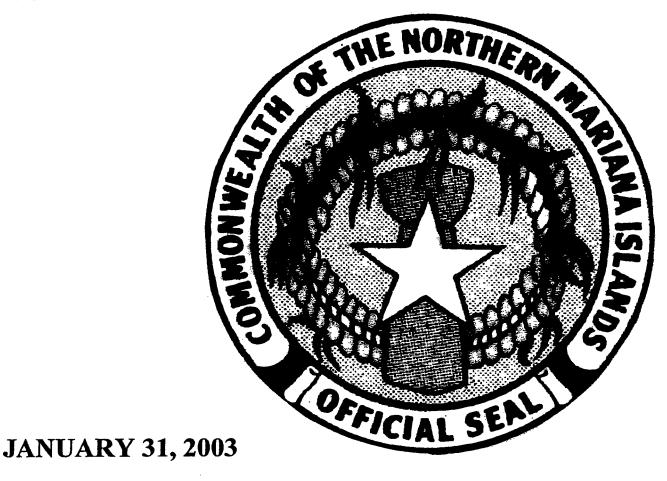
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, MARIANA ISLANDS

VOLUME 25 NUMBER 01



COMMONWEALTH

REGISTER

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NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF INTENT TO ADOPT AMENDMENT TO SOLID WASTE COLLECTION DISPOSAL REGULATIONS, SECTION 2 TO REQUIRE PRE-SORTING OF ALL GARMENT MATERIAL PRIOR TO DELIVERY TO RECYCLING LOCATIONS

Emergency: The Secretary of Public Works for the Commonwealth of the Northern Mariana Islands finds that, pursuant to Title 1 CMC, Division 9, Chapter 1, and specifically under 1 CMC § 9104 (b), the public interest requires the adoption, on an emergency basis, of amendments to the "Solid Waste Collection Disposal Regulations, Section 2." These Solid Waste Collection Disposal Regulations, Section 2 were repealed and re-enacted as published in the Commonwealth Register Vol. 24, No. 05, on May 20, 2002, beginning at page 19125.

The Secretary of Public Works further finds that the public interest mandates adoption of these amendments to the Solid Waste Collection Disposal Regulations upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

Reasons for the Emergency: The Secretary of Public Works finds that there is currently no law, rule or regulation in effect to require that garment manufacturers pre-sort all garment material delivered for recycling as part of the Recycling Pilot Project on the Commonwealth government. Failure to require pre-sorting of the garment material will greatly impact the success or failure of the Pilot Project. Recycling of the garment material is of utmost importance to the solid waste management system within the Commonwealth and an integral factor in the life of the Marpi Solid Waste Landfill. The public interest, health, and welfare therefore requires that all reasonable limitations be placed on garment manufacturers within the Commonwealth to safeguard the environment, health and safety of the public and to enhance the effective solid waste management system by the Department of Public Works.

<u>Contents:</u> The adoption of these amendments to the Solid Waste Collection Disposal Regulations will require garment manufacturers to pre-sort all garment material prior to delivery to the recycling location in Lower Base.

Notice of Intent to Permanently Adopt: It is the intention of the Secretary of Public Works to adopt these emergency amendments as permanent amendments to the Solid Waste Collection Disposal Regulations with such adoption pursuant to 1 CMC §§ 9104 (a) (1) and (2). Therefore, publication in the Commonwealth Register of these amendments, this Notice, and an opportunity for public comment pursuant to the requirements of the CNMI Administrative Procedure Act are hereby provided. Comments on these amendments to the Solid Waste Collection Disposal Regulations may be submitted in writing to the Department of Public Works, Solid Waste Manager, Lower Base, Saipan, MP 96950 or by fax (670) 322-3547, not later than thirty days from the date of this publication.

Dated this 31 h day of December, 2002.

JUAN S) REYES[\]

Department of Public Works

Received by:

THOMAS TEBUTEB

Date

Special Assistant for Administration

Filed and Recorded by Linear

01-08-03

01-04-03

Registrar of Corporations (Junp) Date

Pursuant to 1 CMC §2153, as amended by Public Law 10-50, the rules and

regulations attached hereto have been reviewed and approved as to form and

EMERGENCY REGULATION AMENDING THE SOLID WASTE COLLECTION DISPOSAL REGULATIONS, SECTION 2, CR Volume 24, Number 05, Page 19125 et sea. TO ADD PRE-SORTING OF GARMENT MATERIAL FOR RECYCLING.

Upon the commencement date of the Pilot Garment Recycling Project, all garment manufacturers in the CNMI shall deliver all garment waste to the recycling facility located at the rear of the Department of Public Works (DPW), Technical Services Division (TSD) building in Lower Base, Saipan, MP. In order to facilitate the operation of this project and prior to delivery of any garment waste to the recycling facility, all garment manufacturers are required to separate their garment waste into four (4) categories. The categories are:

- 1. White fabric 100% Cotton
- 2. Colored fabric 100% Cotton
- 3. 60% or more Cotton
- 4. All Others

All other types of municipal solid waste (MSW) (normal garbage) must be removed from the garment waste prior to delivery. Plastics, cardboard and household waste will not be accepted. Any loads found to be sorted improperly or contaminated with other types of MSW will be rejected and will not be accepted at either the DPW/Recycling site or at any solid waste facility including Puerto Rico Dump and the Marpi Landfill. These loads will require re-sorting to be acceptable. Any load that is rejected by the operator of the recycling facility due to contamination from kitchen and other type of wet trash or otherwise contaminated with plastic, cardboard and other garbage that cannot be presorted must return to the scale house at the Transfer Station to be assessed an additional Thirty-Five Dollars (\$35.00) per ton prior to disposal at any waste management site including but not limited the Puerto Rico Dump and the Marpi Landfill.

Tipping Fees will be collected at the DPW/Recycling site. Fee assessment will continue to be based on volume until such time as the Lower Base Refuse Transfer Station (LBRTS) is operational. At that time, haulers will be required to report to the Scale House at the LBRTS to have the loads weighed prior to delivery to the DPW/Recycling site.

PUBLIC NOTICE

DEPARTMENT OF PUBLIC WORKS EMERGENCY ADMENDMENT TO SOLID WASTE COLLECTION DISPOSAL **REGULATIONS, SECTION 2.**

Citation of

Statutory Authority:

Pursuant to 2 CMC §3514 of the Commonwealth Solid

Waste Management Act of 1989 and 2 CMC §3517.

Short Statement of Goals and Objectives:

To amend Section 2 of the Solid Waste Collection Disposal

Regulations to add a new subsection requiring that all garment material is pre-sorted prior to delivery to the recycling location as part of the Recycling Pilot Project.

Brief Summary of The Rule:

Requires that upon commencement of the Recycling Pilot

Project, all garment manufacturers must pre-sort all

garment material prior to delivery to the recycling location

in Lower Base.

For Further

Information Contact:

Alberta Carpenter, Solid Waste Program Manager,

Department of Public Works, telephone no. 322-2745 or

fax 322-3547.

Citation of Related and/or

Affected Statutes,

Regulations and Orders:

Solid Waste Collection and Disposal Regulations

Submitted by:

Department of Public Works

12/31/02

Page 19956 January 31, 2003

Nutisian Pupbliku Dipåttamenton i Public Works

Imidiamente Na Regulasión Ni Man Ma Amenda Put I Solid Waste Collection Disposal Sek. 2

Sitasión I Aturidat I Lai: Sigun i 2 CMC Sek. 3514 put i Commonwealth Solid Waste Management Act ginen 1989 yan 2 CMC Sek. 3517.

