

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



COMMONWEALTH REGISTER

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Commission Staff’s Employment
Authority: P.L. 18-56 and 19-24, Regulations of the
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Commonwealth of the Northern Mariana Islands

Department of Lands and Natural Resources

Lower Base, Caller Box 10007
Saipan, MP 96950
Tel: 670-322-9834 Fax: 670-322-2633



PUBLIC NOTICE

Proposed Regulations

For

Commonwealth of the Northern Mariana Islands Department of Lands and Natural Resources

Anthony T. Benavente, Secretary
Department of Lands and Natural Resources,
Caller Box 10007
Saipan, MP 96950
Tel: (670) 322-9834

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Division of Fish and Wildlife of the Department of Land and Natural Resources, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to requirements of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))


The Department of Lands and Natural Resources hereby gives public notice of Proposed Regulations for mandatory catch recording and reporting system for any individual and/or business engaged in the commercial harvest, purchase and/or sale of locally fish products caught within the Commonwealth waters.

AUTHORITY: The Secretary of Lands and Natural Resources ("Secretary") has the authority to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC §§ 2653 (Duties), 2654 (authority to adopt rules and regulations); 2 CMC §§ 5104 (powers and duties of the Director of Fish and Wildlife Director), 5109 (Enforcement, Remedies, and Penalties); 1 CMC §§ 9101-9115 (Administrative Procedure Act).

THE SUBJECTS AND ISSUES INVOLVED: The proposed regulations enable the Division of Fish and Wildlife to collect reliable data in commercial harvest, purchase and/or sale of fish products caught in CNMI waters. The specific issues involved reporting requirements, licenses, penalty and fines, and other related matters.

THE TERMS AND SUBSTANCE: The proposed regulations establish procedures and rules for recording and reporting system of commercial harvest of fish caught in CNMI waters. The Proposed Regulations list the reporting requirements, provide for licenses, penalty and fines, and other related matters.

TO PROVIDE COMMENTS: Send or deliver your comments to, Antonio T. Benavente, Secretary of Lands and Natural Resources, at the above address, with the subject line "DFW Mandatory Catch Recording and Reporting Rules and Regulations" Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2))

Submitted by: 
ANTHONY T. BENAVENTE
Secretary of Lands and Natural
Resources

2/05/19
Date

Received by: 
Shirley P. Camacho-Ogumoro
Governor's Special Assistant for
Administration

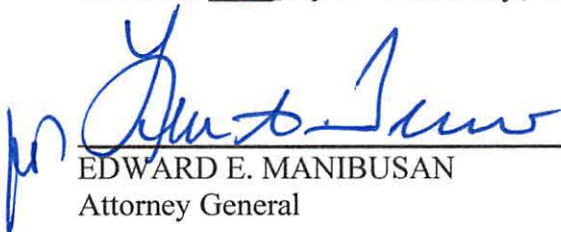
2/5/19
Date

Filed and
Recorded by: 
ESTHER NESBITT
Commonwealth Registrar

02.28.2019
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 28th day of February, 2019.


EDWARD E. MANIBUSAN
Attorney General



Commonwealth of the Northern Mariana Islands

Department of Lands and Natural Resources

Lower Base, Caller Box 10007
Saipan, MP 96950
Tel: 670-322-9834 Fax: 670-322-2633



NUTISIAN PUPBLIKU

Manmaproponi Na Regulasion Siha

Para

COMMONWEALTH GI SANKATTAN SIHA NA ISLAS MARIĀNAS Dipåtamentun I Tanu' Yan "Natural Resources"

Anthony T. Benavente, Sekretariu
Dipåtamentun I Tanu' Yan Natural Resources,
PO Box 10007
Saipan MP 96950
Tilifon: (670)322-9834

I AKSION NI MA'INTENSIONA NI PARA U MA'ADĀPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Commonwealth gi Sankattan siha na Islas Mariānas, I "Division of Fish & Wildlife" ("DFW") gi Dipåtamentun i Tanu' yan "Natural Resources" (DLNR), ma'intensiona para u ma'adapta kumu petmanienti i regulasion i mañechettun na Manmaproponi na Regulasion siha, sigun gi maneran i Ākton Administrative Procedure, 1 CMC § 9104(a). I regulasion siha para u ifektibu gi hălum dies (10) dihas dispues di adaptasion yan publikasion gi hălum i Rehistran Commonwealth. (1 CMC § 9105(b))

I Dipåtamentun I Tanu' yan "Natural Resources" guini pã'gu manmannãna' i nutisian pupbliku put i Manmaproponi na Regulasion siha para mafuetsao na u managuaha dukumentun kineni' guihan siha yan sisteman ripotti para maseha hãyi na indibiduãt yan/pat i bisnis ni mañãsaonão gi hălum i "commercial harvest", i manmafãfãhan yan/pat i manmabebendi na kineni' prudoktun guihan siha ni manmakonni' gi hălum i hanum i Commonwealth.

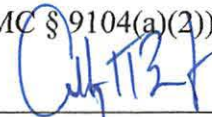
ATURIDĀT: I Sekretariun I Tanu' yan "Natural Resources" ("Sekretariu") gai aturidãt para u adapta i areklamentu yan regulasion siha para u konsigi i obligasion-ña yan risponsabilidãt-ña siha. 1 CMC §§ 2653 (obligasion siha), 2654 (aturidãt para u adapta i areklamentu yan i regulasion siha); 2 CMC §§ 5104 (fuetsao yan obligasion i Direktot I "Fish and Wildlife" na Direktot), 5109 (Implimenta, Remedia, yan Pena siha); 1 CMC §§ 9101-9115 (Ākton Administrative Procedure).

I SUHETU YAN ASUNTU SIHA NI TINEKKA: I manmaproponi na regulasion ha aturisa i "Division of Fish and Wildlife" para u marikoi angokkuyon na ripot gi hălum i "commercial harvest", i manmafãfãhan yan/pat i manmabebendi na kineni' prudoktun guihan siha ni manmakonni' gi hălum i hanum i CNMI. I espisifiku na asunto ni mantinekka i nisisidãt ripotti, lisensia, pena yan ãpas, yan otru siha na manera.


I TEMA YAN SUSTĀNSIAN I PALĀBRA SIHA: I manmaproponi na regulasion siha ha establesi i maneran i areklamentun ripotti yan i sisteman ripottin "commercial harvest" i guihan siha ni manmakonni' gi hălum i hanum i CNMI. I Manmaproponi na Regulasion siha malista i

nisidat ripotti, manmanpribeni lisensia, pena yan apas siha, yan otu manchehettun na kasu siha.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hanao pat intrega hulum i upiñon-mu para as Anthony T. Benavente, Sekretariun I Tanu' yan "Natural Resources", gi sanhilu' na address yan i suhetu na raya "DFW Mafuetsao na u Managuaha Dukumentun Kineni' Guihan yan Sistemman Ripotti" I upiñon siha debi na u hulum gi hulum trenta (30) dihas ginin i fetchan i pupublikasion esti na nutisia. (1 CMC § 9104(a)(2))

Nina'hulum as: 
ANTHONY T. BENAVENTE
Sekritariun, DLNR

2/05/19
Fetcha

Rinisibi as: 
SHIRLEY CAMACHO-OGUMORO
Ispisiat Na Ayudanti Para I Atministrasion

2/5/19
Fetcha

Pine'lu yan Ninota as: 
ESTHER SN. NESBITT
Rehistran Commonwealth

02-28-2019
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugadu Henerat ma'aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugadu Henerat) i manmaproponi na regulasion siha ni manchettun guini ni manmaribisa yan manma'aprueba kumu fotma yan suficienti ligat ginin i CNMI Abugadu Henerat yan debi na u mapublika, 1 CMC § 2153(f) (pupublikasion areklamentu yan regulasion siha).

