

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 14 NUMBER 07



JULY 15, 1992

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER
VOLUME 14 NUMBER 7
JULY 15, 1992

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Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife Department of Natural Resources

Lower Base
Saipan, Mariana Islands 96950



Cable Address:
Gov. NMJ Saipan
Telephone: 322-9729/9095

EMERGENCY REGULATIONS DEPARTMENT OF NATURAL RESOURCES

SMILING COVE MARINA

The Director of the Department of Natural Resources and the Chief of the Division of Fish and Wildlife hereby find that the public interest requires the adopting regulations for Smiling Cove Marina immediately and without thirty day's notice. Furthermore, both find that the immediate adoption of such regulations is required to avoid imminent peril to the public health, safety, and welfare. These findings are made pursuant to 1 CMC Section 9104(b).

After completion of the construction of Smiling Cove Marina a great number of vessels filled the Marina by berthing at its slips and mooring alongside its channel. The concentration of that number of vessels in such close proximity without regulation poses significant risks to public health and safety. Vessels have been observed receiving fuel at the berthing slips from shoreside trucks that have fuel lines in the water and draped across slips. This presents a great fire hazard and risk of contamination of the marina waters. Other vessels have changed their motor oil and oil filters and have left the used oil and used filters on the shoreline or in the parking lot, creating a fire hazard and a risk


of contamination of the marina waters. A number of vessels have been observed to have persons using them as a place of abode. For months these vessels have not left the marina to empty their sewage holding tanks, if any. It is believed that their sewage is being pumped overboard into the waters of the marina has little, if any, water movement. Hence, this sewage will accumulate in the marina creating a serious risk to health and destroying the marina's water quality. Vessels have been observed discharging oil laden bilge water overboard while another vessel has a barbecue with an open flame upwind, creating a fire hazard and contaminating the marina's waters. Unregulated mooring has resulted in boats mooring, on occasion, in a manner that jeopardized safe navigation in the marina. Vessels have been observed in the marina channel traveling in excess of 15 m.p.h., creating a risk of collision. Heavy-draft vessels have been observed traveling in the marina at a speed that has thrown other vessels against the docks, creating a risk of damage to the docks and the other vessels. And, their wakes in the channel are large enough to cause erosion of the channel sheet piling, which may eventually collapse and seriously reduce the use of Smiling Cove Marina entirely.

Section 3 of the P.L. 6-13 provides the Department of Natural Resources, Division of Fish and Wildlife with the authority to manage the improvements in Smiling Cove Marina. The Department is authorized to promulgate regulations under 1 CMC Section 2655.

These emergency regulations shall take effect upon filing with the Registrar of Corporations pursuant to 1 CMC Section 9105 (b) (2), and shall remain in effect for 120 days. 1 CMC Section

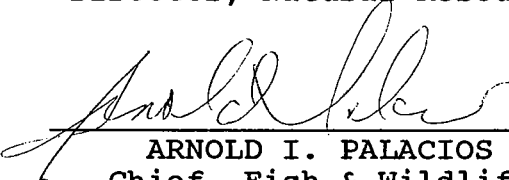
9104 (b). The adoption of permanent regulations is also proposed.

CERTIFIED BY:



NICOLAS M. LEON GUERRERO
Director, Natural Resources

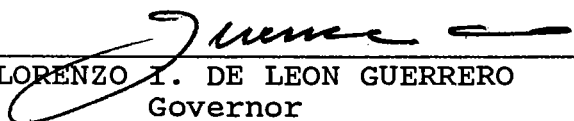
6/8/92
Date



ARNOLD I. PALACIOS
Chief, Fish & Wildlife

6/8/92
Date

CONCURRED BY:



LORENZO I. DE LEON GUERRERO
Governor

2 JUL 1992
Date

Aut. 

REMEDIOS C. NOLAS
REGISTRAR OF CORPORATIONS

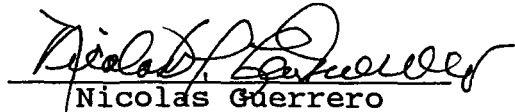
7-13-92
Date

*Received in Governor's office
July 2, 1992, 11AM
Don J. Cruz*

CERTIFICATION OF REGULATIONS REGARDING SMILING COVE MARINA

I, Nicolas M. Leon Guerrero, am the Director of the Department of Natural Resources, which is promulgating the Emergency Regulations regarding the Smiling Cove Marina. By my signature below, I hereby certify that such Emergency Regulations regarding the Smiling Cove Marina are a true, complete and correct copy of the Regulations formally adopted by the Department of Natural Resources.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 8th day of June, 1992 at Saipan, Commonwealth on the Northern Mariana Islands.



Nicolas Guerrero

Director, Department of Natural Resources

Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife Department of Natural Resources

Lower Base

Saipan, Mariana Islands 96950



Cable Address:
Gov. NMJ Saipan
Telephone: 322-9729/9095

REGULASION EMERGENCY DEPARTAMENTON NATURAL RESOURCES Pot Areklamenton I SMILING COVE MARINA

I Direktot Depattamenton Natural Resources yan i Chief i Division i Fish and Wildlife, ginen este masodda na para minao'lek yan interes publiko na nisisariu na u ma adapta regulasion para Smiling Cove Marina ensigidas sin i trenta dias na nutisia. Lokkue' masodda na nisisariu este para u ma adapta un regulasion ensigidas pot para u chomma' hafa siha na peneligro kontra i hinemlo publiko,..asiguridat,..yan,..minaolek. Este siha na sinedda man macho'gue sigun i sinangan yan fuetsan 1 CMC Seksiona 9104(b).

Despues di monhayan mafa'maolek i Smiling Cove Marina meggai siha na boti manmangkla guihe. Pot i mineggai-niha gan i man gof akihot gumuaha peniligro kontra minaolek yan hinemlo i publiko sa taya areklamento osino regulasion. Guaha na biahe nai malie i boti siha ni man ma gagas ginen i kareta siha ni man gai hose ni ma ekstende huyong gi hilo i slips esta i halom tasi. Sen peligro este sa siempre guaha kumason yan hana binenu i tasin i lugat. Pumalu na boti siha manmali'e na matulaika lanan-niha yan oil filters ya masotta ha gi kanton tano' osino gi parking lot ni hana guaha talo' peneligro para kumason ya mana binenu i lugat. Guaha lokkue siha na boti manmali'e na masagagayi ya guaha na biahe ni mes put me ti maolingu i Marina para u machuda i sewage-niha yanngen guaha tanken-niha. Kumeke ilek-na este na siña ha machuda ha papa gi halom i marina lao ti annok. Agu mina peligro sa komu sigi ha di umetnon este na sewage, ha baba i kualidat i tasi yan hinemlo taotao siha. Guaha lokkue siha na boti man deskakatga oil laden bilge mientras i otro boti gi uriya man barbeque gi guifon manglo ni sen peligro para kumason yan tasi gi uriya. Pot i taya aroklamento para manankla gumaha peniligro para aperasion boti gi halom marina. Guaha na boti humahanao mas di 15 miyas, ya siña ha manotpe. Guaha nai molie' i man dangkulo' na boti mampos chaddek fina'lagugu-na ni esta ha blalanko pumalu boti siha kontra pantalan, ya siña ha yamak yan destrosa i pantalan yan boti siha, ya i napun-niha man dangkulo ya siña hana guaha erosion ni para u yamak i pantalan pues humuyong ti siña mau'sa.

Seksion 3 gi Lai Publiko 6-13 ha pribeniye i Depattamenton Natural Resources, Division i Fish and Wildlife pudet para u maneha i ma adelanton i Smiling Cove Marina. Ma aotorisa i


Depattamento mamatinas regulasion sigun gi fuetsan i 1 CMC Seksiona 2655.

Este siha na regulasion Emergency u fan efektibu gigon humalom gi Registrar of Corporation sigun 1 CMC Seksiona 9105(b) (2). Ya u fan efektibu gi halom 120 dias. 1 CMC Seksiona 9104(b). Maproponi ha i ma adaptan petmanente na regulasion.

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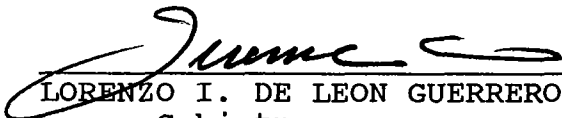

Nicolas M. Leon Guerrero
Direktot, Natural Resources

6/8/92
Fecha'



Arnold I. Palacios
Chief, Fish & Wildlife

6/8/92
Fecha'

Inakonfotma nu as:


LORENZO I. DE LEON GUERRERO
Gobietno

2 JUL 1992
Fecha'

cont. 
REGISTRAR OF CORPORATIONS

7-13-92
Fecha'

*Received in Governor's office
July 2, 1992, 11AM
Donna J. Coy*



Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife Department of Natural Resources

Lower Base
Saipan, Mariana Islands 96950



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ALLEGHUL EMERGENCY DIPATAMENTOOL NATURAL RESOURCES Smiling Cove Marina


Direktoodul Dipatamentool Natural Resources fenga'l ma Chief-il Division of Fish and Wildlife sangi arongorong yeel nge re ghuleey bwelle reel ghatchuur towlap nge eghi fil twe rebwe adapta allegh reel amwelel Smiling Cove Marina ensigidas inaamwo igha igha esoor arongorongol towlap we a ghal eliigh ral. Bwal eew mille rebwe feeru milleel nge reel igha ebwe ghatch me rebwe pileey bwe ret nngow towlap.... ghatchuur,...me.... ammweleer. Milikkaal nge re feeru sangi aileewal mebwangil 1CMC, Section 9104(b).

Igha schagh e takkelo' ffeerul Smiling Cove Marine nge an ghi ssegh waa kka aa kke ffeetdgh iye. Igha na ghi aschuupat nge esoor allegh nge eyoor ammasaghil reel ammweleer aramas me safety. Eyoor waa kka re ghuleey bwe re ghal aleleew sangi trak kka elo welefaluw nge e ghal amwaamwow hoosul llool saat mwetewou wool leliyeel ffeetagh. Milleel nge eghi ammasagh reel sast igha ebwe nngowulo me e pewal yoor pwul. Akkaaw waa nge re ghal liwelil oyool me filter nge raa lighitaalo schagh peiyeer welefaluu me ngare llool parking lot, iye emmwel schagh bwe e pwal yoor pwul ma nngowlo saat. E bwal yoor waa kka re ghal mayur inool nge ese kke toowow llool fitoow maram, bwo. rebuse alipaalo leliyeel alloow ngare eyoor. Iwe ngare eyoor nge rese kke toowow nge nge mali reghal alipilipitiw echagh llool bwuley laal nge ese bwa. Milleel ngare e lapelo nge ebwe aagouslo saat fengal me aramas. Eyoor waa kka e bwal ghal alipilipiwow oil laden bilye igha waa ye elo orol eyyor barbeque wool nge eghi yangegang, nge a bwool amasagh reel pwul me anngowbealo saat. Igha esoor alleghal ffeetagh nge eyoor waa kka eghal aluwta (5 miiza faaraghil iye e bwal ammasagh bwete parangi eew waa. Waa kka e lapetn nye eyoor igho e ghal ghil looloka reel faaraghil, nge e ghal mwo nge aslara waa kka e ffeetagh ngali welefaluw me ngare pantalaan ma ngali waa kka orol. Fongoschol nge emmwel ebwe ayoor erosion iye emmwel schagh ebwe atoropaalo metal sheet piling nge ressobw yaaya lo Smiling Cove, Marina.

Section 3 mellol Alleghul Towlap ye 6-13 nge e ayoorā ngali Dipatamentool Natural Resources me. Fish and Wildlife bwangil bwe ebwe lemeli ammwelel Smiling Cove Marina. E bwal yoor biwangil Dipatamento bwe ebuse ffeer allegh sangi aileewal 1 CMC Section 2655.

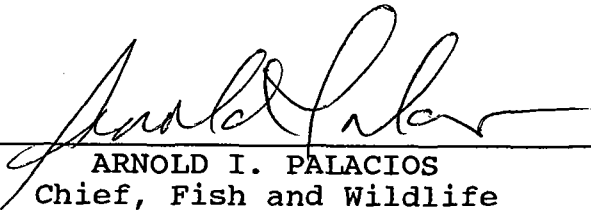
Alleghul Emergency kkaal nge ebuwe alegheghelo ngare schagh e toolong reel Registrar op Corporation reel aileewal 1 CMC Section 9105 (b) (2) nge ebwe kke alleghelghelo schagh llool 120 ral. 1 CMC Section 9104 (b). Adaptal allegh kkasl nge re schiwel kka mangiiy fischiy schagh.

Alegheleghuuyal:



NICOLAS M. LEON GUERRERO
Director, Natural Resources

6/8/92
RAL



ARNOLD I. PALACIOS
Chief, Fish and Wildlife

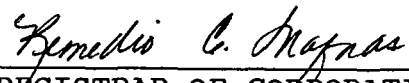
6/8/92
RAL

Alleghuuyal:



LORENZO I. DE LEON GUERRERO
Governor

2 JUL 1992
RAL

Asst. 

REGISTRAR OF CORPORATION

7-13-92
RAL

*Received in Governor's office
July 2, 1992, 11 AM
Dennis J. Coy*



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

Public Notice Micronesian Telecommunications Corporation Telecommunications Local Service Rates

Micronesian Telecommunication corporation (MTC) has submitted to the Commonwealth Utilities Corporation (CUC) a request for approval of a rate increase in local telecommunications service rates.

The following changes in telecommunications local service charges are proposed:

Kind of Service	Current Rate	October 1, 1992 Rate	October 1, 1993 Rate
Residential	\$11.50	\$15.50	\$19.00
Business - Single Line	\$24.50	\$33.50	\$40.00
Business - Rotary Line	\$32.00	\$33.50	
Business Extension	\$ 3.00	\$ 0.00	
Business Add'l Extension	\$15.00	\$ 0.00	
Key	\$40.00	\$59.00	\$71.00
PBX	\$66.50	\$78.00	\$85.00
Smart Call Residential	\$ 3.00	\$ 4.00	\$ 5.00
Smart Call Business	\$ 6.00	\$ 8.00	\$10.00

MTC proposed to implement rate increase in two phases in order to minimize the impact to subscriber. The rates assume effective dates are October 1, 1992 and October 1, 1993.

The financial information justifying the rate increase is available for inspection at:

Executive Director's Office
CUC, Lower Base, Saipan

General Manager's Office
MTC, Susupe, Saipan

Anyone interested in commenting on the proposed telecommunications rate may submit written comments to:

Executive Director
Commonwealth Utilities Corporation
P O Box 1220
Saipan, MP 96950

Vice President/General Manger
Micronesian Telecommunications Corporation
P O Box 306
Saipan, MP 96950

Public Hearing on the proposed telecommunication local service rate will be held in Saipan, Tinian and Rota.


Angie: S. IBA, Chairman
Board of Directors

Date 7/7/92



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

NOTICIA PUBLICO Micronesian Telecommunications Corporation

Micronesian Telecommunications Corporation (MTC) ha fafaisen i Commonwealth Utilities Corporation (CUC) para u ma apraba i ma uson i telecommunications na apas.

Esti na telecommunications na apas u matatigi yan ginen ma apraba:

Classen Setbicio	Pago na		October 1, 1992		October 1, 1993	
	Apas	Apas	Apas	Apas	Apas	Apas
Residential	\$11.50	\$15.50	\$15.50	\$19.00	\$19.00	\$40.00
Business - Single Line	\$24.50	\$33.50	\$33.50	\$33.50	\$33.50	\$33.50
Business - Rotary Line	\$32.00	\$33.50	\$33.50	\$33.50	\$33.50	\$33.50
Business Extension	\$ 3.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Business Add'l Extension	\$15.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Key	\$40.00	\$59.00	\$59.00	\$71.00	\$71.00	\$71.00
PBX	\$66.50	\$78.00	\$78.00	\$85.00	\$85.00	\$85.00
Smart Call Residential	\$ 3.00	\$ 4.00	\$ 4.00	\$ 5.00	\$ 5.00	\$ 5.00
Smart Call Business	\$ 6.00	\$ 8.00	\$ 8.00	\$10.00	\$10.00	\$10.00

MTC malagu na u ma debidi i ma uson i apas gi dos na pati, kosaki ti u ni effecta i taotao siha. I tinilaikan i uson i apas u ma tituhon gi Octubre 1, 1992 yan gi Octubre 1, 1993.

An malagu hao tumon-go i rasion pot i ma uson i apas, agan i:

Executive Director's Office
CUC, Lower Base, Saipan


General Manager's Office
MTC, Susupe, Saipan

Yan ginen guaha commento-mu pot i ma uson i apas, togi e' guato i:

Executive Director
Commonwealth Utilities Corp.
P.O. Box 1220
Saipan, CM 96950

Vice President/General Manager
Micronesian Telecom. Corp.
P.O. Box 306
Saipan, CM 96950

Para u guaha Public Hunta ni esti i ma uson i telecommunications na apas giya Saipan, Tinian, yan Luta.


Angie S. Iba, Chairman
Board of Directors

Dia 7/7/92



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

Arongorongol Towlap Micronesian Telecommunication Corporation SCHÓOL SEDBISYOOL LOCAL TELECOMMUNICATION

SCHÓOL MICRONESIAN TELECOMMUNICATION CORPORATION (MTC) RAA ISIISILONG EEW TINGÓR NGÁLI COMMONWEALTH UTILITIES CORPORTION (CUC) BWE REBWE ALLÈGHÚÚLÓ ABWÓSSUL SEDBISYOOL TELECOMMUNICATON ME NGÁRE TILIFOON MELLÓL BWULEYKKEEY.

IKKAAL LLAPAL SSIWELIL ABSÓS KKA REKKE MÁNGIY.

TAPPAL SDBISYO	ABSHSSUL IGHILA	ABWÓSSUL OKTUBRE 1, 1992	ABWÓSSUL OKTUBRE 1, 1993
Residential	\$11.50	\$15.50	\$19.00
Bisnis - Single Line	\$24.50	\$33.50	\$40.00
Bisnis- Rotary Line	\$32.00	\$33.50	
Bisnis Extension	\$ 3.00	\$ 0.00	
Bisnis Add'l Extension	\$15.00	\$ 0.00	
Key	\$40.00	\$59.00	\$71.00
PBX	\$66.50	\$78.00	\$85.00
Smart Call Residential	\$ 3.00	\$ 4.00	\$ 5.00
Smart Call Bisnis	\$ 6.00	\$ 8.00	\$10.00

MTC EKKE MÁNGIY BWE EBWE A YOORA TAPPAL ABWÓS KKAAL LLÓL RUMOOOW FFÈÈR (phase) REEL EBWE MÈSCHÈRÁGH NGÁLIIR ARAMAS. LLAPAL ABWÓS KKAAL NGE E ALÈGHÈLÈGHÈLÓ WÓOL OKTUBRE 1, 1992 ME OKTUBRE 1, 1993.

TILIIGHIL INFODMASIYOON REEL ABWÓS KKAAL NGE EMMWEL ARAMAS EBWE LÓ AMWURI MELLÓL BWULEY KKA.

Executive Director's Office
CUC, Lower Base, Saipan


General Manager's Office
MTC, Susupe, Saipan

ARAMAS YE E MWUSCHÁL IRAALONG TIPAL ME NGÁRE MANGEMANGIL REEL ALLOWÓS KKAAL NGE EMMWEL SCHAGH EBWE ISCHIITW NGE AA AFANGA NGÁLI:

Executive Director
Commonwealth Utilities Corporation
P O BOX 1220
Saipan, MP 96950

Vice President/General Manager
Micronesian Telecommunication Corporation
P O Box 306
Saipan, MP 96950

EBWE YOOR HEARING NGÁLIIR TOWLAP REEL MÁNGEMÁNGIL LLIWELIL ABWÓS KKAAL MEWÓOL SEIPÈL, TCHÚLÚYÓL ME LUUTA.


Angie S. Iba, Chairman
Board of Directors

RÁL 7/7/92



Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife Department of Natural Resources

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Saipan, Mariana Islands 96950



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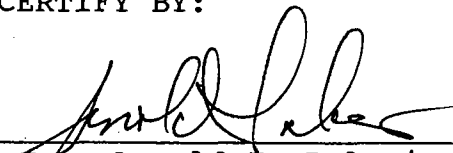
PROPOSED RULES AND REGULATIONS

The Director of the Department of Natural Resources and the Chief of Fish and Wildlife hereby propose to promulgate regulations establishing a method of assigning dock slips and shoreside moorings in Smiling Cove, a form of lease for berths and permit for moorings, a system for mooring in tropical storms and typhoons, a fee schedule for leases and permits, a list of excluded vessels from the Marina, restrictions on the use of the Marina parking lot, and standards of conduct for safe boat handling and maintenance in the Marina.

Section 3 of P.L. 6-13 provides the Department of Natural Resources, Division of Fish and Wildlife with the authority to manage the improvements in the Smiling Cove Marina. The Department is authorized to promulgate regulations under 1 CMC Section 2655.


Pursuant to 1 CMC Section 9104 comments regarding the contents of these regulations may be sent to the office of the Director, Department of Natural Resources, Capitol Hill, Saipan, MP. 96950, within 30 days of the date of their publication in the Commonwealth Register.