Kádada' Na Sinangan Put I <u>Goals</u> Yan <u>Objectives</u>: Para hu ma amenda Sek.2 put i Regulasión i <u>Solid Waste Collection Disposal</u> na hu ma umentáyi nuebu na seksiona ni ha mámánda todu i matiriát i <u>Garment</u> na hu ma na fan sangi ántes di hu ma diliba para i lugát <u>recycling</u> påtte gi <u>Recycling Pilot Project</u>.

Kádada' Na Sinangan Put I Areklamento: Ha måmånda na ma tutuhon i <u>Recycling Pilot Project</u> todu i <u>manufactures</u> i matiriåt i <u>garment</u> hu na fan sangi i matiriåt åntes di hu ma diliba para i lugåt i <u>Recycling</u> gi Lower Base.

Para Mås Infotmasión Aga'an: Alberta Carpenter, Solid Waste Program Manager, Dipattamenton i Public Works, Numirun tilifon 322-2745 pat fax gi Numirun 322-3547.

Sitasión i Man A'achuli yan / pat I Man Inafekta Na Lai Siha, Regulasión yan Otden Siha: Solid Waste Collection Yan Disposal Regulasions

Ninahalom:

Juan S. Reves

Dipattamenton i Public Works

/3//02 Fecha



Office of the Secretary Department of Finance

P.O. Box 5234 CHRB SAIPAN, MP 96950

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

PUBLIC NOTICE Of Private Letter Ruling

Title 4, Division 1, Section 1707(i) requires that upon deletion of the names of the taxpayers and any other personal facts that are not essential to the understanding of the ruling, the Department of Finance shall make public any private letter ruling that it issues. The private letter ruling issued on June 5, 2002 by the Department of Finance, regarding the Application of Gross Revenue Tax submitted for publication in the Commonwealth Register.

Issued by:	MIM	1-20-03
_	Frank B. Villanueva	Date
Received by:	Thomas Tebuteb Office of the Governor	/- 18-03 Date
Filed by:	Remedio M. Hallnur Register of Corporations	1-28-03 Date

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

Ramona V. Manglona

Attorney General

Date



Revenue and Taxation Department of Finance

P.O. Box 5234 CHRB SAIPAN, MP 96950

TEL. (670) 664-1000

FAX. (670) 664-1015

June 5, 2002

XXXXXXXXX XXXXXXXXXXXXX XXXXXXXXXXXXX

RE: Private Letter Ruling Request

Dear Mr. XXXXXXX:

This letter responds to your letter dated December 13, 2001 requesting a ruling under 4 CMC § 1707.

The rulings contained in this letter are, in part, predicated upon facts and representations submitted by the Taxpayer and accompanied by penalty of perjury statements executed by an appropriate party. This office has not verified any of the material submitted in support of the request for rulings. Verification of the factual information, representations, and other data may be required as part of the audit process.

Facts Provided in the Ruling Request

"A" Corporation is a foreign corporation organized and existing under the laws of Japan. "A" entered into two contracts to rehabilitate diesel engines that are owned by "B" corporation. "B" corporation is domestic corporation. The two contracts provide that "A" will sell the brand new parts to "B", Cost Insured Freight (CIF) Japan. "A" will also refurbish parts owned by "B" in Japan. Lastly, "B" will rehabilitate the engine in CNMI.

The Contract 1 consists of two parts; one is for supply of brand-new parts and refurbishing work to be done in Japan. "A" will purchase the necessary parts for the rehabilitation from a manufacturer in Japan and ship the parts to "B" on Saipan. The contractual delivery condition of the parts is CIF Saipan port (Incoterms 2000), therefore the title of the parts will pass to "B" at the time of shipment in Japanese port.

Contract 2 provides for the work done on site in the CNMI. "A" will send their supervisors from Japan to Saipan to oversee the rehabilitation process. "A" expects to obtain the labor workforce necessary for the rehabilitation by contracting with another CNMI corporation.

Letter to XXXXXXX June 5, 2002 Page 2

Undisputed:

With regards to Contract 2, the Taxpayer concedes that the gross revenue tax will apply to the contract for services performed in the Commonwealth, specifically the rehabilitation of the engine.

Issues:

With regards to Contract 1, there are two issues presented;

- a. Whether the sale of the parts with title passing in Japan is subject to the Commonwealth's Gross Revenue Tax?
- b. Whether Commonwealth's Gross Revenue Tax applies to performance of services in Japan?

Ruling:

"A" is not subject to Gross Revenue Tax [GRT] for the sale of parts with title passing in Japan nor for personal services performed outside of the Commonwealth. "A" is exempt from GRT on such revenue where 4 CMC § 1103(u) excludes from gross revenue earned outside of the Commonwealth.

Law and Discussion

Gross Revenue Tax is an annual tax imposed upon gross revenue earned in the CNMI by any person. see 4 CMC § 1301. Gross Revenue is defined as "... Money or the value of other consideration received from the selling real or personal property in the Commonwealth.....or from performing services in the Commonwealth." The application of the gross revenue tax in this instance turns on where the activity occurred. Gross Revenue taxes are applied to gross revenues sourced within the Commonwealth pursuant to 4 CMC § 1103(u) and 4 CMC § 1712. Revenue and Taxation Regulations Section 2203.2 defines what transactions are within the Commonwealth for the purposes of the Gross Revenue Tax. All other issues as to whether gross revenues are derived "in the Commonwealth" for purposes of the Gross Revenue Tax shall be made in accordance with the sourcing rules of the Northern Mariana Territorial Income Tax sections 861 et. seq. to the extent consistent with the Gross Revenue Tax. Section 1701 of the Commonwealth Public Law 4-24 adopts the United States Internal Revenue Code (IRC) as a local income tax known as the Northern Marianas Territorial Income Tax (NMTIT). The IRC is generally applied as the CNMI income tax law by substituting "CNMI" for "United States" wherever appropriate in order to give the law proper effect in the CNMI. Therefore, all references to the United States in the IRC as adopted by the NMTIT, are deemed also to refer to the CNMI.

Letter to XXXXXXX June 5, 2002 Page 3

a. Performance of Services outside of the Commonwealth

The performance of services taking place outside the Commonwealth will be excluded from the Gross Revenue Tax. NMTIT § 862(a)(3) states that compensation for labor or personal services performed without the Commonwealth are not sourced in the Commonwealth. If Section 862(a)(3) is read in conjunction with 4 CMC § 1103(u), personal services performed outside of the Commonwealth are not subject to gross revenue taxation. "A" will refurbish a diesel engine in Japan. Refurbishing an engine is a personal service. This personal service is performed outside of the Commonwealth and not sourced in the Commonwealth. Thus the refurbishing of the diesel engine is not subject to gross revenue tax.

b. Sale of Parts outside of the Commonwealth

According to NMTIT § 865 (a)(2) income from the sale of personal property by a nonresident shall be sourced outside of the Commonwealth. A nonresident is any person other than a Commonwealth resident, see NMTIT § 865(g)(1)(B). A nonresident may be subject to gross revenue tax where it maintains a fixed place of business or an office within the Commonwealth, see NMTIT § 865(e)(2). When NMTIT § 865(a)(2) is read in conjunction with 4 CMC § 1103(u), sale of personal property is not in the Commonwealth is not subject to Gross Revenue Tax.

In the present case, "A" is a nonresident corporation with no office or other fixed place of business within the Commonwealth. The sale of the parts by "A" with title passing in Japan will be deemed a sale outside the Commonwealth and exempt from Gross Revenue Tax.