Mafetcha guini gi diha 28th, gi Febreru, 2019.


EDWARD MANIBUSAN
Abugadu Henerat



Commonwealth of the Northern Mariana Islands

Department of Lands and Natural Resources

Lower Base, Caller Box 10007

Saipan, MP 96950

Tel: 670-322-9834 Fax: 670-322-2633



ARONGORONGOL TOULAP

Pommwol Mwóghutughut

Ngáli

Commonwealth Téel Falúw kka Efáng llól Marianas

Bwulasiyol Falúw and “Natural Resources”

Anthony T. Benavente, Sekkretóoriyo

Bwulasiyol Falúw me “Natural Resources”

Caller Box 10007

Saipan, MP 96950

Til: (670) 322-9834

MÁNGEMÁNGIL MWÓGHUT REEL REBWE TIWMWURI POMMWOL ALLÉGH ME MWÓGHUTUGHUT KKal: Commonwealth Téel Falúw kka Efáng llól Marianas, “Division of Fish and Wildlife” iye e lo faal Bwulasiyol Falúw me “Natural Resources”, re mángemángil rebwe tiwmwuri mwóghutughut kkal bwe ebwe lléghló Pommwol Mwóghutughut ikka e appasch, sángi lemelemil Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkal llól seigh ráál mwiril aar tiwmwuri me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))


Bwulasiyol Falúw me “Natural Resources” re isiisiwow ighila arongorongol toulap reel Pommwol Mwóghutughut ngáli “mandatory catch recording” me “reporting system” ngáli aramas me/ngáre kkompaniia ikka re lo llól “commercial harvest”, akkamé me/ngáre ameewló iigh ikka re subwuri me llól sáátil CNMI.

BWÁNGIL: Eyoor bwángil Sekkretóoriyol Falúw me “Natural Resources” (“Sekkretóoriyo”) bwe ebwe tiwmwuri allégh me mwóghutughut reel ebwe sóbweeyló lemelemil me mwóghu


KKAPASAL ME ÓUTOL: Pommwol Mwóghutughut kkal e ayoorai ngáli “Division of Fish me Wildlife” bwángiir reel rebwe bwughi data ikka e ffil llól commercial harvest, akkaméélól me/ngáre amééwúl iigh ikka re subwuri llól sáátil CNMI. Ebwe ffat bwe e toolong llól angiiingi “reporting requirements”, “licenses”, “penalty” me óbwóss, me akkááw mwóghut ikka e ffilong reel milikka.

KKAPASAL ME AWEEWEL: Pommwol mwóghutughut kkal e ghikkillátiw mwóghutughutúl me Alléghúl ammwelil me “reporting system” reel “commercial harvest” reel iigh ikka re subwuriir me llól sáátil CNMI. E lo llól Pommwol Mwóghutughut “reporting requirements”, ayoorai ngáir “licenses”, “penalty” me óbwóss, me akkááw mwóghut ikka e ffilong reel milikka.


ISIISILONGOL KKAPAS: Afanga ngáre bwughiló yóomw ischil kkapas ngáli, Anthony T. Benavente, Sekkretóoriyol Lands me Natural Resources, reel féféfé iye e lo weiláng, ebwe lo wóól subject line bwe “DFW Mandatory Catch Recording and Reporting Rules and Regulations” Ebwe toolong kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. (1 CMC §9104(a)(2))

Isáliyalong: 
ANTHONY T. BENAVENTE
Sekkretóoriyol Lands me Natural
Resources

2/05/19
Ráál

Bwughiyal: 
Shirley P. Camacho-Ogumoro
Layúl Lappal Soulemelem Special
Assistant ngáli Administration

2/5/19
Ráál

Ammwelil: 
ESTHER NESBITT
Commonwealth Registrar

02.28.2019
Ráál

Sángi 1 CMC § 2153(e) (sángi átirowal AG reel mwóghutughut kkal bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) sángi átirowal AG) reel pommwol mwóghutughut ikka e appasch bwe aa lléghló reel fféerúl me legal sufficiency sángi Soulemelemil Allégh Lapalap me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

Aghikkilátiw wóól 28th ráálil Febreero, 2019.


EDWARD E. MANIBUSAN
Soulemelemil Allégh Lapalap

**NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE
TITLE 85
DEPARTMENT OF LANDS AND NATURAL RESOURCES REGULATIONS**

Regulation Title: Northern Mariana Island Administrative Code
Title 85 (Department of Lands and Natural Resources)
Chapter 85-30 (Division of Fish and Wildlife)
Subchapter 85-30.5 (Commercial Fishing Recording and Reporting
Regulations)

The following subchapter shall be added to Chapter 85-30 of Title 85:

Part 001 - General Provisions

85-30.5-001 Authority

The regulations in this subchapter are promulgated under the authority of 1 CMC §§ 2653(a), (b) and 2654 providing the Department of Lands and Natural Resources with the authority to adopt rules and regulations in furtherance of its powers and duties. Pursuant to 2 CMC §§ 5104 (b)(7)(G) and (H), the Department must establish a catch recording and reporting system for any individual and/or business engaged in the commercial harvest, purchase and/or sale of marine life products caught within the Commonwealth waters.

85-30.5-005 Purpose

The purpose of this subchapter is to establish regulations to create a recording and reporting system for the commercial harvest, purchase and/or sale of marine life products that are caught within the marine waters surrounding the Commonwealth of the Northern Mariana Islands that would enable the Division of Fish and Wildlife to effectively monitor the harvest, purchase, and sale on a biweekly basis and to regularly report annual catch trends. The regulations serve to insure that accurate and reliable data on commercial harvest, purchase and/or sale of marine life products are uniformly recorded and reported by individuals and businesses harvesting such species from the CNMI waters. This information will provide marine resource scientists, fishery managers and regulatory agencies a sound foundation from which to formulate and rationalize decisions on the management of CNMI fisheries and marine resources.

85-30.5-010 Application and Scope

The regulations codified in this subchapter shall apply to CNMI wide.

§ 85-30.5-015 Severability

If any provision of the regulations in this subchapter shall be held invalid by court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

§ 85-30.5-020 Definitions

(a) Unless the context clearly indicates otherwise, the following definitions shall apply to the terms used in this subchapter:

(1) “Business” means a company or corporation engaged in commercial harvest, purchase or sale of marine life harvested from CNMI waters, i.e., fish vendors, restaurants, hotels, commercial fishing vessels, etc.

(2) “Catch Recording” means the documentation of commercial harvest, purchase and/or sale of fish required by the Division.

(3) “Catch Reporting” means the submission of documentation required by the Division.

(4) “CNMI waters” means the waters from the low-water line along the coast of the CNMI and extending 200 nautical miles, except for waters under federal jurisdiction.

(5) “Commercial Harvester” means an individual or business catching fish, or other marine species either in whole or in part, that is intended to enter commerce or enter commerce through sale, barter or trade.

(6) “Commercial Purchaser” means an individual or business who buys marine life for resale or for use in producing value added products.

