

TITLE 2: NATURAL RESOURCES  
DIVISION 3: THE ENVIRONMENT

**§ 3515. Department of Public Health and Environmental Services: Powers and Responsibilities.**

(a) The Chief of the Division of Environmental Quality shall be empowered to:

(1) Issue nontransferable permits both for the collection and for the disposal of solid waste consistent with the protection of the environment and the public health;

(2) Monitor performance and enforce the conditions of collection and disposal permits to ensure protection of public health and the environment and to prevent public nuisances;

(3) Establish rules and regulations to enforce its powers; and

(4) By regulation assess a fee for permits.

(b) The Director of the Division of Environmental Quality is authorized to issue emergency permits for debris staging areas.

(1) Emergency permits must be countersigned by the Governor of the Commonwealth.

(2) Notice of an emergency permit must be advertised through at least two forms of public media one week prior to becoming effective.

(c) All applicants, except the Department of Public Works, for a solid waste collection or disposal permit must submit proof of a performance bond in amounts determined by the chief.

(d) The chief shall prepare a comprehensive solid waste management plan for the island of Saipan, including an examination of the feasibility and desirability of employing incineration, or other alternative disposal methods, in place of or in association with sanitary landfills, so as to extend the useful life of and reduce the need for additional land for such landfills.

The plan shall include clearly stated solid waste management goals including, but not limited to: protection of the environment, protection of human health, recycling of waste materials, efficient and economic management of collection and disposal of solid waste, and privatization of the collection and disposal process. The plan shall include quantifiable objectives to measure achievement of the goals, a timetable for attainment of each objective, and a provision for an annual report to the legislature on the progress of the Commonwealth in reaching its solid waste management goals.

The plan shall conform to the comprehensive land use plan of the Marianas Public Land Corporation and any statutorily established land use or economic development plans for the Commonwealth in effect during the planning process. The scope of time considered in this plan shall be the years 1990 through 2010.

(e) The chief shall submit the comprehensive solid waste management plan, constructed in statutory form as appropriate, to the legislature for enactment into law. The legislature shall have 90 days from date of submission to enact the plan, as submitted or with amendments, or to reject the plan. Should the legislature fail to enact or reject the plan within 90 days the plan shall become law without such action.

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**Source:** PL 6-30, § 5; subsection (b) amended by PL 11-103, § 7.

**Commission Comment:** With respect to the references to the “chief” of the Division of Environmental Quality and the “Department of Public Works,” 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.

PL 11-103 took effect on September 29, 1999. PL 11-103 contained short title, findings, severability, and savings clause provisions as follows:

Section 1. Short Title. This act may be cited as the “Commonwealth Environmental Amendments Act of 1999”.

Section 2. Findings. The Legislature finds and declares that as a policy, the Commonwealth should update its environmental laws to be consistent and compatible with applicable federal EPA requirements. Towards that end, the amendments made in this Act will make our present environmental laws consistent with applicable federal laws and regulations.

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Section 10. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 11. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.