

TITLE 50 COMMONWEALTH UTILITIES CORPORATION

CHAPTER 50-20

SEWER DIVISION; PUBLIC SEWER USE REGULATIONS

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Chapter Authority: 4 CMC § 8143; 4 CMC § 8157.

Chapter History: Amdts Emergency and Proposed 27 Com. Reg. 24692 (Aug. 22, 2005) (effective for 120 days from June 29, 2005);** Amdts Emergency and Proposed 27 Com. Reg. 24647 (July 20, 2005) (effective for 120 days from June 29, 2005);** Amdts Adopted 24 Com. Reg. 19115 (Apr. 29, 2002); Amdts Proposed 24 Com. Reg. 19016 (Feb. 28, 2002); Amdts Adopted 15 Com. Reg. 10488 (Feb. 15, 1993); Amdts Proposed 14 Com. Reg. 9385 (July 15, 1992); Amdts Adopted 14 Com. Reg. 9180 (Apr. 15, 1992); Amdts Proposed 14 Com. Reg. 8757 (Feb. 15, 1992); Amdts Proposed 12 Com. Reg. 6776 (Jan. 15, 1990);* Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

*A notice of adoption for the January 1990 proposed amendments was never published.

**As of December 2005, a notice of adoption for the July and August 2005 emergency and proposed amendments had not been published.

Commission Comment: For the history of the regulatory authority of the Commonwealth Utilities Corporation in the Commonwealth, see the general comment to chapter 50-10.

Public Law 15-123 (effective December 3, 2007) amended 4 CMC § 8143 to require CUC to bill water, power and sewer separately. PL 15-123 prohibits CUC from disconnecting “a consumer’s water service for failure to pay for the electrical power portion of their bill.” 4 CMC § 8143. PL 15-122 (effective December 5, 2007), codified at 4 CMC §§ 8144-8145, sets forth requirements for the disconnection and reconnection of utility services. Public Law 16-17, effective October 1, 2008, repealed and reenacted 4 CMC §§ 8143 -8144 in addition to other code sections.

PL 16-17 contains similar requirements as PL 15-122 and PL 15-123. These requirements include: using security deposits to offset past due amounts; CUC may not disconnect before the disconnection date; disconnections may not occur during disputes regarding billing statements; CUC may not disconnect all services (power, water and sewer) when a delinquent payment involves only one utility service; and disconnection may not occur for consumers receiving utility assistance for failure of Department of Community and Cultural Affairs to pay the bill. 4 CMC § 8144.

Part 001 - General Provisions

§ 50-20-001 Authority

The regulations in this chapter have been adopted by the Commonwealth Utilities Corporation (CUC) pursuant to Public Law 4-47 [4 CMC §§ 8111, et seq.] of the Commonwealth of the Northern Mariana Islands. This chapter and technical provisions and specifications which may be adopted by the CUC from time to time, have the force and effect of law and shall be binding

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on all persons and entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-005 Purpose

The purpose of this chapter is to establish requirements for connection of public sewers where and when public sewers are available and to establish fees for the use of and connection to public sewers. This chapter includes the following subject areas:

- (a) When residential and non-residential building must be connected to available public sewers.
- (b) When a public sewer will be considered as being available for connection.
- (c) Design standards and requirements for the building wastewater line and its connection to the public sewer line.
- (d) Establishment of fees for sewer use and connection to the public sewer. There is no connection fee for single family residences and duplexes.
- (e) Sanctions and penalties for failure to connect to a public sewer when required, for failure to pay sewer charge and for any other violation of these regulations.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-010 Applicability

This chapter is only applicable where public sewers exist in the Commonwealth of the Northern Mariana Islands.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-015 Definitions

- (a) “Abutting property” is defined as that property, which lies next to any road, street, or easement in which a public sewer is located. The boundary of the private property abutting the sewer need not physically touch the sewer easement so long as that piece of land separating the sewer easement from the abutting property consists of a public right way, easement, road, or street not owned or controlled by another private owner, so that the abutting property owner

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would be required to obtain a private easement in order to connect this property with that of the sewer.

(b) “BOD” (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20E C, expressed in milligrams per liter.

(c) “Building sewer” shall mean that portion of a sewer, normally privately owned and installed, five feet from a building’s foundation and its connection with the public sewer at the street right of way line, easement boundary, or other designated point.

(d) “Chief Engineer” shall mean the Assistant Director of the Sewer and Refuse Collection Division of the Commonwealth Utilities Corporation and/or any other engineer so designated by the Executive Director of the Commonwealth Utilities Corporation.

(e) “CNMI” is the Commonwealth of the Northern Mariana Islands.

(f) “CUC” shall mean the Commonwealth Utilities Corporation, established by Public Law 4-47 [4 CMC §§ 8111, et seq.].

(g) “DEQ” is the Division of Environmental Quality of the CNMI Department of Public Health and Environmental Services.

(h) “Garbage” shall mean solid and semi solid (i.e. grease) wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(i) “Hook-up” refers to the physical connection of a sewer pipe to a sewer main or lateral line of the public sewer. In general terms it is synonymous with the word “connection.”

(j) “House connection” means the sewer saddle tap to which a house service line connects to either the lateral or main sewer pipe.

(k) “House sewer” means that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer pipe beginning 5 feet outside the building walls.

(l) “Industrial user” means any user that discharges industrial wastewater to a public sewer or treatment works.

(m) “Industrial wastewater” means all water-carried wastes and wastewater of the community excluding residential wastewater and uncontaminated water. It includes all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

(n) “Lateral/trunkline” means the larger diameter sewer pipe connected to the sewer main.

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- (o) “Privy” is a structure and excavation for the disposal of human excreta for non-water carriage methods and includes the term “pit privy,” “trench latrine,” and “bored-hole latrine.”
- (p) “pH” shall mean the logarithm of the reciprocal of the concentration hydrogen ions in gram equivalents per liter of solution.
- (q) “Properly ground garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimensions.
- (r) “Public sewer” shall mean the sewerage system which is owned and/or operated by the Saipan Wastewater Division, CUC, CNMI.
- (s) “Sanitary sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (t) “Seepage pit” is a covered pit with open jointed lining through which treated or partially treated sewage effluent may seep or leach into the surrounding porous soil.
- (u) “Septic tank” is a water tight receptacle which receives the discharge of untreated sewage and is designed and constructed so as to retain solids, digest organic matter through a period of detention, and allows the treated liquids to discharge into an external leaching field.
- (v) “Sewage treatment plant” or “sewerage system” shall mean any arrangement of devices and structures used for treating or conveying sewage.
- (w) “Sewers” shall mean a pipe or conduit for carrying sewage.
- (x) “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five minutes more than 5 times the average twenty-four hour concentration of flows during normal operation.
- (y) “Standard methods” shall mean the examination and analytical procedures set forth in the latest edition at the time of analysis of Standard Methods for the Examination of Water and Sewers as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (z) “Suspended solids” shall mean solids that either float on the surface or, are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering techniques.
- (aa) “U.S. EPA” is the United States Environmental Protection Agency.

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(bb) “Waste, sewage or wastewater” shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Proposed 12 Com. Reg. 6776 (Jan. 15, 1990); Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission inserted a comma after the word “street” in subsection (a) pursuant to 1 CMC § 3806(g). In subsection (o), the Commission moved the commas after “privy” and “latrine” inside of the closing quotation marks to correct manifest errors.

The 1990 amendments proposed to add new definitions of “discharge conditions” and “pro-rata marginal cost.” A notice of adoption for the 1990 proposed amendments was never published, and, therefore, the Commission has not incorporated the proposed changes.

Part 100 - Building Sewers and Connections

§ 50-20-101 Unauthorized Connections Prohibited

No unauthorized person shall uncover, make any connections with or opening into, use, alter, disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Chief Engineer.

History: Amdts Proposed 12 Com. Reg. 6776 (Jan. 15, 1990); Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission created the section titles in part 100.

The 1990 amendments proposed to amend § 50-20-101 and add two new sections to this part. See 12 Com. Reg. at 6778 (Jan. 15, 1990). A notice of adoption for the 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-20-102 Permit Application

The owner of a residential building or commercial establishment or his authorized agent shall make application for a sewer connection permit on a form furnished by the CUC. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Chief Engineer. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the CUC after the time of the application. The permit fee shall be initially set at \$15.00 and the inspection fee at \$50.00/hour. Inspections may be charged at portions of the hourly rate.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-104 Installation Costs Paid by Applicant

All costs and expenses incident to the installation and connection of the building sewer to the public sewer shall be borne by the permit applicant. The applicant shall indemnify the CUC for

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and hold harmless from any loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer.