ISSUED BY:	Signature————————————————————————————————————
ISSUED BY:	ESTHER S. ADA, DIRECTOR OF REVENUE & TAX
CONCURED BY:	





P.O. Box 501304 C.K., Saipan, MP 96950-1304 Tels.: (670) 664-8500 /01 Fax: (670) 664-8540

PUBLIC NOTICE

PROPOSED PROMULGATION OF THE CNMI USED OIL MANAGEMENT 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 promulgate the CNMI Used Oil Management Rules and Regulations. The promulgation of the proposed regulations are proposed pursuant to the authority of the CNMI Environmental Protection Act, P.L. 3-23, 2 CMC §§ 3101 et seq. (as amended by P.L. 11-103), 1 CMC §§ 2646 to 2649, and Public Law 11-108.

The promulgation of the proposed regulations will ensure the protection of our natural resources: land, air, water (inclusive of groundwater), and marine life from the release or potential release of hazardous or non-hazardous used oil.

In accordance with 1 CMC § 9104(a), the public has the opportunity to comment on the proposed regulations. Copies of the proposed regulations 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: 1-14-03	ALO
	John J. 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: Jan. 29, 2003

Ramona V. Manglona
Attorney General

Filed by:	
Date: 1-30-03	Semedio . Mynes
	Remedio C. Mafnas Registrar of Corporations
Received at the Governor's Office	y:
Date: 1.30-23	Thomas I. Tebuteb
	Special Assistant for Administration





P.O. Box 501304 C.K., Saipan, MP 96950-1304 Tels.: (670) 664-8500 /01 Fax: (670) 664-8540

Nutisian Pupbliku

Ma Proponi I Areklamento Yan Regulasión Siha Put I Enkåtgan I An Usan Láñia Gi CNMI (<u>CNMI Used Oil</u> <u>Management</u>).

I Direktot i <u>Division of Environmental Quality (D.E.Q.)</u>, gi Ofisinan i Gobietno, gi Commonwealth Gi Sankattan Siha Na Islas Marianas, ha infofotma i pupbliku na i <u>D.E.Q.</u> Ma Proponi I Areklamento Yan Regulasión Put I Enkåtgan I An Usan Låñia gi CNMI. I man ma proponi na regulasión siha sigun i aturidat i <u>CNMI Environmental Protection Act.</u> P.L. 3-23, 2 CMC Sek. 3101 <u>et. seq.</u> (ni ma amenda nu i P.L. 3-23), 1 CMC Sek. 2646 para 2649, yan Lai Pupbliku 11-108.

I man ma proponi na regulasión siha para hu ensura yan hu guaha pruteksión put i yota <u>natural resources</u>: táno', aire, hánom (inklusu i <u>groundwater</u>), yan i gága i tási ginen i machudan i binenu na an usan láñia.

Sigun i 1 CMC Sek. 9104 (a), guaha opotunidat i pupbliku na hu fan na'i' opinion put i man ma proponi na regulasión siha. Yanggen un nisisita kopian i man ma proponi na regulasión siha chek i Ofisinan i <u>Division of Environmental Quality</u>, gaige gi mina tres na bibienda gi Morgen Building, San Jose, Saipan. I tinige opinion siha hu fan ma submiti guato gi Direktot i <u>Division of Environmental Quality</u>, P.O.Box 1304, Saipan, M.P. 96950. Debidi hu ma risibi i opinion siha nu i <u>D.E.Q.</u> gi halom trenta (30) dias sigun anai ma fecha i nutisia ni ma pupblisa gi Rehistran i Commonwealth.

Linaknos as:	L	ina	knos	as:
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Fecha: 1-14-03

John I. Castro Jr., Direktot Division of Environmental Quality Sigun i 1 CMC Sek. 2153, ni inamenda nu i P.L. 10-50, i regulasión siha ni man checheton esta man ma ribisa yan ma apreba taimanu ha sigun i mafotmáña yan ligåt ginen i Ofisinan i Abugådo Heneråt.

Fecha: //29/63	De Manform
	Ramona V. Manglona Abugado Henerat
Pine'lo as:	
Fecha:	
	Remedio C. Mafnas Rehistran i Koporasión
Ma risibi ni Ofisinan i Gobietno as:	
Fecha:	
	Thomas A. Tebuteb Espisiát Na Ayudánte Para I Atministrasión





P.O. Box 501304 C.K., Saipan, MP 96950-1304 Tels.: (670) 664-8500 /01 Fax: (670) 664-8540

Arongorongol Toulap

Pomwol akkatéélól reel alléghúl Used Oil Management

Derectoodul <u>Division of Environment Quality</u> (DEQ), Bwulasiyol <u>Governor</u>, <u>Commonwealth</u> matawal wóól falúw kka falúwasch <u>Marianas</u> (CNMI), ekke arongaar Toulap bwe DEQ ee pomwoli ebwe ayoora alléghúl <u>Used Oil Management</u> llol CNMI Reel akkatéélól pomwol kkaal ikka ra pomwoli sángi bwángil CNMI <u>Environmental Protection</u> Act, P. L. 3-23, 2 CMC sub section 3101 et seq. (iye aa liwel mereel P. L. 11-103), 1 CMC sub section 2646 ngáli 2649, mebwal alléghúl 11-108.

Pomwol akkatééló yeel reel allégh ye ebwe alúghúlúghúw reel rebwe afáli yaasch <u>Natural Resources</u>: falúw, yááng, schaal (ebwal toolong schaalúl faal falúw), malúl leeset mereel millikka ee <u>hazardous</u> me ngare <u>none</u> hazardous used oil.

Sángi 1 CMC sub section 9104 (a), emwel bwe Toulap rebwe ayegh reel pomwol allégh kkaal . Copial pomwol allégh kkaal iye eyoor mereel Bwulasiyol Division of Environmental Quality, iye elo ayluuwal bibenda mereel Morgan Building, San Jose, Saipan. Yóómw mángemáng nge ebwe isisilong reel : Bwulasiyol Derectood Environmental Quality, P. O. Box 1304, Saipan, MP, 95950. Ngáre eyoor yóómw mángemáng reel pomwol kkaal ubwe isisilong llól Bwulasiyol DEQ atol iliigh (30) rál sángi rál la re arongowow mellól Commonwealth Register.

Isisiwo	wul:	
Rál: _	1-14-03	John I. Castro, Jr., Director Division of Environmental Quality
mereel iye ra t	l 1 CMC sub section 2 takkal amwuri me alú	2153, iye aa liwel sángi P. L . 10-50, allégh kkaal ghúlúghúló mereel Bwulasiyol Atorney General
Rál:	1/29/03	De Morgan
		Ramona V. Mangloria Attorney General

Isáliiyal:	
Rál:	Remedio C. Mafnas Registrar of Corporations
Bwughiyal mereel Bwula	siyol Governor:
Rál:	Thomas A. Tebuteb Special Assistant for Administration





P.O. Box 501304 C.K., Saipan, MP 96950-1304 Tels.: (670) 664-8500 /01 Fax: (670) 664-8540

DIVISION OF ENVIRONMENTAL QUALITY PROPOSED CNMI USED OIL MANAGEMENT RULES AND REGULATIONS

Citation of Statutory Authority:

The Director of the Division of Environmental Quality (DEQ) proposes to promulgate and adopt the CNMI Used Oil Management Rules and Regulations pursuant to the CNMI Environmental Protection Act, P.L. 3-23, 2 CMC §§ 3101 et seq. (as amended by P.L. 11-103), 1 CMC §§ 2646 to 2649, and Public Law 11-108.