(8) “Data Collector” any Division staff, agency or private entity authorized by the Director of Fish and Wildlife to collect, record and report commercial harvest, purchase or sale of locally harvested fish from, i.e., fish vendors, restaurants, hotels, commercial fishing vessels, etc.

(9) “Department” means the Department of Lands and Natural Resources.

(10) “Director” means the Director of Fish and Wildlife

- (11) "Division" means the Division of Fish and Wildlife.
- (12) "Fish" means any aquatic or marine animal life.
- (13) "Individual" means any person engaged in commercial harvesting of fish in CNMI waters.
- (14) "Form" means approved form by Division for catch recording and reporting.
- (14) "License" means the authorization of an individual or business by the Division to commercially harvest, purchase or sale of marine life caught in CNMI waters.
- (15) "Marine Life" means any species of marine animals or plants;
- (16) "Secretary" means the Secretary of Lands and Natural Resources or his or her designee.

§ 85-30.5-025 Exemptions

The regulation does not apply to non-commercial harvest of fish resources.

§ 85-30.5-030 Penalties

Any person or entity violating the regulations in this subchapter shall be subject to the penalties set forth in 2 CMC § 5109.

Part 100 – General Procedures

§ 85-30.5-101 Licenses

(a) Licenses required

- (1) Licenses will be required for commercial harvester and vendors that purchase and sale of fish caught in the CNMI waters. Commercial harvesters and vendors will not be allowed to sell fish without a valid license.

(b) License fees

- (1) The annual license fee is \$25.
- (2) Fees collected will be deposited into the Fish and Game Conservation Revolving Fund established pursuant to 2 CMC § 5107.

(c) Duration of license

- (1) A license shall be valid for one year from the date of issuance and must be renewed thereafter for as long as an individual continues to engage in the commercial harvesting of fish in CNMI waters.

- (2) The Director may suspend, revoke, modify or cancel any license in addition to any other penalty provided under this act. The Director must notify the licensee in writing of the action and include the factual basis for the action. The notice shall inform the licensee that he has a right to contest the action and a right to a hearing. The notice shall provide the licensee with at least five days to request a hearing and/or contest the notice.

(d) Display of license

- (1) An individual or business to whom a license has been issued may not permit any other individual or business to carry, display or use the license in any way.
- (2) Every individual to whom a license has been issued shall carry the license upon his or her person when harvesting or selling fish, and show the license upon request of any conservation officer from the Division.

(e) License conditions

- (1) Any license, issued pursuant to the regulations in this subchapter, may include any conditions deemed necessary by the Division to further the functions delegated to the Division by law. To include the reporting of catch and sales of marine life. Information on licenses will include type of license, name, date of birth, gender, height, weight, eye and hair color, village of residence, address, contact information, business license number, primary fishing method, and type(s) of gear used and expiration of the said license.

(f) Issuance of license

- (1) Any individual or business who will engage in commercial harvest of marine life in CNMI waters must apply for a commercial harvest license at the Division.
- (2) Prior to the issuance of a license the applicant shall read and agree to the terms and conditions of the license.
- (3) The Director reserves the right to refuse issuance of a license to any individual or business found to be in violation or noncompliance of any part of regulations under the Division. An individual whose application is denied may contest the denial by requesting a hearing within five days of notice of the denial.

§ 85-30.5-105 Data Reporting

(a) Recordation

- (1) The Division will develop a form which will include the following fields: Type of license activity, vendor name, business license number, address, phone number and contact person; fisherman name, license number and phone number; date and time; location of fishing; hours fished; number and gears used; fish species sold, discarded, fish counts and weights by species and price per pound; fish species not sold, counts, weights and reason fish was not sold.
- (2) The Division will provide the hard copies or electronic forms to all commercial purchasers and harvesters.
- (3) Commercial harvesters and purchasers should identify all fish harvested and purchased to the lowest taxonomic level as possible. Fish species/family, common name, local names will be acceptable, however, lumping groups of fish as “miscellaneous or assorted” reef fish or bottom fish is unacceptable. If recorded as “miscellaneous or assorted” penalties may be imposed.
- (4) Commercial harvesters and purchasers shall record all fish whether sold or not sold.
- (5) Commercial harvesters and purchasers are required to record and report to the Division all fish harvested and purchased regardless if other data collection programs are collecting similar data.
- (6) The Division personnel will work with commercial harvesters and purchasers to establish fish identification and recording procedures.
- (7) Any commercial purchaser is required to document each transaction on the required form to include but not limited the license number of the commercial harvester, a signature to verify that the commercial harvester had sold the fish to the commercial purchaser.
- (8) Commercial harvesters are required to fill out the Division form when selling to non-commercial purchasers.
- (9) All non DFW staff data collectors must be authorized by the Director through a special data collection permit. A non DFW staff data collector not authorized by the Director is not covered by this regulation.

(c) Reporting

- (1) The Division will visit all commercial purchasers at their place of business 3x a month (1st, 15th. And 25th.) to pick up filled out forms.
- (2) Commercial harvesters are required to drop off their forms every 1st, 15th and 25th of the month with a 3-day grace period at the Division data office or in the form drop off box.
- (3) Commercial harvesters and purchasers must contact Division if problems arise with respect to reporting.

- (d) Prohibited conduct. The following conduct is prohibited and subject to penalty:
- (1) Harvesting fish for commercial purposes without obtaining a valid license and or complying with mandatory reporting of catch harvested and sold;
 - (2) Selling fish without a valid license if required to obtain a license under this subchapter;
 - (3) Using a license known to be fictitious or fraudulent;
 - (4) Selling fish using a license known to have been cancelled, revoked, or suspended;
 - (5) Selling fish using a license belonging to another commercial harvester;
 - (6) Obtaining a license using a false or fictitious name or address in any application for licenses;
 - (7) The penalty upon first conviction shall be a fine of twice the cost of the required license, or \$25, whichever is greater.
 - (8) The penalty upon second and subsequent convictions shall be a mandatory minimum fine of four times the cost of the required license, or \$100, whichever is greater.
 - (9) Failure to Have in Possession a Valid License
 - A. Any commercial harvesters and purchasers, who sells fish without having on his person or in his immediate possession a valid license, , shall be guilty of an infraction.
 - B. The penalty shall be a fine of \$25.00.
 - (9) Failure to Comply with Terms, Stipulations, Conditions, Requirements and/or Restrictions of License
 - A. Any person who fails to comply with any or all of the terms, stipulations, conditions, requirements, or restrictions of any license shall be guilty of a misdemeanor punishable by of a fine up to \$2,000.00 or imprisoned for not more than 30 days or both.
 - (10) Submission of False Information to the Division
 - A. Any person who knowingly and willfully submits false information to the Division for the purpose of obtaining a license shall be guilty of a misdemeanor.
 - (1) The penalty shall be a fine of \$1,000.00.
 - B. Any person who knowingly and willfully submits false information, misleading information, or omits information required by law to be delivered to the Division shall be guilty of a misdemeanor.
 - (1) The penalty upon first conviction shall be a fine of \$1,000.00.
 - (2) The penalty upon second and subsequent convictions shall be a maximum fine of \$2,000, with a mandatory minimum fine of \$250.00.