CERTIFY BY:



Arnold I. Palacios
Chief of Fish and Wildlife

Date: 6/15/92



Nicolas M. Leon Guerrero
Director of Natural Resources

Date: 6/15/92

CONCURRED BY:



LORENZO I. DE LEON GUERRERO
Governor

Date: 2 JUL 1992



Asst. REGISTRAR OF CORPORATIONS

Date: 7-13-92

*Received in Governor's office
July 2, 1992, 11 AM
Domen J Cruz*



Commonwealth of the Northern Mariana Islands

Division of Fish & Wildlife
Department of Natural Resources

Lower Base

Saipan, Mariana Islands 96950



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Gov. NMJ Saipan
Telephone: 322-9729/9095


I MAPROPOPONI NA AREKLAMENTO YAN REGULASION SIHA

I Direktot i Dipatamenton Natural Resources yan i Chief gi Fish and Wildlife ginen este mapropoponi para u fama'tinas regulasion para u establese areklamento para mandesiknan ba'talan boti yan sagan ma'anklan boti siha gi Smiling Cove. Kontratan atkilon yan lisensian ma'ankla, yan para ma'ankla duranten manglo' yan pakyo. A'pas para atkilon yan lisensia, listan hafa siha na klasen boti manmapruhibi gi Marina, prinuhibin ma usan i Marina parking lot yan propiu na manera para minaneha yan inadahen boti gi halom i Marina.

I Seksiona 3 gi Lai Pubblica 6-13 ha pribenige' i Dipatamenton Natural Resources yan Dipatamenton Fish and Wildlife aturidat na para u ma maneha yan inadelantan Smiling Cove Marina. Ma aturisa i Dipatamento para u fama'tinas regulasion sigun gi fuetsan i 1 CMC Seksiona 2655.

Sigun i 1 CMC Seksiona 9104, komentu siha put suhetun este na regulasion sina ha' ma tuge' papa ya manahanao guatu gi Ofisinan i Direktot, Depatamenton Natural Resources, Capitol Hill, Saipan, MP. 96950 gi halom trenta (30) dias despues di ma publika huyong este na nutisia gi Commonwealth Register.

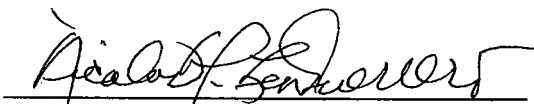
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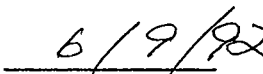
Arnold I. Palacios
Chief, Fish & Wildlife



Fecha'




Nicolas M. Leon Guerrero
Direktot Natural Resources




Fecha'

Kinenfotma nu as:


LORENZO I. DE LEON GUERRERO
Gobietno

2 JUL 1992

Fecha'

Asst. 
REGISTRAR OF CORPORATIONS

7-13-92

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*Received in Governor's office
July 2, 1992, 11 AM
Dennis J. Cruz*



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MANGEMANGIL FFEERUL ALLEGH

Direktoodul Bwulasiyol Natural Resources fengal me Chiefil Fish and Wildlife, sangi arongorong yeel, nge rebwe ffeer allegh reel ebwe faisul ffeetaghil waa mellol Smiling Cove, tiliighil adkkiila reel leliyeel ffeetagh, me lisensiyaal ffeetagh, me ebwe faisul aitiitil ffeetaghil waa ngare eghal yoor malamal, me llapal abwos reel adkkiloon me lisensiya, me tappal waa kka esemmwel ebwe ffeetagh llol Marina yeel, me bwal alleghul kapasal yayaal Parking Lotdul marina yel, me ffeer ye rebwe attabweey reel ammwelel me mwaghutughutul waa mellol Marina.

Sangi aleewal me bwangil teteliil 3 mellol Alleghul Towlap ye P.L. 6-13 nge eyoor bwangil Bwulasiyol Natural Resources fengel me Bwulasiyol Fish and Wildlife bwe rebwe Allalghulfishi Maghutughutul Smiling Cove Marina. E bwal yoor bwangil Bwulasiyo kkaal bwe rebwe ffeeri alleghkal sangi llol 1 CMC Teteliil 2655


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Alleghuuyal:



Arnold I. Palacios
Chief, Fish & Wildlife


Ral 6/15/92




Nicolas M. Leon Guerrero
Direktoodul Natural Resources

Ral 6/15/92

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REGISTRAR OF CORPORATIONS

Ral 7-13-92

*Received in Governor's office
July 2, 1992, 11 AM
Dennis J. Cruz*

RULES AND REGULATIONS

FOR

SMILING COVE MARINA

I.

AUTHORITY

Section 101. Division of Fish and Wildlife. These regulations ("Marina Regulations") are promulgated under the authority of Section 3 of P.L. 6-13 providing the Department of Natural Resources, Division of Fish and Wildlife, with the authority to manage the improvements in Smiling Cove Marina.

Section 102. Purpose. It is the purpose of these regulations to maintain Smiling Cove Marina in a sanitary, sightly, and orderly condition and to preserve the public health, safety, peace, welfare, and convenience in the use thereof.

II.

APPLICATION AND SCOPE

Section 201. Geographic Area. The Marina Regulations shall apply to the berthing of vessels at docks, their mooring in the waterways, and other activities conducted within the Smiling Cove Marina as depicted in the map attached hereto as Exhibit A. The term "Smiling Cove Marina", as used in these regulations, shall apply to all that area encircled on Exhibit "A-1". When docks are referred to by slip number, reference shall be to Exhibit "A-2".

Section 202. Other Laws and Regulations. These regulations in no manner diminish the authority of laws and lawful regulations that otherwise apply to the waters and lands of the Smiling Cove Marina, such as the Boating Safety regulations and the Vehicle Code.

III.
SELECTION OF LESSEES FOR BERTHS AND PERMITTEES FOR MOORINGS

Section 301. Lease or Permit Required.

(a) Berths: No vessel shall be permitted to be berthed at a dock slip in Smiling Cove Marina without a lease issued by the Chief of Fish and Wildlife, Department of Natural Resources.

(b) Moorings: No vessel shall be permitted to be moored in the waterways of Smiling Cove Marina without a permit issued by the Chief of Fish and Wildlife, Department of Natural Resources.

Section 302. Form of Lease or Permit.

(a) Lease: The Chief of Fish and Wildlife shall, pursuant to the Marina regulations, grant a lease for an owner of a vessel to use and occupy a dock slip in the form attached hereto as Exhibit "B".

(b) Permit: The Chief of Fish and Wildlife shall, pursuant to the Marina regulations, issue a permit for an owner of a vessel to moor a vessel at a specific location within the waterways of Smiling Cove in the form attached hereto as Exhibit "C".

Section 303. Categories of Exclusion For Leases and Permits. Subject to Part IV, the following vessels shall not be granted leases, issued permits, or be allowed to berth at any dock or moor within the waterways of Smiling Cove:

(a) Vessels as a Place of Abode. A vessel is deemed to be lived aboard if a person or persons occupy the vessel and engage in those usual and customary activities associated with a person's residence or abode, such as sleeping, preparation of meals, etc., for any period in excess of 72 consecutive hours in any seven (7) day period.

(b) Unseaworthy Vessels. Lessees, permittees, and applicants shall, upon request, demonstrate or allow inspection of vessels for seaworthiness by the Chief of the Division of Fish and Wildlife or his designee.

(c) Work Boats. The term "workboats" includes tugboats, crewboats, landing craft, vessels engaged in cargo trade, fishing trawlers, utility boats, construction boats, barges, and dredges.

(d) Deep Draft Vessels. Vessels with a draft deeper than eight feet (8') are "deep draft

vessels".

(e) **Vessels Greater Than 60' Long.** The length of the vessel shall be determined by its length overall (LOA) rounded upward to the next whole foot, including all permanent and functioning overhangs.

(f) **Vessels Without Auxiliary Propulsion.** Auxiliary propulsion means an engine, either outboard or inboard, sufficient to provide the vessel with safe maneuvering ability in the marina.

Section 304. Categories of Exclusion For Leases. No vessel shall be granted a lease for a berthing slip that comes within any of the categories listed in Section 303 or this section.

(a) **Unregistered or Undocumented Vessels.** A vessel must have either current CNMI registration or U.S. Coast Guard documentation.

(b) **Commercial Vessel Without A Licensed Operator.** A vessel engaged in the commercial carriage of passengers, including, but not limited to, sportfishing boats, Managaha transfer boats, tour boats, and parasailing tow boats, must have a full-time U.S. Coast Guard licensed captain.

(c) **Minimum Length.** A vessel must have a length overall (LOA) of twenty feet (20') or greater.

(d) **Maximum Beam.** A vessel must have a beam less than fifteen feet (15') except those vessels berthed at Dock "G". "Beam" is defined as the maximum breadth of the vessel.

(e) **Vessel Has Alternative Government Berth.** A vessel with any form of permit, license, or lease from the government or any agency of corporation of the Commonwealth, or any vessel which has been habitually berthed for a year or longer alongside any dock, pier, quay, or jetty shall be excluded from obtaining a lease unless the other permit, license, or lease is first canceled and rescinded and/or the use of the dock, pier, quay or jetty is abandoned.

(f) **Applicant Has Another Berth.** An applicant must not currently possess a lease for the berthing of another vessel at Smiling Cove.

Section 305. First Category of Priority In Assigning Berths. Those persons who owned vessels greater than twenty (20) feet in length that were moored in Smiling Cove on the date of the commencement of the Marina Project (July 1989) and who attended either meeting of the Division of Fish and Wildlife during that month at Smiling Cove shall be given first priority for the grant of a lease for a berthing slip.

Section 306. Limited Category of Priority In Assigning Slips At "G" Dock. "G" Dock is depicted on Exhibit "A". This dock shall be reserved for commercial vessels actively engaged in the carriage of passengers which are greater than forty-five feet (45') in length. A vessel shall be considered "actively engaged in the carriage of passengers" if it carries at least 20 passengers per day on the average. Assignment of slips shall be according to the following principles:

(a) Those vessels that meet this section and Section 305 shall be given first priority.

(b) After assignments have been made according to subsection (a), then vessels shall be assigned with priority given to those vessels that carry the greater average number of commercial passengers per week based on the past six months' record.

Section 307. First Come-First Serve Priority At Other Docks. After the assignment of slips to applicants qualifying under Sections 305 and 306, the remaining slips shall be assigned according to the following criteria:

(a) Vessels shall be matched to slips so as to maximize useable berthing space and not restrict maneuverability, and

(b) Earlier written requests shall be given priority if the applicant owned a vessel at the time of applying that would not have been excluded.

Section 308. Grant of Berthing Lease. Upon selection for the grant of a lease, an applicant shall have ten (10) days to complete the berthing lease, execute it, and pay the first month's rent and the security deposit. Failure to do so will result in the denial of one's application and the award of the permit to another applicant.

Section 309. Mooring Permits. Any applicant may designate that they wish to have a mooring permit and not a berthing lease. Once all the berthing leases have been executed, the remaining applicants for berthing leases and those applicants for mooring permits shall be considered for mooring permits under the same rules of priority set out in Sections 303, 304, 305 and 307.

Section 310. Location of Moorings. Vessels shall be assigned specific areas for mooring. Those vessels with a length overall (LOA) of forty-five feet (45') or less shall be moored with either the bow or stern to the shoreline at the channel north of the convenience dock. Vessels with a length overall (LOA) of greater than forty-five feet shall be moored with both their bow and the stern to the same shoreline along the channel, but closer to the harbor entrance.

Section 311. Restriction On Moorings. Until the government installs mooring buoys, vessels with mooring permits shall be allowed to place anchors in the channel for mooring. However, in no event shall mooring lines obstruct the passage of vessels in the channel. All mooring lines shall be weighted near the vessel to ensure that they do not present hazards to passing deep draft vessels.

IV. TYPHOONS AND TROPICAL STORMS

Section 401. "Storm Conditions" Defined. The words "storm conditions" shall mean when the government has declared for the island of Saipan that it is currently in Tropical Storm Condition 2 or 1 or Typhoon Condition 2 or 1.

Section 402. Temporary Lifting of Exclusions During Storm Conditions. In the event of storm conditions, vessels excluded from Smiling Cove Marina under Sections 303(a) and 303(f) may enter and moor in Smiling Cove until forty-eight hours after the return to Condition 3 or the giving of the "all clear" signal.

Section 403. Emergency Moorings. In the event of storm conditions, any vessel permitted in Smiling Cove may moor across the channel of the waterway if the following conditions are observed:

- (a) The vessel operator must follow the directions of the Chief of the Division of Fish and Wildlife or his designee.
- (b) The vessels must be moored in a manner that will not jeopardize the safety of adjacent vessels in a storm.
- (c) All floats, gangways, and other floating obstacles other than vessels that one owns must be removed entirely from the water and secured from movement on high ground.
- (d) All loose objects on vessels shall be either removed or sufficiently tied-down to withstand typhoon strength winds.
- (e) Mooring lines must use chafing protection on the vessel and at the end where they are fastened to trees, posts, or other objects out of the water.
- (f) Vessels that enter the Smiling Cove Marina specifically for storm protection shall select a location that will not obstruct later vessels from entering the marina.

(g) Mooring lines must be removed, and vessels must return to the regular berths or moorings within twelve (12) hours of the announcement of the "all clear" signal.

Section 404. Unattended Vessels During Storm Conditions. Any vessel with a berthing lease or a mooring permit that is within Smiling Cove Marina during storm conditions and is not attended to by a person or persons who adequately secures the vessel for typhoon strength winds shall have its lease terminated or its mooring permit revoked. It is the obligation of every boat owner to adequately secure his vessel so that it does not present a hazard to other vessels in the marina.

V. FEES

Section 501. Fees For Berthing Slips. The following fees shall be assessed lessees assigned berths on a monthly basis:

- (a) Vessels 29.0 feet or less: \$3.50 per foot,
- (b) Vessels 29.1 feet to 44.0 feet: \$5.50 per foot,
- (c) Vessels 44.1 feet or greater: \$8.00 per foot,
- (d) Vessels at "G" Dock: \$25.00 per foot.

Section 502. Fees For Moorings. The following fees shall be assessed permittees assigned moorings on a monthly basis:

- (a) Vessels 29.0 feet or less: \$ 1 .50 per foot,
- (b) Vessels 29.1 feet to 44.0 feet: \$ 2 .50 per foot,
- (c) Vessels 44.1 feet or greater: \$ 3 .50 per foot,
- (d) All Commercial Vessels: \$ 5 .00 per foot.

VI. CONVENIENCE DOCK

Section 601. "Convenience Dock" Defined. The "convenience dock" is marked on Exhibit "A-2" as the dock due north of the launching ramp.

Section 602. Commercial Vessels Prohibited. Commercial vessels engaged in carrying passengers for hire, whether for transportation or any activity (fishing, parasailing, sightseeing, etc.) are prohibited from using the convenience dock.

Section 603. Use of Convenience Dock. The Convenience Dock is for the use of recreational boaters and fishermen. They shall use the dock for no longer than one-half hour at a time and shall tie up to the dock in a manner so as to allow the maximum number of vessels to use the dock.

VII. VISITING VESSELS

Section 701. "Visiting Vessel" Defined. A "visiting vessel" is a vessel registered outside of the Commonwealth or documented with a home port other than in the Commonwealth whose owner is not a resident of the Commonwealth and which will remain on Saipan for less than fourteen (14) days.

Section 702. Procedure Upon Entry.

(a) Visiting Vessels that visit from outside of the Commonwealth must clear various government inspections, such as customs, agricultural quarantine, and immigration. To receive such clearance, visiting vessels must call Port Control at the Commonwealth Port Authority on Channel 16, announce their arrival, and present themselves for inspection at the area designated by Port Control near Charlie Dock.

(b) Visiting Vessels that have been cleared may request permission from the Chief of Fish and Wildlife to temporarily moor in Smiling Cove. This permission will be granted if there is sufficient room to accommodate the vessel and the vessel does not come within a category of exclusion under Section 303. In particular, a visiting vessel cannot be used as a place of abode, as defined in Section 303(a), while in Smiling Cove Marina.

Section 703. Fees For Visiting Vessels. The following fees shall be collected daily from visiting vessels for mooring in Smiling Cove Marina:

- (a) First three (3) days in one month: Free;
- (b) Every day, or a fraction of a day, thereafter:
 - (1) Vessels 29.0 feet or less: \$4.00,
 - (2) Vessels 29.1 feet to 44.0 feet: \$8.00,
 - (3) Vessels 44.1 feet or greater: \$12.00.

Section 704. Maximum Stay Permitted. A visiting vessel may stay only as long as permitted by the Chief of Fish and Wildlife or his designee, and in no event longer than 13 days per month.

VIII. LEASES AND PERMITS

Section 801. Cancellation. The Chief of Fish and Wildlife may cancel and terminate any lease or permit upon five (5) days' written notice to the lessee or permittee for failure to comply with either (i) provisions of the lease or permit, including, without limitation, nonpayment of lease rent or permit fees, (ii) the Smiling Cove Marina rules and regulations, or (iii) the Boating Safety rules and regulations. In addition, if there is any change of circumstances that causes a vessel to come within Sections 303 or 304, the lease or permit may be canceled by such means. Notice shall be deemed served within twenty-four hours of the time said notice is deposited in the United States Postal Service, if mailed by first-class mail, postage prepaid, to the lessee's or permittee's address as designated on the lease or permit. In the case of personal service, notice shall be effected upon such service. The notice shall specify the applicable provision of the lease or permit, Marina regulations, or Boating Safety regulations with which the lessee or permittee has failed or refused to comply, the date and time on or before which the slip or mooring must be vacated, and the cancellation date. The lessee or permittee shall be liable for all slip fees accruing prior to the date of cancellation.

Section 802. Removal of Vessel Upon Cancellation of Lease or Permit. If the lessee or permittee shall fail or refuse to remove his or her vessel from a slip or mooring on or before the date of cancellation of the lease or permit, the Chief or his designee may cause the vessel to be removed at the lessee's or permittee's risk and expense and retake possession of the slip

or mooring. The lessee or permittee shall reimburse the Department for costs incurred in moving and storing the vessel. Neither the Department nor the Commonwealth government nor any of its officers or employees shall be liable for such action and all lessees and permittees waive all claims for damage to persons and property sustained by a vessel resulting from its movement pursuant to this provision.

Section 803. Reassignment of Slips. The Chief shall have the right to temporarily reassign slip spaces or moorings and to move or cause to be moved any vessel so reassigned. A lessee or permittee, by applying for and accepting the use of a slip or mooring shall be deemed to have consented to the temporary reassignment and movement of the vessel to another slip or mooring (i) for the proper operation, maintenance, and repair of Smiling Cove Marina, (ii) for the convenience of the Commonwealth, (iii) for a special event, and (iv) in case of an emergency. The lessee or permittee further consents to the movement of the vessel by the Chief of Fish and Wildlife if, after notice to move the vessel is given by the Chief, the lessee or permittee fails to comply with any such notice. The lessee or permittee shall reimburse the Department for costs incurred in moving the vessel. Neither the Department nor the Commonwealth government nor any of its officers or employees shall be liable for such action and all lessees and permittees waive all claims for damage to persons and property sustained by a vessel resulting from its movement pursuant to this provision.

Section 804. Nontransferability of Lease or Permit. A lessee or permittee shall not give, sell, sublease, assign, or transfer, or attempt to give, sell, sublease, assign or transfer, whether voluntarily or involuntarily, the use of a designated slip or mooring, the lease or permit therefor, or any interest therein. Any agreement, whether oral or in writing, between the lessee or permittee and any other person, firm, or entity made in connection (i) with the use of a designated slip or mooring by a person other than the lessee or permittee, (ii) with the use of a designated slip or mooring by a vessel other than one owned by the lessee or permittee, (iii) with the transfer of ownership of or an interest in a vessel, or (iv) with a transfer of an interest in a corporation or partnership (general or limited) or joint venture owning a vessel, by which agreement lessee or permittee attempts to give, sell, sublease, assign, or to otherwise transfer the lease or permit, an interest therein, or the right to use the designated slip or mooring shall be void and shall constitute grounds for the cancellation of the lease or permit.

Section 805. Sale of Vessel.

(a) A lessee or permittee may retain his or her designated slip or mooring for a period of thirty (30) days after transferring title to or agreeing to sell his or her vessel provided:

(1) The lessee or permittee shall notify the Chief of Fish and Wildlife in writing of the sale of the vessel and his or her intent to acquire another vessel of appropriate length for occupancy of the slip or mooring within five (5) days of the date the agreement for the sale of the vessel is entered into, and

(2) The lessee or permittee shall pay slip or mooring fees equal to the amount specified in the lease or permit for the vessel sold pending the acquisition of another vessel.

(b) An extension of an additional period may be granted at the discretion of the Chief of Fish and Wildlife upon presentation of proof of a contract to purchase or construct another vessel.

(c) If the lessee or permittee does not acquire and accept delivery of another vessel of appropriate length for the assigned slip or mooring within the thirty day period or any extension thereof, the lease or permit shall be canceled. The lessee or permittee shall remain liable for all fees accruing prior to cancellation.

(d) A lessee or permittee shall notify the Chief of Fish and Wildlife in writing within five (5) days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition or substitution of partners, the sale or transfer of stock in a closely held corporate owner of the vessel or a change of officers or directors of a closely held corporation owning the vessel.

Section 806. Partnerships and Corporations. No lease or permit will be issued in the name of a partnership, corporation, joint venture or other legal entity. A lease or permit for a vessel which is registered or documented by a partnership, corporation, joint venture, or other legal entity will be issued only to a natural person whose name appears on the Smiling Cove Marina waiting list and whose interest in the vessel is equal to or greater than that of each of the other partners, stockholders, members or associates. An applicant for a slip or mooring for a vessel owned by a partnership, corporation, joint venture or other legal entity shall submit to the Chief of Fish and Wildlife a fully executed Marine Bureau Statement of Ownership. If a lessee or permittee fails or refuses to notify the Chief of a change to any of the information contained in the Marine Bureau Statement of Ownership within five (5) days from the date of any such change, such failure or refusal shall constitute grounds for cancellation of the lease or permit.

Section 807. Absence From Slips or Moorings.

(a) In the event of an absence from a slip or mooring of more than seven (7) days, the Chief shall be notified of the intended length of absence so that the slip or mooring may be made available to other vessels under a temporary permit.

