

# TITLE 155: DEPARTMENT OF PUBLIC WORKS

---

## SUBCHAPTER 155-30.1 SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS

### **Part 001      General Provisions**

§ 155-30.1-001      Definitions

Fees

### **Part 100      Tipping Fees**

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

§ 155-30.1-105      Payment System

§ 155-30.1-110      Waiver of Tipping

### **Part 200      Solid Waste Revolving Fund**

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

Subchapter Authority: 1 CMC § 2404; 2 CMC § 3514.

Subchapter History: Amdts Adopted 26 Com. Reg. 21773 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 20001 (Feb. 28, 2003) (effective for 120 days from Feb. 3, 2003); Amdts Adopted 26 Com. Reg. 21772 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 19952 (Jan. 31, 2003) (effective for 120 days from Jan. 8, 2003); Amdts Adopted 24 Com. Reg. 19399 (July 29, 2002); Amdts Proposed 24 Com. Reg. 19125 (May 20, 2002); Adopted 22 Com. Reg. 17280 (June 20, 2000); Proposed 22 Com. Reg. 17200 (Apr. 20, 2000); Proposed 21 Com. Reg. 16986 (Nov. 15, 1999); Proposed 21 Com. Reg. 16945 (Oct. 15, 1999).

Commission Comment: PL 1-8, tit. 1, ch. 15, codified as amended at 1 CMC §§ 2401-2405, creates the Department of Public Works (DPW) within the Commonwealth government. See 1 CMC § 2401. 1 CMC § 2404 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction. PL 6-30 (effective May 23, 1989), the “Commonwealth Solid Waste Management Act of 1989,” is codified as amended at 2 CMC §§ 3511-3521.

PL 6-30, as amended by PL 11-103 (effective Sept. 29, 1999) and PL 13-42 (effective Dec. 19, 2002), governs the collection, disposal, and management of solid waste in the CNMI. 2 CMC § 3514(a) empowers DPW to collect and dispose of solid waste as provided in the act, assess fees by regulation for the collection and disposal of solid waste and establish rules and regulations to enforce its powers.

### **Part 001 -      General Provisions**

#### **§ 155-30.1-001      Definitions**

The following phrases in the regulations in this subchapter shall be defined as follows:

- (a) “Commercial Waste Haulers”: Any person, business, or government agency or other entity who transports municipal solid waste generated by others.
- (b) “Large Commercial and Self-haulers”: Any hauler delivering 10 or more tons per day of waste to the facilities on a monthly average.
- (c) “Small Commercial and Self-haulers”: Any hauler delivering less than 10 tons per day of waste to the facilities on a monthly average.
- (d) “Self-haulers”: Any person, business, or government agency or other entity that transports municipal solid waste generated exclusively by their own operations.

## TITLE 155: DEPARTMENT OF PUBLIC WORKS

---

- (e) “Commonwealth Solid Waste Management Facilities”: Landfills dumps, refuse transfer stations, recycling centers, composting operations, and other waste receiving facilities operated by the Commonwealth of the Northern Mariana Islands Department of Public Works, Division of Solid Waste Management.
- (f) “Compacted Load”: A load that is hauled in a vehicle or container which is equipped with a hydraulic mechanism, or is designed to be used in conjunction with a hydraulic ram mechanism which compresses the load in order to maximize the amount of material that can be hauled in the vehicle or container. All other loads shall be considered to be uncompact.
- (g) “Construction and Demolition Waste” (“C&D”): Largely inert solid waste resulting from the construction, demolition, or razing of buildings, roads, or other structures, or from the clearing of land. Includes materials such as concrete, rock, brick and masonry, asphalt, wood, roofing and roofing paper, gypsum board, plaster, steel, and minor amounts of other metals. Construction and demolition waste does not include clean-up materials contaminated with hazardous substances, 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

**TITLE 155: DEPARTMENT OF PUBLIC WORKS**

---

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.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 22 Com. Reg. 17280 (June 20, 2000); Proposed 22 Com. Reg. 17200 (Apr. 20, 2000); Proposed 21 Com. Reg. 16986 (Nov. 15, 1999); Proposed 21 Com. Reg. 16945 (Oct. 15, 1999).