Commonwealth of the Northern Mariana Islands
Office of the Secretary of Public Works
2nd floor - Oleai Joeten Commercial Center
Saipan, MP 96950



Commonwealth of the Northern Mariana Islands
Department of Public Works - Division of Solid Waste Management

Peter P. Camacho, Acting Secretary
Department of Public Works, Division of Solid Waste Management, Caller Box 10007 CK
Lower Base, Saipan MP 96950

Tel 670.322.2745; fax:670.322.2762

dpw.xsecretary@gmail.com

dpw.recycle@yahoo.com

**PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS
WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE
DEPARTMENT OF PUBLIC WORKS, DIVISION OF SOLID WASTE
MANAGEMENT**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands, Department of Public Works, Division of Solid Waste Management intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Secretary is empowered by the Legislature to adopt rules and regulations for the administration and enforcement of the statute governing his activities. 1 CMC § 2404 (Secretary issues regulations).

THE TERMS AND SUBSTANCE: The Rules and Regulations provide that the Solid Waste Collection and Disposal Regulation update the schedule of fees and adoption of provisions.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:


1. Add new word with definitions under § 155-30.1-001 for E-waste, Government Agencies Self-haulers, Green Waste, and Recyclables;
2. Update and change tipping fees under § 155-30.1-101;
3. Delete and insert certain provisions of SUBCHAPTER 155-30.1, SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS.

CONCURRENT ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS:
The Board has followed the procedures of 1 CMC § 9104(b) and (c) to adopt these Proposed Regulations on an emergency basis for 120 days. The Governor signed the emergency regulations on July 3, 2008. The emergency regulations are now in effect.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to Mr. James A. Ada, Secretary of Public Works *Attn: Solid Waste Collection and Disposal Regulations*, at the above address, fax or email address, with the subject line "Solid Waste Collection and Disposal Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Acting Secretary on July 23, 2018.

Submitted by:  7/23/18
PETER P. CAMACHO
Acting Secretary of DPW
Date

Received by:  2/13/19
SHIRLEY CAMACHO-OGUMORO
Governor's Special Assistant for
Administration
Date

Filed and
Recorded by:  02.22.2019
ESTHER SN. NESBITT
Commonwealth Registrar
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 19 day of February, 2019.


EDWARD MANIBUSAN
Attorney General

0 NOPR proposed regs on computer software P&S.wpd



Commonwealth of the Northern Mariana Islands
Office of the Secretary of Public Works
2nd floor - Oleai Joeten Commercial Center
Saipan, MP 96950



Commonwealth gi Sangkattan na Islas Mariãnas Siha
Department of Public Works – Division of Solid Waste Management
Peter P. Camacho -Acting Secretary
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dpw.recycle@yahoo.com

**NUTISIAN PUPBLIKU NU I MANMAPROPONI NA AREKLAMENTU
YAN REGULASION SIHA AYU SIHA NA AMENDASION PARA I
AREKLAMENTU YAN REGULASION NU I DIPATTAMENTU I PUBLIC WORKS,
DIBISION NU I SOLID WASTE MANAGEMENT**

I AKSION NI MA INTENSIONA PARA U MA ADAPTA ESTE SIHA
MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:

I Commonwealth gi Sangkattan na Islas Notte' Mariãnas, Dippattamentu nu i
Public works, Dibision nu i Solid Waste Management ma intensiona para u ma
adapta kumu petmanienti na regulasion siha i manñechettun manmapropo
regulasion siha, sigun i procedures nu i Aktun Administrative Procedure, 1 CMC §
9104(a). I Regulasion siha siempre mu ifektibu gi hãlum dies (10) dihas dispues i
adaptasion yan publikasion giya i Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDAT: I Sekretaria ma atturisa ginen i Lehislatura para u ma adapta siha i
areklamentu yan regulasion para i atministrasion yan i implikasion nu i statute ni
gumubebetna i aktibidat i sekretaria siha. 1 CMC § 2404 (Ninahuyong regulasion i
Sekretaria siha).

I TEMA YAN SUSTANSIA I PALABRA SIHA: I Areklamentu yan Regulasion siha
ni munãna'i na i Solid Waste Collection yan Regulasion Disposal mata'lun
chumo'gui i schedule apas siha yan adaptasion provisions siha.

I SUHETU NI MASUMARIA YAN ASUNTU NI MANTINEKKA: Este na
Areklamentu yan Regulasion:

1. Na'iyi nuebu na palabra yan definision siha gi papa § 155-30.1-001 para E-
waste, Ahensia Gubietnu Self haulers siha, Green Waste yan Recyclables;

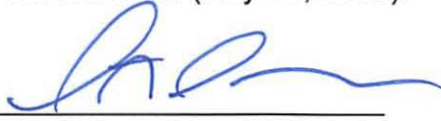
2. Ta'lun chumo'gui yan tulaika i tipping fees gi pãpa § 155-30.1-101;
3. Fu'nas yan po'lu spesifikãt na provisions siha nu i SUBCHAPTER 155-30.1, KULEKSION SOLID WASTE YAN REGULASION DISPOSAL SIHA.


INAPRUEBAN ADãPTASION NU I REGULASION SINUSEDI SIHA PARA SIENTU BENTI (120) DIHAS SIHA: I Board ha' tatiyi i manera siha nu i 1 CMC § 9104 (b) yan (c) para u ma adãpta este i manmaproponi na Regulasion siha gi fundasion sinusedi para sientu benti (120) dihas. I gubietnu ha' fitma I regulasion sinusedi siha gi Hulio tres, dos mit ochu. I regulasion sinusedi siha pãgu man ifektibu.

DIREKSION PARA U MA POLU YAN PUPBLIKA: Este i Manmaproponi na Regulasion siha debi na u ma pupblisa giya i Rehistran Commonwealth gi hãlum i Seksiona gi manmaproponi yan i nuebu na regulasion ni ma adãpta siha (1 CMC § 9102(a)(1)) yan u ma pega gi hãlum i man kumbieni na lugãt siha giya i civic center yan gi hãlum ufisinin gubietnu siha gi hãlum distritun senadot parehu English yan gi lingguãhin natibu. (1 CMC § 9104 (a)(1)).

PARA U MA PRIBENIYI UPIÑON SIHA: Na hãnao pat na hãlum i upiñon siha guatu as Siñot James A. Ada, Sekretãriu i Public Works Attension: Solid Waste Collection yan Regulasion Disposal siha, ayu i gethilu na address, fa pat email address, yan i rãyan suhetu "Solid waste Collection" yan Regulasion Disposal siha". I upiñon ma ekspekta gi hãlum trent 930) dihas ginen I fetcha i publikasion nu este na nutisia. Pot fabot na hãlum i infotmasion, rinibisa pat ãgumentu siha. (1 CMC § 9104 (a)(2)).

Esti i manmaproponi na regulasion siha manma'aprueba ginen i Acting Secretary gi Hulio benti tres dos mit disi ochu (July 23, 2018).