(b) In the event that the planned absence is greater than ninety (90) days, then a leave of absence must be requested from the Chief of Fish and Wildlife. The Chief may grant a leave of absence for a reasonable period. If the period is deemed to not be reasonable, then the lease or permit shall be canceled.

Section 808. Temporary Slip or Mooring Permit. The Chief may issue temporary permits to occupy and use an assigned but vacant slip or mooring or unassigned slips or moorings upon such terms and conditions as may be required for the efficient operation of the Smiling Cove Marina.

Section 809. Waiver of Claims. Neither the Commonwealth of the Northern Mariana Islands government nor any of its officers or employees shall be liable to a lessee or permittee for any damage to persons or property within Smiling Cove Marina.

IX. GENERAL REGULATIONS

Section 901. Application. These regulations shall control the conduct of all lessees and permittees of the Smiling Cove Marina and shall be incorporated as a part of any berthing lease mooring permit, temporary slip or temporary mooring permit. These regulations may be changed from time to time and shall apply as changed or amended to all existing lessees and permittees.

Section 902. Commercial Use of Slips. No slip or dock structure within the Smiling Cove Marina, except Dock "G", shall be used for commercial purposes without the express written permission of the Chief of Fish and Wildlife. This permission may be granted if it can be demonstrated that, if appropriate terms, conditions, and limitations are placed upon such conduct, it can be undertaken without risk to safe navigation, without endangering the public health, safety, or welfare (with due regard to other lessees of slips), and in a manner that will promote public convenience and necessity. In no event shall more than eight (8) commercial passengers be loaded on a vessel at Docks "B", "C", "D", "E", or "F" with such permission.

Section 903. Storage on Docks. Nothing shall be stored on the dock by any lessee. Each lessee is responsible for keeping the adjacent dock area clean and litter free. A lessee shall not place items on the dock except for short periods of time, and at such times shall place the items in such a manner so as to not obstruct free passage along the dock.

Section 904. Fenders on Dock. No lessee shall install fender material, dock wheels, or carpet on the docks without the express permission of the Chief of Fish and Wildlife. Upon installation, title to said fender or dock wheels shall vest in the Commonwealth.

Section 905. Movement of Vessels in Marina. Movement of vessels within Smiling Cove Marina shall be for the purpose of entering or leaving a slip or mooring, only.

Section 906. Speed Within The Marina.

(a) **Basic Speed Law:** No vessel shall be operated at such a speed in the Smiling Cove Marina and its channel that a wake is created that will disturb other vessels docked or moored or cause destruction of the shoreline. This shall apply to all vessels for the full length of the channel.

(b) **Vessels Engaged In the Commercial Carriage of Passengers:** Heavy displacement vessels, such as those which carry passengers to Managaha Island or those greater than twenty tons, are particularly prone to causing destructive wakes at slow speeds. Operators of these vessels shall maintain their speeds at less than 3 mph while traveling within Smiling Cove Marina.

(c) **All Other Vessels:** All vessels not specified in subsection (b) shall observe a 5 mph speed limit within the Smiling Cove Marina for the full length of the channel, subject at all times to the Basic Speed law.

(d) **Complaints:** Lessees and permittees are encouraged to report incidents of vessels traveling in excess of either of the above subsections. If the Chief finds a violation of this Section, a lessee or permittee shall have its right to berth or moor in the marina canceled.

Section 907. Toilet Usage. Toilets or marine heads shall not be used aboard a vessel in Smiling Cove Marina.

Section 908. Mooring of Vessel. A lessee or permittee shall, at all times, ensure that his or her vessel is safely moored with lines adequate for the weather conditions.

Section 909. Maintenance Work on Vessel.

(a) Major repair or reconstruction work shall not be performed in or at any slip or mooring.

(b) No repair or other work on a vessel shall be performed before 8:00 AM nor after sunset, except in the case of emergency repairs to keep a vessel afloat.

(c) Tools and equipment must not be placed on the dock in a manner that will obstruct free passage along the dock. The dock area must be kept in a neat, clean and orderly condition.

(d) No material of any type resulting from maintenance work, such as solvents, paints, sandpaper, and other non-biodegradable materials, shall be allowed to enter the waters of Smiling Cove Marina.

(e) Spray painting, welding, burning, and other hazardous activities are strictly prohibited in the marina.

Section 910. Garbage and Littering.

(a) No lessee or permittee shall have or keep on a vessel or on the adjacent dock any garbage or decaying matter unless it is kept in a receptacle which shall at all times be kept closed by a tight-fitting cover, except when being filled or emptied.

(b) No lessee or permittee shall throw, place, leave, deposit or abandon, or cause to be thrown, placed, deposited or abandoned any litter within the Smiling Cove Marina and the adjacent areas of American Memorial Park except in receptacles designated by the Division of Fish and Wildlife for the disposal of such materials. A lessee or permittee shall place only that garbage or litter within such receptacles as is generated during and results from a vessel's voyage.

(c) No lessee or permittee shall place, throw, deposit or discharge or cause to be placed, thrown, deposited, or discharged into the waters of Smiling Cove Marina any litter, sewage, garbage, gaseous, liquid or solid materials which render the water unsightly, noxious, or unclean so as to be detrimental to the public health and welfare.

Section 911. Fire Safety.

(a) Basic Rule: No lessee or permittee shall use or permit his or her vessel to be used or maintained in a manner as to create or constitute a potential fire hazard.

(b) Fire Extinguishing Equipment: Any vessel berthed or moored in the Smiling Cove Marina shall have at least two (2) operable hand portable fire extinguishers containing ten pounds of dry chemicals.

(c) Fueling: No fueling of vessels, whatsoever, shall be permitted within Smiling Cove Marina.

(d) **LPG:** Any vessel equipped with liquid propane gas for cooking shall also be equipped with a solenoid for detecting LPG leaks.

(e) **Dumping of Combustibles:** No lessee or permittee shall dump, discharge or pump oil, spirits, gasoline, diesel, distillate, any petroleum product or any other flammable material into the waters of the Smiling Cove Marina, upon any of the docks, or on any land adjacent to the marina. Combustible materials shall not be placed in trash receptacles, but only in receptacles specially marked for combustibles and petroleum products. In the absence of such a receptacle, a lessee or permittee shall remove the substances for disposal at a site other than the marina or American Memorial Park.

(f) **Fire Signal For Vessels In Marina:** Five prolonged blasts, each from four to six seconds long, on a vessel's horn or other sound device shall indicate a fire on board a vessel at the dock or a fire on the dock. This fire signal shall not be used for any other purpose.

Section 912. Swimming. No person shall swim in the Smiling Cove Marina, except as necessary to moor or anchor a vessel, clear a fouled propeller, assist a vessel in clearing another vessel's mooring lines, or remove a vessel that is grounded.

Section 913. Fishing. No person shall fish from the docks of the marina. Any fishing done from the banks of the marina shall be done at least 200' from the nearest docked or moored vessel and shall not be done in such a manner as to create an obstruction to the movement of vessels in Smiling Cove Marina.

Section 914. Visitors. Visitors, unless accompanied by a lessee, or designated by the lessee in writing, shall not be permitted on the docks after sunset.

Section 915. Small Children On Docks. Children under ten years are not permitted on the docks without the immediate presence of their parents or other responsible adults.

Section 916. Obstructions Placed In Water. No float, pier, dock, pile, ramp or other obstruction may be placed in the Smiling Cove Marina without the prior authorization of the Chief of Fish and Wildlife.

Section 917. Signs. No lessee or permittee shall place, erect or maintain any sign, display or notice on any property, structure, or improvement within the Smiling Cove Marina owned, operated, or controlled by the Commonwealth without the prior written consent of the Chief. A lessee or permittee may place one (1) sign on the exterior of a vessel advertising the

sale or offering for sale of said vessel; provided, however, the size of any such sign shall not exceed nine inches (9") by twelve inches (12") and the lettering thereon shall not exceed four inches (4") in height. Such a sign shall be displayed only from sunrise on Saturday through sunset on the following Sunday (2 days). The Chief may direct the removal of any nonconforming or unauthorized sign, display, or notice. In the event that a lessee or permittee refuses to remove it, such refusal shall constitute grounds for cancellation of the lease or permit.

Section 918. Maintenance of Marina. A lessee or permittee shall immediately notify the Chief of Fish and Wildlife of the need for repairs to the docks or any dangerous conditions in the marina requiring attention.

Section 919. Alteration of Docks. A lessee shall not alter any dock in any way without the prior written consent of the Chief of Fish and Wildlife.

Section 920. Nuisance. No lessee or permittee shall use their vessel in such a manner or maintain it in such a condition that its presence in the marina is a nuisance. A "nuisance" is defined as when the health or safety of others is threatened or their quiet and peaceful use of the marina is interfered with.

Section 921. Guests Aboard At Night. A lessee or permittee shall not have more than five (5) guests aboard his or her vessel while at its berthing space or mooring space between the hours of 8:00 PM and 4:00 AM. The one exception to this rule shall be when a vessel is departing or arriving at its berthing or mooring space. In such an event, any guests may remain only as long as engaged in performing any acts necessary for the departure or arrival, such as the loading and unloading of the vessel.

Section 922. Unreasonable Noise. A lessee or permittee shall not create, or allow to be created by any person, animal, machinery, hardware, sound system, radio, television, or any form of device, any sound which may be considered offensive or a nuisance to any other user of the marina, taking into consideration the circumstances of the time, place, and nature of the sound.

**X.
PARKING AREA**

Section 1001. "Parking Lot" Defined. The paved parking area adjacent to and immediately south of the docks at Smiling Cove Marina is referred to herein as the "parking lot".

Section 1002. "Use Restrictions".

(a) A lessee or permittee is entitled to leave one vehicle in the parking lot while aboard his or her vessel. Two additional vehicles of guests of a lessee or permittee may be left in the parking lot while the guests are aboard the lessee's or permittee's vessel.

(b) Buses and mini-buses shall be permitted to load and unload passengers in the parking lot, but shall not park therein.

(c) No person shall sleep or cook in a vehicle while it is in the parking lot.

(d) Trailers shall be permitted in the parking lot in the area depicted in Exhibit "D".

(e) No vehicle may be left in the parking lot for more than seventy-two hours without the written consent of the Chief of Fish and Wildlife.

(f) No person shall remain, stay, or loiter in the parking lot between the hours of 8:00 PM and 5:00 AM.

Section 1003. Risk of Use. The parking lot is maintained by government for the gratuitous use of boat owners. Any person who parks a vehicle in the parking lot does so at his or her own risk.

**XI.
ENFORCEMENT**

Section 1101. Effect of Regulations on Leases and Permits.

(a) These regulations, as stated herein, and as they may be amended from time to time, are express conditions of every lease and permit.

(b) A violation of these regulations may result in the cancellation of a lease or permit by the Chief of Fish and Wildlife.

Section 1102. Enforcement of Regulations.

(a) These regulations may be enforced against persons who are not lessees or permittees by an action for specific performance and/or damages.

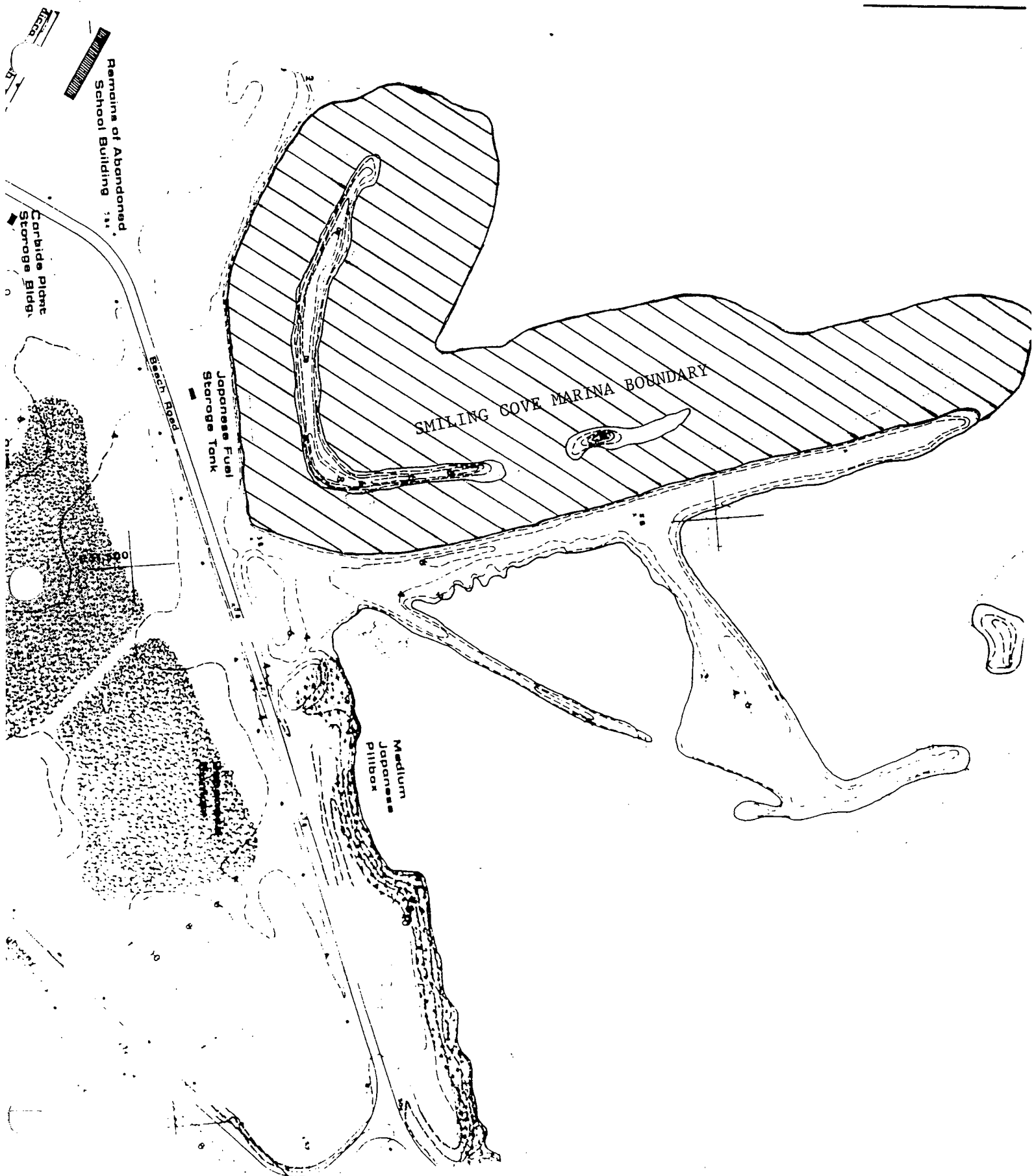
(b) No action for legal or equitable relief may be filed for enforcement except by government. However, any lessee or permittee may file an action in his or her own name against any person who places or maintains a vessel at the lessee's berthing slip or permittees's mooring place without the consent of the lessee or permittee.

Section 1103. Discretion of Chief in Removing Applicants From Waiting List. The Chief of Fish and Wildlife may remove an applicant for a berthing lease or a mooring permit from the waiting list for failure to comply with these regulations or to obey the directives of the Chief of Fish and Wildlife.

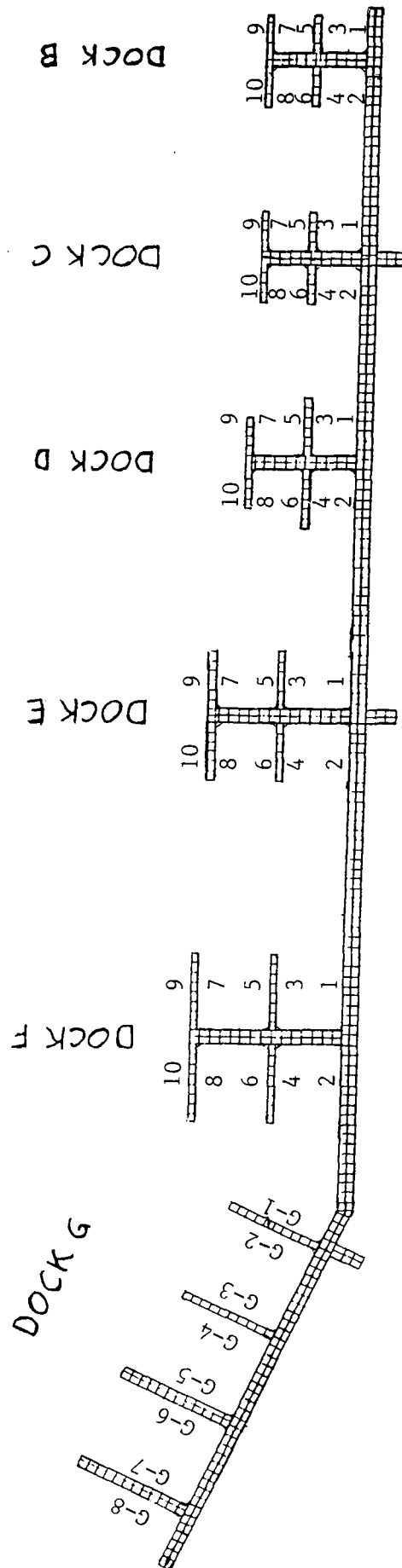
Section 1104. Nature of Lease and Permit. No person has a right to a lease or a permit or to the use of the government's docks or the Smiling Cove Marina. These are privileges, only. Upon execution of a lease agreement or a permit agreement, a holder obtains certain rights to the extent provided in the agreement.

**XII.
SEVERABILITY**

Section 1201. Severability. If any section or portion of a section herein is invalid, it shall be deleted from these regulations and shall not invalidate the remaining sections of these regulations.



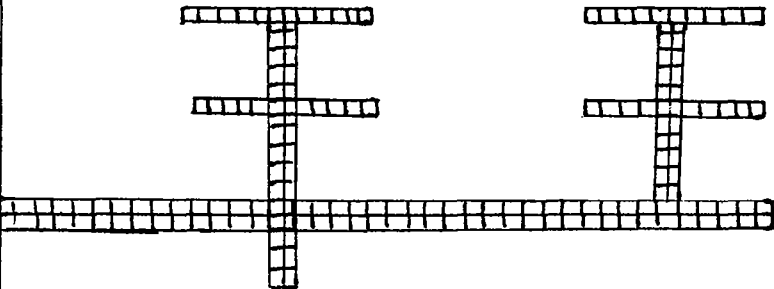
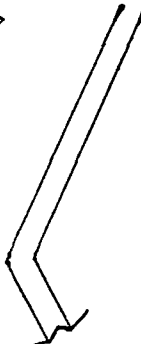
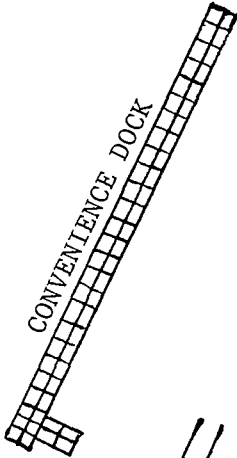
SMILING COVE BOAT SLIP DESIGNATIONS



DOCK "A"

DOCK "C"

DOCK "B"



SMILING COVE MARINA BERTHING LEASE

This lease, effective December __, 1992 is between the **Department of Natural Resources**, Commonwealth of the Northern Mariana Islands, c/o Chief of Division of Fish and Wildlife, referred to as "*DNR*", and _____, of _____, (address), referred to as "*Boat Owner*".

DNR leases to Boat Owner and Boat Owner takes by hire from DNR, that portion of DNR's docks known to DNR as Berth No. _____ (as depicted in Exhibit "A"), an open berth designed for a vessel of _____ length and _____ beam, and provided with security patrol (without electric and fresh water outlets), subject to the following terms and conditions:

**SECTION ONE
DESCRIPTION OF BOAT**

Name of boat: _____ . CNMI Registration No.: _____

Sail or power: _____ . Deck Length: _____ .

Beam _____ . Draft: _____ .

Date of last Coast Guard inspection: _____ .

Residence address: _____ . Telephone: _____ .

Business address: _____ . Telephone: _____ .

Emergency telephone No.: _____ .

Insurer: _____ . Telephone: _____ .

Radio call letters: _____ . Sail No.: _____ .

Owner's automobile, model: _____ . License No.: _____ .

**SECTION TWO
LEASE TERM**

This lease shall terminate at the end of one (1) year. It shall commence on the ___ day of _____, 1992. In the event that the lessee complies with the conditions of this permit throughout its term, the Boat Owner will be afforded a preferential right to renew the lease subject to changes in the conditions determined necessary by DNR. This lease may be canceled for convenience by the Boat Owner upon thirty days advance notice in writing to DNR.

**SECTION THREE
RENT AND FEES**

Boat Owner shall pay DNR, for the use of the berthing space, together with provided services and a license to use adjacent areas _____ United States Dollars (\$_____.__) per month, payable by the 5th day at the offices of the Division of Fish & Wildlife, Lower Base, Saipan, MP. DNR acknowledges receipt of the first months' rent in advance upon the signing of this agreement.

SECTION FOUR SECURITY DEPOSIT

Boat Owner must pay a refundable security deposit prior to the commencement date of this lease. The security deposit shall equal three months rent. This amount is to secure the payment of rent by Boat Owner and any charges that may accrue for the failure to make a timely rent payment. In the event of a default for nonpayment of rent, the money may be used to pay all sums due. In the event that all rent is paid on a timely basis, then at the conclusion of the lease, the Boat Owner shall be entitled to a return of its security deposit without interest.