History: Amdts Proposed 12 Com. Reg. 6776 (Jan. 15, 1990); Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: A notice of adoption for the 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes. The Commission corrected the spelling of “borne” pursuant to 1 CMC § 3806(g).

§ 50-20-106 Separate Sewers for Each Building

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered* as one building sewer.

*So in original; probably should be “considered.”

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-108 Use of Existing Building Sewers

Existing building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Chief Engineer or his designated representative, to meet all requirements of this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-110 Standards Applicable to Building Sewers

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the CNMI. In the absence of the code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials (ASTM) shall apply.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-112 Elevation of Building Sewer

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-114 Connection to Surface or Groundwater Runoff Prohibited

No person shall make connection of roof downspouts, exterior foundation drains, or any drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-116 Standards for Connection into Public Sewer

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the CNMI. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Chief Engineer before installation.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-118 Connection Supervised

The applicant for the sewer connection permit shall notify the CUC when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Chief Engineer or his designated representative. The Chief Engineer's time is not to be considered as part of the inspection, except in those instances when he is specifically requested by the Executive Director of the CUC to make an inspection.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-120 Excavations

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to the previous condition in a manner satisfactory to the CUC.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-122 Public Sewer Availability

The public sewer shall be considered available for hook-up to a particular building when the public sewer has been constructed in a roadway, street, or easement abutting the lot on which the building is located. A single family residence or duplex shall not be required to connect to the public sewer if the horizontal distance from the available sewer to the nearest point of the residence is equal to or greater than 200 linear feet. The vertical alignment for hookup to the

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available sewer shall not be more than twenty feet above the lowest floor level of a single family residence or duplex of more than fifty feet above the lowest floor level of any other structure.

Modified, 1 CMC § 3806(e).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986). The Commission inserted a comma after the word "street" pursuant to 1 CMC § 3806(g).

§ 50-20-124 When Connection to Public Sewer Required

Connection to an available public sewer is required in the following situations:

- (a) All new construction.
- (b) Existing buildings which are remodeled or extended when;
 - (1) An increase in sewage flow is anticipated as a result of the construction, or;
 - (2) Whenever improvements to the structure will increase the enclosed-floor area by more than 20%.
- (c) Any building served with piped water and existing at the time a public sewer first becomes available and being served only by seepage pits or privy facilities. Any such buildings must be provided with such installation and connection within six months after the public sewer becomes available.
- (d) Any building existing at the time a public sewer first becomes available and being served by a septic tank and leaching field, provided however, if the septic tank and leaching field are entirely adequate and without defect any such buildings may continue to be served by such existing facilities for a maximum period of three years upon the following conditions:
 - (1) No repairs, replacements or additions of or to such facilities will be permitted.
 - (2) Whenever any such facility becomes defective or inadequate, connection to the public sewer must be made within thirty days after notice given by the Chief Engineer, who may, however, upon application, extend the time to not more than six months if he finds that the defect or inadequacy is not hazardous to health.
 - (3) Whenever a public sewer becomes available, the Chief Engineer, as soon as possible, shall make or cause to be made an inspection of all septic tank facilities on lands abutting the road, street, or other way or easement in which such public sewer is located and shall promptly notify the persons concerned of his determination as to which such facilities may continue to be used pursuant to the provisions of this section.
 - (4) Notwithstanding any other provision of this section in situations within the areas desired for groundwater protection and where the density of septic tank facilities exceeds four septic tank and leaching systems per acre and public sewer is available, in order to protect the groundwater, the Chief Engineer may in his discretion require building owners to connect to public sewer within six months of being served proper notice.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

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§ 50-20-126 Information Required Prior to Connection

Prior to connection to a public sewer the applicant must provide information concerning lot location, proposed sewer connection point and method of connection. If there is a question concerning ability to connect by gravity a profile of the proposed sewer is required.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-128 Existing Outlets Used for Connection

During construction of the public sewage collection system, stubouts, or wye branches, shall have been installed so as to serve most existing buildings. Whenever possible, these outlets shall be used when connecting to the public sewer. The location of the sewer line and stubout shall be included in the civil engineering drawings for the project. Where no outlet has been provided, or where the outlet location is such that it cannot be utilized, permission shall be obtained from the CUC to cut the line and make the necessary connection. All connections to the public sewer must be inspected by the Chief Engineer or his delegated representative, prior to backfilling, to assure compliance with this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-130 Procedure for Cutting Sewer Line

When it becomes necessary to cut the sewer line to make a connection, one of the following procedures shall be used:

- (a) A short section of the sewer line shall be removed and a wye branch fitting installed with a repair coupling and rubber gasket couplings or clamps.
- (b) A hole, equal in size to the service line, shall be carefully cut in the upper portion of the sewer line and the service line installed therein. Some means, such as a tapping saddle or other approved device, shall be used to prevent the service line extending into the main sewer where it will interfere with flow or prevent the use of sewer cleaning tools. After installation of the service connection, the entire joint shall be encased with a minimum of six inches thickness of concrete for a distance of twelve inches on each side of the connection. Concrete encasement shall extend completely around the main sewer line.

Modified, 1 CMC § 3806(e).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-132 Sewer Connections to Manholes

Service connections shall not be made to manholes unless no other method of connection is feasible. Prior to making connection of a service line to a sewer manhole, construction drawings shall be submitted and the approval of the Chief Engineer must be obtained.

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History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-134 Location of House Connections

- (a) House connections shall be provided in the number and location so as to provide a single service line to each developable lot in a subdivision or recognized village area.
- (b) Unless otherwise approved or directed, house connections shall be installed at the time of construction of the lateral, branch, or trunk sewer.
- (c) House connections passing over water mains shall be reviewed and approved by the Chief Engineer.
- (d) Final locations shall be adjusted in the field as necessary to best serve existing and future houses.
- (e) Ends of all house connections shall have approved plugs until the building sewers are installed and accepted by the Chief Engineer.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission inserted a comma after the word “branch” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 50-20-136 Cover of House Sewer

House connections shall have a minimum cover of 3 feet within street rights of way. Within the boundaries of the owner’s property it is recommended that a minimum cover of one foot six inches be maintained.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission corrected the spelling of “owner’s” pursuant to 1 CMC § 3806(g).

§ 50-20-138 Size of House Connections

House connections shall be 6 inches minimum diameter pipe.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-140 Slope of House Connections

- (a) House sewer shall have a minimum slope to the main sewer of 1/4 inch per foot, except that slope may be reduced to an extreme minimum of 1/8 inch per foot where house elevations necessitate such flatter grades only with a written approval from the Chief Engineer. Slopes greater than the minimums shall be used in so far as practicable.

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(b) When connected to deep sewers, house connections shall terminate not more than 4 feet below the existing ground surface unless the future building sewer will require a greater depth.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: In subsection (a), the Commission changed “only an written” to “only with a written” to correct a manifest error.

§ 50-20-142 Type, Class of House Connections

House connections shall be of a material approved by the Chief Engineer. Standard engineering practices shall be followed in selecting the material of choice for a particular application.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission inserted the word “in” before “selecting” to correct a manifest error.

§ 50-20-144 Location of Building Sewers

(a) Building sewers normally are privately installed and connect the waste plumbing of a building to its respective house connection.

(b) Connections shall be inspected and approved by the Chief Engineer before backfilling.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-146 Cover of Building Sewers

Unless otherwise approved minimum cover shall be 18 inches on the owner’s property.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission corrected the spelling of “owner’s” pursuant to 1 CMC § 3806(g).

§ 50-20-148 Size of Building Sewers

Building sewers shall be 4 inches minimum diameter with a maximum diameter to be determined from accepted design guidelines by the Chief Engineer as necessary.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-150 Slope of Building Sewers

Slopes shall be as specified under § 50-20-140 for house connections.

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Modified, 1 CMC § 3806(c).