Commission Comment: The Commission inserted commas after the words “business” in subsections (a) and (d), “operations” in subsection (e), “demolition,” “roads,” and “sealers” in subsection (g), “trimmings” in subsection (j), “trash” and “tires” in subsection (k), “rock” in subsection (l), “commercial” in subsection (m), and “conditioners” in subsection (p) pursuant to 1 CMC § 3806(g).

**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 per ton for municipal and household waste, \$35.00 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 per ton for municipal and household waste, \$35.00 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 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
	4 to 6 drums	\$5.00
	7 to 8 drums	\$10.00
	more than 8 drums	\$5.00/2 drums
Pick up truck or other passenger vehicle	less than one cubic yard	\$2.00
	1 to 2 cubic yards	\$5.00

**TITLE 155: DEPARTMENT OF PUBLIC WORKS**

---

	2 to 4 cubic yards	\$10.00
Flat bed, trailer, or overloaded pick up truck	less than 3 cubic yards	\$10.00
	3 to 5 cubic yards	\$15.00
	5 to 8 cubic yards	\$25.00
Dump truck or large trailer	less than 5 cubic yards	\$15.00
	5 to 10 cubic yards	\$30.00
	10 to 15 cubic yards	\$45.00
Compactor truck	less than 5 cubic yards	\$25.00
	5 to 10 cubic yards	\$50.00
	10 to 20 cubic yards	\$100.00
Roll-off container	less than 10 cubic yards	\$30.00
	10 to 20 cubic yards	\$55.00
	20 to 30 cubic yards	\$80.00
	30 to 40 cubic yards	\$105.00

(c) Garment Waste - \$35 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
	4 to 6 drums	\$7.00
	7 to 8 drums	\$14.00
	more than 8 drums	\$7.00/2 drums
Pick up truck or other passenger vehicle	less than one cubic yard	\$4.00
	1 to 2 cubic yards	\$7.00
	2 to 4 cubic yards	\$14.00
Flat bed, trailer, or overloaded pick up truck	less than 3 cubic yards	\$14.00
	3 to 5 cubic yards	\$22.00
	5 to 8 cubic yards	\$35.00
Dump truck or large trailer	less than 5 cubic yards	\$22.00
	5 to 10 cubic yards	\$42.00
	10 to 15 cubic yards	\$64.00
Compactor truck	less than 5 cubic yards	\$35.00
	5 to 10 cubic yards	\$70.00
	10 to 20 cubic yards	\$140.00
Roll-off container	less than 10 cubic yards	\$42.00
	10 to 20 cubic yards	\$77.00
	20 to 30 cubic yards	\$112.00
	30 to 40 cubic yards	\$147.00

(d) Special Waste and Construction and Demolition Waste - \$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
	4 to 6 drums	\$7.00
	7 to 8 drums	\$14.00

**TITLE 155: DEPARTMENT OF PUBLIC WORKS**

---

	more than 8 drums	\$7.00/2 drums
Pick up truck or other passenger vehicle	less than one cubic yard	\$4.00
	1 to 2 cubic yards	\$7.00
	2 to 4 cubic yards	\$14.00
Flat bed, trailer, or overloaded pick up truck	less than 3 cubic yards	\$14.00
	3 to 5 cubic yards	\$22.00
	5 to 8 cubic yards	\$35.00
Dump truck or large trailer	less than 5 cubic yards	\$22.00
	5 to 10 cubic yards	\$42.00
	10 to 15 cubic yards	\$64.00
Compactor truck	less than 5 cubic yards	\$35.00
	5 to 10 cubic yards	\$70.00
	10 to 20 cubic yards	\$140.00
Roll-off container	less than 10 cubic yards	\$42.00
	10 to 20 cubic yards	\$77.00
	20 to 30 cubic yards	\$112.00
	30 to 40 cubic yards	\$147.00

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

(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

## TITLE 155: DEPARTMENT OF PUBLIC WORKS

---

have the loads weighed prior to delivery to the DPW/recycling site.

Modified, 1 CMC § 3806(c), (e), (f), (g).

History: Amdts Adopted 26 Com. Reg. 21772 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 19952 (Jan. 31, 2003) (effective for 120 days from Jan. 8, 2003); Amdts Adopted 24 Com. Reg. 19399 (July 29, 2002); Amdts Proposed 24 Com. Reg. 19125 (May 20, 2002); Adopted 22 Com. Reg. 17280 (June 20, 2000); Proposed 22 Com. Reg. 17200 (Apr. 20, 2000); Proposed 21 Com. Reg. 16986 (Nov. 15, 1999); Proposed 21 Com. Reg. 16945 (Oct. 15, 1999).