SECTION FIVE RULES AND REGULATIONS ARE TERMS AND CONDITIONS

The Rules and Regulations for Smiling Cove Marina, attached as Exhibit "B", are incorporated herein by reference, and are expressly made terms and conditions of this Berthing Lease. DNR reserves the right to alter or amend the rules and regulations from time to time by promulgating new regulations pursuant to the CNMI Administrative Procedures Act. Notice of any proposed changes shall be given to the Boat Owner by mailing a copy of the proposed regulations by first class mail, postage prepaid, and by posting a copy of the proposed regulations at a prominent location at the marina.

**SECTION SIX
BOAT OWNER'S LIABILITY; INDEMNITY OF MARINA**

Boat Owner covenants to exercise due care in occupation of the leased berthing slip and to vacate the slip in good condition, wear and tear occasioned by normal use only excepted.

Boat Owner shall indemnify and hold harmless DNR and the Commonwealth government from and against all claims, actions, proceedings, damages, and liabilities, including attorney fees, arising from or connected with Boat Owner's possession and use of the leased berthing space. If there is more than one Boat Owner, then each person shall be joint and severally liable under the obligations of this Lease Agreement.

**SECTION SEVEN
LIMITATION OF MARINA'S LIABILITY**

Boat Owner acknowledges that he or she has inspected the leased berthing space and is satisfied that the berthing space is adequate for safe mooring of the vessel. This contract is not a bailment of the Boat Owner's boat but a lease of berthing space, and DNR's liability is limited to supervision and maintenance of the waterfront area. DNR's employees will make reasonable efforts to contact Boat Owner and notify him or her of dangerous conditions requiring Boat Owner's attention. Marina assumes no responsibility for tending mooring lines or moving boats from the berths to which they are assigned.

**SECTION EIGHT
NO ASSIGNMENT OR SUBLEASE**

Boat Owner shall not assign or sublease this lease, in whole or in part, without the written consent of the Director of DNR. Any attempt to do so shall be void.

**SECTION NINE
OBEY ALL LAWS**

Boat Owner shall obey all laws and regulations, Commonwealth or federal, reasonably related to the use of the berthing space, parking lot, Smiling Cove harbor, and Smiling Cove channel entrance. A violation of any such law shall be a ground for default.

**SECTION TEN
DEFAULT**

(a) Rent: Written Notice ("Notice") specifying failures to pay rent shall be issued to the Boat Owner if the Boat Owner fails to pay any rent reserved under this Agreement. If such failure continues for a period of thirty (30) days from and after notice and the Boat Owner has cured such failure with reasonable diligence within the thirty (30) day time period, then the Boat Owner shall be in default.

(b) Other Terms and Conditions: If the Boat Owner fails to comply with any term, provision, covenant or condition of this Agreement, fails to obey the Rules and Regulations for Smiling Cove Marina, allows his or her vessel to come within either Sections 303 or 304 of the Rules and Regulations for Smiling Cove Marina, or violates the Boating Safety Regulations, then the Boat Owner shall be in default.

**SECTION ELEVEN
CANCELLATION OF LEASE**

(a) Cancellation: DNR may cancel and terminate the lease upon (5) days' written notice to the Boat Owner in the event of default. Notice shall be deemed served within twenty-four hours of the time said notice is deposited in the United States Postal Service, if mailed by first-class mail, postage prepaid, to the lessee's address designated herein. Or, in the case of personal service, notice shall be effected upon such service. The notice shall specify the applicable provision of the lease or permit, the Marina regulations, or the Boating Safety regulations with which the Boat Owner has failed or refused to comply, the date and time on or before which the slip must be vacated and the cancellation date. The Boat Owner shall be liable for all slip fees accruing prior to the date of cancellation.

(b) Removal of Vessel Upon Cancellation of Lease: If the Boat Owner shall fail or refuse to remove his or her vessel from a slip on or before the date of cancellation of the lease the Chief or his designee may cause the vessel to be removed at the Boat Owner's risk and expense and retake possession of the slip. The Boat Owner shall reimburse the Department for costs incurred in moving the vessel. Neither the Department nor the Commonwealth government nor any of its officers or employees shall be liable for such action and all Boat Owners waive all claims for damage to persons and property sustained by a vessel resulting from its movement pursuant to this provision.

**SECTION TWELVE
ATTORNEY'S FEES**

In the event of any suit by any party to this lease for the recovery of any rent due, or because of any breach of any term or provision hereof, the prevailing party shall be entitled to recover from the other party costs of suit and a reasonable attorney's fee which shall be fixed by the Court.

**SECTION THIRTEEN
SEVERABILITY**

If any provision herein is invalid, it shall be considered deleted from this Lease, and shall not invalidate the remaining provisions of this Lease.

**SECTION FOURTEEN
ENTIRE AGREEMENT**

This Lease contains the entire agreement of the parties with respect to the matters covered herein as of the date of execution hereof, and not other agreement, statement or promise made by any party or any employee, officer or agent of any party prior in time to the date of this Lease shall be binding and valid. All agreements and promises of the parties are contained within this Lease Agreement.

This Lease is not subject to modification except in writing, signed by the parties to be charged hereunder.

**SECTION FIFTEEN
PUBLIC AUDITOR**

This Lease Agreement is subject to P.L. 1-8, Chapter 6, Section 6. The Lessee and all sublessees and assignees shall provide all information and reports, shall allow audit, inspection and access to its books, records, and accounts relating to this Lease Agreement to the Public Auditor of the Commonwealth of the Northern Mariana Islands. Nothing in this Section shall be construed so as to authorize the Public Auditor to obtain information privileged by law.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands, the date and year written below.

BOAT OWNER

DEPT. OF NATURAL RESOURCES

Name:

CHIEF
Division of Fish & Wildlife

CO-OWNER:

Date: _____

Date: _____

APPROVED AS TO FORM AND LEGAL CAPACITY

ATTORNEY GENERAL

SMILING COVE MARINA MOORING PERMIT

This permit, effective _____, 1992 is between the **Department of Natural Resources**, Commonwealth of the Northern Mariana Islands, c/o Chief of Division of Fish and Wildlife, referred to as "DNR", and _____, of _____, (address), referred to as "Boat Owner".

DNR permits to Boat Owner and Boat Owner takes by permission from DNR, that portion of DNR's mooring area known as Mooring No. _____ (as depicted in Exhibit "A"), an open area for a vessel of _____ length and _____ beam, and provided with security patrol (without electric and fresh water outlets), subject to the following terms and conditions:

**SECTION ONE
DESCRIPTION OF BOAT**

Name of boat: _____ . CNMI Registration No.: _____

Sail or power: _____ . Deck Length: _____ .

Beam _____ . Draft: _____ .

Date of last Coast Guard inspection: _____ .

Residence address: _____ . Telephone: _____ .

Business address: _____ . Telephone: _____ .

Emergency telephone No.: _____ .

Insurer: _____ . Telephone: _____ .

Radio call letters: _____ . Sail No.: _____ .

Owner's automobile, model: _____ . License No.: _____ .

**SECTION TWO
PERMIT TERM**

This permit shall terminate at the end of one (1) year. It shall commence on the ___ day of _____, 1992. In the event that the permittee complies with the conditions of this permit throughout its term, the Boat Owner will be afforded a preferential right to renew the permit subject to changes in the conditions determined necessary by DNR. This permit may be canceled for convenience by the Boat Owner upon thirty days' advance notice in writing to DNR.

**SECTION THREE
RENT AND FEES**

Boat Owner shall pay DNR, for the use of the space, together with provided services and a license to use adjacent areas _____ United States Dollars (\$_____.__) per month, payable by the 5th day at the offices of the Division of Fish & Wildlife, Lower Base, Saipan, MP. DNR acknowledges receipt of the first months' rent in advance upon the signing of this agreement.

SECTION FOUR SECURITY DEPOSIT

Boat Owner must pay a refundable security deposit prior to the commencement date of this permit. The security deposit shall equal three months' rent. This amount is to secure the payment of rent by Boat Owner and any charges that may accrue for the failure to make a timely rent payment. In the event of a default for nonpayment of rent, the money may be used to pay all sums due. In the event that all rent is paid on a timely basis, then at the conclusion of the permit, the Boat Owner shall be entitled to a return of its security deposit without interest.

SECTION FIVE RULES AND REGULATIONS ARE TERMS AND CONDITIONS

The Rules and Regulations for Smiling Cove Marina, attached as Exhibit "B", are incorporated herein by reference, and are expressly made terms and conditions of this Mooring Permit. DNR reserves the right to alter or amend the rules and regulations from time to time by promulgating new regulations pursuant to the CNMI Administrative Procedures Act. Notice of any proposed changes shall be given to the Boat Owner by mailing a copy of the proposed regulations by first class mail, postage prepaid, and by posting a copy of the proposed regulations at a prominent location at the marina.

SECTION SIX
BOAT OWNER'S LIABILITY; INDEMNITY OF MARINA

Boat Owner covenants to exercise due care in occupation of the mooring and to vacate it in good condition, wear and tear occasioned by normal use only excepted. Boat Owner shall indemnify and hold harmless DNR and the Commonwealth government from and against all claims, actions, proceedings, damages, and liabilities, including attorney fees, arising from or connected with Boat Owner's possession and use of the mooring space. If there is more than one Boat Owner, then each person shall be joint and severally liable under the obligations of this Mooring Permit.

SECTION SEVEN
LIMITATION OF MARINA'S LIABILITY

Boat Owner acknowledges that he or she has inspected the space and is satisfied that the berthing space is adequate for safe mooring of the vessel. This contract is not a bailment of the Boat Owner's boat but a permit for use of mooring space, and DNR's liability is limited to supervision and maintenance of waterfront area. DNR's employees will make reasonable efforts to contact Boat Owner and notify him or her of dangerous conditions requiring Boat Owner's attention but marina assumes no responsibility for tending mooring lines or moving boats from the space to which they are assigned.

**SECTION EIGHT
NO ASSIGNMENT OR SUBLEASE**

Boat Owner shall not assign or sublease this mooring permit, in whole or in part, without the consent of the Director of DNR, in writing. Any attempt to do so shall be void.

**SECTION NINE
OBEY ALL LAWS**

Boat Owner shall obey all laws and regulations, Commonwealth or federal, reasonably related to the use of the mooring space, parking lot, Smiling Cove harbor, and Smiling Cove channel entrance. A violation of any such law shall be a ground for default.

**SECTION TEN
DEFAULT**

(a) Rent: If the Boat Owner fails to pay any rent reserved under this Agreement and such failure shall continue for a period of thirty (30) days from and after the date written notice specifying such failure is delivered to the Boat Owner and the Boat Owner shall not have cured such failure with reasonable diligence within the thirty (30) day time period, then the Boat Owner shall be in default.

(b) Other Terms and Conditions: If the Boat Owner fails to comply with any term, provision, covenant or condition of this Agreement, fails to obey the Rules and Regulations for Smiling Cove Marina, allows his or her vessel to come within either Sections 303 or 304 of the Rules and Regulations for Smiling Cove Marina, or violates the Boating Safety Regulations then the Boat Owner shall be in default.

**SECTION ELEVEN
CANCELLATION OF PERMIT**

(a) Cancellation: DNR may cancel and terminate the permit upon (5) days' written notice to the Boat Owner in the event of default. Notice shall be deemed served within twenty-four hours of the time said notice is deposited in the United States Postal Service, if mailed by first-class mail, postage prepaid, to the permittee's address designated herein. Or, in the case of personal service, notice shall be effected upon such service. The notice shall specify the applicable provision of the permit, the Marina regulations, or the Boating Safety regulations with which the Boat Owner has failed or refused to comply, the date and time on or before which the slip must be vacated and the cancellation date. The Boat Owner shall be liable for all mooring fees accruing prior to the date of cancellation.

(b) Removal of Vessel Upon Cancellation of Permit: If the Boat Owner shall fail or refuse to remove his or her vessel from a mooring on or before the date of cancellation of the permit the Chief or his designee may cause the vessel to be removed at the Boat Owner's risk and expense and retake possession of the slip. The Boat Owner shall reimburse the Department for costs incurred in moving the vessel. Neither the Department nor the Commonwealth government nor any of its officers or employees shall be liable for such action and all Boat Owners waive all claims for damage to persons and property sustained by a vessel resulting from its movement pursuant to this provision.

**SECTION TWELVE
ATTORNEY'S FEES**

In the event of any suit by any party to this permit for the recovery of any rent due, or because of any breach of any term or provision hereof, the prevailing party shall be entitled to recover from the other party costs of suit and a reasonable attorney's fee which shall be fixed by the Court.

**SECTION THIRTEEN
SEVERABILITY**

If any provision herein is invalid, it shall be considered deleted from this Permit, and shall not invalidate the remaining provisions of this Permit.

**SECTION FOURTEEN
ENTIRE AGREEMENT**

This Agreement contains the entire agreement of the parties with respect to the matters covered herein as of the date of execution hereof, and not other agreement, statement or promise made by any party or any employee, officer or agent of any party prior in time to the date of this Permit shall be binding and valid. All agreements and promises of the parties are contained within this Agreement.

This Permit is not subject to modification except in writing, signed by the parties to be charged hereunder.

**SECTION FIFTEEN
PUBLIC AUDITOR**

This Agreement is subject to P.L. 1-8, Chapter 6, Section 6. The Permittee and all sublessees and assignees shall provide all information and reports, shall allow audit, inspection and access to its books, records, and accounts relating to this Agreement to the Public Auditor of the Commonwealth of the Northern Mariana Islands. Nothing in this Section shall be construed so as to authorize the Public Auditor to obtain information privileged by law.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands, the date and year written below.

BOAT OWNER

DEPT. OF NATURAL RESOURCES

Name:

CHIEF
Division of Fish & Wildlife

CO-OWNER:

Date: _____

Date: _____

APPROVED AS TO FORM AND LEGAL CAPACITY

ATTORNEY GENERAL

**SECTION FIFTEEN
PUBLIC AUDITOR**

This Agreement is subject to P.L. 1-8, Chapter 6, Section 6. The Permittee and all sublessees and assignees shall provide all information and reports, shall allow audit, inspection and access to its books, records, and accounts relating to this Agreement to the Public Auditor of the Commonwealth of the Northern Mariana Islands. Nothing in this Section shall be construed so as to authorize the Public Auditor to obtain information privileged by law.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands, the date and year written below.

BOAT OWNER

DEPT. OF NATURAL RESOURCES

Name:

CHIEF
Division of Fish & Wildlife

CO-OWNER:

Date: _____

Date: _____

APPROVED AS TO FORM AND LEGAL CAPACITY

ATTORNEY GENERAL



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

PUBLIC NOTICE

PROPOSED ELECTRIC SERVICE REGULATIONS OF THE COMMONWEALTH UTILITIES CORPORATION ELECTRIC POWER RATES

These regulations have been proposed by the Board of Directors of the Commonwealth Utilities Corporation (CUC) pursuant to 4 CMC, Section 8157. These regulations and such other regulations as may be adopted by CUC from time to time shall have the force and effect of law and shall be binding on all persons and entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands (CNMI).


In accordance with Public Law 4-47, Article 4(c) and Public Law 6-5, Section 319, the following electric power charges shall be imposed on consumers of electricity at the following rates:

Consumer Class	Cost of Total Kilowatt Hours Consumed
Residential	\$0.1249
Commercial	\$0.1817
Government	\$0.1817

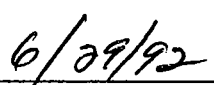
Anyone interested in commenting on the proposed electric power rates may submit written comments in writing within thirty (30) days from the date this notice is published in the Commonwealth Register to:

Executive Director
Commonwealth Utilities Corporation
P.O. Box 1220
Saipan, MP 96950

Public Hearing on the proposed electric power rates shall be held in Saipan, Tinian and Rota.



Angie S. Iba, Chairman
Board of Directors



Date



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

NOTICIAN PUBLICO

MA PROPONE NA REGULACION POT SETBISION ELECTRICIDAD GINEN I COMMONWEALTH UTILITIES CORPORATION APAS POT USON ELECTRICIDAD

Este siha na regulacions man ma propone nu i Cuetpon Directores i Commonwealth Utilities Corporation (CUC) sigun i 4 CMC, Sectiona 8157. Este siha na regulacion yan otro siha nu para u fan ma adopta gi man mamamaila na tiempo man gai fuetsa cumo lai ya inebliga cada petsonas yan cuetpo nu i gaige gi halom i Commonwealth giya Northern Marianas (CNMI).

Sigun i Lai Publico 4-47, Articulo 4(c) yan Lai Publico 6-5, Sectiona 319, i sigiente siha na apas uson electricidad debe de u ma aplica para todos commetsiante gi sigiente siha na manera.

Classen Commetsiante	Apas Kilowatt Na Ora Nu I Manasetbe
Fanlihintan/masagagayi na guma	\$0.1249
Commetsiante/Business	\$0.1817
Gobetnamento	\$0.1817

Todos petsonas nu man interesante man mamatinas commento pot este i ma propone na apas pot mana setben electricidad debe de u mana halom i matugi na commento gi halom trenta (30) dias ginen i fecha este na noticia ni i mapublica gi Commonwealth Register. Este na commento debe de u ma entrega guato gi:.

Executive Director
Commonwealth Utilities Corporation
P.O. Box 1220
Saipan, MP 96950

Inengko publico nu este i ma propone na apas uson electricidad para u maconducta loque guato giya Saipan, Tinian yan Iuta.



Angie S. Iba, Acting Chairperson
Board of Directors



Date



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

PUBLIC NOTICE

PROPOSED WATER SERVICE REGULATIONS OF THE COMMONWEALTH UTILITIES CORPORATION WATER RATES

These regulations have been proposed by the Board of Directors of the Commonwealth Utilities Corporation (CUC) pursuant to 4 CMC, Section 8157. These regulations and such other regulations as may be adopted by CUC from time to time shall have the force and effect of law and shall be binding on all persons and entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands (CNMI).

In accordance with Public Law 4-47, Article 4(c) and Public Law 6-5, Section 319, the following water charges shall be imposed on consumers of water at the following rates:

Consumer Class	Cost of Total Gallons Consumed
Residential	\$0.00595
Commercial	\$0.00595
Government	\$0.00595

Anyone interested in commenting on the proposed water rates may submit written comments in writing within thirty (30) days from the date this notice is published in the Commonwealth Register to:

Executive Director
Commonwealth Utilities Corporation
P.O. Box 1220
Saipan, MP 96950

Public Hearing on the proposed water rates shall be held in Saipan, Tinian and Rota.

AS Iba
Angie S. Iba, Chairman
Board of Directors

6/29/92
Date



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

NOTICIAN PUBLICO

MA PROPONE NA REGULASION POT SETBISION HANUM GINEN I COMMONWEALTH UTILITIES CORPORATION APAS POT USON HANUM

Este siha na regulacions man ma propone nu i Cuetpon Directores i Commonwealth Utilities Corporation (CUC) sigun i 4 CMC, Sectiona 8157. Este siha na regulacion yan otro siha nu para u fan ma adopta gi man mamamaila na tiempo man gai fuetsa cumo lai ya inebliga cada petsonas yan cuetpo nu i gaige gi halom i Commonwealth giya Northern Marianas (CNMI).


Sigun i Lai Publico 4-47, Articulo 4(c) yan Lai Publico 6-5, Sectiona 319, i sigiente siha na apas uson hanum debe de u ma aplica para todos commetsiante gi sigiente siha na manera.

Classen Commetsiante	Apas Gallon Na Manasetbe
Fanlihintan/masagagayi na guma	\$0.00595
Commetsiante/Business	\$0.00595
Gobetnamento	\$0.00595


Todos petsonas nu man interesante man mamatinas commento pot este i ma propone na apas pot mana setben hanum debe de u mana halom i matugi na commento gi halom trenta (30) dias ginen i fecha este na noticia ni i mapublica gi Commonwealth Register. Este na commento debe de u ma entrega guato gi:.

Executive Director
Commonwealth Utilities Corporation
P.O. Box 1220
Saipan, MP 96950

Inengko publico nu este i ma propone na apas uson hanum para u maconducta loque guato giya Saipan, Tinian yan Luta.



Angie S. Iba, Acting Chairperson
Board of Directors



Date



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

PUBLIC NOTICE

PROPOSED SEWER SERVICE REGULATIONS OF THE COMMONWEALTH UTILITIES CORPORATION SEWER RATES

These regulations have been proposed by the Board of Directors of the Commonwealth Utilities Corporation (CUC) pursuant to 4 CMC, Section 8157. These regulations and such other regulations as may be adopted by CUC from time to time shall have the force and effect of law and shall be binding on all persons and entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands (CNMI).

In accordance with Public Law 4-47, Article 4(c) and Public Law 6-5, Section 319, the following sewer charges shall be imposed on consumers of water at the following rates:

Consumer Class	Cost of Total Gallons Consumed
Residential	\$0.00690
Commercial	\$0.00690
Government	\$0.00690

Anyone interested in commenting on the proposed sewer rates may submit written comments in writing within thirty (30) days from the date this notice is published in the Commonwealth Register to:

Executive Director
Commonwealth Utilities Corporation
P.O. Box 1220
Saipan, MP 96950

Public Hearing on the proposed sewer rates shall be held in Saipan, Tinian and Rota.

AS Iba
Angie S. Iba, Chairman
Board of Directors

6/29/92
Date



Commonwealth Utilities Corporation

P.O. Box 1220
Saipan, MP 96950

NOTICIAN PUBLICO

MA PROPONE NA REGULASION POT SETBISION SEWER GINEN I COMMONWEALTH UTILITIES CORPORATION APAS POT USON SEWER

Este siha na regulacions man ma propone nu i Cuetpon Directores i Commonwealth Utilities Corporation (CUC) sigun i 4 CMC, Sectiona 8157. Este siha na regulacion yan otro siha nu para u fan ma adopta gi man mamamaila na tiempo man gai fuetsa cumo lai ya inebliga cada petsonas yan cuetpo nu i gaige gi halom i Commonwealth giya Northern Marianas (CNMI).