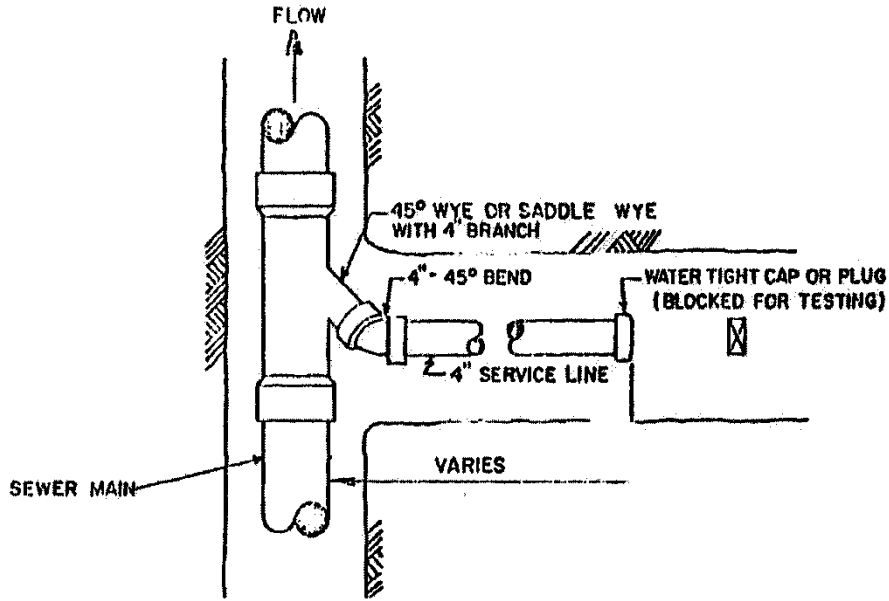
History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-152 Connections of Building Sewers

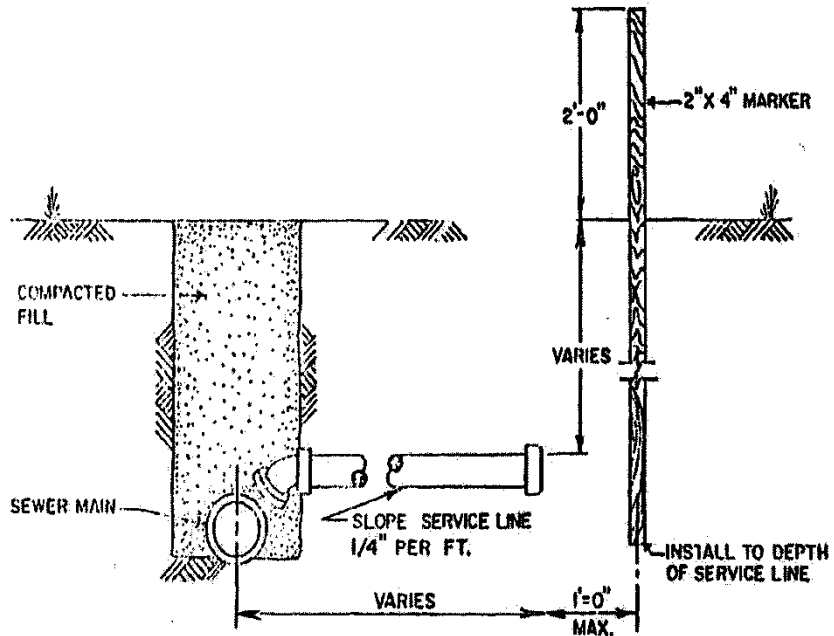
Connections to house connections or mains shall conform to the detail drawings of these standards.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

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PLAN VIEW
(NOT TO SCALE)



SEWER SERVICE CONNECTION
(FOR MAINS UP TO 12' DEEP)

NOTE: IF SEWER SERVICE IS STUBBED OUT FROM HOUSE, CONNECTION THERETO SHALL BE MADE BY CONTRACTOR.

PUBLIC SEWERS STANDARD DETAILS	SEWER SERVICE CONNECTION
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NOTE: IF SEWER SERVICE IS STUBBED OUT FROM HOUSE, CONNECTION THERETO SHALL BE MADE BY CONTRACTOR.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Part 200 - Discharge of Liquid Wastes into Public Sewers

§ 50-20-201 Discharge of Certain Substances Prohibited

No persons shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Chief Engineer that such wastes can harm either the sewer, sewage treatment process, or equipment, would increase the operating costs substantially, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Chief Engineer will give consideration to such factors as the quantities of subject wastes in relation to flow and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any stormwater, surface water, ground water, roof runoff, subsurface drainage.
- (b) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (c) Any waters or waste containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant. This includes, but is not limited to, phenols, cyanides, iron, chromium, copper, zinc, heavy metals, and any objectionable or toxic substances.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly ground and unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, grease, etc. either whole or ground by garbage grinders.
- (e) Any noxious or malodorous gas, which singly, or in combination with other substances, may create a nuisance or hazard to life or interfere with the operation of the sewer or which may cause a violation to any discharge permit after treatment of the composite sewage, to meet the requirements of the U.S. Environmental Protection Agency for effluent discharge to the receiving waters.
- (f) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the DEQ or by other local or federal agencies with appropriate authority.

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- (g) Any liquid or vapor having a temperature higher than 140° F.
- (h) Any liquid or waste containing more than 100 parts per million by weight, of fat, oil or grease or containing any fat, oil, grease or other substances that will become solidified or visibly viscous at temperatures between 50° and 140° F.
- (i) Any liquid or waste containing emulsified fat, oil or grease exceeding 50 parts per million of ether-soluble matter.
- (j) Any waters or wastes having a pH lower than 5.5 or having any other corrosive properties capable of causing damage or hazards to structures, equipment, and personnel in sewage works.
- (k) Any wastes or waters having a pH in excess of 9.5.
- (l) Any liquid or wastes containing more than 350 parts per million, by weight, of suspended solids and/or more than 350 parts per million, by weight, of biochemical oxygen demand.
- (m) Materials or equipment which exert or cause:
 - (1) Excessive discoloration
 - (2) Unusual volume of flow or concentration of wastes constituting “slugs.”
- (n) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or any amenable to treatment only to such degree that the sewage treatment effluent cannot meet the requirements imposed by any Commonwealth or federal regulations.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission created the section titles in part 200. The Commission inserted a comma after the word “nuisance” in subsection (c) pursuant to 1 CMC § 3806(g).

The 1990 amendments proposed to add two new sections to this part. See 12 Com. Reg. at 6779 (Jan. 15, 1990). A notice of adoption for the 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

§ 50-20-205 Control of Discharge of Certain Wastes

- (a) If any waters or wastes are discharged, or any proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in § 50-20-201, and which in the judgment of the Chief Engineer, may have a deleterious effect upon the sewage works, processes, equipment, costs, or on receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Chief Engineer may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or,

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(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(b) If the CUC permits the pretreatment or equalization of waste flows, the costs of the design and installation of the plants and equipment shall be borne by the owner and subject to the review and approval of the CUC, and subject to the requirements of all applicable codes, ordinances, and laws. If wastes are discharged to the public sewers by pumping, the maximum capacity of the pumping station shall be not greater than five times the average twenty four hour flow during normal operation.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The Commission corrected the commas at the ends of subsections (a)(1) through (a)(3) to semicolons pursuant to 1 CMC § 3806(g).

§ 50-20-210 Food Preparation Businesses

Grease, oil, and sand interceptors shall be provided for all food preparation businesses when, in the opinion of the Chief Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Chief Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-215 Preliminary Treatment for Wastes

Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission corrected the spelling of “continuously.”

§ 50-20-220 Industrial Wastes

The owner of a facility disposing of industrial wastes must have an industrial wastewater discharge permit from the CNMI, Division of Environmental Quality or other appropriate agencies as required. When required by the CUC, the owner of any facility serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and

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safely located, and shall be constructed in accordance with plans approved by the CUC. The manhole shall be maintained by the owner so as to be safe and accessible at all times.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-225 Measurements, Tests and Analyses

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for Examination of Water and Wastewater” and shall be determined at the control manhole. Sampling and analysis shall be carried out by any U.S. EPA certified laboratory, by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. Sampling and analysis for the benefit or information of the owner shall be paid by the owner to the laboratory according to laboratory’s fee schedule for the services rendered.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission inserted a comma after the word “limb” pursuant to 1 CMC § 3806(g).

§ 50-20-230 No Agreement to Accept Industrial Waste Intended

No statement contained in this part shall be construed as preventing any special agreement or arrangement between the CUC and any industrial concern whereby and industrial waste of unusual strength or character may be accepted by the CUC for treatment, subject to payment therefore, by the industrial concern.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Part 300 - Sewer Standards

§ 50-20-301 Location

(a) Sewers constructed along major highways shall be constructed along the street shoulders, in the public right-of-way so far as practicable. Where the choice exists they shall be located on the opposite side from the water lines.

(b) The practice of constructing sewers along rear lot lines in narrow utility easements is not encouraged because of future restrictions on access for inspection, maintenance, and repair.

(c) Sewers shall be constructed only with straight alignment and grade unless otherwise approved in writing by the Chief Engineer. In no case will the use of curved sewers be considered for approval unless the minimum requirements set forth in § 50-20-350 are satisfied.

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(d) Sewers constructed in easements shall be provided with continuous coral access roads unless otherwise approved by the Chief Engineer.