Nina Hålum as: 
PETER P. CAMACHO
Acting Secretary of DPW
Fetcha 7/23/18

Rinisibi as: 
SHIRLEY CAMACHO-OGUMORO
Espisiat na Ayudanti para l
Atministrasion Gubietnu
Fetcha 2/13/19

Pine'lu yan
Ninota as: 
ESTHER SN. NESBITT
Rehistran Commonwealth
Fetcha 02/22/2019

Sigun i 1 CMC § 2153(e) (l Abugådu Heneråt ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) hentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligat i CNMI Abugådu Heneråt yan debi na u mapuplika, 1 CMC § 2153(f)(publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 19, gi Febuary 2018


EDWARD MANIBUSAN
Abugådu Heneråt



Commonwealth of the Northern Mariana Islands
Office of the Secretary of Public Works
2nd floor - Oleai Joeten Commercial Center
Saipan, MP 96950



Commonwealth Téel Falúw kka Efáng Ilól Marianas
Department of Public Works – Bwulasiyol Solid Waste Management
Peter P. Camacho, Acting Secretary
Department of Public Works, Bwulasiyol Solid Waste Management, Caller Box
10007 CK
Lower base, Saipan MP 96950

Til 670.322.2745; fax:670.322.2762
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**ARONGORONGOL TOULAP REEL POMMWOL ALLÉGH ME
MWÓGHUTUGHUT**
IKKA AA LIIWEL NGÁLI ALLÉGH ME MWÓGHUTUGHUTÚL
DEPARTMENT OF PUBLIC WORKS, BWULASIYOL SOLID WASTE
MANAGEMENT

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTUGHUT: Commonwealth Téel Falúw kka Efáng Ilól Marianas, Department of Public Works, Bwulasiyol Solid Waste Management re mángemángil rebwe adóptááli mwóghutughut ikka e appasch bwe ebwe lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkal llól seigh ráál mwiril aar adóptááilil me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Eyoor bwángil Sekkretóoriyo sáangi Legislature bwe ebwe adóptááli allégh me mwóghutughut ngáli administration me enforcement reel lemélil mwóghutughut kkal. 1 CMC § 2404 (Sekkretóoriyo mille e isiisow mwóghutughut).

KKAPASAL ME AWEEWEL: Allégh me Mwóghutughut kkal ebwe ayoorai ngáli Solid Waste Collection me Mwóghutughutúl Disposal reel rebwe siiweli schedule reel óbwóss me adóptaal provisions.

KKAPASAL ME ÓUTOL: Allégh me mwóghutughut kkal:

1. Aschuulong ffél kkapas fengál me meeta weewel faal § 155-30.1-001 ngáli E-waste, Bwulasiyol Gobetnameento Self-haulers, Green Waste, me Recyclables;


2. Fféerú sefáaliy me siiweli tipping fees faal § 155-30.1-101;
3. Amwóyló me aschuulong akkáaw provisions reel SUBCHAPTER 155-30.1, BWEIBWOGHIL SOLID WASTE ME DISPOSAL REGULATIONS.

ABWUNGUBWUNGÚL ADÓPTAAL MWÓGHUTUGHUT LLÓL GHITIPOTCH NGÁLI EBWÚGHÚW ME RUWEIGH RÁÁL: Board ra attabweey ngáli mwóghutughutúl 1 CMC § 9104(b) me (c) reel rebwe adóptáali Pommwol Mwóghutughut kkal llól ghitipotch ngáli ebwúghúw me ruweigh ráál. Gobenno aa ghikill reel mwóghut ikka e lo llól ghitipotch wóól Ulyo 3, 2008. Ebwe bwunguló mwóghutughut kkal llól ghitipotch ighila.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Pommwol Mwóghutughut kkal me llól Commonwealth Register llól táilil Pommwol me ffél mwóghut ikka ra adóptáalil (1 CMC § 9102(a)(1)) me ebwe apaschetá llól civic center me bwal llól Bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch. (1 CMC § 9104(a)(1))

REEL ISIISILONGOL KKAPAS: Afanga ngáre bwughiló yóómw ischil kkapas ngáli Mr. James A. Ada, Sekkretóoriyol Public Works *Attn: Solid Waste Collection and Disposal Regulations*, reel féléféel iye e lo weiláng, fax ngáre email address, ebwe lo wóól subject libe bwe “Solid Waste Collection and Disposal Regulations.” Isiisilong yóómw ischil kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngáre angiingi. (1 CMC § 9104(a)(2))

Aa átirow Pommwol mwóghutughut kkal sáangi Acting Secretary wóól Ullyo 23, 2018.

Isáliyalong: 
PETER P. CAMACHO
Acting Secretary of DPW

7/23/18
Ráál

Bwughiyal: 
SHIRLEY CAMACHO-OGUMORO
Layúl Gobenno Special Assistant
ngáli Administration

2/13/19
Ráál

Ammwelil: 
ESTHER SN. NESBITT
Commonwealth Register *par*

02/22/2019
Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG bwe aa ffil reel fféerul me aa lléghló) me 1 CMC § 9104(s)(3) (sáangi átirowal AG) reel Pommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me aa lléghló reel fféerul me legal sufficiency sáangi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC §2153(f) (arongowowul allégh me mwóghutughut).

Aghikillátiw wóól 19 ráálil February, 2018⁹.


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap

friable asbestos, waste paints, solvents, sealers, or similar materials.

(h) "Friable Asbestos Containing Material": Any material containing more than one percent friable asbestos (as defined under U.S. Code, Title 15, Section 2642) by weight.

(i) "Garment Waste": Refuse generated by businesses that are engaged in the processing of textiles and/or the manufacture of garments and that primarily contains textile scraps.

(j) "Green Waste": Trees, leaves, brush, grass clippings, landscape waste, yard trimmings, and other similar plant material. Does not include land clearing debris mixed with dirt or rock.

(k) "Household Refuse": Solid waste (including garbage, trash, and sanitary waste in septic tanks) generated by residents directly as a result of their occupation or maintenance of their households. Does not include special wastes such as white goods, tires, or batteries.

(l) "Land Clearing Debris": Material generated as the result of clearing land-for construction. Primarily dirt, rock, and vegetative material. Does not include municipal refuse or construction demolition waste.

(m) "Municipal Solid Waste": All refuse, discards or other, no longer useable, material generated through normal residential, agricultural, commercial, and industrial activities. Includes, but is not limited to: household waste, vegetative and animal waste generated by agricultural operations, commercial solid waste, non-hazardous sludge, conditionally exempt small quantity hazardous waste, construction and demolition waste, and industrial solid waste.

(n) "Residential Disposer": An individual homeowner who hauls refuse generated from his own residence. Does not include self-haul waste from multiple units such as apartment complexes, barracks or other multi-family dwellings, or agricultural waste hauled from agricultural properties which include residences.

(o) "Special Waste": Solid waste, which due to its potential impact on public health and or the environment, requires special handling and additional environmental controls. Special wastes include, but are not limited to, junk cars, scrap tires, used lead acid batteries, white goods, used motor oil, dead animals, infectious medical waste, and sewage sludge.

(p) "White Goods": Appliances which are predominately made of metal and greater than one cubic foot in volume. Includes such items as refrigerators, washers, dryers, water heaters, air conditioners, and ranges.

(/) "E-waste": Any discarded electronic or electrical devices or their parts; also called electronic waste and/or waste consisting of discarded electronic products such as computers, televisions, cables and cell phones.

(/) "Government Agencies Self-haulers": Any government agency that transports municipal solid waste generated exclusively by their own operations.

(/) "Green Waste": Biodegradable plant matter such as grass cuttings and branches.

(/) "Recyclables": Materials accepted at the Lower Base Transfer Station (Material Recovery Facility), Saipan, including plastic bottles glass bottles, cans, and paper.

Part 100 - Tipping Fees

§ 155-30.1-101 Tipping Fees at Commonwealth Solid Waste Facilities

(a)(1) For the receipt and disposal of solid waste delivered to Commonwealth solid waste management facilities by any business, industry, governmental agency, or educational institution, a tipping fee, based on weight, if the facilities are equipped with operable vehicle scales or based on volumetric assessment, if the facilities are not equipped with operable vehicle scales, shall be charged to the disposer as specified in subsections (b) through (c) inclusive.