Short Statement of Goals and Objectives:

The proposed regulations are intended to ensure the protection of our natural resources: land, air, water (inclusive of groundwater) and marine life from the release or potential release of hazardous and non-hazardous used oil.

Brief Summary of the Proposed Regulations:

The proposed regulations include the following: the prohibitions for the management of used oil; the notification requirement for use oil generators; the requirements for storage and spill response and prevention; the requirement for burning operation; the requirement for the transportation of used oil; the requirement for the remediation of used oil contaminated soil; the suspension and revocation of registration/ permit; the provision for public participation; the provision for enforcement procedure; and the severability provision.

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.

Submitted by: Ichal Castro Ir Director

Date: 1-14-03





P.O. Box 501304 C.K., Saipan, MP 96950-1304 Tels.: (670) 664-8500 /01 Fax: (670) 664-8540

Commonwealth of the Northern Mariana Islands Used Oil Management Regulations

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Natural Resources

Division 3

The Environment

Chapter 1

Environmental Protection Act (Pursuant to PL 3-23)*

Environmental Amendment Act (PL 11-103)**

Article 2*

Implementation of Environmental Programs

§ 3121 Issuance of Regulation § 3122 Environmental Programs

Article 3**

Enforcement of Environmental Protection

Rule

Used Oil Management Regulations

Rules

Section 1 General Provision/Authority

Section 2 Purpose

Section 3 Definitions

Section 4 Applicability

Section 5 Prohibitions

Section 6 Used Oil Generator Notification Requirements

Section 7 Used Oil Storage and Spill Prevention Requirement

Section 8 Used Oil Operation Permit Requirement

Section 9	Used Oil Burning Operation Requirement
Section 10	Used Oil Transportation Requirement
	9.1A Ground Transportation
·	9.1B Overseas Transportation
Section 11	Used Oil Collection Centers and Aggregation Point Standard
Section 12	Used Oil Processors and Re-Refiners Standard
Section 13	Used Oil Fuel Marketers Standards
Section 14	Soil Remediation Requirement
Section 15	Used Oil and Polychlorinated Biphenyls (PCBs)
Section 16	Public Participation
	Reserved
Section 17	Enforcement Authority and Procedure
Section 18	Severability
Section 19	Effective Date

SECTION 1 – GENERAL PROVISION AND AUTHORITY

- 1.1 These regulations are promulgated by the Division of Environmental Quality pursuant to 2 CMC §§ 3101 to 3134 (Commonwealth Environmental Protection Act (CEPA), 1982, PL 3-23) and the Commonwealth Environmental Amendments Act (CEAA), 1999, PL 11-103.
- 1.2 The provisions and requirements of the Federal Standards for the Management of Used Oil, 40 Code of Federal Regulations (CFR) Part 279 (2002), and as hereafter amended, are hereby adopted by reference. (See Appendix A for 40 CFR Part 279 outline). All persons subject to the requirements of Commonwealth Environmental Protection Act, as amended, and these regulations shall comply with the provisions of 40 CFR Part 279 except as otherwise provided by these regulations. [Full copy of the 40 CFR Part 279 can be obtained at the DEQ. Copying fee required.].
- 1.3 The provisions and requirements of the Federal Oil Pollution Prevention Regulations, 40 Code of Federal Regulations (CFR) Part 112 (2002), and as hereafter amended, are hereby adopted by reference. (See Appendix B for 40 CFR Part 112 outline). All persons subject to the requirements of Commonwealth Environmental Protection Act as amended, and these regulations shall comply with the provisions of 40 CFR Part 112 except as otherwise provided by these regulations. [Full copy of the 40 CFR Part 112 can be obtained at the DEQ. Copying fee is required.].

SECTION 2 – PURPOSE

2.1 The purpose of these regulations is to establish and ensure safe and proper management practice in the handling of the used oil from the initial point of generation to the final disposal action and to ensure the protection of the public health and welfare and the prevention of environmental contamination in the Commonwealth of the Northern Mariana Islands.

SECTION 3 – DEFINITIONS

The definitions set forth in 40 CFR Part 279.1 of the Federal Standard for the Management of Used Oil, as amended are hereby adopted by reference. In addition, the words and terms defined below have the meanings ascribed to them as follows:

- 3.1 "The Act" Means the Commonwealth Environmental Protection Act (P.L. 3-23) and the Commonwealth Environmental Amendments Act (P.L. 11-103), codified at Title 2, Division 3, Chapter 1 of the Commonwealth Code, as amended (2 CMC § 3101 et seq.).
- 3.2 Active Area Means the area of the facility over which any transportation, storage, or processing of the used oil occurs.
- 3.3 Unlined Ground Surface Means any ground surface not covered by an impervious structure such as a concrete floor so as to prevent used oil being released from contaminating the ground surface and subsurface and possibly the groundwater.
- 3.4 DEQ Means the Division of Environmental Quality, within the Office of the Governor.
- 3.5 Director Means the Director of the Division of Environmental Quality.
- 3.6 Do-It-Yourself (DIY) Generators Means any 'household do-it-yourselfer used oil generators' as defined in 40 CFR § 279.1, other than a commercial used oil generator.
- 3.7 Operator Means the person who owns a facility or part of a facility that manages used oil.
- 3.8 Commercial Generators Means generators with a valid business license whose business activities or operation involves the generation of used oil on a routine basis. Also includes non-household facilities that generate used oil on a regular basis.
- 3.9 Commercial Transporter Means transporters with a valid business license whose business activities or operation involves the transportation of used oil from DIY and commercial generators, on a routine basis, to a collection center or aggregation point.
- 3.10 Person Means any individual, firm, partnership, association, company, public or private corporation, and any entity or agency of the Commonwealth Government or the United States of America.

3.11 Recycling means -

- (A) Preparing used oil for reuse as a petroleum product by re-refining, reclaiming, or other means;
- (B) Using used oil as a lubricant or petroleum product instead of using petroleum product made from new oil; or
- (C) Burning used oil for energy recovery.
- 3.12 Re-refining Means applying processes (other than crude oil refining) to material composed primarily of used oil to produce high-quality base stocks for petroleum products. Process includes: settling, filtering, catalytic conversion, fractional/vacuum distillation, hydro treating or polishing.
- 3.13 Secondary Containment Means dikes, berms, retaining walls, floors, and/or equivalent made of a material(s) that is sufficiently impervious to contain used oil. These structures must contain all potential spills of used oil from containers or tanks, plus run-on water, until removal of the spill.
- 3.14 Sufficiently impervious Means capable of containing all spills of used oil from containers or tanks until removal of the spill.
- 3.15 Used Oil Management Facility Means a facility that generates, collects, stores, burns for disposal, or processes to recycle used oil. Do it yourself (DIY) generators are not used oil management facilities.
- 3.16 Used Oil Handler Means any person involved in the following activities, which constitute handling of used oil: transportation, burning, processing, collection, rerefining, and other like activities, except the used oil DIY generators.