Sigun i Lai Publico 4-47, Articulo 4(c) yan Lai Publico 6-5, Sectiona 319, i sigiente siha na apas uson sewer debe de u ma aplica para todos commetsiante gi sigiente siha na manera.

Classen Commetsiante	Apas Gallon Na Manasetbe
Fanlihintan/masagagayi na guma	\$0.00690
Commetsiante/Business	\$0.00690
Gobetnamento	\$0.00690

Todos petsonas nu man interesante man mamatinas commento pot este i ma propone na apas pot mana setben sewer debe de u mana halom i matugi na commento gi halom trenta (30) dias ginen i fecha este na noticia ni i mapublica gi Commonwealth Register. Este na commento debe de u ma entrega guato gi:.

Executive Director
Commonwealth Utilities Corporation
P.O. Box 1220
Saipan, MP 96950

Inengko publico nu este i ma propone na apas uson sewer para u maconducta loque guato giya Saipan, Tinian yan Luta.



Angie S. Iba, Acting Chairperson
Board of Directors

6/29/92
Date

PUBLIC NOTICE

Proposed Regulations Promulgated Pursuant to Article XXI of the Commonwealth constitution and the Tinian Casino Gaming Control Act of 1989.

The Tinian Casino Gaming Control Commission (Commission) hereby gives public notice that pursuant to its duties and responsibilities under Article XXI of the Constitution, as amended, and the authority given the Commission by and through the Tinian Casino Gaming control Act of 1989 promulgates these proposed regulations governing Statements of Compliance to be utilized by the Commission under the Tinian Casino Gaming Act of 1989.

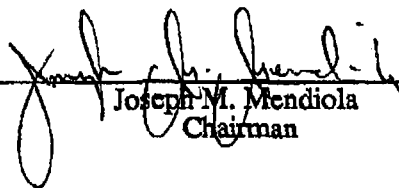
The Commission hereby advises the general public that the Rules and Regulations are available at the Commission Office, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

These rules and regulations shall be effective upon notice of their adoption as provided by the Commonwealth Administrative Procedure Act.

Dated this 12 day of May, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY: _____


Joseph M. Mendiola
Chairman

NOTICIA PUBLICKO

Ma-propopone na Areglo yan Regulasion ni ma-establesi sigun i Attikulo XXI gi Commonwealth Constitution yan i Tinian Casino Gaming Control Act of 1989.

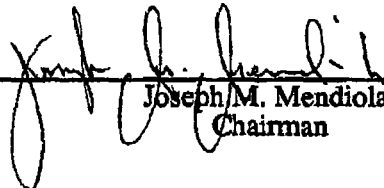
I Tinian Casino Gaming Control Commission (Commission) hana' guaha noticia publicko sigun gi responsabilidad gi papa i attikulo XXI gi Constitution, ni ma-amenda, yan i autoridad ni nina'e i Commission gi papa i Tinian Casino Gaming Control Act of 1989, na ha-establesi este siha i ma-propopone na regulasion yan i punto siha i Commission para u-usa gi para i ginagagao na Statement of Compliance gi papa i Tinian Casino Gaming Control Act of 1989 yan todo inekkungok siha ni manginagagao.

I Commission ha-abibisa i publiku henerat na i Areglo yan Regulasion gaige gi Offisinan i Commission, P.O. Box 143, San Jose Village, Tinian, M.P. 96952.

Este siha na Areglo yan Regulasion para u efektibo gi noticia na ma-adopta sigun ni maprobiniyi gi Commonwealth Administrative Procedures Act.

Mafecha gi mina 12 na ha'ane gi May, 1992.

TINIAN CASINO GAMING CONTROL COMMISSION

BY: 
Joseph M. Mendiola
Chairman

TINIAN CASINO GAMING CONTROL COMMISSION

CHAPTER 1

APPLICATIONS

Historical Notes

All provisions of this chapter were adopted pursuant to authority of the Tinian Casino Gaming Control Act of 1989.

Criteria Regulations became effective on July 25, 1991.

Application Regulations became effective on July 25, 1991, Resolution 91-13.

Fee Regulations became effective on September 12, 1991, Resolution 91-18.

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SUBCHAPTER 1. LICENSE AND REGISTRATION REQUIREMENTS

1:1.1 Casino Licenses

- (a) No person shall own or operate a casino unless a casino license shall have first been issued to every person eligible to apply for a casino license concerning the said casino.
- (b) Only the following persons shall be eligible to apply for a casino license:
 - 1. Any person who either owns 100 percent of an approved hotel or owns or has a contract to purchase or construct a hotel which in the judgment of the Tinian Casino Gaming Control Commission (Commission) can become an approved hotel within 30 months;
 - 2. Any person who in accordance with Section 21 of the Tinian Casino Gaming Control Act of 1989 (Act), whether under terms involving payments of a fixed sum or otherwise and whether as either a lessor or a lessee, either leases 100 percent of an approved hotel or leases or has an agreement to lease 100 percent of a hotel which in the judgment of the Commission can become an approved hotel with 30 months unless otherwise extended by the Commission;
 - 3. Any person who both has an agreement for the complete management of a casino in accordance with Section 22 of the Act, whether under terms involving payments of a fixed sum or otherwise, and either owns 100 percent of or controls any approved hotel; and
 - 4. Any other person who is eligible in accordance with Part III or any other provision of the Act.
- (c) No corporation shall be eligible to apply for or hold a casino license unless it shall, in accordance with the provisions of the Act and the regulations of the Commission:
 - 1. Have been incorporated in the Commonwealth of the Northern Mariana Islands (CNMI);
 - 2. Maintain an office in the premises licensed or to be licensed;
 - 3. Comply with all requirements of the laws of the CNMI pertaining to corporations;
 - 4. Maintain a ledger in its principal office in the CNMI reflecting the current ownership of every class of security issued by the said corporation;
 - 5. Maintain all operating accounts required by the Commission in a bank or banks in the CNMI.
 - 6. Provide in its charter among the purposes stated the conduct of casino gaming;

7. If not a publicly traded corporation, establish by appropriate charter or bylaw provisions that, upon Commission disapproval of any future transfer of any corporate security of, share of or other interest in the applicant corporation or any holding company intermediary company or subsidiary thereof, such corporations and companies shall have the absolute right to repurchase same; and
 8. If a publicly traded corporation, establish by appropriate charter or, bylaw provisions that, upon Commission disqualification of any holder of any security of the applicant corporation, such holder shall dispose of his security interest therein.
- (d) No corporation shall be eligible to apply for or hold a casino license unless each corporate and noncorporate holding company and intermediary company with respect thereto shall first qualify to do business in the CNMI.

1:1.2 Casino service industry licenses

- (a) No enterprise shall, on a regular or continuing basis, provide any goods or services to or conduct any business whatsoever with a casino, a casino licensee, its employees or agents, whether or not said goods, services or business directly relates to casino or gaming activity, unless a casino service industry license authorizing the particular casino service business shall have first been issued to the enterprise.
- (b) No casino licensee shall conduct any school teaching gaming or playing or dealing techniques unless a separate casino service industry license authorizing the particular gaming school shall have first been issued to the casino licensee.
- (c) The following casino service industry enterprises shall be required to be licensed as casino service industries in accordance with Section 47 of the Act:
 1. All enterprises providing goods and services or doing any business whatsoever which directly relates to casino or gaming activity;
 2. All schools teaching gaming, playing or dealing techniques;
 3. All gaming equipment manufacturers, suppliers, distributors, servicers and repairers; and
 4. All casino hotel security service enterprises.
 5. All enterprises providing goods or services or doing any business whatsoever which does not directly relate to casino or gaming activity;
 6. All suppliers of alcoholic beverages, food and nonalcoholic beverages;
 7. All garbage handlers;
 8. All vending machine providers;
 9. All linen suppliers;
 10. All maintenance companies;
 11. All shopkeepers located within any approved hotel; and
 12. All limousine service enterprises.

(f) The Commission may exempt any person or field of commerce from the casino service industry licensing requirements of Section 47 of the Act if it finds:

1. That such person or field of commerce is regulated by a public agency; and
2. That licensure is not necessary to protect the public interest; and
3. That licensure is not necessary to accomplish the policies established by the Act.

1:1.3 Employee licenses

(a) No natural person shall be employed in the operation of a licensed casino in a supervisory capacity or empowered to make discretionary decisions which regulate casino operation unless he shall be over 21 years of age and unless a casino key employee license authorizing the particular position of employment shall have first been issued to him in accordance with Section 31 of the Act. While excluding casino employees as defined in the Act, this category includes:

1. Pit bosses;
2. Shift bosses;
3. Supervisors;
4. Cashiers;
5. Casino managers;
6. Casino assistant managers;
7. Supervisors of casino security employees;
8. Any employee of a casino licensee empowered to procure or purchase or contract for any entertainment, food, beverages, supplies, equipment, furnishings or any other goods or services whatsoever involving an annual expenditure of \$500.00 or greater;
9. Junket representatives; and
10. Any employee whatsoever of a casino licensee so designated by the Commission.

(b) No natural person shall be employed in the operation of a licensed casino whose employment duties require or authorize access to the casino unless he shall be over 21 years of age and unless a casino employee license authorizing the particular position of employment shall have first been issued to him in accordance with section 31 of the Act. This category includes:

1. Boxmen;
2. Dealers;
3. Croupiers;
4. Floormen;
5. Tellers
6. Countroom personnel
7. Any natural person employed by a casino or its agent to provide physical security in a casino hotel; and
8. Any employee whatsoever of a casino licensee so designated by the Commission.

- (d) Every casino key employee and casino employee, except those approved by the Chairman, shall wear in a conspicuous manner their license credential issued by the Commission at all times while employed in the casino area which includes without limitation, the casino floor, cashier's cage, countrooms, eye-in-the-sky and closed circuit television monitoring.
- (e) No casino licensee shall permit any casino key employee or casino employee, except those approved by the Chairman, to work in the casino area without the wearing of their license credential as required herein.
- (f) Each casino licensee shall provide each such employee with a holder for the Commission license credential which shall contain the name of the casino/hotel complex, shall be numerically controlled and shall permit the prominent display of the information contained on the license credential. Thirty days prior to the use of any such holder, a casino licensee or permittee shall submit a prototype to the Commission along with a narrative description of the proposed manner in which employees will be required to wear such holder.
- (g) In those situations where a license credential is lost or destroyed, a casino key or casino employee may be authorized to enter the casino area to perform employment duties so long as:
 - 1. The loss or destruction of the license is promptly reported in writing to the Commission;
 - 2. The employee applies for a new license credential; and
 - 3. Permission is received from a duly authorized Commission representative to do so.
- (h) For any violation of subsections (d) and (e) of this section, the Commission may impose the sanctions authorized by the Act.

1:1.4 (Reserved)

SUBCHAPTER 2. CASINO HOTEL FACILITIES

1:2.1 Impact of facilities

- (a) No casino license shall be issued unless the Commission shall have first been satisfied of that:
 - 1. That the casino, its related facilities and its proposed location are suitable;
 - 2. That the proposed casino hotel will not adversely affect other licensed casino operations or facilities;
 - 3. That the proposed facilities comply in all respects with all requirements of the Act and the regulations of the Commission;

4. That the proposed facilities comply in all respects with all requirements of the master plan of the Municipality of Tinian and Aguiguan.
5. That the patron market is adequate; and
6. That the proposal will not adversely affect overall environmental, economic, social, demographic or competitive conditions or natural resources of either Tinian or the Commonwealth.

1:2.2 The hotel

- (a) No casino license shall be issued unless the casino shall be located within an approved hotel which conforms in all respects to all facilities requirements of the Act and the regulations of the Commission, unless such approved hotel:
 1. Is under one ownership;
 2. Is a single building located within Tinian with or without additional buildings or facilities annexed by means of physical connection;
 3. Contains not fewer than 300 sleeping units of at least 325 square feet each held available and used regularly for the lodging of tourists and convention guests;
 4. Contains the minimum amount of indoor dining; entertaining and sports facilities space;
 5. Contains a casino room of a minimum of 10,000 square feet conforming in all respects to the entrance and visibility requirements set forth in the Act, and the facilities of which are arranged to promote maximum patron comfort and optimum casino operational security and an atmosphere of social graciousness;
 6. Contains a closed circuit television system;
 7. Contains specifically designated and secure areas for the inspection, repair and storage of gaming equipment;
 8. Contains a count room and such other secure facilities for the inspection, counting and storage of cash, coins, tokens, checks, dice, cards, chips and other representatives of value; and
 9. Contains such facilities in the ceiling of the casino room commonly referred to as an "eye-in-the-sky" appropriate to permit direct overhead visual surveillance of all gaming therein; provided, however, that the Commission may exempt from this requirement any casino room in any building if it is satisfied that same contains an acceptable approved alternative and that such an exemption would not be inimical to the policy of this Act and of the regulations of the Commission; and

10. Contains facilities suitable for all family, cabaret and pub entertainment requirements.
11. Comply with the Tinian Master Plan and all Commonwealth and Local laws and ordinances.

1:2.3 Declaratory rulings as to proposed casino hotel facilities

- (a) Upon the petition of any person who owns, has a contract to purchase or construct, leases or has an agreement to lease any building or site located within the limits of Tinian and who intends to and is able to complete a proposed casino hotel facility therein or thereon, the Commission may in its discretion make a declaratory ruling as to whether or not the conformance of the proposed casino hotel facility to any of the facilities requirements of the Act and the regulations of the Commission has been established by clear and convincing evidence.
- (b) It shall be the affirmative responsibility of each such petitioner to file all information, documentation and assurances material to the requested declaratory ruling in such form as is required of an applicant for a casino license, which may include the filing of a completed "casino hotel facility statement".
- (c) The Commission shall afford the interested parties an opportunity for hearing upon any petition for a declaratory ruling as to a proposed casino hotel facility.
- (d) A declaratory ruling as to a proposed casino hotel facility shall bind the Commission and the parties to the proceedings on the statement of facts set forth therein and shall be deemed a final action provided, however, that no casino license shall be issued concerning any such casino hotel facility unless compliance with every requirement of the Act and regulations of the Commission as of the time of the issuance of such license shall have first been established.
- (e) No petition for a declaratory ruling shall be accepted by the Commission unless the petitioner shall first have paid in full a fee of not less than \$5,000 and in such further amount as the Commission may, in its discretion, deem reasonable, proper and appropriate in relation to the operating expenses of the Commission in considering the petition.

1:2.4 Duty to maintain and operate a superior quality facility

Every casino licensee shall have a continuing duty to maintain and operate its entire convention hotel complex as a facility of a superior, exceptional, first class, five star and deluxe quality, to submit the said complex to periodic inspections by the Commission and to promptly comply with all requirements and directives of the Commission relating to the maintenance and operation of the said complex as a facility of a superior and first class quality.

SUBCHAPTER 3. PERSONS REQUIRED TO BE QUALIFIED

1:3.1 Casino licenses

- (a) No casino license shall issue unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the Act and of the regulations of the Commission:
1. Each applicant for and person required to apply for a casino license in accordance with the casino license standards as set forth in section 17 of the Act;
 2. Each of the following financial sources, either in effect or proposed, of, in or to the submitted casino proposal in accordance with the casino license standards as set forth in section 17(b) of the Act;
 - i. Each financial backer;
 - ii. Each investor;
 - iii. Each mortgagee;
 - iv. Each bond holder; and
 - v. Each holder of debenture, notes or other evidence of indebtedness, either in effect or proposed;
 3. Each of the following persons of every corporate applicant for a casino license and of every corporate holding company of and corporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards;
 - i. Each officer;
 - ii. Each director;
 - iii. Each person who directly or indirectly holds any beneficial interest or ownership of the securities issued by the corporation;
 - iv. Any person who in the opinion of the Commission has the ability to control the corporation or elect a majority of the board of directors of that corporation, other than a banking or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;
 - v. Each principal employee; and
 - vi. Any lender, underwriter, agent or employee of the corporation whom the Commission may consider appropriate for approval or qualification;
 4. In the case of a publicly-traded corporate holding company of a corporate applicant for a casino license, the individual qualifications may be waived as to:
 - i. Any such person of the publicly-traded corporate holding company who is not significantly involved in the activities of the corporate applicant for the casino license; and

- ii. Any such security holder of a publicly-traded corporate holding company who does not have the ability to elect a director of or to control the said holding company;
5. Each of the following persons of every noncorporate applicant for a casino license and of every noncorporate holding company of and noncorporate intermediary company of every corporate applicant for a casino license in accordance with the casino key employee standards:
- i. Each person who directly or indirectly holds any beneficial interest or ownership in the applicant for the casino license;
 - ii. Each person who in the opinion of the Commission has the ability to control the applicant for the casino license; and
 - iii. Each person whom the Commission may consider appropriate for approval or qualification.

1:3.2 Casino service industry licenses

(a) No casino service industry license shall issue unless the individual qualifications of each of the following persons shall have first been established in accordance with all provisions, including those cited, of the the Act and of the regulations of the Commission:

- 1. In the case of casino service industry licenses issued in accordance with Section 47 of the Act;
 - i. Each such casino service industry enterprise, its owners, its management personnel, its supervisory personnel and its principal employees in accordance with the casino employee standards; and
 - ii. Each employee of such casino service industry school teaching gaming or playing or dealing techniques in accordance with the casino employee standard.

1:3.3 Employee licenses

No employee license shall issue unless the individual qualifications of the natural person applying therefor shall have first been established in accordance with the standards of the Act and of the regulations of the Commission.

1:3.4 (Reserved)

SUBCHAPTER 4. STANDARDS FOR QUALIFICATIONS

1:4.1 Scope

No license shall issue unless each person required to qualify shall have first qualified in accordance with the following standards applicable to the said person as set forth in the Act and the regulations of the Commission.

1:4.2 CASINO AND EMPLOYEE LICENSING STANDARDS

A) GENERAL AND AFFIRMATIVE CRITERIA:

- 1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence his individual qualifications, and for a casino licensee the qualifications of each person who is required to be qualified under this Act.
- 2) Any applicant or licensee shall provide all information required by the Act and satisfy all requests for information pertaining to qualification.
- 3) All applicants and licensees shall have the continuing obligation to provide any assistance or information required by the Commission and to cooperate in any inquiry or investigation conducted by the Commission.
- 4) Each applicant shall produce such information, documentation and assurances concerning financial background and resources as may be required to establish by clear and convincing evidence the financial stability and integrity of the applicant including but not limited to bank references, business and personal income, tax returns and other reports filed with governmental agencies.
- 5) Each applicant shall produce such information, documentation and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bondholders and holders of indentures, notes or other evidence of indebtedness either proposed or in effect. The integrity of financial sources shall be judged upon the same standards as the applicant. The applicant shall produce whatever information documentation and assurances as may be required to establish the adequacy of financial resources to both construct and operate the casino hotel.
- 6) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty and integrity. Such information shall include but not be limited to family habits, character, reputation, criminal and arrest record, business activities, financial affairs, professional and business associates covering a 10 year period immediately proceeding the filing of the application.
- 7) Each applicant shall produce such information, documentation and assurances to establish by clear and convincing evidence that the applicant has sufficient business ability and casino experience to establish the likelihood of the creation and maintenance of a successful casino operation.

B) DISQUALIFICATION CRITERIA

The Commission shall deny a casino license to any applicant who is disqualified on the basis of the following:

- 1) Failure of the applicant to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of the Act.
- 2) Failure of the applicant to provide information, documentation or assurances required by the Act or requested by the Commission or failure of the applicant to reveal any fact material to qualification or the supplying of information which is untrue or misleading as to any material fact.
- 3) Conviction of the applicant or any person required to be qualified, of any offense in any jurisdiction which would be:

6 CMC 1101	Murder
6 CMC 1203	Aggravated Assault and Battery
6 CMC 1301	Rape
6 CMC 1309	Rape by object
6 CMC 1311	Sexual Abuse of a child
6 CMC 1323	Child pornography
6 CMC 1411	Robbery
6 CMC 1421	Kidnapping
6 CMC 1432	Usurping control of aircraft
6 CMC 1433	Mutiny on a vessel
6 CMC 1601(b)(1)	Theft of property or services in excess of \$20,000.00 or more
6 CMC 1603	Theft by deception
6 CMC 1604	Theft by extortion
6 CMC 1606	Receiving stolen property
6 CMC 1607	Theft of services
6 CMC 1608	Theft by failure to make required disposition of funds received
6 CMC 1701	Forgery
6 CMC 1705	Deceptive business practices
6 CMC 1707	Counterfeiting
6 CMC 1802	Arson and related offenses
6 CMC 2141(a)and(b)1	Offenses and penalties for illegal drug use
6 CMC 2143	Commercial offenses - drugs offenses
6 CMC 2144	Fraud offenses - manufacture/ distribution penalties
6 CMC 2145	Attempt and conspiracies drug offenses
6 CMC 2147	Distribution to persons under 18
6 CMC 3155	Gambling offenses prohibited
6 CMC 3201	Bribery
6 CMC 3302	Obstructing justice
6 CMC 3303	Obstructing justice - interference of services
6 CMC 3304	Tampering with judicial records or process
6 CMC 3305	Tampering with jury
6 CMC 3366	Perjury

Conspiracies or attempts in conjunction with any offense listed above shall be disqualifying.