(2) The tipping fees for Commonwealth solid waste facilities not equipped with operable vehicle scales are based on base fee rates of approximately ~~\$25.00~~ \$37.50 per ton for municipal and household waste, \$70.00 per ton for garment waste, and ~~\$35.00 per ton for hazardous waste~~ and standard volumetric solid waste conversions of 250 lbs./cu.yd. for uncompacted waste and 500 lbs/cu.yd. for compacted waste. For loads above 2 cubic yards, the charges above will be imposed based on the capacity of the vehicle regardless of whether it is fully loaded or not. The tipping fees for Commonwealth solid waste facilities equipped with vehicle scales are based on base fee rates of ~~\$25.00~~ \$37.50 per ton for municipal and household waste, \$70.00 per ton for garment waste, and ~~\$35.00 per ton for hazardous waste~~. Separate fees shall be assessed for a trailer and the vehicle towing it if both the trailer and the towing vehicle are carrying solid waste.

(b) Municipal and Household Solid Waste - ~~\$25.00~~ \$37.50 per ton

Typical Vehicle or Container Type	General Volume	Tipping Fee
55 gal. drum (approx. 1/3 cubic yard)	3 or less drums	\$2.00 \$3.00
	4 to 6 drums	\$5.00 \$7.50
	7 to 8 drums	\$10.00 \$15.00
	more than 8 drums	\$5.00/2 drums \$7.50/2 drums
Pick-up or other passenger vehicle	less than one cubic yard	\$2.00 \$3.00
	1 to 2 cubic yards	\$5.00 \$7.50
	2 to 4 cubic yards	\$10.00 \$15.00
Flat bed, trailer, or overloaded pick-up	less than 3 cubic yards	\$10.00 \$15.00
	3 to 5 cubic yards	\$15.00 \$22.50
	5 to 8 cubic yards	\$25.00 \$37.50
Dump truck or large trailer	less than 5 cubic yards	\$15.00 \$22.50

	5 to 10 cubic yards	\$30.00 \$45.00
	10 to 15 cubic yards	\$45.00 \$67.50
Compactor truck	less than 5 cubic yards	\$25.00 \$37.50
	5 to 10 cubic yards	\$50.00 \$75.00
	10 to 20 cubic yards	\$100. \$150.00
Roll-off container	less than 10 cubic yards	\$30.00 \$45.00
	10 to 20 cubic yards	\$55.00 \$82.5
	20 to 30 cubic yards	\$80.00 \$120.00
	30 to 40 cubic yards	\$105. \$157.50

(c) Garment Waste - ~~\$35~~ \$70 per ton

Typical Vehicle or Container Type	General Volume	Tipping Fee
55 gal. drum (approx. 1/3 cubic yard)	3 or less drums	\$4.00 \$8.00
	4 to 6 drums	\$7.00 \$14.00
	7 to 8 drums	\$14.00 \$28.00
	more than 8 drums	\$7.00/2 drums
Pick-up or other passenger vehicle	less than one cubic yard	\$4.00 \$8.00
	1 to 2 cubic yards	\$7.00 \$14.00
	2 to 4 cubic yards	\$14.00 \$28.00
Flat bed, trailer or overloaded pick-up	less than 3 cubic yards	\$14.00 \$28.00
	3 to 5 cubic yards	\$22.00 \$44.00
	5 to 8 cubic yards	\$35.00 \$70.00
Dump truck or large trailer	less than 5 cubic yards	\$22.00 \$44.00
	5 to 10 cubic yards	\$42.00 \$84.00
	10 to 15 cubic yards	\$64.00 \$128.00
Compactor truck	less than 5 cubic yards	\$35.00 \$70.00
	5 to 10 cubic yards	\$70.00 \$140.00
	10 to 20 cubic yards	\$140.00 \$280.00
Roll-off container	less than 10 cubic yards	\$42.00 \$84.00
	10 to 20 cubic yards	\$77.00 \$154.00
	20 to 30 cubic yards	\$112.00 \$224.00
	30 to 40 cubic yards	\$147.00 \$294.00

(d) Special Waste and Construction and Demolition Waste \$70 per ton. ~~—\$35 per ton—~~ provided, however, that ~~\$35.00 fee for dead animal disposal per animal regardless of weight and volume.~~

Typical Vehicle or Container Type	General Volume	Tipping Fee
55 gal. drum (approx. 1/3 cubic yard)	3 or less drums	\$4.00 <u>\$8.00</u>
	4 to 6 drums	\$7.00 <u>\$14.00</u>
	7 to 8 drums	\$14.00 <u>\$28.00</u>
	more than 8 drums	\$7.00 <u>\$28.00</u>
Pick-up truck or other passenger vehicle	less than one cubic yard	\$4.00 <u>\$8.00</u>
	1 to 2 cubic yards	\$7.00 <u>\$14.00</u>
	2 to 4 cubic yards	\$14.00 <u>\$28.00</u>
Flat bed, trailer, or overloaded pick-up truck	less than 3 cubic yards	\$14.00 <u>\$28.00</u>
	3 to 5 cubic yards	\$22.00 <u>\$44.00</u>
	5 to 8 cubic yards	\$35.00 <u>\$70.00</u>
Dump truck or large trailer	less than 5 cubic yards	\$22.00 <u>\$44.00</u>
	5 to 10 cubic yards	\$42.00 <u>\$84.00</u>
	10 to 15 cubic yards	\$64.00 <u>\$128.00</u>
Compactor truck	less than 5 cubic yards	\$35.00 <u>\$70.00</u>
	5 to 10 cubic yards	\$70.00 <u>\$140.00</u>
	10 to 20 cubic yards	\$140.00 <u>\$280.00</u>
Roll-off container	less than 10 cubic yards	\$42.00 <u>\$84.00</u>
	10 to 20 cubic yards	\$77.00 <u>\$154.00</u>
	20 to 30 cubic yards	\$112.00 <u>\$224.00</u>
	30 to 40 cubic yards	\$147.00 <u>\$294.00</u>

(e) ~~\$35.00 flat fee for dead animal disposal.~~ Dead Animal

Description	Fees
<u>Whole deceased animal carcasses (small cats/dogs)</u>	<u>\$3.00</u>
<u>Whole deceased animal carcasses (Large) including but not limited to animal skin, intestines, and animal parts</u>	<u>\$35.00</u>

(f) Tires (Insert new Subsection and re-letter as appropriate):

<u>Tires</u>	
Description	Fees
<u>Tires OFF the Rim (less than 22.5")</u>	<u>\$2.50</u>
<u>Tires ON the Rim (less than 22.5")</u>	<u>\$5</u>
<u>Tires OFF the Rim (22.5" or larger)</u>	<u>\$8</u>
<u>Tires ON the Rim (22.5" or larger)</u>	<u>\$15</u>
<u>Tires-Heavy Equipment/Bulky</u>	<u>\$175 minimum charge, up to 1 ton</u>

(g) E-waste (insert new Subsection and re-letter as appropriate):

<u>Description</u>	<u>Fees</u>
<u>CRT Monitors</u>	<u>\$25</u>
<u>Less than 1ft. in length</u>	<u>\$1.00</u>
<u>1ft to 2ft in length</u>	<u>\$2.00</u>
<u>2ft and above</u>	<u>\$3.00</u>

(/) Green Waste (Insert new Subsection and re-letter as appropriate):

Residential disposers may dispose of green waste for a \$10 flat fee per load regardless of weight and volume. All other disposers will be charged \$35 per ton.