(e) Where sewers cross storm drains, waterlines, telephone and electric ducts, or similar installations, a minimum of 6 inches of clearance shall be provided between the sewer and other installation. Further requirements for water crossings are set forth under § 50-20-330.

(f) Where sewers are laid parallel to and above or less than 12 inches below water mains a minimum horizontal separation of not less than 10 feet shall be maintained unless otherwise approved by the Chief Engineer.

(g) Depressed sewers or inverted siphons shall be prohibited unless in the judgment of the Chief Engineer no feasible alternative exists.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission corrected the spelling of “judgment” in subsection (g) pursuant to 1 CMC § 3806(g).

§ 50-20-305 Cover

(a) Invert grades of sewers shall:

(1) Provide for a minimum cover of 3 feet over the top of the pipe;

(2) Provide adequate protection from construction activities of properties on either side of the street; and

(3) Provide adequate depth for future extension maintaining compliance with subsections (a)(1) and (2) above.

(b) Warning tape shall be installed at least 18 inches directly above all sewers. The tape shall be plastic embossed sewer tape stating “Caution-Sewer Line Below,” made by a company regularly engaged in making such warning tape.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission inserted a colon at the end of subsection (a) pursuant to 1 CMC § 3806(g). In subsection (b), the Commission moved the comma after “Below” inside of the closing quotation mark to correct a manifest error.

§ 50-20-310 Size

(a) Sewers shall be sized for the ultimate development of the project area. A design life of 20 years shall be standard unless otherwise approved.

(b) Per capita allowance for average sewage flows for sewer design purposes shall be not less than 80 gallons per capita per day. In addition appropriate allowances shall be made for

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commercial and industrial flows based upon existing and proposed land use (not less than 4000 gallons per acre per day, average). In low coastal and wet areas an additional allowance of 2000 gallons per acre per day, peak, shall be made for unavoidable infiltration.

(c) Sewers greater than minimum size shall be designed at flowing full for peak rates of flow. For populations of 1000 persons or less the design peak flow shall be not less than 2.5 times the average sewage flow computed above plus the peak infiltration flow. As the design population increases downstream sections of sewer may be designed using reduced peaking factors in accordance with the following table:

U-stream Design Population Peaking Factor

1,000 or less	2.5
2,000	2.5
3,000	2.4
4,000	2.3
5,000	2.2
10,000	2.0
25,000	1.5

(d) A minimum sewer size of 6 inches diameter may be use in the upper reaches of lateral sewers providing the following conditions are met:

- (1) The line will not be extended in the future.
- (2) The use of 6 inch pipe is limited to connections between the upper 3 manholes, that is the connections between the third and fourth and succeeding manholes proceeding downstream will have a minimum size of 8 inches diameter.

(e) Sewers, 18 inches diameter and smaller, shall be designed using a Manning's roughness factor supplied by the manufacturer of the pipe.

Modified, 1 CMC § 3806(g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-315 Slope

Minimum sewer invert slopes used for design shall be determined by proper engineering design and approved by the Chief Engineer.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-320 Type; Class

(a) Unless otherwise specified or approved by the Chief Engineer, sewers 18 inches diameter and smaller shall be PVC pipe. Materials approved shall conform to proper ASTM specification and as approved by Chief Engineer.

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(b) Sewers of larger diameter shall be as approved by the Chief Engineer.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-325 Concrete Cradle or Encasement

(a) When required, concrete cradles or encasements shall be provided to strengthen pipe beddings and/or reduce probability of pipe failure and/or when drinking water contamination or other serious pollution is possible.

(b) Minimum concrete cover on pipe shall be not less than 6 inches. Concrete shall be 2500 psi minimum strength.

(c) Concrete cradles or encasements design shall be of a design approved by the Chief Engineer.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-330 Water Crossings

Sewers crossing over water pipes or less than 12 inches below water pipe (clear separation) shall be encased in a manner approved by the Chief Engineer.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-335 Stream Crossings

(a) Sewers crossing under a stream bed constituting a potential hazard to the sewer shall be encased and necessary measures shall be taken to protect the stream embankment at the points of crossing.

(b) Sewer pipe designed to remain exposed shall be protected from the elements and sufficiently strong to withstand design loads.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-340 Stubs

Stubs, suitably capped or plugged, shall be provided in manholes where future extensions or connections are anticipated.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-345 Corrosion Protection

All asbestos cement sewers 10 inches diameter and larger shall have an approved epoxy lining, shall be highly resistant to acids, salts and alkali.

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History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-350 Curved Sewers

Under most circumstances curved sewers will not be allowed; however, when, in the opinion of the Chief Engineer, it is not feasible to maintain sewers in straight alignment curved sewers may be approved in accordance in current Water Pollution Control Federation, (WPCF) recommendations.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-355 Location of Cleanouts

Cleanouts may be used in place of manholes for temporary sewers, on house connections for changes in direction, at ends of building sewers, force mains and elsewhere as required by the Chief Engineer.

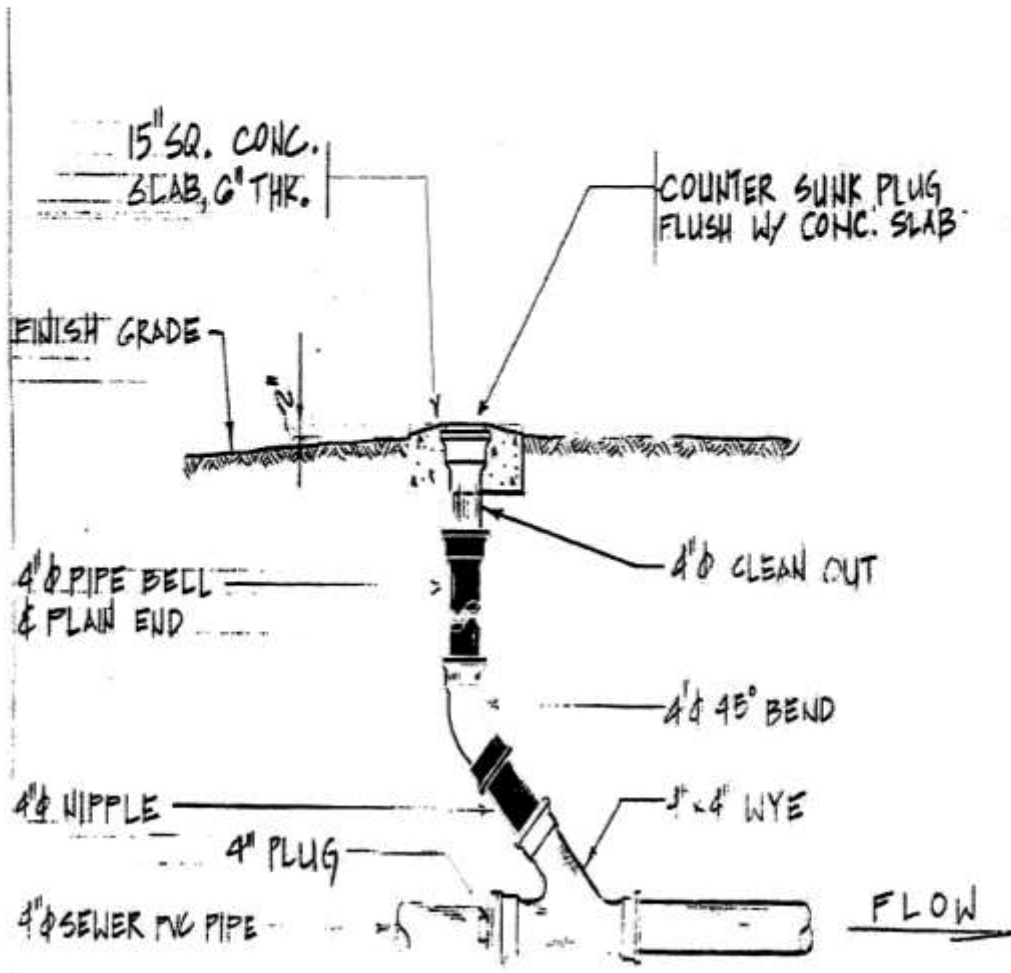
History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