- 4) Any other offenses under CNMI, Federal Law or any other jurisdiction which indicates that licensure of the applicant would be inimical to the policy of the Act and to casino operations; however, that the automatic disqualification provisions of the subsection shall not apply with regard to any conviction which did not occur within the 10 year period immediately proceeding the application for licensure or any conviction which has been the subject of a judicial order of expungement or sealing.
- 5) Current prosecution or pending charges in any jurisdiction of the applicant or of any person who is required to be qualified under this Act for any of the offenses enumerated above; provided, however that at the request of the applicant or person charged, the Commission shall defer discussion upon such application during the pendency of such charge.
- 6) The identification of the applicant or any person who is required to be qualified under this Act as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policies of the Act and a casino operations. For purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal of the public policy of the Commonwealth. A career offender cartel shall be defined as any group of persons who operate together is career offenders.
- 7) The Commission by the applicant or any person who is required to be qualified under this Act as a condition of a casino license of any act or acts which would constitute any offense under Sections 3 or 4, even if such conduct has not or may not be prosecuted under the criminal laws of the Commonwealth.

SUBCHAPTER 5 STATEMENTS OF COMPLIANCE

Chapter 1 Subchapter 5, Statement of Compliance, Sections 1:5.1, 1:5.2 and 1:5.3 is hereby amended to add 1:5.1, 1:5.2, 1:5.3, 1:5.4, 1:5.5, 1:5.6, 1:5.7, 1:5.8, 1:5.9, 1:5.10 and 1:5.11.

1:5.1 General provisions

The Commission may, in its sole and absolute discretion, issue a revocable Statement of Compliance to an applicant for any license certifying that all requirements relating to a particular specified eligibility criterion or stage in the license consideration process have been complied with at any time the Commission is satisfied that any such requirements have been established by the applicant in accordance with the Act and regulations of the Commission.

1:5.2 Petition

- (a) A request for a Statement of Compliance shall be initiated by a petition. One (1) original copy signed by the petitioner and six (6) photocopies of the

petition shall be filed with the Commission. The petition shall include, at a minimum, the following items:

- (i) The eligibility criteria for which the Statement of Compliance is requested;
 - (ii) The person(s) whose compliance is requested to be considered;
 - (iii) The facts and circumstances underlying the request, including the reason for the request; and
 - (iv) Subject to the limitations contained in Section 1:5.6 of this Subchapter, the period for which the Statement of Compliance is requested to be effective.
- (b) Each petition for a Statement of Compliance must also contain the following undertakings:
- (i) Petitioner understands that any Statement of Compliance issued pursuant to the petition is revocable by the Commission;
 - (ii) Petitioner understands that any Statement of Compliance issued pursuant to the petition does not create a property right in the petitioner;
 - (iii) Petitioner understands that the issuance of a Statement of Compliance is not an issuance of a license; and
 - (iv) Petitioner understands that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Tinian Casino Gaming Control Act of 1989 and regulations of the Tinian Casino Gaming Control Commission.

1:5.3 Filing date

A petition requesting a Statement of Compliance may be filed at the time of or subsequent to the filing of a License Application. However, no petition shall be considered until the Division of Enforcement has completed its investigation of the matter(s) which the Statement of Compliance is requested to address.

1:5.4 Petition filing fee and investigation costs

- (a) Except as otherwise provided herein, all fees and costs incurred in conjunction with the investigation of any petition for a Statement of Compliance must be paid by the petitioner in the manner prescribed by this Section 1:5.4.
- (b) Each petition for a Statement of Compliance must be accompanied by a non-refundable filing fee in the amount of \$5,000, which amount shall be applied toward the fee payable by the petitioner under Section 1:5.7 of this Subchapter 5.

- (c) In addition to the non-refundable filing fee, the Commission may require a petitioner to pay such supplementary investigative fees and costs as may be determined by the Commission. At any time or times during the pendency of a petition, the Commission may estimate the supplementary investigative fees and costs and require a deposit or deposits to be paid by the petitioner in advance as a condition precedent to beginning or continuing an investigation.
- (d) The Commission will not take final action on a petition unless all filing and investigative fees and costs have been paid in full. It shall be grounds for denial of the petition if the petitioner has failed or refused to pay all filing and investigative fees and costs required hereunder.
- (e) After all supplementary investigative fee and costs have been paid by a petitioner, and after all actions on behalf of the Commission have been taken with respect to the petition, the Commission shall refund to the person who made the required deposit any balance remaining in the investigative account of the petitioner.
- (f) Upon final action on the petition, the Commission shall give to the petitioner an itemized accounting of the investigative fees and costs incurred.
- (g) The Commission may, in its sole and absolute discretion, waive payment of an investigative fee or cost.

1:5.5 Hearing

All hearings pursuant to a petition for a Statement of Compliance shall be subject to Section 2:7.1 of these regulations of the Commission.

1:5.6 Effective period

- (a) A Statement of Compliance shall be effective upon payment of the fee provided under Section 1:5.7 of this Subchapter 5 and shall expire according to the terms contained therein or until revoked by the Commission; provided, however, the effective period of a Statement of Compliance shall not exceed one (1) year.
- (b) A Statement of Compliance may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the subject of the statement has otherwise failed to qualify for licensure, that the subject of the statement has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists.

1:5.7 Statement of Compliance fee

- (a) Upon the issuance of a Statement of Compliance, a fee shall be paid by the petitioner as follows:
 1. The fee for a Statement of Compliance which addresses the suitability or qualification of an applicant for a casino license (or persons associated, physically or by conduct, in ownership of an applicant for a casino license), the financial sources of an applicant for a casino license or persons associated in the administration or

management of the operations or business of an applicant for a license shall be:

- i. \$166,666 if the Statement of Compliance addresses the suitability or qualification of an applicant for a casino license (or persons associated, physically or by conduct, in the ownership of an applicant for a casino license); plus
 - ii. \$166,666 if the Statement of Compliance addresses the suitability and qualifications of the financial sources of an applicant for a casino license; plus
 - iii. \$166,666 if the Statement of Compliance addresses the suitability and qualifications of persons associated in the administration or management of the operations or business of an applicant for a casino license.
2. The fee for all other Statements of Compliance shall be \$_____.
- (b) The fee shall be prorated for any effective period specifically described in the Statement of Compliance as less than one (1) year. The fee shall not be refunded if the Statement of Compliance is revoked by the Commission.
 - (c) The total fee shall be reduced by the amount of the filing fee paid by the petitioner under Section 1:5.1 of this Subchapter 5.
 - (d) If a casino license is issued prior to the expiration of the effective period of the Statement of Compliance, a prorated portion of the fee shall be applied to the annual license fee required under Section 50(2) (b) of the Act.

1:5.8 Contents

- (a) Every Statement of Compliance shall:
 1. Specify the particular criterion or stage complied with and indicate that such applicant has qualified for licensure in relation to the criterion or stage specified;
 2. Set forth, as its date of issuance, the date as of which such compliance existed;
 3. Set forth its date of expiration;
 4. Indicate that it may be revoked by the Commission action as of the day following its date of expiration;
 5. Indicate that it may be revoked by the Commission upon a finding that a change of circumstances has affected such compliance, that the applicant has otherwise failed to qualify for licensure, that the applicant has failed to comply with any conditions imposed by the Commission or that any other reason for revocation exists;
 6. Indicate that it does not create a property right in the recipient;

7. Indicate that it is not a license; and
8. Indicate that no license shall be issued unless every qualification as of the time of the issuance of a license shall have first been established in accordance with the Act and regulations of the Commission.

1:5.9 Issuance of licenses

No license shall be issued to any person to whom a Statement of Compliance has been issued unless every qualification of such person as of the time of the issuance of such license shall have first been established in accordance with the Act and regulations of the Commission.

1:5.10 Reservation of casino license

- (a) If requested in the petition, upon the issuance of a Statement of Compliance which indicates the satisfactory completion of the suitability and qualification requirements of the Act and the Commission's regulations by an applicant for a casino license and persons associated, physically or by conduct, in the ownership of an applicant for a casino license, the Commission may reserve one (1) casino license, if a license is available, which license shall be issued to the applicant only upon full compliance and satisfaction of all license requirements under the Act and regulations of the Commission. The license shall be reserved only during the effective period of the Statement of Compliance. The reservation shall expire automatically without further action by the Commission upon the termination of the effective period of the Statement of Compliance.
- (b) The reservation of a casino license is not a license and does not create a property right in the person(s) for which a license is reserved.

1:5.11 Persons to be qualified

Nothing in this Subchapter 5 shall limit or define the types of persons who must be found suitable or qualified under the Act or the regulations of the Commission.

SUBCHAPTER 6 INFORMATION

1:6.1 Affirmative responsibility to establish qualifications

It shall be the affirmative responsibility and continuing duty of each applicant and licensee to produce such information, documentation and assurances as may be required to establish by clear and convincing evidence his qualifications in accordance with the Act and regulations of the Commission. No application shall be granted to any applicant who fails to so prove his qualifications.

1:6.2 Duty to disclose and cooperate

It shall be the affirmative responsibility and continuing duty of each applicant, licensee, and person required to be qualified to provide all information, documentation and assurances pertaining to qualifications required or requested by the Commission and to cooperate with

the Commission in the performance of its duties. Any refusal by any such person to comply with a formal request for information, evidence or testimony shall be a basis for denial, revocation or disqualification. No application shall be granted to any applicant who fails to provide information, documentation and assurances required by the Act or requested by the Commission or who fails to reveal any fact material to qualification.

1:6.3 Disposition of property of a casino licensee or applicant for a casino license

- (a) I shall be an affirmative responsibility of each casino licensee or applicant for a casino license, as this term is defined in (b) below, to:
 - 1. Submit to the Commission a copy of all agreements regarding the lease or purchase of, or the option to lease or purchase, any residential, or other property in Tinian licensee or applicant, or any affiliate of the license or applicant. Such submission shall be provided within two days of the execution of the agreement:

1:6.4 Duty to promptly furnish information

It shall be the duty of each applicant or licensee to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, handwriting exemplars or other materials required or requested by the Commission. Failure to furnish same within five days after receipt of request therefore shall constitute grounds for delaying consideration of the application.

1:6.5 Consent to inspections, searches and seizures

Each applicant, licensee, holding company and intermediary company shall consent in writing to inspections, searches and seizures authorized by law.

1:6.6 Waiver of liability for disclosure of information

Each applicant, licensee, and person required to be qualified shall, in writing, waive liability as to Tinian and its instrumentalities and agents for any damages resulting from any disclosure or publication of any during any inquiries, investigations or hearings.

1:6.7 Consent to examination of accounts and records

Each applicant and licensee shall, in writing, consent to the examination of all accounts, bank accounts and records in his possession or under his control and authorize all third parties in possession or with control of such accounts or records to allow such examination thereof as may be deemed necessary by the Commission.

1:6.8 Fingerprinting

Each applicant, licensee, and person required to be qualified shall be fingerprinted without charge and in duplicate on fingerprint impression card forms provided by the Commission and marked "noncriminal". One of the said forms shall be filed with the Commission and one shall be filed with the Municipal Police Department.

1:6.9 Photographing

Each applicant, licensee, and person required to be qualified shall be photographed without charge and in duplicate. One set of the said photographs shall be filed with the Commission and one shall be filed with the Municipal Police Department.

1:6.10 Handwriting exemplars

Each applicant, licensee, intermediary company, holding company and person required to be qualified shall, in writing, consent to the supplying of handwriting exemplars in the form and manner directed upon the request of the Commission.

1:6.11 Oath or affirmation and attorney certification

All applicant, registration, business enterprise disclosure and personal history disclosure forms and all other papers relating thereto submitted to the Commission by or on behalf of an applicant shall be sworn to or affirmed and subscribed and dated by the applicant and, if different, the author of the said form or paper before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths or affirmations. The following statement shall immediately precede the signature of the affiant: "I swear (or affirm) that the

foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment". The affiant, if requested, shall again swear to or affirm and subscribe and date any such paper in the presence of a representative of the Commission. All such forms and papers shall also be signed by the applicant's attorney of record, if any, which shall constitute a certification by him that he has read the said paper and that, to the best of his knowledge, information and behalf, its contents are true.

1:6.12 Untrue information

The Commission shall deny a license or registration to any applicant who shall supply information to the Commission which is untrue or misleading as to a material fact pertaining to the qualification criteria.

1:6.13 Signatures

- (a) All application, business enterprise disclosure and personal history disclosure forms shall be signed by each of the following persons:
1. If of a corporation, by its president, its chairman of the board, any other chief executive officer thereof, its secretary and its treasurer;
 2. If of a partnership, by each of its partners; if a limited partnership, only by each of its general partners;
 3. If of any other business enterprise, organization or association or of a governmental agency, by its chief executive officer, its secretary and its treasurer; and
 4. If of a natural person, by the person himself..

1:6.14 Form of signature

All signatures shall be signed in ink and dated on all original papers, but may be photographed, typed, stamped or printed on any copies of such papers. The name and address of the signatory shall be typed, stamped or printed beneath each signature.

1:6.15 Form of application

Each applicant, licensee, or person required to be qualified shall provide all information in a form specified by the Commission and shall complete and submit all appropriate application, registration, business enterprise disclosure and personal history disclosure forms as directed by the Commission.

NOTE: These forms, the statement and the proposal, are not reproduced herein, but can be obtained from:

Tinian Casino Gaming Control Commission
P.O. Box 143
San Jose Village
Tinian, MP 96952

1:6.16 Format of papers

All application papers submitted to the Commission shall be on paper approximately 8 1/2 by 11 inches in size, of customary weight and quality and bound on the left margin or upper left corner in volumes not to exceed 150 sheets. Where larger sheets are required for exhibits, they shall be folded substantially to the size indicated. All such papers, unless printed, shall be typed in a type size of pica or larger and double-spaced with margins of at least one inch. Copies may be reproduced by any method capable of providing plainly legible copies.

1:6.17 Number of copies

- (a) All original applications and other original papers relating thereto submitted to the Commission by the applicant, shall be accompanied by the following number of conformed copies:
1. In the case of a casino applicant and applicants for a gaming school license, four conformed copies of all personal history disclosure forms relating thereto and five conformed copies of all remaining documents;
 2. In the case of an applicant for a casino service industry license, four conformed copies of all applications and papers submitted as a part thereof;
 3. In the case of an applicant for a casino key employee license, two conformed copies of all applications and papers submitted as a part thereof;
 4. In the case of an applicant for a casino employee license, one conformed copy of each application and papers submitted as a part thereof.
- (b) Additional conformed copies of any such papers shall be supplied upon request of the Chairman.

SUBCHAPTER 7 APPLICATION

1:7.1 Receipt

All application papers, unless otherwise directed by the Chair, shall initially be submitted to and received by the Chair, or such members of the Commission staff as the Chair may designate, who shall cause to be endorsed thereon the date of such receipt.

1:7.2 Filing

- (a) The Chair, or such members of the Commission staff as the Chair may designate, shall determine the date of filing as to each application received and shall cause to be endorsed thereon the date of such filing. No application shall be deemed filed until the applicant shall satisfy the Chair or his or her designee:
1. That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification and copies;

2. That all appropriate application, business enterprise disclosure and personal history disclosure forms have been properly completed and presented;
3. That all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly presented;
4. That all other information, documentation, assurances and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and
5. That all required fees have been properly paid and all required bonds have been properly furnished.

1:7.3 Processing

- (a) Upon a determination that all prerequisites for filing have been met the Chair, or such members of the Commission staff as the Chair shall designate, shall:
 1. Accept the application for filing and cause same to be docketed by the Executive Director of the Commission;
 2. Notify the applicant or his attorney, if any, in writing, of the fact that the application has been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof and of the further fact that such expectance for filing and docketing of the application shall constitute no evidence whatsoever that any requirement of the act or of the regulations of the Commission have been satisfied;
 3. Direct the staff of the Commission to analyze, obtain and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant and any other matter relating to the application;

1:7.4 Public inspection of information

No information in the possession of the Commission relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the regulations of the Commission.

1:7.5 Amendment

It shall be the duty of each applicant to promptly file with the Chair, or such members of the Commission staff as the Chair shall designate, a written amendment to his or her application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Chair or his or her designee to file any other amendment to his application at any time prior to final action thereon by the Commission.

1:7.6 Withdrawal

- (a) Except as otherwise provided in (b) below, a written notice of withdrawal of application may be filed by an applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and the policies of the Act. The Commission shall have the authority to direct that any applicant so permitted to withdraw his application shall not be eligible to apply again for licensure or approval until after the expiration of one year from the date of such withdrawal. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.
- (b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:
 - 1. The application matter has been assigned to any other hearing examiner authorized by law to hear such matter; or
 - 2. The Commission has made a determination to hear the application matter directly.
- (c) Notwithstanding the foregoing, the Commission may accept and consider a written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

1:7.7 Reapplication by natural person after denial or revocation

- (a) Any natural person required to be licensed, qualified or approved under the provisions of the Act or regulations of the Commission whose licensure, qualifications, or approval is either denied or revoked by the Commission on the basis of that person's failure to satisfy the affirmative qualification criteria of the Act, or due to a Commission finding that such person is disqualified under the criteria of the Act, or both, may not, except as otherwise provided in (b), (f) and (g) below, reapply for licensure, qualification or approval until five years have elapsed from the date of said denial or revocation.
- (b) Any natural person whose licensure, qualification or approval is denied or revoked by the Commission on the basis of any of the following enumerated provisions of the Act or regulations of the Commission may reapply, in accordance with the procedure set forth in (c) below, for licensure, qualification or approval upon satisfaction of the conditions specified herein:
 - 1. Lack of financial stability: Reapplication is permitted upon said person achieving status of financial stability.
 - 2. Lack of business ability and casino experience: reapplication is permitted upon said person acquiring the requisite business ability and casino experience.

3. Failure to satisfy age requirement: Reapplication is permitted upon said person attaining the requisite age or upon a Commission finding that such age will be attained prior to the completion of the processing of said reapplication.
 4. Conviction of statutory disqualifier or inimical offenses: Reapplication is permitted after the lapse of five years from the date of denial or upon the issuance of a judicial order of expungement or sealing, whichever occurs first.
 5. Prosecution or pending charges related to statutory disqualifier: Reapplication is permitted upon the disposition of the prosecution or pending charges against such person.
- (c) If the licensure, qualification or approval of any natural person has been denied or revoked on the basis of two or more statutory or regulatory provisions, reapplication shall only be permitted upon compliance with the requirements of this regulation as to each statutory or regulatory provision which the Commission found to be a basis for such denial or revocation.
- (d) This regulation applies with equal force and effect to the denial of any application by a natural person for licensure, qualifications or approval, and to any denial of any reapplication for licensure, qualification or approval permitted under the provisions of this regulation.

TINIAN CASINO GAMING CONTROL COMMISSION

CHAPTER 2

HEARINGS

Historical Notes

All provisions of this chapter were adopted pursuant to authority of the Tinian Casino Gaming Control Act of 1989.

Hearing Regulations became effective on July 25, 1991, Resolution 91-12.

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SUBCHAPTER 1. GENERAL PROVISIONS

2:1.1 DEFINITIONS

As used in this chapter, the term:

"Contested case" means a proceeding, including any licensing proceedings, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by any agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

"Interested person" means any person whose specific legal rights, duties, obligations, privileges, benefits or other specific legal relations are affected by the adoption, amendment or repeal of a specific regulation or by any decision, order or ruling of the Commission.

"Party" means any person or entity directly involved in a contested case, including petitioner, respondent, intervener, or agency of the Commonwealth of the Northern Mariana Islands proceeding in any such capacity.

2:1.2 APPLICABILITY OF RULES

- (a) In addition to the Administrative Procedures Rules (APR), the provisions of the Tinian Casino Gaming Control Act of 1989 and the rules in this chapter shall apply to the appropriate contested case hearing initiated pursuant to the Act.
- (b) To the extent that the Act and the rules in this chapter are inconsistent with the APR, the former shall apply.

2:1.3 CONDUCT OF CONTESTED CASE HEARINGS

- (a) At all hearings of the Commission in contested cases, unless the Commission hears the matter directly, the chairman shall designate a member of the Commission to serve as hearing commissioner or shall designate a hearing examiner and serve as a hearing officer. When the Commission hears the matter directly, the chairman shall serve as presiding officer.
- (b) In the event that a designated hearing commissioner becomes unavailable prior to the filing of the recommended report and decision for consideration by the Commission, the chairman may either designate another hearing commissioner or transfer the proceedings to the entire Commission. In such event, and consistent with the requirements of due process, the Commission or the hearing commissioner may either continue the hearing and render a decision upon the entire record or begin the hearing anew.

SUBCHAPTER 2. RULES CONCERNING ALL CONTESTED CASES

2:2.1 RULES CONCERNING ALL CONTESTED CASES

- (a) Whether a contested case hearing is conducted by the Commission, by a hearing commissioner or hearing examiner, in addition to any authority granted in the APR, the chairman, the hearing commissioner or the hearing examiner, as the case may be, shall have the authority to:
 - 1. Administer oaths and to require testimony under oath;
 - 2. Serve process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court;
 - 3. Issue subpoenas and compel the attendance of witnesses;
 - 4. Propound written interrogatories;

5. Take official notice of any generally accepted information or technical or scientific matter in the field of gaming and of any other fact which may judicially noticed by the courts of this Commonwealth;
 6. Permit the filing of amended or supplemental pleadings;
- (b) Whether a contested case hearing is conducted by the Commission, a hearing commissioner or a hearing examiner, and in addition to any rights granted in the APR, the parties shall have the right to:
1. Call and examine witnesses;
 2. Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Commission;
 3. Cross examine opposing witnesses in any matters relevant to the issues of the case;
 4. Impeach any witness, regardless of which party called him to testify;
 5. Offer rebuttal evidence;
 6. Stipulate and agree that certain specified evidence may be admitted, although such evidence may be otherwise subject to objection;
- (c) In any contested case, the Commission shall have the authority to:
1. Grant testimonial immunity;
 2. Order a rehearing; and
- (d) In any contested case held before the Commission, a hearing commissioner or hearing examiner, the following special rules of evidence shall apply:
1. Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters;
 2. Evidence admitted pursuant to (d) 1 above shall be sufficient in itself to support a finding, if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs;
 3. If an applicant, licensee, registrant or person who shall be qualified pursuant to the Tinian Casino Control Act of 1989 is a party and if such party shall not testify in his own behalf, he may be called and examined as if under cross-examination.