(/) Appliances / White Goods (Insert new Subsection and re-letter as appropriate)

<u>Description</u>	<u>Fees</u>
<u>Water Heater, Air Conditioner, Stove, Refrigerator, Washer, Dryer, Dishwasher, Dehumidifier or similar items.</u>	<u>\$25.00</u>
<u>Special handling fee: Ozone depleting substance and or Freon. SWMD requires that any household appliances that contain refrigerants be accompanied with a letter from a licensed AC tech certifying that the unit is free and clear of all refrigerants prior to disposal.</u>	<u>\$10.00</u>

(f) Pre-sorting of Garment Material for Recycling

(1) 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 categories. The categories are:

- (i) White fabric - 100% cotton
- (ii) Colored fabric - 100% cotton
- (iii) 60% or more cotton
- (iv) All others.

(2) 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 pre-sorted must return to the scale house at the transfer station to be assessed an additional thirty-five dollars per ton prior to disposal at any waste management site including but not limited to the Puerto Rico Dump and the Marpi Landfill.

(3) 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.

§ 155-30.1-105 Payment System

(a) **Payment of Fees:** Tipping fee charges incurred at the Commonwealth solid waste facilities, whether or not they are equipped with scales, operable or not, under this section shall be paid on site, either in cash, by coupons or invoiced to an established account. Fees of \$10.00 or less may be paid in cash. All fee charges over \$10.00 must be paid by pre-purchased coupons or invoiced to an established account.

(b) All commercial waste haulers shall be required to register with the Department of Environmental Quality. In addition, any large self-hauler wishing to establish an account with the Division of Solid Waste Management must register with the Department of Environmental Quality. Prior to purchase of disposal coupons from the Division of Solid Waste Management, all commercial waste haulers shall be required to show proof of current registration.

(c) **Payment by Coupons:** Pre-paid coupons for payment of fees at Commonwealth solid waste facilities may be purchased from the Commonwealth of the Northern Mariana Islands Division of Solid Waste Management. Commonwealth solid waste facilities will not accept cash payments for tipping fees for fees in excess of \$10.00. Commonwealth solid waste facilities users must obtain tipping fee coupons from the Division of Solid Waste Management. Coupons shall be presented at the Commonwealth solid waste management facilities to pay the tipping fees for loads of waste to be disposed. Coupons will not be sold at Commonwealth solid waste management facilities.

(d) **Purchase of Coupons:** Coupons shall be issued in books of five and ten coupons in two U.S. dollar and ten U.S. dollar denominations. All persons, businesses, industries, governmental agencies, institutions, or organizations which intend to dispose of solid waste at a Commonwealth solid waste management facility shall purchase coupons to use at landfill facilities from the Division of Solid Waste Management. Coupons will be sequentially numbered and attached to receipt stubs in the coupon books. Coupons must be presented intact in their books. Loose coupons will not be accepted.

(e) **Establishment of Accounts:**

(1) In order to establish an account with the Division of Solid Waste Management, the waste hauler must be registered with Division of Environmental Quality. The hauler must provide an estimate of waste delivered daily over a six month period, to the PRD (compacted and uncompacted). The Division of Solid Waste Management must verify this amount.

(2) Accounts will be limited to haulers who deliver 10 tons per day or more to the facilities on a monthly average. A deposit based on the estimate of tons per day delivered to the facilities, computed at \$10 per ton, will be required in order to establish an account with the Division of Solid Waste Management. The hauler must provide the Division of Solid Waste Management with the following:

(i) Owner name

- (ii) Company name
 - (iii) Company telephone number
 - (iv) Number of vehicles using the facilities
 - (v) Identification numbers of all vehicles using the facilities
 - (vi) Volumetric capacity of all vehicles using the facilities
 - (vii) Verification of registration with the Division of Environmental Quality.
- (3) Company name, identification numbers, and volumetric capacity shall be printed clearly on all vehicles.
- (4) A 30-day notice must be provided for any new vehicles. Accounts will be billed on a monthly basis, due the 15th of each month. On a quarterly basis, estimates of deposits will be reviewed.
- (5) Division of Solid Waste Management will charge by the volumetric capacity of the vehicle, not the load amount.
- (f) ~~Collection of Fees and/or Coupons: The gate attendant shall assess the volume of all incoming vehicles and based on his/her determination charge the appropriate fee. For fees to be paid by coupons the attendant shall remove the appropriate number of coupons from the coupon book and stamp both the coupons and the receipt stubs. Loose coupons will not be accepted. For haulers with established accounts, invoices will be provided.~~
- (g) **Determination of Volumetric Assessment:** The attendant at the entrance to the facility shall be the sole judge of the capacity of the incoming vehicle. Should there be any disagreement regarding the attendant's determination, the hauler shall file an appeal with the Division of Solid Waste Management where an actual measurement of the container or vehicle capacity will be made.
- (h) **Creation of Coupons:** The Division of Solid Waste Management shall be responsible for the creation and printing of coupons. Coupons shall be numbered to provide a means of monitoring whether forgeries are being created and used. Coupons shall be attached to receipt stubs for tracking of payment by haulers.
- (i) The Division of Solid Waste Management shall be responsible for verifying the accuracy of the coupons presented at Commonwealth solid waste facilities. The Division of Solid Waste Management shall issue receipts and shall note the serial number of the coupons issued to tipping fee coupon purchasers. They shall include the name and DEQ registration number (when appropriate) of the purchaser. ~~The Division of Solid Waste Management shall be responsible for all accounting functions relating to the verification of, and accounting of tipping fees generated. The Division of Solid Waste Management shall deposit the proceeds from tipping fees coupons sold into the CNMI general fund appropriate sub account of the Solid Waste Management Revolving Fund which shall be accounted for separately from the General Fund.~~
- (j) **Lost Coupons:** Lost coupons shall not be replaced. Disposers who lose coupons shall have to bear the cost of replacing the coupons.
- (k) The Department of Public Works, Division of Solid Waste Management office in Saipan shall be responsible for administering the collection of local tipping fees; coupons the same applies

to Department of Solid Waste Management office in Tinian and Rota. at Commonwealth solid waste management facilities.

§ 155-30.1-110 Waiver of Tipping Fees

(a) Notwithstanding any other provision of the regulations in this subchapter to the contrary, the tipping fees can be waived for the following uses: refuse generated as a result of a typhoon or other similar natural disaster or for the benefit of the Commonwealth of the Northern Mariana Islands.

1. Refuse generated as a result of a typhoon or other similar natural or man-made disaster, or for the benefit of the Commonwealth of the Northern Mariana Islands.
2. Refuse collected from a clean-up event sponsored by the government, private or nonprofit organizations or groups, that is organized for the express purpose of beautification or cleaning public areas.
3. Refuse collected by a private landowner wishing to clean-up illegally dumped waste on their property, not derived from a business, property lease or rent.

(b) Tipping fee waivers shall not be provided for the clean-up of areas that normally fall under municipal responsibility (i.e. a Mayor's Office or Park and Recreation areas that regularly provide the pick-up of waste containers.

(a) The Department of Public Works, Division of Solid Waste Management shall be responsible for administering the waiver provisions in the regulations in this subchapter.