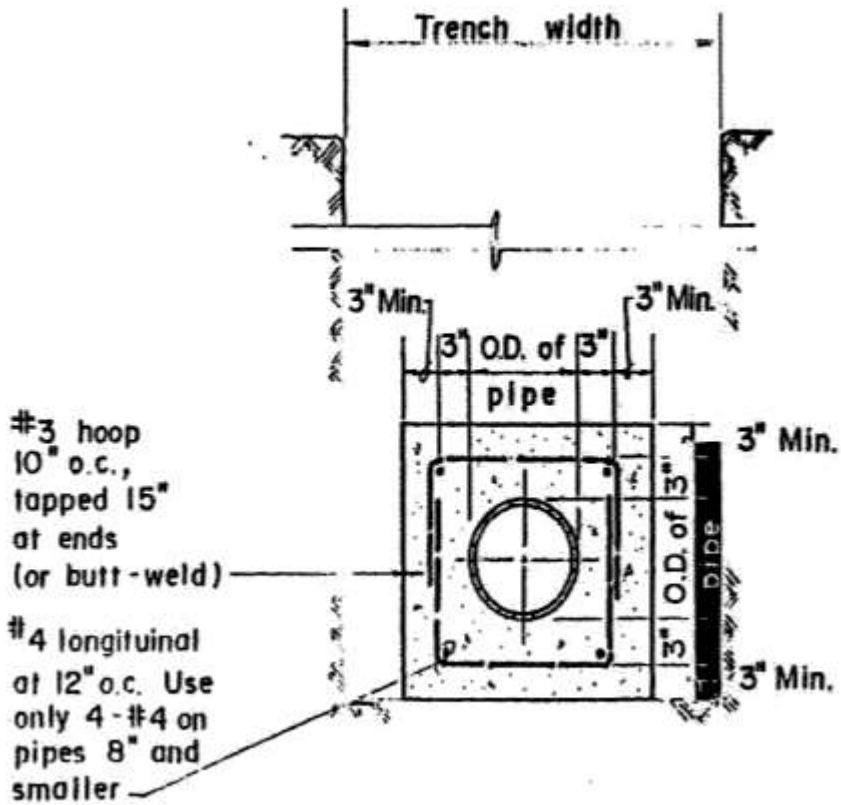
§ 50-20-360 Type of Cleanouts

- (a) Unless otherwise approved, cleanouts shall be constructed of cast iron, or PVC pipe with a removable threaded plug conforming to details set forth in these standards.
- (b) Pipe diameter shall be equal in size to the sewer.

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CUC STANDARD DETAILS	CLEAN OUT TO GRADE	S-1
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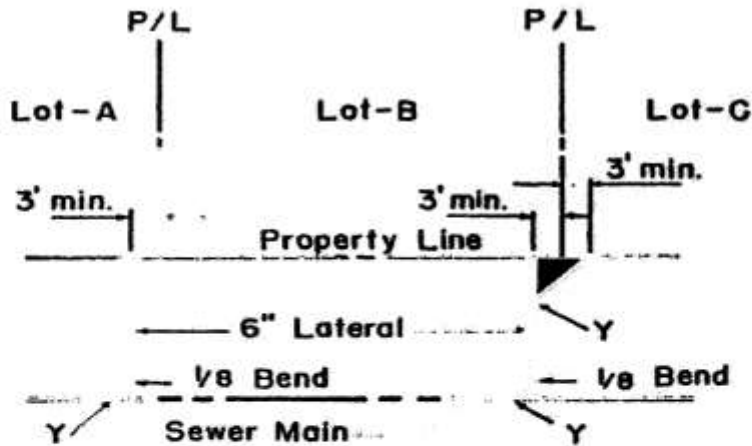




**DETAIL OF CONCRETE JACKET
FOR PIPES 12" AND SMALLER**
Scale · 3/4" = 1' - 0"

CUC STANDARD DETAILS	REINFORCED CONCRETE JACKET	S-2
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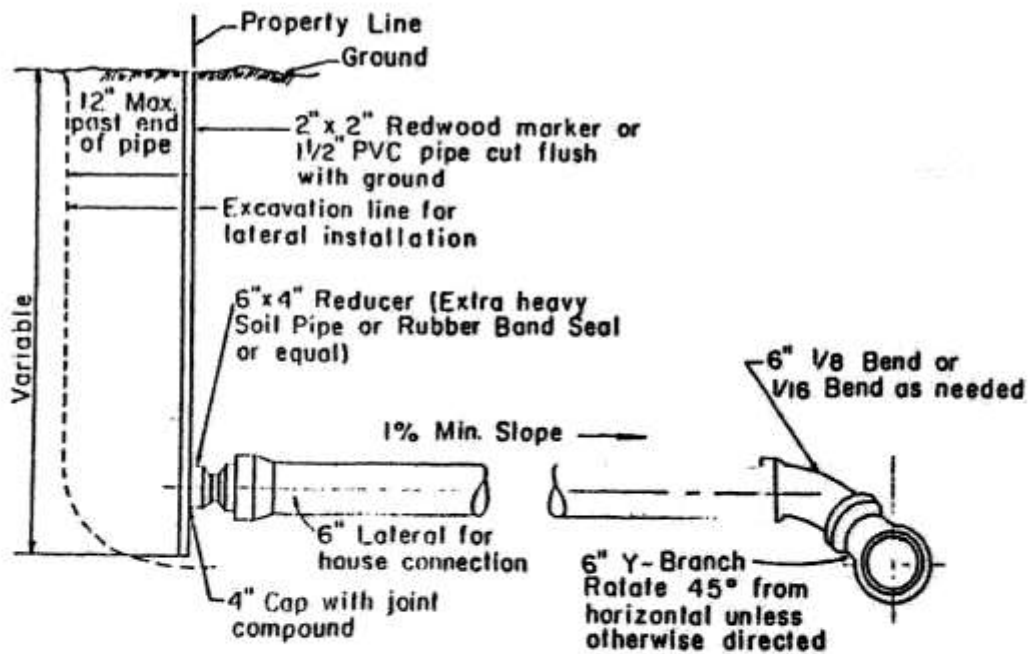
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LAYOUT

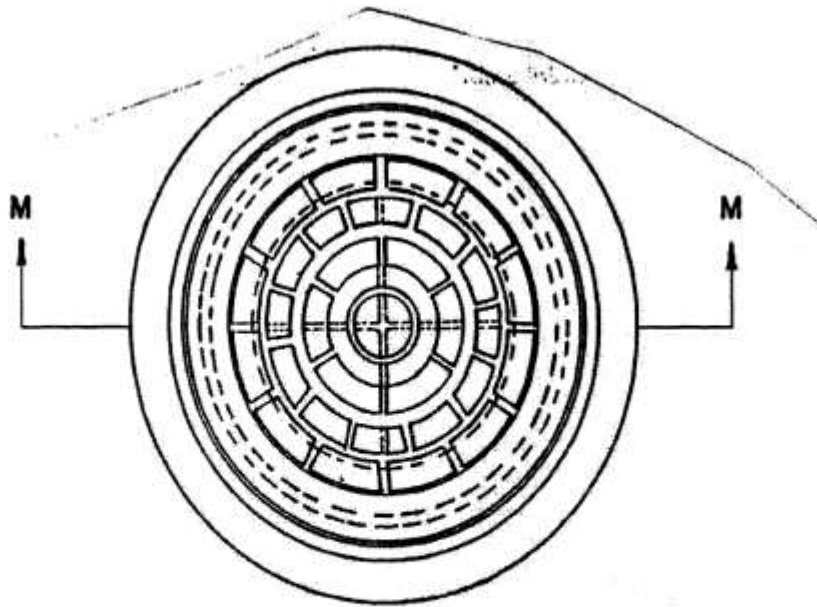
NOTE :

Permission is to be secured from property owner before construction at property line is started.