SECTION 4 – APPLICABILITY

- 4.1 The provision of 40 CFR Part 279, Subpart B, "Applicability," of the Federal Standard for the Management of Used Oil, as amended, are hereby adopted by reference. In addition to the applicability and exemption provisions set forth in Subpart B, the following provisions shall apply:
 - A) The requirements under these regulations apply to any facility that handle the storage, transportation, collection/aggregation, disposal, and processing of used oil.
 - B) Used oil determined to be a hazardous waste shall be managed & disposed of in compliance with the requirements of the CNMI Hazardous Waste Material Regulations and applicable federal regulations

over any time period.						
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SECTION 5 – PROHIBITIONS

The provision of 40 CFR § 279.12, "Prohibitions" of the Federal Standard for the Management of Used Oil, as amended, are hereby adopted by reference. In addition to the prohibitions set forth in § 279.12, the following provisions apply:

- 5.1 No person shall collect, market, burn, transport, recycle, process, store, use, discharge, or dispose of used oil in any manner that may pose a threat to public health or welfare or the environment.
- 5.2 Used oil shall not be stored in containers on any unlined ground surface or pits other than one with a sufficiently impervious secondary containment system, as required by this regulation.
- 5.3 Used oil shall not be stored in any underground storage tank system.
- 5.4 Used oil determined to contain hazardous waste constituents shall not be disposed of by burning on-site. Used oil determined to be a hazardous waste must be managed in accordance with the applicable CNMI and federal regulations.
- 5.5 No used oil shall be transported off-site from the generator's facility or burned onsite without first testing the used oil to make a hazardous waste determination. Used oil bound for overseas transportation to a recycling center or disposal facility must be further analyzed for PCB contamination, halogenated compound contamination, and in accordance with 40 CFR § 279.11, using appropriate EPA method for used oil analysis. The laboratory that will conduct the analysis must be a DEQ and/or EPA certified.
- 5.6 A person commits a violation if the person:
 - A) discharges used oil into a sewer, drainage system, septic tank, surface water or ground water, watercourse, or marine water;
 - B) puts used oil in waste that is to be disposed of at any sanitary landfill or directly disposes of used oil on land;
 - C) transports, treats, stores, disposes of, recycles, markets, burns, processes, rerefines used oil within the CNMI:
 - 1. without first complying with the requirements of this regulation and other local appropriate, relevant, and applicable regulations; and/ or
 - 2. in violation of rules for the management of used oil under 40 CFR Part 279; as adopted by reference;.
 - 3. applies used oil to roads or land for dust suppression, weed abatement, or other similar uses;
 - 4. violates an order of the division to cease and desist any activity prohibited by this section or any rule applicable to a prohibited activity; or

5. makes any false representation in any document used for regulatory/enforcement compliance.

SECTION 6 - USED OIL GENERATOR NOTIFICATION REQUIREMENTS

- 6.1 The provisions of 40 CFR Part 279, Subpart C, "Standard for Used Oil Generators," of the Federal Standard for the Management of Used Oil, as amended, are hereby adopted by reference. In addition to the standard set forth in Subpart C, the following notification requirements apply:
 - A) Any person who generates 55 gallons of used oil or more at any one time shall notify DEQ within 15 days of the used oil generation. The notification process is completed by completing the form provided by DEQ. Repeat notification is not necessary. Information required will include name, physical address, telephone, volume of used oil, type of containment and description of storage facility, physical location of used oil, and rate of used oil generation. Generator shall notify DEQ within 15 days on the final disposition of his/her used oil.

SECTION 7 – USED OIL STORAGE & SPILL PREVENTION REQUIREMENTS:

In addition to the provision of 40 CFR Part 279 regarding used oil storage and spill prevention requirements, the following shall apply:

- 7.1 Used oil management facilities, which store 55 gallons or more of used oil, shall comply with the Federal Oil Pollution Prevention regulations under 40 CFR Part 112. These regulations are attached in Appendix B.
 - A) Used oil shall only be contained and stored in aboveground storage tanks (AST) or single drum containers in good condition (no severe rusting, apparent structural defects, or deterioration, not leaking), and in accordance with industry standards and good engineering practice.
 - B) Used oil AST or containers must have a clearly visible written label or marking that states "USED OIL ONLY" on its side(s) so as to prevent mixing of the used oil particularly with a hazardous substance.
 - C) All used oil containers and/or above ground storage tanks must be constructed so that a secondary means of containment is provided. The secondary containment system must have a 110% volume capacity to hold the maximum amount of used oil allowed for storage plus 10% allowance capacity for precipitation. The system must be sufficiently impervious to spills to prevent

any used oil released into the containment system from migrating out of the system onto the soil, surface water, or groundwater. The secondary containment system must also have:

- 1. A structure to protect the used oil containers from rain and solar impact.
- 2. Signage placed around the perimeter of the secondary containment system indicating "Used Oil Storage Area."
- The facility must have an Oil Spill Prevention and Response Plan to address D) spill incidents at the active area.
- In any given year, after the effective date of these regulations, used oil E) generators shall only have a maximum of 275 gallons (or five 55-gallon drums) of used oil safely and properly stored at their facility's active area. This requirement exempts permitted used oil collection center, aggregation points, and transporters.
- A record of inventory (to include the time a 55-gallon drum of used oil is F) generated and any thereafter, analytical data for hazardous waste determination, the time and date the facility disposes of the used oil, and the name of the company or firm who collects the used oil for disposal), must be kept on file for at least a 3 year period.
- Any non-household activity which involves the generation of used oil shall be G) conducted over surfaces which are sufficiently impervious to prevent used oil spills from migrating to groundwater, surface water, or present a threat to human health and the environment.
- Any person transferring used oil from one container to another shall conduct the H) transfer in a manner that reduces spill onto sufficiently impervious surface. Good housekeeping practice of used oil management shall be maintained at all times.

SECTION 8 – USED OIL OPERATION PERMIT REQUIREMENTS:

- 8.1 Permits: Any person who transport, collect or aggregate, process, or burn for disposal, used oil, shall first apply for a permit to operate at the DEQ Office, prior to operation of such activity.
 - A) Submission of the initial permit application shall be accompanied with a facility vicinity map (showing public access road, nearby public water wells, and residential areas), and a facility site map (showing facility building structures, and used oil active area). For commercial used oil operation, company business license shall be included with the permit application.

- 1. Transportation Operation: A copy of the vehicle registration for the vehicle(s) used in the transportation operation must be submitted with the permit application.
- 2. Burning Operation: Burner unit specification and analytical data results from the manufacture, showing test performance of the unit, must be submitted with the permit application.
 - a. Burner Unit Registration Fee: Each unit burner must be registered with DEQ before it can be operated to burn used oil. A fifty-dollar (\$50.00), non-refundable, registration fee is required.
 - At any time a registered burner unit is replaced with the same unit, with exact model and performance specifications, the unit shall be registered without registration fee.
 - ii. At any time a registered burner unit is replaced with a different unit, with different model and performance specifications, the unit shall be registered with registration fee.
- B) DEQ shall have 21 calendar days to review the completed permit application. Any deficiency determined in the permit application, DEQ should notify the applicant within 14 days after receipt of the application.
- C) Used oil operation permits shall be renewed, with fees, on an annual basis. Failure to renew the operation permit violates this section of the regulation.
- 8.2 Fees: Used Oil Operation Permit fees shall be in accordance with the following fee table. Payment of fees is required at the time of submitting each permit application, and is non-refundable. Fees shall be paid by check, and made payable to DEQ.