(b) The person, entity applying for waiver of tipping fees shall sign a declaration under penalty of perjury stating that the refuse was generated by a typhoon or describing the public benefit to be gained by granting of a waiver for non-typhoon based related refuse and stating the volumetric capacity to be disposed. Any person who misrepresents the origin of refuse disposed of under this section shall be assessed a civil fine of \$500 or five times the appropriate waste disposal fee, whichever is greater.

(c) The Department of Public Works shall grant a waiver of tipping fees based on the signed declaration, provided that the Department of Public Works may establish procedures to verify volumetric capacity and to verify that the refuse was generated by a typhoon or a finding that a public benefit to the Commonwealth by granting of a waiver.

~~(d) Loads in excess of 1 cubic yard generated from traditional cultures, social and religious activities such as rosaries and fiestas shall be considered in the public benefit and can be waived.~~

(e) Disposal of separated items that are deemed recyclable by the Department of Public Works, Division of Solid Waste Management are accepted free of charge during normal operating hours at the Lower Base Transfer Station Recycling Facility.

Part 200 - Solid Waste Revolving Fund

§ 155-30.1-201 Allocation of Funds for Sub-accounts within the Solid Waste Revolving Fund

The solid waste revolving fund (SWRF) shall be divided pursuant to the Solid Waste Management Revolving Account Act of 2002 in the following manner:

(a) Saipan sub-account:

- (1) All solid waste tipping fees generated on the island of Saipan
- (2) 80% of the total excise tax designated for SWRF
- (3) All solid waste grants applied for under the Saipan Solid Waste Office
- (4) All disposal fees collected for products to be sold on the island of Saipan
- (5) All loans, grants, or other financial assistance designated for activities to happen on the island of Saipan.

(b) Tinian sub-account:

- (1) All solid waste tipping fees generated on the island or islands of Tinian and Aguiguan
- (2) 10% of the total excise tax designated for the SWRF
- (3) All solid waste grants applied for under the Tinian Solid Waste Division
- (4) Any disposal fees collected for products to be sold on the island or islands of Tinian and Aguiguan
- (5) All loans, grants, or other financial assistance designated for activities to happen on the island or islands of Tinian and Aguiguan.

(c) Rota sub-account:

- (1) All solid waste tipping fees generated on the island of Rota
- (2) 10% of the total excise tax designated for the SWRF
- (3) All solid waste grants applied for under the Rota Solid Waste Division
- (4) All disposal fees collected for products to be sold on the island of Rota
- (5) All loans, grants, or other financial assistance designated for activities to happen on the island of Rota.

(d) Financial assurance sub-account:

- (1) ~~\$500,00~~ \$400,000.00 per year out of the total excise tax designated for the SWRF. 10% will come from the excise tax funds apportioned for Rota, 10% will come from the excise tax funds apportioned for Tinian and 80% will come from the excise tax funds apportioned for Saipan.
- (2) Once accumulated, a minimum of \$500,000.00 will be maintained in a savings account that can be accessed immediately. Any additional funds above \$500,000.00 will be maintained in TCD's or other higher interest bearing funds that can be accessed within a 90 day time period.
- (3) Funds from this sub-account cannot be used for any other purpose except for the closure/post-closure or any corrective action that may be required for the Marpi Solid Waste Facility or a DEQ permitted landfill in Tinian, Aguiguan, or Rota.
- (4) This amount will be annually re-evaluated and adjusted as necessary by the Department of Public Works, Division of Solid Waste Management, to account for updated closure and post-closure costs for the Marpi Solid Waste Facility and any landfill in Tinian or Rota permitted under the CNMI Solid Waste Management Regulations [NMIAC, title 65, chapter 80], as well as any corrective actions that may become required for these facilities under the CNMI Solid Waste Management Regulations.



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Joseph C. Reyes, Vice Chairman
Ramon M. Dela Cruz, Secretary
Alvaro A. Santos, Treasurer
Diego M. Songao, Public Affairs

COMMISSION ORDER NO: 2019-001

Order Stating Executive Director's Authority Over Hiring of Commission Staff and Authorizing Executive Director to Promulgate the Terms and Conditions of Commission Staff's Employment

For good cause determined at the January 30-31, 2019 public meeting of the Commonwealth Casino Commission ("Commission"), which was duly publicly noticed, and based on the authority granted by the laws of the Commonwealth (including but not limited to Public Laws 18-56 and 19-24) and the Regulations of the Commission, NMIAC Chapter 175-10.1, the Commission hereby finds and ORDERS AS FOLLOWS:

1. WHEREAS, the Commonwealth Casino Commission was created, in its present form, by the Commonwealth Legislature pursuant to Public Law 18-56 as it has from time to time been amended; and,
2. WHEREAS, Public Law 18-56, as it has from time to time been amended, created the position of the Executive Director of the Commonwealth Casino Commission; and,
3. WHEREAS, among his other duties, the Executive Director of the Commonwealth Casino Commission is the head of the administration of the Commission, and subject to the general oversight and direction of the Commission, organizes the work of the Commission in a manner that will ensure its efficient and effective operation; and,
4. WHEREAS, subject to the budgetary authority of the Commission, the Executive Director is granted the statutory authority to hire and terminate such staff, including a legal counsel and other professionals, necessary to carry out the purpose of the Commonwealth's gaming laws; and,

5. WHEREAS, The Executive Director shall have such other duties as may be assigned or delegated by the Commission; and,

6. WHEREAS, it is a long-standing policy of the Commission, reflected in Commission Regulation 175-10.1-165, that "The Executive Director shall be responsible for the employment and termination of Commission employees. Members of the Commission are responsible only for the employment of the Executive Director and shall not interfere with the Executive Director's employment decisions. The Executive Director shall create, and from time to time, update, an employee handbook or manual which reflect the Commission's personnel policies."

7. WHEREAS, the Commission staff hired and overseen by the Executive Director are statutorily exempt from the Civil Service; and,

8. WHEREAS, the Attorney General of the Commonwealth has recently issued an opinion confirming the Commission staff's exempt status and confirming that the present regulations promulgated by the Civil Service Commission for the Excepted Service do not apply to the Commission staff; and

9. WHEREAS, the Commission deems it prudent to issue an Order stating the Executive Director's Authority over the hiring of Commission staff and, insofar as it may be necessary or advisable, authorizing the Executive Director to promulgate the terms and conditions of the employment of Commission staff; NOW, THEREFORE,

10. IT IS HEREBY ORDERED that, the Executive Director of the Commonwealth Casino Commission is responsible for the hiring, oversight of, and termination of employment of the Commission's staff;

11. IT IS HEREBY FURTHER ORDERED that the Executive Director of the Commonwealth Casino Commission is empowered to create, and from time to time modify, the terms and conditions of employment of all Casino Commission Staff; and

12. IT IS HEREBY FURTHER ORDERED that the Executive Director of the Commonwealth Casino Commission shall create, and from time to time, update, an employee handbook or manual which reflect the Commission's personnel policies; and

13. IT IS HEREBY FURTHER ORDERED that the Chairman or the Executive Director shall take steps necessary to ensure that this Order is published in the Commonwealth Register; and

14. IT IS HEREBY FURTHER ORDERED that this Order is to take effect immediately or at the earliest time allowed by law, whichever first occurs, and shall remain in effect until it is repealed or replaced by subsequent Order of the Commission.

SO ORDERED this 31st day of January, 2019.

Signature:  _____
JUAN M. SABLAN
CHAIRMAN