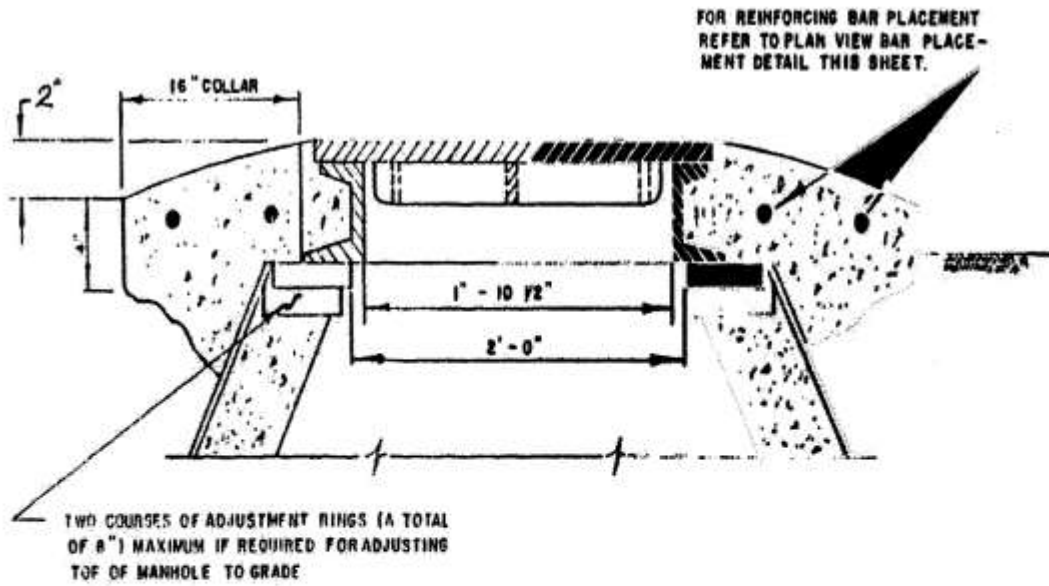


DETAIL AT PROPERTY LINE AND AT MAIN LINE

CUC STANDARD DETAILS	SEWER LATERALS	S-3
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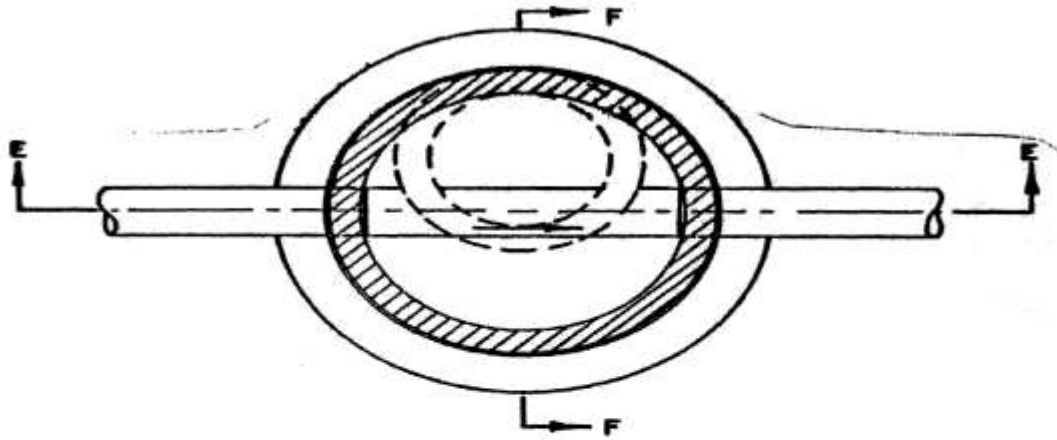
**MANHOLE COVER
PLAN VIEW**



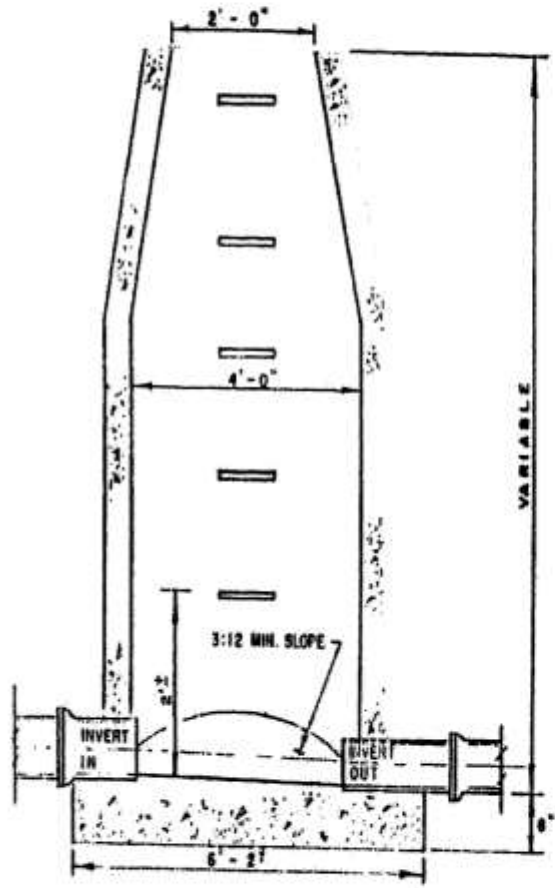
**MANHOLE FRAME & COVER
SECTION M - M**

CUC STANDARD DETAILS	FRAME & COVER	S-4
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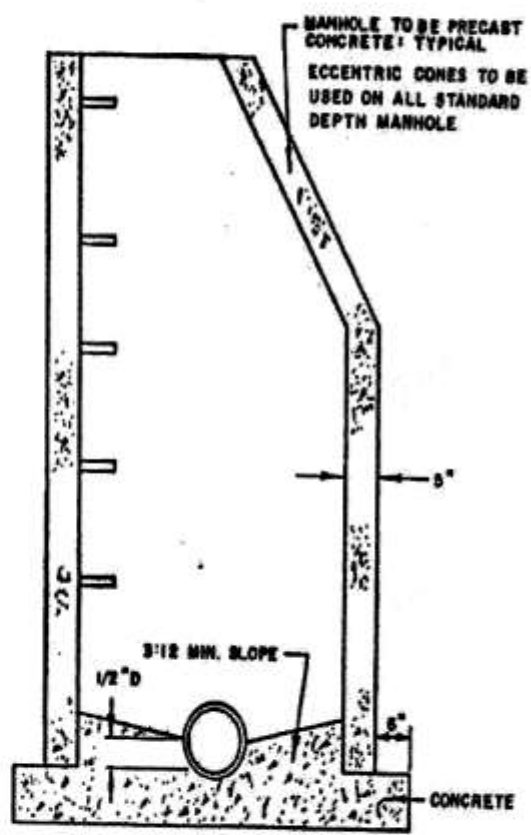
TITLE 50 COMMONWEALTH UTILITIES CORPORATION



**TYPICAL MANHOLE
FLOW CHANNEL**



SECTION E-E



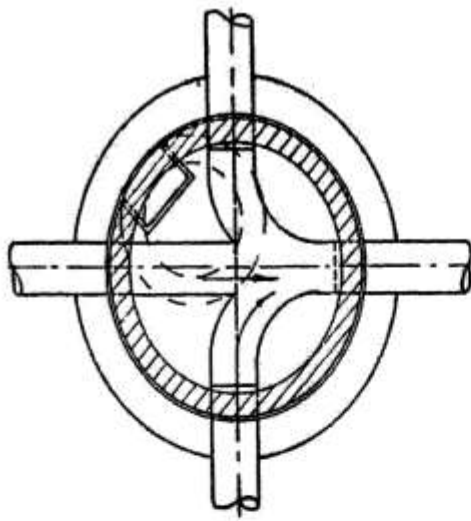
**SECTION F-F
STANDARD MANHOLE**

MANHOLE TO BE PRECAST
CONCRETE. TYPICAL
ECCENTRIC CONES TO BE
USED ON ALL STANDARD
DEPTH MANHOLE.

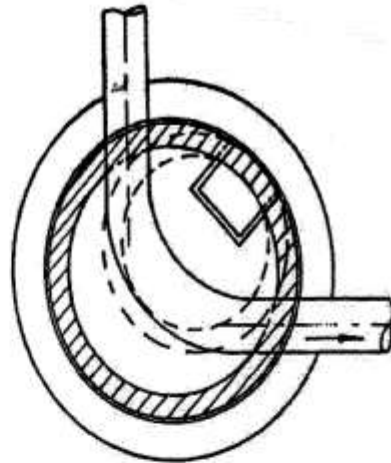
STANDARD MANHOLE DETAIL

CUC STANDARD DETAILS	STANDARD MANHOLE	S-5
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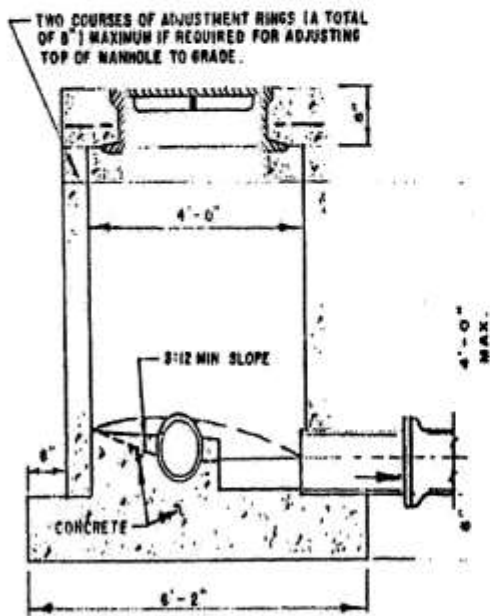
TITLE 50 COMMONWEALTH UTILITIES CORPORATION



