

TITLE 2: NATURAL RESOURCES
DIVISION 3: THE ENVIRONMENT

§ 3122. Environmental Programs.

(a) In addition to any other regulation required or permitted by law, the director shall, after consultation with the board and consideration of appropriate federal laws and regulations, issue regulations to establish and implement the programs set forth in this section.

(b) The chief shall develop and administer a program to prevent, control, or mitigate any contamination of any public water system in the Commonwealth which the chief finds will have, or create a substantial risk of, a significant adverse effect on the public health or welfare or which may cause persons served by such system to discontinue its use. The program shall include criteria and procedures for monitoring, testing, treating, operating, or maintaining the system as necessary to assure optimal quality control of public drinking water supplies.

(c) The chief shall develop and administer programs, including where appropriate a system of standards, permits, or prohibition, to prevent or regulate the following activities as necessary to protect the public health or welfare from any significant adverse effect of the activities:

(1) Discharge of pollutants anywhere within the jurisdiction set forth in 2 CMC § 3113;

(2) Transportation, storage, use, and disposal of solid wastes, sewage, pesticides, herbicides, defoliants, desiccants, plant growth regulators, radioactive materials, and other hazardous substances; and

(3) Earthmoving, including the disturbance or alteration of the surface or subsurface area of the land, sea floor, lagoon bottom, or coral reef.

(d) The chief shall develop and administer a program to assure public awareness and an opportunity for public comment, including a public hearing when the chief determines that such hearing is necessary or when such hearing is ordered by the director or the board, concerning the issuance of any permit under this chapter in connection with any major siting, including

(1) Subdivision of land,

(2) Construction of major public works projects,

(3) Construction of hotels, industrial parks, petroleum storage or processing facilities, and shopping centers, and

(4) Other large scale projects or activities as specified by regulation.

(e) The chief shall develop and administer a program to collect, or to cause to be collected, information regarding the quality of the environment of the Commonwealth. Any permit issued under this chapter may require that the applicant for or holder of such permit supply any relevant information to the chief, monitor or allow the chief to monitor any activity under such permit, emplace or allow the chief to emplace any necessary recording device, and prepare or assist the chief in preparing any environmental assessment or statement which may be required by regulation.

(f) (1) The chief shall determine whether or not to issue a permit under this chapter in connection with any activity which is not a major siting within the scope of subsection (d) of this section not later than 21 days after the date he receives a complete application for such permit; provided, that if an applica-

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tion for permit is not complete, the chief shall notify the applicant of the deficiencies in the application within 14 days after receipt thereof.

(2) The chief shall determine whether or not to issue a permit under this chapter in connection with any major siting within the scope of subsection (d) of this section within 45 days after receipt of a complete application for the permit.

Source: PL 3-23, § 8.

Commission Comment: With respect to the references to the “director” of the Department of Public Health and Environmental Services and the “chief” of the Division of Environmental Quality, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.