USED OIL OPERATION PERMIT FEE TABLE

OPERATION PERMIT FEES:

OPERATION	APPLICATION TYPE	INITIAL PERMIT FEE	ANNUAL RENEWAL FEE
BURN FOR DISPOSAL	COMMERCIAL	\$500	\$300
	ON-SITE	\$250	\$125
TRANSPORTATION	COMMERCIAL	\$500	\$300
COLLECTION/ AGGREGATION	COMMERCIAL	\$500	\$300

SECTION 9 – USED OIL BURNING OPERATION

- 9.1 It is prohibited to burn or dispose of used oil that has been determined to be a hazardous waste, at any used oil management facility or other solid waste facility. Any used oil management facility engaged in the on-site burning of used oil as the means of disposal, must routinely test the used oil to determine if it is a hazardous waste and comply with 40 CFR Part 279.81(b). The test results must demonstrate compliance with 40 CFR 279.11, used oil specification, by showing no allowable level is exceeded. A site-specific used oil-testing plan must be submitted to DEQ for approval.
 - A) A used oil management facility that intends to conduct on-site burning of non-hazardous used oil must obtain a used oil operation permit from DEQ. Request for the operation permit includes: a letter of intent, testing and burning plan, spill prevention/response plan and a completed used oil unit burner registration form from DEO.
 - B) A used oil management facility conducting on-site burning of used oil shall not receive used oil from other generators for disposal other than from Do-It-Yourself (DIY) generators.
 - C) A record of the burning operation shall include: hazardous waste test results prior to burning, volume burned, and date and time of burning operation, and shall be maintained for at least 3 years.

SECTION 10 - USED OIL TRANSPORTATION

- 10.1 Used oil transporters subject to regulation under this section are required to apply for a used oil operation permit at the DEQ Office, which must indicate the intended used oil transportation activities. The permit must be obtained before any transportation activities are conducted. The provisions of 40 CFR Part 279, Subpart E, "Standard for Used Oil Transporter and Transfer Facilities," of the Federal Standards for the Management of Used Oil, as amended, are hereby adopted by reference. In addition, the following provisions shall apply:
 - A) Ground Transportation (On Public Roads)
 - 1. Commercial used oil transporters must have a DEQ operation permit and EPA Used Oil Transporter ID number (pursuant with 40 CFR § 279.42) in order to be able to transport used oil on public roads within the CNMI.
 - 2. Other than DIY generators, used oil transported on public roads by commercial generators must use company vehicles to transport the used oil.
 - 3. The allowable volume of used oil to be transported on public roads using a regular size pickup truck (e.g. Toyota 4x4 truck or similar capacity trucks) shall not exceed two 55-gallons steel drums or a volume of 110 gallons.

4. Vehicles transporting used oil on public roads must have the containers securely fastened to prevent free movement and to avoid spills while the vehicle is moving on the road.

5. Spill Response

- a. Vehicles transporting used oil on public roads must have onboard the vehicle spill response equipment/material (e.g. absorbent pads) to be used during accidental spills to minimize spill migration.
- b. Any spills that occur while transporting used oil on public roads must be reported to DEQ immediately.

B) Overseas Transportation

Used oil transporters shipping used oil overseas must comply with the Federal DOT (Hazardous Material Transportation ACT, HMTA) regulation, 49 CFR Parts 171 to 190 and the DEQ Hazardous Material Management Regulations. DEQ and the local US Coast Guard representative must be notified 30 days prior to the used oil leaving the CNMI seaport for proper container inspection.

- 1. As in Section 10.1A(1), Used Oil Transporters must have a used oil operation permit and EPA Used Oil Transporter ID (pursuant with 40 CFR § 279.42) in order to be able to transport used oil overseas.
- 2. As in Section 5.5, Used Oil analysis must be conducted and data results provided to DEQ before the used oil is allowed to be shipped off-island.
- 3. Used Oil Transporters must complete a DEQ used oil manifest for each shipment of used oil. DEQ must be provided the completed manifest before shipment can take place.
- 4. DEQ must be notified in writing 30 days in advance before a shipment of used oil leaves the CNMI seaport. The notification letter must include a consent letter from the facility or company receiving the used oil shipment for recycling or disposal.
- 5. Used oil transporters must maintain all used oil shipping records for at least 3 years.

SECTION 11 – USED OIL COLLECTION CENTERS AND AGGREGATION POINT STANDARD

11.1 The provisions of 40 CFR Part 279, Subpart D, "Standard for Used Oil Collection Centers and Aggregation Points," of the Federal Standard for the Management of Used Oil, as amended, are hereby adopted by reference.

SECTION 12 – USED OIL PROCESSORS AND RE-REFINERS STANDARD

12.1 The provisions of the 40 CFR Part 279, Subpart F, Standard for Used Oil Processors and Re-refiners," of the Federal Standard for the Management of Used Oil, as amended, are hereby adopted by reference.

SECTION 13 – USED OIL FUEL MARKETERS STANDARD

The provisions of 40 CFR Part 279, Subpart H, "Standard for Used Oil Fuel 13.1 Marketer," of the Federal Standard for the Management of Used Oil, as amended. are hereby adopted by reference.

SECTION 14 – SOIL AND GROUNDWATER REMEDIATION REQUIREMENTS

- 14.1 Used oil management facility must have in place a spill response plan ready to implement on site in the event of a used oil spill. In the case where a used oil spill is not immediately addressed by a facility and, as a result, has caused ground contamination that may impact the groundwater or nearby water wells, the facility must prepare and submit to DEQ the following requirements:
 - A) Site Investigation Plan (SIP): The SIP must clearly describe how the facility plans to conduct its investigation to adequately assess the contamination area in order to implement the appropriate cleanup action. The SIP must include a Sampling and Analysis Plan (SAP), which describes the appropriate sampling methods selected to address the various media (soil, groundwater, surface water, etc) impacted by the used oil spill. The SIP must be submitted to DEQ for its review within 15 days after the discovery of a contaminated site. DEO will have 15 days to review the plan and submit any comments before implementation.
 - 1. The SAP must include the name of the laboratory company, physical address, phone number, and a DEQ or EPA laboratory certification number;
 - 2. The SAP must also include a Quality Assurance and Quality Control (QA/QC) Plan.
 - B) After a successful implementation of the SIP, the facility shall have 15 days to prepare and submit to DEQ a Remedial Action Plan (RAP), which describes how the site will be effectively cleaned up. The plan must also include a verification sampling plan to validate that the remedial action goals and objectives of the cleanup are successfully achieved. DEO will have 15 days to review the RAP for comments before implementation.
 - 1. The RAP must also include a Quality Assurance and Quality Control (QA/QC) Plan for the verification sample data results.

- 2. Upon successful implementation of the RAP for the cleanup, the facility shall prepare, and submit to DEQ for review and approval, a closure report justifying the completion of the cleanup and deeming the site clean. DEQ shall provide a written response to the facility on the closure report 15 days after the date of submittal.
- C) All remediation documents must be maintained for at least three years.

SECTION 15 – POLYCHLORINATED BIPHENYLS (PCB)

15.1 Per 40 CFR 279.11 (Table 1), the rule for burning of used oil containing PCBs shall be as in 40 CFR 761.20(e).

SECTION 16 – PUBLIC PARTICIPATION

Reserved

SECTION 17 - ENFORCEMENT AUTHORITY AND PROCEDURES

- 17.1 The Director of DEQ is authorized to impose the following penalties and remedies for violation of the CNMI Used Oil Management Regulations.
 - A) Enforcement and Remedies: The Director shall enforce the Act, these regulations, and any permit or order issued hereunder, pursuant to and in accordance with the authority in 2 CMC § 3131, as amended.
 - B) Civil Penalties: The Director may assess civil penalties in accordance with 2 CMC § 3131, as amended.
 - C) Criminal Penalties: Any person, who knowingly and willfully commits any act in violation of the Act, these regulations, or any permit issued thereunder, may be subject to criminal penalties as set forth in 2 CMC § 3131(c), as amended.
 - D) The Director may suspend, modify, or revoke any permit, license, registration or certification issued by DEQ for violation of the Acts, these regulations and any permit or license issued pursuant to these regulations.