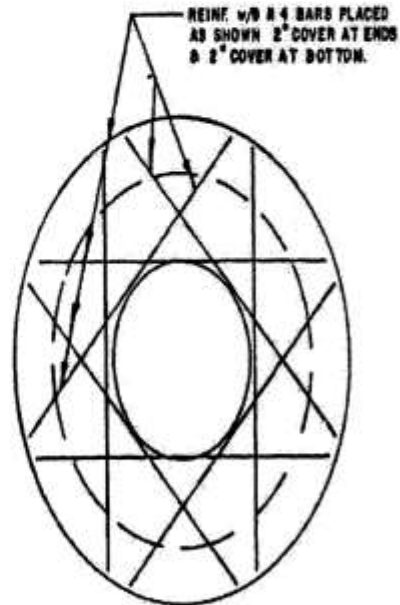
**TYPICAL MANHOLE
FLOW CHANNEL**



**TYPICAL MANHOLE
FLOW CHANNEL**



**SHALLOW MANHOLE
TYPICAL**

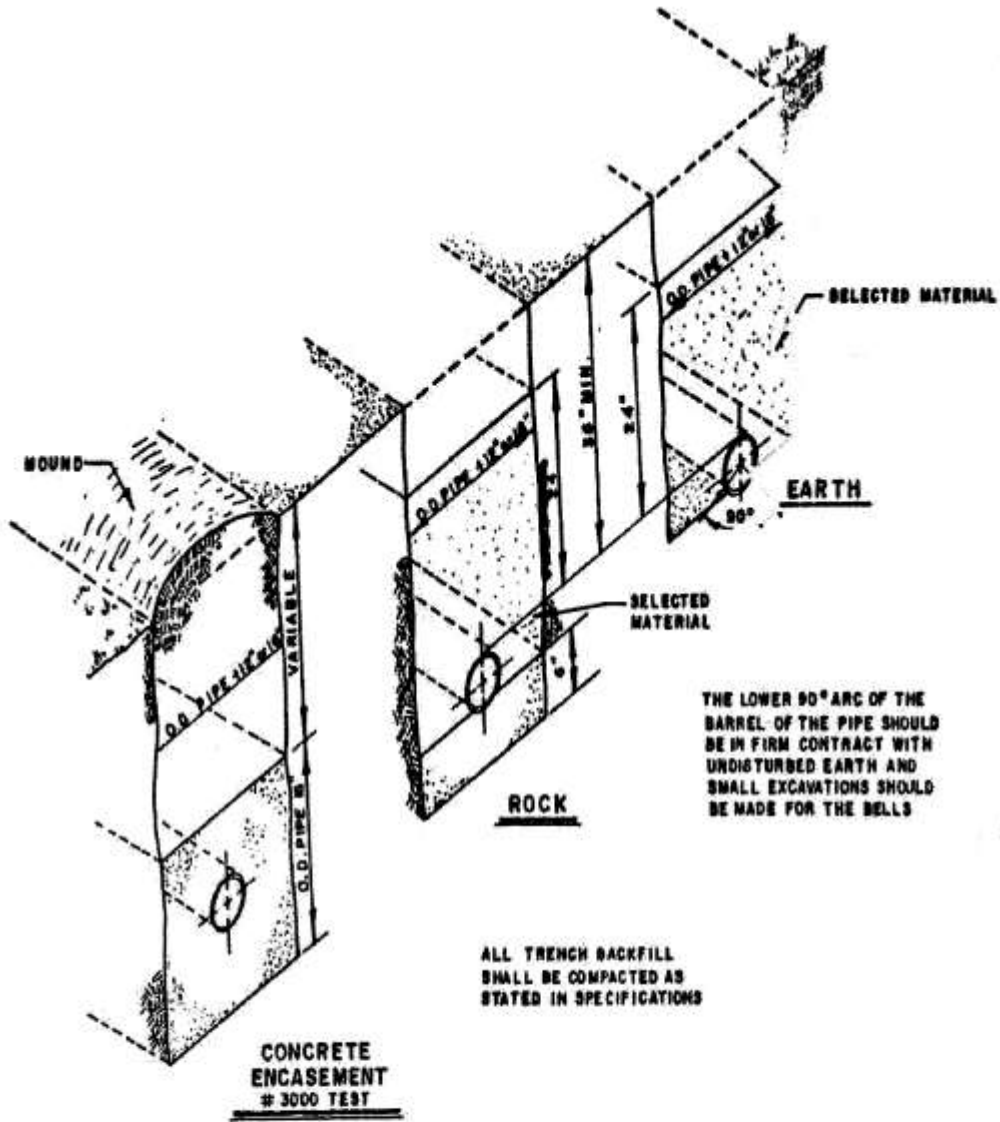


**BAR PLACEMENT DETAIL
PLAN VIEW**

SHALLOW MANHOLE DETAIL

CUC STANDARD DETAILS	SHALLOW MANHOLE	S-6
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CUC STANDARD DETAILS	TYPICAL TRENCH SECTION	S-7
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History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Part 400 - Sewer Service Charges

§ 50-20-401 All Customers Pay Charge

All customers who are connected directly or indirectly to the public sewer system as defined in § 50-20-015(r), shall pay a sewer service charge in accordance with the category of their rate schedule as adopted by the CUC.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission created the section titles in part 400.

This section originally cross-referenced “Article 1, Section 15” in error. See 8 Com. Reg. at 4793 (Nov. 17, 1986). Article 1, section 15, codified at § 50-20-015(o), defines the term “privy.” The Commission corrected the citation so that it cross-references the definition of “public sewer.”

§ 50-20-405 Customer Classes

Separate sewer service charge schedules have been adopted for “residential” and “non-residential” customers because of differences in strength characteristics and the differences in relationship between water usage and wastewater discharge quantity for each class of customer.

(a) “Residential” customers have been defined to include only the following:

- (1) Single family dwellings
- (2) Duplexes
- (3) Apartment buildings.

(b) “Non-residential” customers have been defined to include all industrial, commercial, agricultural, governmental, and miscellaneous services, plus the following which have been specifically excluded from the above definition (a) “residential” customers:

- (1) Barracks used for housing laborers
- (2) Hotels
- (3) Restaurants with attached living quarters

These structures are used primarily for nonresidential purposes, although containing residential dwelling units.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The notice of adoption for the 1987 Public Sewer Use Regulations stated:

Some minor changes were made on the proposed regulations. They are:

1. Use Changes

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The classification of “Residential” customers and “Non-residential” customers was eliminated. The minimum charge of \$5.00 per month was reduced to \$3.00 per billing cycle.

9 Com. Reg. at 4908 (Feb. 17, 1987).

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

§ 50-20-410 Rates and Charges

(a) Use Charges

(1) Residential customers shall be charged:

(i) A sewer service charge of \$3.00 per billing cycle/per unit for the first 5,000 gallons of metered or estimated water consumed.

(ii) When the metered or estimated water consumption is in excess of 5,000 gallons per month, the excess amount shall be charged at \$0.50 per each additional 1,000 gallons of part thereof.

(2) Non-residential customers shall be charged \$0.50 per 1,000 gallons of metered water consumed for the first 10,000 gallons of metered water consumed. Consumption in excess of 10,000 gallons per month shall be charged \$0.50 per 1,000 gallons of metered water consumed.

(b) Connection Fees

(1) There shall be no connection fee for single family dwelling and duplexes.

(2) All other customers shall pay a one time connection fee prior to connecting to a public sewer, in any case prior to the time of notification required under § 50-20-118. The fee will be calculated according to the following rates based on sewer discharge estimates for each customer as determined by the Chief Engineer:

(i) Customers with estimated flows of 5,000 gallons per month or less - \$200.00.

(ii) Customers with estimated flows greater than 5,000 gallon per month - \$.04 per gallon for the first 25,000 gallons per month; and - \$.06 per gallon over and above the first 25,000 gallons per month.

(3) The connection fees set forth in this section shall apply to all connections made after the effective date of these regulations.

(c) Deposit for Monthly Service Charge

(1) All customers shall pay a deposit, equal to two months estimated monthly service charges prior to the time of notification by the applicant to the CUC that the building sewer is ready for inspection and connection as called for in § 50-20-118.

(2) The current customers as of the effective date of this chapter, shall be billed each month 20% of the estimated deposit, in addition to the regular monthly billing for five months.

(3) The deposited amount will be credited to the customer in his final bill.

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

History: Amdts Emergency and Proposed 27 Com. Reg. 24692 (Aug. 22, 2005) (effective for 120 days from June 29, 2005); Amdts Emergency and Proposed 27 Com. Reg. 24647 (July 20, 2005) (effective for 120 days from June 29, 2005); Amdts Adopted 15 Com. Reg. 10488 (Feb. 15, 1993); Amdts Proposed 14 Com. Reg. 9385 (July 15, 1992); Amdts Proposed 12 Com. Reg. 6776 (Jan. 15, 1990); Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

TITLE 50 COMMONWEALTH UTILITIES CORPORATION

Commission Comment: The notice of adoption for the 1987 Public Sewer Use Regulations stated:

Some minor changes were made on the proposed regulations. They are:

1. Use Changes

The classification of “Residential” customers and “Non-residential” customers was eliminated. The minimum charge of \$5.00 per month was reduced to \$3.00 per billing cycle.