SUBCHAPTER 3. RULES CONCERNING APPLICATION HEARINGS

2:3.1 RIGHTS TO HEARINGS; REQUEST, WRITTEN NOTICE

- (a) When the Commission has been provided with all information necessary for action upon an application, the Commission shall serve upon the applicant either personally, by certified mail, to the address on file with the Commission or by facsimile a written notice of the right to a hearing and the responsibility to request a hearing; provided, however, that the Commission may on its own motion direct a hearing to be held.
- (b) Within 15 days after service of such written notice of right to a hearing and responsibility to request a hearing, the applicant may file with the Commission a request for a hearing.

2:3.2 PROCEDURE WHEN NO HEARING IS HELD

In any case in which no timely request for a hearing has been filed and in which the Commission has not directed a hearing, the Commission shall take final action on the application within 90 days after the completion of all investigation and receipt of all information required by the Commission.

2:3.3 BURDEN OF PROOF

- (a) The applicant, licensee or registrant shall have the affirmative responsibility of establishing his individual qualifications by clear and convincing evidence.
- (b) An applicant for a casino license or a casino licensee shall have the affirmative responsibility of establishing by clear and convincing evidence:
 - 1. His individual qualifications;
 - 2. The qualification of each person who is required to be qualified under the act; and
 - 3. The qualifications of the facility in which the casino is to be located.

2:3.4 APPROVAL AND DENIAL OF APPLICATIONS

- (a) The Commission shall have the authority to deny any application pursuant to the provisions of the Act.
- (b) When the Commission is satisfied that an application shall be granted, it shall:
 - 1. Before granting a casino license or conditional casino license:
 - i. Require the applicant to tender all license fees and taxes as required by law and the regulations adopted pursuant to the Act;
 - ii. Require the applicant to post such bond as the Commission may require for the faithful performance of all requirements imposed by law or regulation; the Commission shall fix the amount of the bond or bonds to be required under this subsection in such amounts as it may deem appropriate, according to this title.
 - 2. Before granting any application other than for a casino license;
 - i. Limit or place such restrictions thereupon as the Commission may deem necessary in the public interest;
 - ii. Require the applicant to tender all license fees as required by law and the regulations adopted pursuant to the act.

SUBCHAPTER 4. RULES CONCERNING PROCEEDINGS AGAINST APPLICANTS, LICENSEES AND REGISTRANTS

2:4.1 COMMENCEMENT; COMPLAINT

Any proceeding against an applicant, licensee or registrant shall be brought on by written complaint, which shall include a statement forth in ordinary and concise language the charges and the acts or omissions supporting such charges.

2:4.2 SERVICE OF COMPLAINT

Upon filing of the complaint, the Commission shall serve a copy upon the applicant, licensee or registrant either personally, by certified mail or facsimile to the address on file with the Commission.

2:4.3 NOTICE OF DEFENSE

- (a) Within 15 days after service upon him of the complaint, the applicant, licensee or registrant may file with the Commission a notice of defense, in which he may:
 - 1. Request a hearing;
 - 2. Admit the accusation in whole or in part;
 - 3. Present new matters or explanations by way of defense; or
 - 4. State any legal objections to the complaint.

- (b) Within the time specified, the applicant or licensee may file one or more notices of defense upon any of all of the above grounds.

2:4.4 RIGHT TO HEARING; WAIVER

The applicant or licensee shall be entitled to an evidentiary hearing on the complaint if he files and serves the required notice of defense within the time allowed herein, and any such notice shall be deemed a specific denial of all parts of the complaint not expressly admitted. Failure to file and serve a notice of defense within such time shall constitute a waiver of the right to a hearing, but the Commission, in its discretion, may nevertheless order a hearing. All affirmative defenses must be specifically stated, and unless objection is taken, as provided herein, all objections to the form of complaint shall be deemed waived.

2:4.5 NOTICE OF HEARING

The Commission shall determine the time and place of the hearing as soon as is reasonably practical after receiving the notice of defense. The Commission shall deliver, send by certified mail or facsimile a notice to all parties at least 10 days prior to the hearing. Unless the applicant or licensee contests, the hearing shall not be held prior to the expiration time within which the applicant or licensee is entitled to file notice of defense.

2:4.6 REVOCATION OF LICENSE OR REGISTRATION; HEARING

The Commission shall not revoke any license unless it has first afforded the licensee an opportunity for a hearing. Such hearing shall be held in accordance with the provisions of subchapter 2.

2:4.7 REVOCATION OR SUSPENSION; HEARING

- (a) The Commission shall not revoke any license unless it has first afforded the licensee an opportunity for a hearing in accordance with law and the regulations of the commission. When the Commission has authority under the Act and under regulations of the Commission to suspend a license or certificate without first holding a hearing it shall promptly upon exercising such authority, afford the licensee an opportunity for a hearing in conformity with law and the regulations of the Commission; provided, however, that this subsection shall not apply where;
1. The Act provides that the Commission is not required to grant a hearing in regard to the suspension of a license or certificate; or
 2. The Commission is required by law to revoke or suspend a license or registration without exercising any discretion in the matter of the basis of a judgement of a court of competent jurisdiction; or
 3. The suspension or revocation is based solely upon the failure of the licensee or registrant to maintain insurance coverage as required by law.

2:4.8 EMERGENCY ORDERS; HEARINGS; COMPLAINT

- (a) Within five days after issuance of an emergency order pursuant to the Act, the Commission shall cause a complaint to be filed and served upon the person involved in accordance with the provisions of the Act and the regulations of the Commission. Thereafter, the person against whom the emergency order has been issued and served shall be entitled to a hearing before the Commission.
1. A person shall request a hearing in accordance with the provisions of subchapter 3.

2:5.1 HEARING ON REGULATIONS

- (a) Pursuant to Section 124 of the Act, the Commission shall adopt, amend and repeal regulations in accordance with the provisions of the Administrative Procedures Act.
- (b) Consistent with the requirements of the Tinian Casino Gaming Control Act of 1989 and the Administrative Procedure Act, the Commission may, in its discretion, conduct hearings concerning the adoption, amendment or repeal of its regulations.
- (c) Any public hearing held in connection with a proposed regulation shall be conducted in accordance with the administrative Procedures Act.
- (d) The Commission shall provide at least 15 days notice of any public hearing conducted in connection with a proposed regulation. Such notice shall be published in the Commonwealth Register or provided in a manner reasonably calculated to reach the interested public in accordance with 1CMC 9104.
- (e) When a hearing is held in connection with a proposed regulation, all interested parties shall be afforded the opportunity to attend and to appear before the Commission to submit oral argument in support of or in opposition to the proposed regulation. Such participation does not include the right to present evidence or to cross-examine witnesses, which may be permitted solely in the discretion of the Commission.
 - 1. The Commission may require notice in advance of the date of the proceedings of any individual's intent to participate.
 - 2. This section shall not be construed to establish a right of any individual to appear before the Commission in the event that the Commission may act at a subsequent date to adopt the proposed regulations.

SUBCHAPTER 6. DECLARATORY RULING

2:6.1 DECLARATORY RULINGS

- (a) Any interested person may request that the Commission render a declaratory ruling with respect to the applicability to any person, property or state of facts of any provision of the act or of any regulation of the Commission.
- (b) A request for a declaratory ruling shall be initiated by a petition. The petition shall include the following items with specificity:
 - 1. The nature of the request and the reasons thereof;
 - 2. The facts and circumstances underlying the request;
 - 3. Legal authority and argument in support of the request;
 - 4. The remedy or result desired.
- (c) If the Commission, in its discretion, decides to render a declaratory ruling, a hearing shall be afforded prior to the rendering of such a ruling.
 - 1. Where there exists disputed issues of fact which must be resolved in order to determine the rights, duties, obligations, privileges, benefits or other legal relations or specific parties, such hearings shall be conducted in accordance with subchapter 2.
 - 2. Where there exists no such disputed issues of fact as identified in (c) 1 above, the matter shall proceed with the petition, any other papers requested of the parties, and oral argument, if permitted, by the Commission.
- (d) In appropriate cases, the Commission may notify persons who may be interested in or affected by the subject of the declaratory ruling. In such cases, the Commission may afford these persons an opportunity to

intervene as parties or to otherwise present their views in an appropriate manner which is consistent with the rights of the parties.

Chapter 2 is hereby amended to add Subchapter 7, Statements of Compliance, 2:7.1.

SUBCHAPTER 7 STATEMENTS OF COMPLIANCE

2:7.1 STATEMENTS OF COMPLIANCE

- (a) A hearing shall be afforded prior to the Commission's determination to grant or deny the issuance of a Statement of Compliance. The matter shall proceed with the petition which conforms with Subsection 1:5.2 of the Commission's regulations, any other papers requested of the parties, and oral argument, if permitted by the Commission.
- (b) In appropriate case, the Commission may notify persons who may be interested in or affected by the subject of the Statement of Compliance. In such case, the Commission may afford these persons an opportunity to intervene as parties or to otherwise present their views in an appropriate manner which is consistent with the rights of the parties.



TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands

Commissioners:

Joseph M. Mendloka
Chairman

Jose P. Cruz
Vice Chairman

Raynaldo M. Cing
Lino V. Lizama
Freddy U. Hofschneider

William M. Cing
Executive Director

Francis X. Lame Bull, ESQ
Legal Counsel

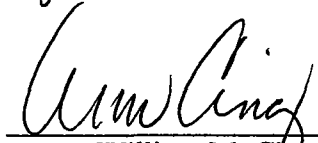
Fredric E. Gushin ESQ
Gaming Consultant

Jerry C. Gatch, CPA
Consultant (Special Advisor)

CERTIFICATION

I, William M. Cing, Executive Director of the Tinian casino Gaming Control Commission of San Jose, Tinian, which is promulgating the Rules Regarding Applications and Hearings herein set forth, by signature below hereby certify that such Rules are a true, complete and correct copy of the Rules Regarding Applications and Hearings formally adopted by the Tinian Casino Gaming Control Commission.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 12th day of May, 1992, at Tinian, Commonwealth of the Northern Mariana Islands.



William M. Cing
Executive Director



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

PUBLIC NOTICE

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

PROPOSED WELL DRILLING AND WELL OPERATIONS REGULATIONS
FOR PUBLIC LAW 1-8, PUBLIC LAW 3-23, AND PUBLIC LAW 6-12

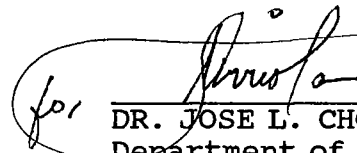
The Director of the Department of Public Health and Environmental Services of the Northern Marianas Islands (CNMI), in accordance with Public Law 1-8, Public Law 3-23, and Public Law 6-12, proposes to promulgate Well Drilling and Well Operations Regulations.

The proposed regulations apply to all existing and future wells, drilled either for the purpose of producing water or for furthering geologic research. Included are requirements for permitting, construction, and monitoring of water wells. Also included are requirements for licensing well drillers in the CNMI.

The purpose of the regulations is to: (1) Promote the long-term ability of the CNMI to provide reliable and potable groundwater to the public; (2) Promote non-degradation of the CNMI's groundwater resources; (3) Provide that groundwater resources be put to the highest beneficial use for which they are capable; and (4) To protect public health by protecting and enhancing the quality of existing and potential groundwater resources used for human consumptive purposes.

Copies of the proposed Well Drilling and Well Operations Regulations may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, located at the old Dr. Torres Hospital, As Terlaje, Saipan, MP 96950. Anyone interested in commenting on the proposed regulations may submit comments in writing to the Chief, Division of Environmental Quality, Post Office Box 1304, Saipan, MP 96950 not later than thirty (30) calendar days from the date of publication of this notice in the Commonwealth Register.

Date: 6-30-92

for 
DR. JOSE L. CHONG, Director
Department of Public Health
and Environmental Services



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

ARONGORONGOL TOWLAP

DEPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES

FFÉÉRÚL ALLÉGH REEL KKEILIL SCHAAL ME YÁYÁÁL

EBWE TOOLONG LLÓL ALLÉGHÚL TOWLAP YE 1-8, ALLÉGHÚL TOWLAP YE 3-23
ME ALLÉGHÚL TOWLAP YE 6-12

DIREKTOODUL DIPATAMENTOOL PUBLIC HEALTH ME ENVIRONMENTAL SERVICES MELLOL NORTHERN MARIANAS ISLANDS (CNMI), REEL AILÉEWAL ALLÉGHÚL TOWLAP YE 1-8, ALLÉGHÚL TOWLAP YE 3-28, ME ALLÉGHÚL TOWLAP YE 6-12, NGE EKKE MÁNGIY EBWE FFÉÉR ALLÉGH REEL KKEILIL SCHAAL ME YÁYÁÁL.

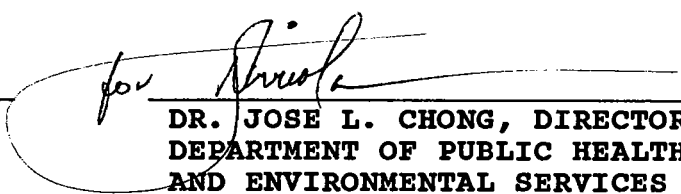
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COMMONWEALTH REGISTER.

DATE: 6-30-92


DR. JOSE L. CHONG, DIRECTOR
DEPARTMENT OF PUBLIC HEALTH
AND ENVIRONMENTAL SERVICES



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



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NUTISIAN PUPBLIKU

DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES I
MAPROPONI NA REGULASION PARA MANGUADDOK TUPU YAN MANEHAN TUPU PARA
LAI PUPBLIKU 1-8, LAI PUPBLIKU 3-23, YAN LAI PUPBLIKU 6-12

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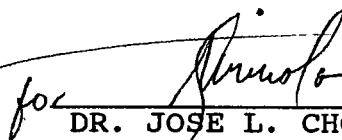
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DEGRADATION PARA HONOM TUPU GI CNMI (3) PRUBENIYE Hafa SIHA PARA
BENEFISIUN TODU I MA'USA-NA. (4) PARA U PROTEHE HINEMLO PUPBLIKU
KOMU MA ATBANSA I KUALIDAD I HANOM NI MA U'USA I PUPBLIKU.

HAYI MALAGO SIÑA HA MAÑULE KOPIAN ESTE SIHA REGULASION PARA MANGUADDOK TUPU YAN MANEHAN TUPU GI DIPATAMENTON PUBLIC HEALTH YAN ENVIRONMENTAL SERVICES, DIVISION OF ENVIRONMENTAL QUALITY, NI GAIGE GI HAGAS DR. TORRES HOSPITAL, AS TERLAJE, SAIPAN, MP 96950. HAYI LOKKUE MALAGO MAMATINAS KOMENTU PUT ESTE SIHA NA REGULASION SINA HA TUGE'PAPA YA UNA HANA GUATU GI CHIEF, DIVISION OF ENVIRONMENTAL QUALITY, POST OFFICE BOX 1304, SAIPAN, MP 96950 TI U MAS DITRENTA (30) DIAS DESDE MALAKNOS ESTE NA NUTISIA GI HALOM I COMMONWEALTH REGISTER.

FECHA':

6-30-92



for
DR. JOSE L. CHONG, DIRECTOR
DEPARTMENT OF PUBLIC HEALTH
AND ENVIRONMENTAL SERVICES

WELL DRILLING AND WELL OPERATIONS

REGULATIONS

PROMULGATED BY

THE DIVISION OF ENVIRONMENTAL QUALITY

COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS

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WELL DRILLING AND WELL OPERATIONS REGULATIONS

SECTION 1. AUTHORITY

These rules and regulations have been promulgated by the Department of Public Health and Environmental Services, in accordance with Public Law 6-12 of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications, to be adopted by the Department of Public Health and Environmental Services as necessary, shall have the force and effect of law, and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

SECTION 2. PURPOSE

Whereas the Commonwealth is almost entirely dependant upon groundwater for its drinking water supplies; and whereas the unregulated use of the Commonwealth's groundwater resources threatens the quality and availability of this resource; and whereas the general welfare requires that groundwater resources be put to the highest beneficial use for which they are capable, the purpose of these regulations is to:

- 2.1 Promote the long-term ability of the Commonwealth to provide reliable and potable water to the public;
- 2.2 Establish a water well permitting system designed to monitor and regulate the use of the Commonwealth's groundwater resources;
- 2.3 Codify well drillers' licensing requirements;
- 2.4 Promote the non-degradation and rational utilization of the Commonwealth's groundwater resources;
- 2.5 Promote public awareness of the critical importance of protecting the Commonwealth's groundwater resources from contamination and degradation;
- 2.6 Provide that groundwater resources be put to the highest beneficial use for which they are capable; and,
- 2.7 Protect public health by protecting and enhancing the quality of existing and potential groundwater resources used for human consumptive purposes.

SECTION 3. DEFINITIONS

- 3.1 "Abandoned Well" is a well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced. For the purposes of these regulations, any well that has not reported production for two (2) consecutive years shall be considered abandoned unless otherwise amended by the Chief (also referred to as *Plugging and Abandonment*).
- 3.2 "Abutter" is a person that owns or leases land adjacent to or directly across a public right-of-way from a parcel of land in question.
- 3.3 "The Act" means the Commonwealth Groundwater Management and Protection Act of 1988, also known as Public Law 6-12.
- 3.4 "Active Well" is an operating water well or an active monitoring well.
- 3.5 "Annular Space" is the space between the wall of the drilled hole and the outside diameter of the well casing.
- 3.6 "Aquifer" is a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.
- 3.7 "Aquifer Test" is a test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition (see *Pumping Test*).
- 3.8 "ASTM" is the American Society for Testing and Materials.
- 3.9 "AWWA" is the American Water Works Association.
- 3.10 "Basal Groundwater Lens" is groundwater floating on sea water.
- 3.11 "Beneficial Use" shall include the use of water reasonably required for domestic, agriculture, commercial, industrial, recreational, and other purposes on both public and private lands. The use of water for domestic purposes is defined as the highest beneficial use of water.
- 3.12 "Bentonite" is a highly plastic colloidal clay composed largely of montmorillonite used as a drilling additive or as a sealant.

- 3.13 "*Casing*" is a tubular retaining structure which is installed in the well bore to maintain the well opening.
- 3.14 "*Chief*" means the Chief of the Division of Environmental Quality within the Department of Public Health and Environmental Services.
- 3.15 "*Commonwealth*" means the Commonwealth of the Northern Mariana Islands (also *CNMI*).
- 3.16 "*Community Water System*" is a public water system serving at least 15 service connections or 25 of the same individuals year round.
- 3.17 "*Cone of Depression*" is a depression in the water table that is in the shape of an inverted cone and develops around a well which is being pumped. The outer edge of the cone of depression defines the Radius of Influence of the pumping well.
- 3.18 "*Confined Aquifer*" is groundwater under pressure, whose upper surface is the bottom of an impermeable bed.
- 3.19 "*Contamination*" means the introduction of any physical, chemical, biological, or radiological substance into water which has the potential to pose a threat to human health or the environment or to impede the most beneficial use of water.
- 3.20 "*Department*" means the Department of Public Health and Environmental Services, unless otherwise specified.
- 3.21 "*Degradation*" is change in the quality of water which makes it less suitable for the highest beneficial use.
- 3.22 "*Director*" means the Director of the Department of Public Health and Environmental Services, or his duly authorized representative, unless otherwise specified.
- 3.23 "*Division*" means the Division of Environmental Quality (DEQ) unless otherwise specified.
- 3.24 "*Drilling Fluid*" or "*Driller's Mud*" is a fluid composed of water or water and clay used in the drilling operation.
- 3.25 "*Drinking Water Quality Standards*" as defined and established in the Commonwealth's Drinking Water Regulations, latest revision.
- 3.26 "*Duplex*" means a building which is designed exclusively for the occupancy of one family in each of the two units which are attached to each other and separate from other buildings.

- 3.27 "EPA" is the United States Environmental Protection Agency.
- 3.28 "Groundwater" is that part of the subsurface water which is in the zone of saturation.
- 3.29 "Hazardous Material" is any material because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly contained, stored, transported, processed, handled, manipulated, or otherwise accidentally released into the environment.
- 3.30 "Hazardous Waste" is any waste because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly collected, contained, stored, transported, processed, recovered, treated, disposed, handled, manipulated, or otherwise accidentally released into the environment.
- 3.31 "Head" is the energy contained in a water mass, produced by elevation, pressure, or velocity.
- 3.32 "High Level (Perched) Groundwater" is groundwater encountered above the general zone of phreatic water and is a more or less isolated body of groundwater whose position is controlled by structure or stratigraphy.
- 3.33 "Hydraulic Conductivity" is the rate of flow of water in gallons per day through a cross section of one square foot under a unit hydraulic gradient (gpd/sq ft).
- 3.34 "Hydraulic Gradient" is the rate of change in total head per unit of distance of flow in a given direction. For the purposes of these regulations, "upgradient" shall imply the direction from a reference point toward a higher hydraulic grade; and "downgradient" shall imply the direction from a reference point toward a lower hydraulic grade.
- 3.35 "Individual Wastewater Disposal System" means a system designed and installed to dispose of sewage from a single structure or group of structures using a disposal method other than discharge into a public sewer. Such a system may consist of a septic tank, together with a leaching field or seepage pit, or other treatment unit.