17.2 Procedures for Administrative Orders

A. In accordance with 2 CMC § 3131, 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, the Director may issue any necessary order to enforce the Act, regulations and/or permit terms. 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.
- B. If any person subject to an order issued pursuant to 17.2.A 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 sections of the Act, regulations or permit involved, the proposed penalty including any permit suspension, revocation, or modification, and monetary penalties including any penalty for cost of corrective action taken by the Division. The Order shall also provide notice of 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.
- C. Any person subject to an Order imposing penalties pursuant to 17.2.B, may request, in writing, a hearing before the Director or his/her designee. Request for a hearing shall be served upon the Division within seven (7) calendar days from the date the Order is received. 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.
- D. Persons subject to orders issued pursuant to the Act and these regulations may also request an informal Settlement Conference. An informal Settlement Conference shall not affect the person'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.
- E. Procedures for hearings shall be conducted in accordance with the Administrative Procedures Act (APA), 1 CMC § 9101, et seq., and as follows:
 - 1) The Director shall serve notice of the hearing in accordance with APA § 9109(a) at least ten (10) calendar days before the scheduled hearing date.
 - 2) The alleged violator or "respondent" shall submit a written response to the Order at least five (5) calendar days before the hearing. The response shall clearly and directly admit, deny, or explain all the factual allegations contained in the Order. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The respondent shall also state (1) the circumstances or arguments which are alleged to constitute the grounds for 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.
 - 3) The Director or his designee will preside over the hearing. The Officer presiding at the hearing 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. In accordance with 1 CMC § 9101, a party may present his/her case by oral or documentary evidence and may be represented by counsel at the hearing.

- 4) The Officer presiding at the hearing shall issue a written decision within twenty-one (21) calendar 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.
- 5) Except as provided in 17.2.E (6), the decision of the Director or Presiding Officer shall be final. In accordance with the APA, 1 CMC § 9112. an appeal from the final decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following issuance of the final agency decision.
- 6) If the Presiding Officer is not the Director or other Division official, the decision may be appealed to, or may be reviewed on motion, by the Director in accordance with the APA, 1 CMC § 9110. A written notice of appeal or motion for review shall be submitted to the Division within seven (7) calendar days of the date the decision is issued. Appeal or review by the Director shall be in accordance with the procedures set forth in 1 CMC § 9110 pursuant to a schedule agreed upon by the parties and the Director. The decision of the Director following review or appeal shall be considered final agency action for purposes of judicial review. In the event there is no appeal or motion for review of the original decision of the Presiding Officer, the Presiding Officer's decision shall be considered final agency action as of the date issued for purposes of judicial review. An appeal from the final decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following the date the final decision is issued.
- 7) For filing deadline purposes, counting of the days shall start on the day after issuance or receipt (whichever is specified) of an order or decision. If any filing date falls on a Saturday, Sunday, or Commonwealth holiday, the filing deadline shall be extended to the next working day.

SECTION 18 – SEVERABILITY

18.1 Should any provision of these regulations or its application to any person or circumstance be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining portion of the regulations and/ or the application of the affected provision to other persons or circumstance shall not be affected thereby.

SECTION 19 – EFFECTIVE DATE

19.1 These regulations will take effect 10 days after notice of adoption is published in the Commonwealth Register. All used oil management facilities are required to be in compliance with these regulations within six-months period after the effective date of these regulations.

APPENDIX A

40 CFR PART 279

STANDARD FOR THE MANAGEMENT OF USED OIL

Electronic Code of Hederal Legulations

THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED JANUARY 9, 2003

40 CFR Protection of Environment **CHAPTER I ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)**

SUBCHAPTER I - SOLID WASTES (CONTINUED)

PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL

Subpart A - Definitions

Sec.

279.1 Definitions.

Subpart B - Applicability

270	IA	A 1: 1:4-
279.	UL	Applicability

279.11 Used oil specifications.

279.12 Prohibitions.

Subpart C - Standards for Used Oil Generators

279.20	App	

279.21 Hazardous waste mixing.

279.22 Used oil storage.

279.23 On-site burning in space heaters.

279.24 Off-site shipments.

Subpart D - Standards for Used Oil Collection Centers and Aggregation Points

279.30 Do-it-yourselfer used oil collection centers.

279.31 Used oil collection centers.

279COMMONNIBERFEATREGISTERED by the GRAGE 25. Number 01 January 31, 2003 Page 19988 .../otfilter.cgi?DB=3&query=40000000279®ion=BIBSRT&action=view&SUBSET=SUBSET.1/14/03

Subpart E - Standards for Used Oil Transporter and Transfer Facilities

279.40	Applicability.
279.41	Restrictions on transporters who are not also processors or re-refiners.
279,42	Notification.
279,43	Used oil transportation.
279.44	Rebuttable presumption for used oil.
279.45	Used oil storage at transfer facilities.
279.46	Tracking.
279.47	Management of residues.
	Subpart F - Standards for Used Oil Processors and
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d Re-Refiners

<u>279.50</u>	Applicability.
<u>279,51</u>	Notification.
<u>279.52</u>	General facility standards.
<u>279.53</u>	Rebuttable presumption for used oil.
279.54	Used oil management.
279.55	Analysis plan.
279.56	Tracking.
279.57	Operating record and reporting.
279.58	Off-site shipments of used oil,
279 59	Management of residues

Subpart G - Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery

Applicability.
Restrictions on burning.
Notification.
Rebuttable presumption for used oil.
Used oil storage.
Tracking.
Notices.
Management of residues.

Subpart H - Standards for Used Oil Fuel Marketers

<u>279.70</u>	Applicability.
<u>279.71</u>	Prohibitions.
<u>279.72</u>	On-specification used oil fuel
279.73	Notification.
279.74	Tracking.
279.75	Notices.

Subpart I - Standards for Use as a Dust Suppressant and Disposal of Used Oil

279.80	Applicability.
279.81	Disposal.
279.82	Use as a dust suppressant.
COMM	ONWEALTH REGISTER

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

Source: 57 FR 41612, Sept. 10, 1992, unless otherwise noted.

APPENDIX B

40 CFR PART 112

OIL POLLUTION PREVENTION (SPILL PREVENTION, CONTROL, AND COUNTERMEARSURES)



THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED JANUARY 9, 2003

40 CFR Protection of Environment CHAPTER I ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

SUBCHAPTER D - WATER PROGRAMS

PART 112 - OIL POLLUTION PREVENTION

Sec.

Subpart A -- Applicability, Definitions, and General Requirements For All Facilities and All Types of Oils

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- 112.1 General applicability.
- 112.2 Definitions.
- 112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.
- 112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.
- 112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.
- 112.6 [Reserved].
- 112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

Subpart B — Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

Sec.

- 112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).
- 112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.
- 112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.
- 112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

Subpart C. Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for COMMONWEALTH REGISTER Volume 25 Number 01 January 31, 2003 Page 19992

Vegetable Oils, Including Oils from Seeds, Nuts, Fruits and Kernels

Sec.

112.12 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

112.13 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

112.14 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

112.15 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

Subpart D - Response Requirements

Sec.

112.20 Facility response plans.

112.21 Facility response training and drills/exercises.

Appendix A to Part 112 -- Memorandum of Understanding Between the Secretary of Transportation and the Administrator of the Environmental Protection Agency

Appendix B to Part 112 -- Memorandum of Understanding Among the Secretary of the Interior, Secretary of Transportation, and Administrator of the Environmental Protection Agency

Appendix C to Part 112 - Substantial Harm Criteria

Appendix D to Part 112 - Determination of a Worst Case Discharge Planning Volume

Appendix E to Part 112 - Determination and Evaluation of Required Response Resources for Facility Response Plans

Appendix F to Part 112 - Facility-Specific Response Plan

Authority: 33 U.S.C. 1251 et seq.; 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

Source: 38 FR 34165, Dec. 11, 1973, unless otherwise noted.