2. Deposits for Monthly Service Charges

The mandatory requirement that all customers should pay a deposit was modified to a discretionary requirement.

9 Com. Reg. at 4908 (Feb. 17, 1987). In subsection (a)(1)(i), the Commission changed \$5.00 to \$3.00 to conform with the notice of adoption. Because the intent of the other changes is unclear, the Commission otherwise left the provisions of this section as proposed.

The 1990 amendments proposed to amend subsections (a), (b)(1) and (b)(2). A notice of adoption for the 1990 proposed amendments was never published and, therefore, the Commission has not incorporated the proposed changes.

The 1993 amendments proposed new sewer rates for residential, commercial and government consumer classes. See 14 Com. Reg. at 9385 (July 15, 1992). The notice of the adoption published on February 15, 1993 stated:

After considering the comments received, the following sewer rates are adopted:

Consumer Class	Cost of Total Gallons Consumed
Government	\$0.0300

The above rate increase shall be effective retroactively to October 1, 1992.

15 Com. Reg. 10488 (Feb. 15, 1993).

The 2005 emergency and proposed amendments proposed to repeal and replace subsection (c)(3) in its entirety. As of December 2005, a notice of adoption had not been published and therefore the Commission has not incorporated the proposed changes.

§ 50-20-415 Measurement of Wastewater Quantity

(a) Dischargers into the public sewer which use in whole or in part private wells or other private water sources will be required to install, at their own expense, water meters approved by the CUC for measuring the supplemental water quantity or, alternatively, they will be required to install, at their own expense and at the appropriation location, a calibrated flume, weir, flow meter, or similar device approved by the CUC for measuring wastewater quantity. A flow recording and totalizing register will also be required, and measurements to verify the quantities of waste flows will be performed on a random basis by the Chief Engineer.

(b) Because of landscape irrigation or consumptive usage, some non-residential users may discharge substantially less than 80 percent of their metered water usage to the sanitary sewer system. Those users may, upon request to the CUC by permitted to have the amount of water being discharged to the sewer determined by one of the methods listed below. The specific

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method to be used will be selected by the CUC or based on considerations of cost of installation and anticipated accuracy of the method.

(1) Method 1. The user shall install and maintain at the user's expense a calibrated flume, weir, flow meter, or similar device approved by the Chief Engineer as to type and location to measure the user's wastewater discharge. In the latter case, a flow meter and totalizing register will be required and measurements to verify the quantity of wastewater flow will be performed on a random basis by the CUC. The facility owner shall install at his expense a suitable vault for installing the flow meter. The vault shall be located on the user's sewer lateral or building sewer at a location approved by the Chief Engineer, and the CNMI shall be granted access rights.

(2) Method 2. The user shall install and maintain at the user's expense a water meter for submetering the water discharging to the public sewer. The property owner shall at his expense do any necessary plumbing subject to CUC inspection to separate the types of water use and provide for the meter to be located adjacent to the primary water meter and within the public right-of-way.

(3) Method 3. If the Chief Engineer determines that it is impractical for a user to employ method 1 or 2 as a result of physical difficulty or excessive cost, he may permit the user to estimate the amount of wastewater reasonably anticipated to be discharged to the public sewer. The user's estimate may be based upon average historical water use during wet weather periods or upon any other reasonable basis, and may be based upon flow meter tests if practical. The Chief Engineer shall review the data submitted by the user and may modify the user's estimate, where appropriate. The decision of the CUC shall be final if method 3 is utilized. If a user is not satisfied with the determination under method 3, he shall have the right to require at his expense utilization of method 1 or 2 for determination of the amount of wastewater discharged to the public sewer.

Modified, 1 CMC § 3806(f).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission inserted commas after the word "meter" in subsections (a) and (b)(1) pursuant to 1 CMC § 3806(g).

§ 50-20-420 Discharge of Septic Tank or Seepage Pit Wastes

(a) Discharging of septic tank or seepage pit liquid wastes into the public sewerage system by a private citizen or business or public institutions including the government agencies shall be assessed a fee according to the following rate:

\$25.00 per thousand gallons of waste.

(b) Payment shall be made before the discharging occurs in the case of a private citizen or on a monthly basis in the cases of businesses engaged in this service or the public institutions, who will be required to pay in advance an estimated amount for one month. The Chief Engineer or his designee shall verify the dumping by examination of the customer receipts and periodic spot check in.

Modified, 1 CMC § 3806(f).

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History: Amdts Adopted 14 Com. Reg. 9180 (Apr. 15, 1992); Amdts Proposed 14 Com. Reg. 8757 (Feb. 15, 1992); Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1992 amendments amended subsection (a).

§ 50-20-425 Bills Due upon Mailing; Late Charge

All bills shall be due and payable upon deposit in the United States mail or upon other presentation to the consumer. Payment shall be made to collectors duly authorized by the CUC any bill which is not paid within fifteen days after presentation or deposit in the United States mail shall be deemed past due, and incur a one percent charge. This charge becomes part of the balance due. Thereafter, interest on the past due balance accrues at the rate of one percent per month, compounded yearly.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 24 Com. Reg. 19115 (Apr. 29, 2002); Amdts Proposed 24 Com. Reg. 19016 (Feb. 28, 2002); Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-430 Payments to CUC Sewer Services Account

All the payments including the permit fee inspection fee, connection fee, deposit and sewer service charges should be made into the sewer services account of CUC.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-435 Fees for Dishonored Checks

A service fee for handling a dishonored check may be made in accordance with fees established by the CUC.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Part 500 - Enforcement Authority

§ 50-20-501 Termination of Service; Disputes

(a) CUC shall have the power to terminate water service to any customer who is past due in making payment of sewer service charges. The procedures for notice and governing termination shall be those set forth in the Electric Service Regulations of the CUC at NMIAC § 50-10-1520 to § 50-10-1540.

(b) When a customer and the CUC fail to agree on the amount of a bill for sewer service, the dispute between the parties shall be adjudicated in accordance with the Regulations Regarding Customer Billing and Disputes [NMIAC, title 50, chapter 40].

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(c) Should it be necessary to bring an action in court to collect any amount due or to appear in court to defend or enforce any order issued pursuant to this chapter, CUC shall if it prevails receive its reasonable costs and attorney's fees.

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

History: Amdts Adopted 24 Com. Reg. 19115 (Apr. 29, 2002); Amdts Proposed 24 Com. Reg. 19016 (Feb. 28, 2002); Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Commission Comment: The Commission created the section titles in part 500.

In subsection (c), the Commission changed “fee’s” to “fees” to correct a manifest error.

§ 50-20-505 Enforcement Orders

The Chief Engineer shall have the power to issue any necessary order to enforce this chapter and any terms of a permit granted pursuant to this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-510 Civil Penalties

Any person who fails to comply with any prohibition of this chapter or any orders issued under this chapter, after notice of the failure and the expiration of a reasonable period for corrective action, shall be liable for a civil penalty of not more than \$1,000 for each day of the continuance of such failure.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-515 Hearing Before the CUC Board

No penalty shall be assessed pursuant to § 50-20-510 until the person charged with a violation has been given an opportunity for a hearing before the CUC Board for that purpose.

Modified, 1 CMC § 3806(c).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

Part 600 - Miscellaneous Provisions

§ 50-20-601 Conflict with Septic Tank Regulations

If a conflict arises between the application of this chapter and the Individual Wastewater Disposal System Rules and Regulations [NMIAC, title 65, chapter 120] promulgated by the Department of Public Health and Environmental Services, the Chief Engineer shall meet with the

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Chief of the Division of Environmental Quality (“DEQ”) to resolve the conflict. If the Chief of DEQ determines that the public health and safety may be endangered, the decision of the Chief of DEQ as to the application of the regulations shall prevail.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-605 Severability

Should any section, paragraph, sentence, clause, phrase, or application of the rules and regulations in this chapter be declared unconstitutional or invalid for any reason by competent authority, the remainder or any other application of these rules and regulations shall not be affected in any way thereby.

Modified, 1 CMC § 3806(d).

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).

§ 50-20-610 Effective Date

The effective date shall be immediately upon compliance with the applicable provisions of 1 CMC § 9105.

History: Adopted 9 Com. Reg. 4908 (Feb. 17, 1987); Proposed 8 Com. Reg. 4756 (Nov. 17, 1986).