

TITLE 2: NATURAL RESOURCES
DIVISION 3: THE ENVIRONMENT

§ 3533. Promulgation of Regulations.

The DEQ shall promulgate rules and regulations establishing a specific Advance Disposal Fee program for each material. In developing these regulations and procedures, it is the legislature's intent that, whenever possible, the product importer or wholesaler shall have a role in the collection and redemption process, either through directly developing redemption agreements with the product retailers, or by contracting out for buy back services with permitted recyclers. The ADF program shall include (where appropriate):

(a) The amount of the fee necessary to create a self sufficient diversion program, including collection, processing and shipping costs; provide adequate incentive to the public to return the material, administer the program, and provide for public education. The development of the fee should include an assessment of both the total costs of diversion and any revenue from the sale of the material.

(b) The method of collection of the fees, the establishment of accounting procedures for the moneys collected and a process for auditing payment by importers.

(c) Administrative sanctions pursuant to 1 CMC §§ 9101 et seq. for failure to comply with rules and regulations promulgated in support of this legislation.

(d) Details of the specific use of the funds, including the establishment of various methods of disbursement (grants, contracts, avoided cost payments, etc.)

(e) A program for market development, public education and outreach.

(f) The establishment of the specific responsibilities of retailers and wholesalers in the collection of the materials, payment of rebates, and education of consumers.

(g) The establishment of specific responsibilities of retailers and wholesalers who import or sell materials subject to the provisions of this chapter.

When developing a fee and diversion program, each specific material should be considered separately, except when collection, processing or marketing issues indicate a benefit for co-management. The rules and regulations shall be developed according to the material diversion priorities established by DEQ and shall be material specific.

Source: PL 11-122, § 5, modified.

Commission Comment: The subsections in this section which have been designated in numerals have been changed to lower case alphabets to comply with standard code formatting pursuant to the authority provided in 1 CMC § 3806.