Editorial Note: Nomenclature changes to part 112 appear at 65 FR 40798, June 30, 2000.



Office of the Secretary Department of Finance

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NOTICE OF ADOPTION OF CASH RECEIPTS AND COMPLIANCE REGULATIONS

I, Frank Villanueva, Secretary of Finance, Department of Finance, which is promulgating the Proposed Cash Receipts and Compliance Regulations published in the Commonwealth Register Vol. 24 Number 11 on November 27, 2002 at pages 19736 to 19745, by signature below hereby certify that as published, such rules are a true, complete and correct copy of the Notice of Proposed Cash Receipts and Compliance Regulations, which after the expiration of appropriate time for public comment, have been adopted with a minor amendment. Specifically, the chance permits businesses to state either the business name or the d.b.a. on the receipt. I further request and direct that this Notice of Certification of Adoption and the adopted regulations be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 20 day of January 2003 at Saipan, Commonwealth of the Northern Mariana Islands.

Certified By:	Frank Villanueva Secretary	Date
Filed By:	Department of Finance Suuskii W. Helluan Remedio Hollman	/ -28- 03 Date
Received By:	Thomas A. Tebuteb SAA, Office of the Governor	<u>/- 28 -03</u> Date

Pursuant to 1 CMC §2153, as amended by Public Law 10-50, the Regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

COMMONWEALTH REGISTER Ramon Ablume Me With the Policy General

January/31, 39033 Page 19994

DEPARTMENT OF FINANCE

CASH RECEIPT AND COMPLIANCE REGULATIONS

SECTION 1. AUTHORITY.

These regulations are promulgated pursuant to 1 CMC §2553, 1 CMC §2557, and Public Law 13-26 which authorizes the Secretary of Finance to promulgate rules and regulations to implement the requirements of the Act.

SECTION 2. PURPOSE.

The purpose of these regulations is to provide guidelines and procedures to effectively implement the requirements of Public Law 13-26.

SECTION 3. DEFINITION.

For purposes of these regulations, the following definitions shall apply:

- (a) "Act" means the Sale Receipt Act of 2002 enacted as Public Law 13-26.
- (b) "Business day" means the earliest time of the day the business is open until the earlier of its closing for business operation for that same day or 2:00 a.m. the following day.
- (c) "Director" means the Director of Revenue and Taxation.
- (d) "Law enforcement official" means any employee of the Commonwealth government who has been deputized by the Secretary of Finance to assist in the enforcement of the Act and these regulations.
- (e) "Receipt" means a sales receipt as defined in Section 3(c) of Public Law 13-26.

SECTION 4. RECEIPT SPECIFICATION.

Every receipt issued by any person shall comply with the following requirements:

(a) Cash register machine.

- (1) Bear the business name, or the d.b.a. name, of the person receiving the gross revenue imprinted on the upper-most section of the receipt.
- (2) have the receipt numbered in sequence.
- (3) indicate, at the minimum, the following legible information:
 - i. date and time of the sale;
 - ii. a general description of the service, goods, merchandise, or commodities sold;
 - iii. total amount of the sale;
 - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales.

(b) Electronic or digital machine or device.

- (1) Bear the business name, or the d.b.a. name, and address of the person receiving the gross revenue imprinted on the upper-most section of the receipt.
- (2) have the receipt numbered in sequence.
- (3) indicate, at the minimum, the following legible information:
 - i. date and time of the sale;
 - ii, description of the service, goods, merchandise, or commodities sold;
 - iii. total amount of the sale;
 - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales

(c) Written receipt.

- (1) Bear the business name or the d.b.a. name, of the person receiving the gross revenue, preprinted or stamped on the upper-most section of the receipt.
- (2) have the receipt pre-numbered in sequence.
- (3) indicate, at the minimum, the following information:
 - i. date of the sale;
 - ii. general description of the service, goods, merchandise, or commodities sold;
 - iii. total amount of the sale;
 - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales.

SECTION 5. RECORD-KEEPING AND INSPECTIONS.

- (a) Every person required by the Act or these Regulations to provide a sale receipt from a sale shall preserve a legible copy of such sale receipts as part of its business records. These business records shall be preserved for a period of at least six (6) calendar years following the year of the sale transaction. These records shall be maintained along with other business records required in 4 CMC §1807 and the regulations issued thereunder.
- (b) At the end of every business day, all receipts issued during the business day shall be totaled by receipt sequence range. If more than one receipt sequence range was used during the business day, aggregate the totals of all receipt sequences to record the total sales transaction for the business day.
- (c) Receipts that were voided shall be noted as such and the voided original receipt and all copies shall be retained as part of the record-keeping requirements.
- (d) The Director or his designee shall have the authority to examine or inspect any record from any person of a receipt bearing, directly or indirectly, on a sale transaction. Such examination or inspection shall be carried out during reasonable business hours unless otherwise determined by the Director.

SECTION 6. ENFORCEMENT.

- (a) The Secretary of the Department of Finance may delegate his authority under the Act and these Regulations to any employee or law enforcement officials for the purposes of enforcing any and all of the Act and Regulations.
- (b) The enforcement of the Act under the jurisdiction of the Secretary of Finance shall be carried out by the Director or any person designated by the Director. The Director may enter into a cooperative agreement with various departments and agencies of the CNMI government and empower the employees of these departments and agencies to carry out enforcement of the Act and these regulations.
- (c) The Director or a designee may conduct periodic, random, unannounced visits to business establishments to verify compliance with the Act and these Regulations.

SECTION 7. PENALTY PROCEDURE.

- (a) Failure to comply with the Cash Receipt Act.
 - (1) If the Director finds that noncompliance with the Act or these regulations were due to reasonable cause, the Director shall issue a "Notice of Violation" and grant a grace period not to exceed ten (10) days to cure such violation. "reasonable cause"

for the purpose of this subsection includes but is not limited to:

- (i) inability to procure a cash register machine or electronically or digitally operated machine or device if the business establishment can provide proof of an order of such machine or device, where a written receipt is not practical; or
- (ii) where a cash register machine or electronically or digitally operated machine or device is undergoing repair for a period of not more than 10 days. The person shall to provide a job order receipt when requested by the Director.
- (iii) any other situation or circumstance as determined by the Director.
- (2) Any noncompliance not cured within ten (10) days from the Notice of Violation shall result in the suspension or revocation of any relevant existing license to do business within the Commonwealth pursuant to Section 7(c) of the Act.
- (b) Failure to issue a receipt.
 - (i) If a person fails to issue a receipt to a customer, that person will be issued a Notice of Violation which shall be posted in a conspicuous place by the cash register for a period of thirty (30) days for all employees of the business establishment to be put on notice of the violation.
 - (ii) Once a Notice of Violation has been issued to a business establishment, there shall be a rebuttable presumption that any future violation for failure to issue a receipt was willfully or knowingly done in violation of the Act or these Regulations.
 - (iii) If such notice of violation is removed prior to the expiration of the 30 day period, a \$100 penalty shall be imposed upon citation for the first violation. Upon a second inspection, and the original notice remains unposted, a \$300 penalty shall be imposed upon citation. All penalties imposed shall be allowed the procedures established under the Administrative Procedures Act, 1 CMC §9101 et. seq. And any hearing shall be requested in writing within 5 days of issuance of the citation, otherwise such request for hearing is waived.

SECTION 8. SEVERABILITY.

If any provision of these Regulations shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulations shall not be affected thereby.