Commission Comment: The first and last paragraphs were not designated. The Commission designated subsections (a) and (e) and re-designated subsections (b) through (d) accordingly. The 2002 amendments repealed and reenacted this section in its entirety. The January 2004 amendments added subsection (f). The January 2004 notice of adoption states that it adopts “an Amendment to the Solid Waste Collection Disposal Regulations, Section 2 to require pre-sorting of all garment material prior to delivery to recycling locations which were published in the Commonwealth Register Vol. 24, No. 05, on May 20, 2002, beginning at page 19125... .” The cited May 2002 regulations were previously adopted. See 24 Com. Reg. 19399 (July 29, 2002). The intent to adopt the amendment to section 2 published at 25 Com. Reg. 19952 (Jan. 31, 2003), which requires the pre-sorting of garment materials for recycling, is clear and the Commission has incorporated the proposed amendments as subsection (f).

In subsection (a)(1), the Commission changed “subsection” to “subsections” to correct a manifest error. In subsections (e) and (f)(1)(iv), the Commission inserted the final periods. In subsection (f)(3), the Commission changed “weighted” to “weighed” to correct a manifest error.

The Commission inserted a comma after the word “cardboard” in subsection (f)(2) pursuant to 1 CMC § 3806(g).

### **§ 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

## TITLE 155: DEPARTMENT OF PUBLIC WORKS

---

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 fee coupons sold into the CNMI 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 shall be responsible for administering the collection of tipping fee coupons at Commonwealth solid waste management facilities.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 22 Com. Reg. 17280 (June 20, 2000); Proposed 22 Com. Reg. 17200 (Apr. 20, 2000); Proposed 21 Com. Reg. 16986 (Nov. 15, 1999); Proposed 21 Com. Reg. 16945 (Oct. 15, 1999).

Commission Comment: The original paragraphs of subsection (e) were not designated. The Commission designated subsections (e)(1) through (e)(5).

In subsection (e)(2)(vii), the Commission inserted the final period. The Commission inserted a comma after the word “numbers” in subsection (e)(3) pursuant to 1 CMC § 3806(g).

### **§ 155-30.1-110 Waiver of Tipping Fees**

Notwithstanding any other provision of the regulations in this subchapter to the contrary, the tipping fees can be waived for 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.

(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 refuse and stating the volumetric capacity to be disposed.

(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.



## TITLE 155: DEPARTMENT OF PUBLIC WORKS

---

(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.

Modified, 1 CMC § 3806(d).

History: Adopted 22 Com. Reg. 17280 (June 20, 2000); Proposed 22 Com. Reg. 17200 (Apr. 20, 2000); Proposed 21 Com. Reg. 16986 (Nov. 15, 1999); Proposed 21 Com. Reg. 16945 (Oct. 15, 1999).

### **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 advance 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 advance 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 advance 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) \$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

## TITLE 155: DEPARTMENT OF PUBLIC WORKS

---

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.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 26 Com. Reg. 21773 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 20001 (Feb. 28, 2003) (effective for 120 days from Feb. 3, 2003).

Commission Comment: The January 2004 amendments added this section. The January 2004 notice of adoption states that it adopts “an Amendment to the Solid Waste Collection Disposal Regulations, to establish a policy regarding allocation and management of the Solid Waste Management Revolving Fund which was published in the Commonwealth Register Vol. 22, No. 04, on April 14, 2000, beginning at page 17200 through 17209...” The cited April 2000 regulations were previously adopted. See 22 Com. Reg. 17280 (June 20, 2000). The intent to adopt the amendments published at 25 Com. Reg. 20001 (Feb. 28, 2003), which establish a policy regarding allocation and management of the Solid Waste Management Revolving Fund, is clear and the Commission has incorporated the proposed amendments in this section.

In subsection (d)(4), the Commission inserted the final period. The Commission inserted commas after the words “grants” in subsections (a)(5), (b)(5), and (c)(5), and “Aguiguan” in subsection (d)(3) pursuant to 1 CMC § 3806(g).