- 3.36 "*Leaching Field*" means a buried system of perforated pipes, bedded in crushed rock or coral, through which treated or partially treated sewage effluent may seep or leach into the surrounding porous soil.
- 3.37 "*Monitoring Well*" is a well constructed for the purposes of observing subsurface hydrologic conditions and collecting hydrologic or water quality data, and not for use in extracting water for a beneficial use.
- 3.38 "*Non-Community Water System*" is a public water system serving at least 25 individuals daily at least 60 days out of the year.
- 3.39 "*Non-Public Water Supply*" means the source(s) of water for any water system not meeting the definition of a Public Water System.
- 3.40 "*NWWA*" is the National Water Well Association.
- 3.41 "*Overpumping*" means a groundwater withdrawal rate which causes saltwater intrusion and increases the chloride ion and total dissolved solids concentration in the well water discharge.
- 3.42 "*Parabasal Groundwater*" is groundwater continuous with basal groundwater, but is not directly in contact with sea water; volcanic formations typically support parabasal groundwater.
- 3.43 "*Permeability*" is the capacity of a geologic material for transmitting fluid.
- 3.44 "*Permit*" as used in these regulations shall mean a Well Drilling or a Well Operations permit.
- 3.45 "*Person*" means any individual, firm, partnership, association, corporation, both public and private; and any entity or agency of the Commonwealth Government or the United States of America.
- 3.46 "*Potable Water*" means water that is of a quality that meets the requirements of the Commonwealth's Drinking Water Regulations, latest revision.
- 3.47 "*Public Water Supply*" means the source(s) of water for a public water system (see definition of *Public Water System*).
- 3.48 "*Public Water System*" means a system for the provision to the public of water through a pipe or pipes, faucet(s), and/or valve(s) for human consumption, if such a system has at least fifteen (15) service connections, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Human consumption

includes such normal uses as drinking, cooking, bathing, showering, dishwashing, and/or oral hygiene.

- 3.49 "*Pumping Test*" is a test that is conducted to determine aquifer or well characteristics (see *Aquifer Test*).
- 3.50 "*Recharge Well*" or "*Injection Well*" means a well constructed for the purpose of introducing water or other liquid substances into the ground as a means of replenishing groundwater basins or repelling intrusion of sea water, or of disposing of a liquid waste stream. (See the Commonwealth's Underground Injection Control Regulations, latest revision, for a more complete definition of an underground injection well.)
- 3.51 "*Saltwater Intrusion*" means the inland and upward movement of the fresh water - salt water boundary, usually caused by a disruption in the equilibrium of the two water bodies resulting from excessive withdrawal from the basal water lens.
- 3.52 "*Seawater Well*" means a water well equipped with full well casing down to depth at least 150 feet below sea level. The well screen or open hole portion of the well shall begin at least 150 feet below sea level. "Seawater well" also means any water well with full well casing down to the well screen or open hole portion of the water well, with the screened or open hole portion located within groundwater having a chloride ion concentration of 10,000 ppm (1/2 isochlore) or a conductivity reading of 20,000 umoh's under static (non-pumping) conditions.
- 3.53 "*Screen*" or "*Well Screen*" is a filtering device used to keep sediments from entering a water well or monitoring well.
- 3.54 "*Seepage Pit*" means a covered pit with open-jointed or perforated lining through which treated or partially treated sewage effluent may seep or leach into the surrounding soil.
- 3.55 "*Sewage*" or "*Wastewater*" means untreated or insufficiently treated human excreta; food wastes disposed of through sewers; wash water; or liquid wastes from residences, commercial buildings, agricultural operations, industrial establishments, or places of assembly.
- 3.56 "*Single Family Dwelling*" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
- 3.57 "*Significant Well Modification*" means any change, replacement, or other alteration of any well, pump, or pumping equipment which involves drilling or redevelopment activities, changing the depth of water withdrawal, or changing the capacity of the

well or equipment in order to withdraw more or less water.

- 3.58 "*Specific Capacity*" is the rate of discharge of a water well per unit of drawdown, expressed in gpm/ft.
- 3.59 "*Sustainable Yield*" means the water supply that may normally be withdrawn from a water source at the maximum rate which will not unduly impair or degrade source utility or source quality, including yield from an undeveloped or partially developed source.
- 3.60 "*Test Well*" or "*Exploratory Well*" is a well constructed for geologic or hydrologic exploration and not intended for use as a water well (see Section 19).
- 3.61 "*Transmissivity*" is the rate at which water is transmitted through a unit width of an aquifer under a unit hydraulic gradient, given in gallons per minute through a vertical section of an aquifer one foot wide and extending the full saturated height of the aquifer (gpd/ft).
- 3.62 "*Unconfined (free) Groundwater*" means groundwater that has a free groundwater table; i.e., water not confined under pressure.
- 3.63 "*Water Supply*" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
- 3.64 "*Water Well*" is any hole drilled, dug, or bored at any angle, either cased or uncased, for the purpose of obtaining water.
- 3.65 "*Well*" is any hole drilled, dug, or bored at any angle, either cased or uncased, and includes water wells, test wells, and monitoring wells.
- 3.66 "*Well Seal*" means an approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or the curbing of a well and the piping or equipment installed therein, the purpose of which is to prevent pollutants from entering the well.
- 3.67 "*Yield*" is a quantitative term, expressed as a rate of volume over a unit of time, such as millions of gallons per day ("MGD").
- 3.68 "*Zone of Contribution*" is the land area which contributes recharge, and therefore potential contaminants, to an existing or proposed water well or well field.

SECTION 4. WELL DRILLER'S LICENSE REQUIREMENTS

- 4.1 Any person, public or private, who is engaged or intends to engage in the drilling of wells is required to apply for a Well Driller's License. Such licenses are required not only of those who make a regular business of well drilling, but all who may construct wells for their own purposes, for others as an incident to any lien of business activity, or for the exchange or barter of services. A copy of the Well Driller's License application form is available from the Division. The application shall be submitted to the Chief on forms supplied by the Division, and shall include at a minimum the following information:
- a. Name and business address/telephone number of well drilling company.
 - b. Name of duly authorized individual representing well drilling company.
 - c. Commonwealth Contractor and Business license numbers.
 - d. Documents detailing the applicant's bonding and financial capability, and insurance for comprehensive and general liability coverage;
 - e. Evidence of the applicant's qualifications and experience in conducting well drilling activities in the CNMI;
 - f. Signature of the applicant or authorized representative thereof indicating under penalty of perjury that the information provided in the application is true and accurate to the best of his or her knowledge.
- 4.2 A non-refundable fee of ten thousand dollars (\$10,000.00), payable to the Division, shall accompany each application for a new Well Driller's License. A non-refundable fee of one thousand dollars (\$1,000.00), payable to the Division, shall accompany each Well Driller's License renewal application.
- 4.3 No well drilling of any kind shall be performed except by those well drillers with a valid license. The well driller's license number shall be prominently displayed on the side of the drill rig.
- 4.4 An applicant for a Well Driller's License must prove the following to the satisfaction of the Chief. The Chief shall have the discretion to require additional information as deemed necessary for a specific application.
- a. The applicant proves valid insurance coverage for comprehensive and general liability in an amount not less

than \$ 250,000 each occurrence, and \$ 500,000 aggregate for the period in which the driller's license is valid. The applicant is also required to carry Worker's Compensation coverage in accordance with local labor laws. The applicant must prove insurance coverage in the above amounts for the full period in which the Well Driller's License is to be valid.

- b. The applicant is in possession of the necessary equipment to properly perform well drilling work and related tasks.
- 4.5 An applicant for a Well Driller's License must obtain a Performance Bond in the amount of Twenty-Five Thousand Dollars (\$25,000.00), to remain in effect for the full period in which the Well Driller's License is to be valid. The Bond shall be made payable to the Division, and the Chief shall use the proceeds from the Bond to pay for any corrective action to any well(s) not located or constructed in accordance with these Regulations.
- 4.6 An applicant's field crew chief(s) (those individuals with actual direct supervisory authority over well drilling activities in the field) must have the following qualifications:
- a. Have at least two (2) years continuous work experience in well drilling and field testing techniques;
 - b. Demonstrate knowledge of lithologic sampling methods; aquifer testing; pump testing; and water quality sampling through trial demonstration under the direct supervision of Division staff.
- 4.7 The Chief shall deny an application for a Well Driller's License or renewal thereof if the information submitted by the applicant does not demonstrate that the applicant satisfies the requirements pertinent to the license. The applicant may appeal the Chief's decision in accordance with the provisions of Section 16 of these Regulations.
- 4.8 A well driller's license shall not, under any circumstances, be transferrable from one location to another, or from one person to another, without the approval of the Chief.
- 4.9 The license shall be valid for a period of one (1) year starting from the date of issuance.
- 4.10 A fully completed well drilling license application shall be submitted to the Chief for review at least thirty (30) calendar days prior to the scheduled start of any well drilling business activities.

- 4.11 Renewal application of a well driller's license shall be submitted at least thirty (30) calendar days before expiration of such license.
- 4.12 Failure to apply for renewal of a well driller's license within one (1) year after its expiration will result in the requirement to apply for a new Well Driller's License, and to pay the new well driller's license fee.
- 4.13 Reinstatement of any well driller's license which has been revoked by the Chief, as provided for under Section 17 of these Regulations, requires the submission of a new well driller's license application, and payment of the new well driller's license fee.
- 4.14 All current well driller's licenses shall remain valid until their stated expiration date, after which all currently licensed well drillers must apply for license renewal pursuant to these regulations. Current well driller's licensees failing to meet the minimum requirements set forth in this section shall not be granted renewal of their well drilling license. Individuals not employed by the well driller on a full-time basis (i.e., consultants) may not be used to satisfy the personnel qualifications requirements of this section.
- 4.15 "Provisional" or "temporary" well driller's licenses shall not be issued by the Chief.
- 4.16 No person shall deface, alter, forge, counterfeit, or falsify a well driller's license.

SECTION 5. WELL DRILLING PERMIT APPLICATION REQUIREMENTS

No well may be drilled unless the owner of the land upon which the well is to be drilled, or the Lessee of said land (to be known hereinafter as "the applicant"), has obtained a Well Drilling Permit from the Chief. It is the responsibility of the licensed well driller to confirm that a valid well drilling permit has been issued to the applicant by the Division. Administrative penalties may be imposed upon both the applicant and the well driller, as per Section 17 of the Regulations, if any well is drilled without first obtaining a Well Drilling Permit. A Well Drilling Permit application shall be completed and submitted to the Chief for all new wells, or significant modification to any existing well(s). Water wells, test wells, and monitoring wells, provided they are on the same parcel of land, and will be constructed within 180 days, require submission of only a single Well Drilling Permit application.

Application for drilling an Underground Injection Well shall be made in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), a copy of which can be obtained at the office of the Division.

The well drilling permit covers well siting and design criteria, and well construction, testing, and development activities. The well drilling permit application shall be submitted to the Chief and shall include at a minimum the information covered in this Section.

The requirements of this Section apply to all applicants that have not received a Well Drilling Permit as of the date these regulations become effective. A copy of the Well Drilling Permit application form is available from the Division.

The application may be filled out by the applicant or his authorized representative. In either case, the applicant shall sign and date the application, and shall be responsible for all statements made therein.

Information to be provided in the well drilling permit application form shall include:

- 5.1 Name, address, and telephone number of the applicant. If the applicant is not the owner of the land, a lease or other title document must be provided with the application to prove the applicant's legal right to use the property.
- 5.2 Type of application (new, revision, or renewal).
 - a. A new application is for those applicants who seek to construct new well(s) or make significant modification to existing well(s).

- b. A revised application is for those applicants who seek to make a substantial change to the scope of work as described in the original permit application. Substantial changes to original scope include but are not limited to the number of wells, the discharge rate requested, the location of the well(s), or the intended use(s) of the proposed well(s).
- c. A renewal application is for those applicants whose well drilling, development, testing, and reporting activities are not completed within 180 days from the date of issuing the original well drilling permit.

5.3 Well drilling permit application fees shall be in accordance with the following fee schedule. Payment of fees is required at the time of submitting each permit application, and is non-refundable. Fees shall be paid by check, and made payable to the Division. The Commonwealth Utilities Corporation is exempt from payment of permit application fees.

WELL DRILLING PERMIT APPLICATION FEE TABLE

<u>Application Type</u>	<u>Total Well Discharge Capacity Requirement(1)</u>	<u>Application Fee</u>
New	less than 20 gpm	\$ 50.00
	21 gpm to 100 gpm	\$ 200.00
	101 gpm to 200 gpm	\$ 1000.00
	201 gpm to 350 gpm	\$ 2000.00
	351 gpm to 500 gpm	\$ 4000.00
	over 500 gpm	\$ 8000.00
Revised	If discharge capacity requirements changes, the final cost to the applicant shall be based upon the above. If well location changes, no adjustment in fees is necessary.	
Renewal	There is no well drilling permit renewal fee.	

NOTES FOR FEE TABLE:

- (1) See Section 11 of these regulations for determination of a project's total well discharge capacity requirement.
- (2) There are no application fees for test wells or monitoring wells.
- (3) Lab fees are not included in the above. See Section 9 of these regulations for water quality analytical requirements. If the applicant wishes to utilize the Division's laboratory services for certain water quality sampling and analysis, the appropriate laboratory fees shall be paid to the Division at the time of application.

- 5.4 Well driller's name, address, telephone number, and well driller's license number (with expiration date).
- 5.5 Type of well drilling equipment and drilling method to be employed.
- 5.6 Proposed well drilling start date (for reference only).
- 5.7 Intended use for the proposed well.
- 5.8 Schematic design of the proposed well construction.
- 5.9. Calculated well production capacity requirement (see Section 11 of these regulations for requirements of well production capacity for various intended uses).
- 5.10 A map drawn at a scale of not more than one (1) inch equals one hundred (100) feet showing the following data **FOR BOTH PUBLIC AND NON-PUBLIC WATER SUPPLIES**:
 - a. Location of property lines and survey monuments with ties to proposed well location.
 - b. Name of property owner upon which well is to be located, and name of abutters of said property.
 - c. A site location plan (no scale required) sufficiently accurate to allow Division staff to find the site.
 - d. Describe existing land use(s).
 - e. Sketch of existing and/or proposed access to well site(s).

FOR PUBLIC WATER SUPPLIES, ADD TO THE MAP REQUIRED BY 5.10 THE FOLLOWING INFORMATION:

- f. Ground surface topography, with contour intervals not to exceed ten (10) feet, within 150 feet of the proposed well location.
- g. Location of all existing or proposed public sewer lines, sewer pump stations, and other sewerage facilities, individual waste disposal systems, intermittent or perennial streams, ponding basins, other wells (either active or abandoned), buildings, storm water drains, and wetlands within a 500 foot radius of the proposed well location. In addition, the applicant is responsible for certifying that the proposed PUBLIC WATER SUPPLY meets the minimum set-back requirements outlined in Section 6 of these regulations.

- h. Location and elevation of a temporary benchmark established by a registered land surveyor.
 - i. A statement as to whether the proposed well is to be constructed within the 100-year flood plain area.
 - j. Location of pump test well water discharge.
- 5.11 The proposed well location shown on a United States Geological Survey map, scale 1: 25,000. Indicate on the map the latitude and longitude (to the nearest second) of the proposed well site(s).
- 5.12 If available at the time of submitting the well drilling permit application, provide other project information, including the following:
- a. A brief description of the project the well is a part of; i.e., project name, project scope (number of rooms, housing units, etc.).
 - b. Other permits required, such as a Coastal Resources Management permit (including major siting projects), an individual wastewater disposal system permit, an earth moving permit, and any federal permits. The applicant shall provide permit numbers, application dates, special permit conditions, and other permit information available at the time of applying for the well drilling permit.
- 5.13 The proposed well site shall be inspected by the Chief or Division staff member prior to issuance of a well drilling permit. The applicant shall provide a physical marking (i.e., stake with flagging) prior to field inspection by the Division. The applicant or his authorized representative shall accompany the Division Chief or staff member during the field inspection.
- 5.14 A fully completed well drilling permit application shall be submitted to the Chief for review at least thirty (30) calendar days prior to the scheduled start of any well drilling activities.
- 5.15 A well drilling permit shall remain valid for a period of 180 calendar days from the date of issuance. All well drilling, development, testing, and reporting activities must be completed within the 180 calendar day period.
- 5.16 If the original permit expires prior to completion of all well drilling, testing, and reporting activities, the applicant may apply for a renewal of a well drilling permit. An application for renewal shall include all data required for a new permit, and shall be submitted at least thirty (30) calendar days

prior to expiration of the original permit. A permit that expires without renewal shall require resubmission of a new permit application and application fees.

SECTION 6. WELL SITING CRITERIA

All new public and non-public water supply wells shall be setback a distance from potential sources of contamination. The setback distances shall define a wellhead protection area. There shall be an established wellhead protection area around each new public and non-public groundwater supply. The wellhead protection area is defined by a downgradient and side dimensions from the well, and upgradient dimension from the well normally equal to twice the downgradient dimension. Paragraph 6.1 shall be used in siting a new public water supply well.

6.1 PUBLIC WATER SUPPLY wellhead protection area requirements are:

<u>EXISTING LAND USE</u>	<u>MINIMUM DOWN/UPGRADIENT DIMENSIONS OF WELLHEAD PROTECTION AREA</u>
Above/Below Grade Structures	10/10
Road Drainage Course	50/100
Surface Water Body	150/150
Public/Private Sewer Line	100/200
Sewage Pump Station	150/300
Seepage Pit, Outhouse, Cesspool, Leachfield	150/300
Underground Fuel Storage Tank	500/500
Auto, Heavy Equipment, Engine Repair Facility	250/500
Underground Injection Well	250/500
IWDS Effluent Disposal (> 5,000 gpd)	500/500
Above Ground Fuel Storage Facility (< 2,000 gal)	250/500
Above Ground Fuel Storage Facility (> 2,000 gal)	1000/2000
Landfill or Hazardous Waste Storage/Treatment Fac	1000/2000
Unsewered Industrial Process	1000/2000

6.2 NON-PUBLIC WATER SUPPLY wellhead protection area requirements are:

Road Drainage Course	25/50
Surface Water Body	75/75
Public/Private Sewer Line	75/150
Sewage Pump Station	75/150
Seepage Pit, Outhouse, Cesspool, Leachfield	75/150

All other set back distances shall be as listed in 6.1 above.

6.3 In addition to the above, wells shall be setback a minimum of 25 feet from property lines, and a minimum of 25 feet from overhead power lines. Well drillers are encouraged to contact the local telephone, water, sewer, and power authorities to determine the presence of buried utilities in the area of any proposed drilling activities. All damages sustained to property as a result of well drilling activities shall be the responsibility of the well driller performing the work.

- 6.4 The Chief may order an applicant to conduct a comprehensive hydrogeologic investigation if any of the above listed land uses pose a threat to a proposed public water supply, even if the potential contamination source is located outside the designated wellhead protection area. Refer to Section 20 of these regulations regarding such an investigation.
- 6.5 For water supply wells located downgradient of a known or potential source of contamination, or whose Zone of Contribution is occupied by a known or potential source of contamination, the Chief may require the installation of one or more monitoring wells, and require the establishment of a groundwater monitoring program. The cost of all groundwater monitoring related costs shall be borne by the applicant. See Section 20 of these regulations for information pertaining to the requirements for monitoring wells and hydrogeologic investigations.
- 6.6 Set back distances from other possible sources of contamination will be established on a case by case basis.
- 6.7 For all known or potential sources of contamination the Chief may require greater set-back distances than those listed in Paragraph 6.1, should the prevailing hydrogeology of the proposed well site (such as within geologic formations known to have very high transmissivity values) warrant such measures.
- 6.8 Wherever possible, wells shall be located upgradient (upstream of the area's prevailing groundwater flow pattern) of any known or potential source of contamination.
- 6.9 If the groundwater gradient cannot be reasonably estimated, then the wellhead protection area shall be a circle with the well at its center, and with a radius equal to the average of the downgradient and upgradient dimensions listed above.
- 6.10 The top of the casing shall terminate a minimum of 12 inches above any known conditions of flooding by drainage or runoff from the surrounding land.
- 6.11 The siting of underground injection wells shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), latest revision, a copy of which can be obtained at the office of the Division.
- 6.12 See Sections 14 and 15 of these Regulations for allowed exemptions from the above requirements.

6.13 Applicants for new (non-CUC) public or non-public groundwater supplies proposed within 250 feet of the CUC water distribution system must submit a letter or statement from the CUC Water Division Chief with the Well Drilling permit application, stating that CUC is not capable of providing water service at the applicant's property.

SECTION 7. WELL CONSTRUCTION CRITERIA

- 7.1 The annular space on all wells shall be sealed to protect the well and/or the aquifer from entrance of surface or shallow contaminants. The minimum distance for sealing off the annular space shall be 50 feet, unless otherwise provided for below.
- a. For wells constructed in very shallow aquifers (less than 50 feet deep to the water table), the applicant may seal the annular space to a lesser depth provided the applicant can demonstrate to the Chief that the well construction will provide protection from entrance of surface or shallow contaminants. In no instance shall the annular seal be constructed to a depth less than 25 feet. The annular seal shall not be placed until Division personnel perform a site inspection.
 - b. For wells constructed in unconsolidated material, prone to collapsing, a conductor casing shall be installed to the depth of the seal specified above. The 2-inch (min) space between the conductor casing and production (well) casing shall be filled with sealing material.
 - c. The sealing material shall conform to the latest revision of the NWWA specification for well sealants, or shall be made up of Cement grout - 2 1/2 parts by volume of sand to one part by volume of cement, with 5 to 7 gallons of water per bag.
 - d. High sulfate resistant cement (Type V Portland Cement) shall be used for sealing mixtures, due to its corrosive resistant properties.
 - e. The sealant shall be allowed to "set" in-place at least 24-hours before well construction operations may resume.
 - f. Before placing sealant material, the annular space shall be flushed.
 - g. An approved filter pack of rounded pea gravel or sand sized for screen shall be installed between the bore hole and the well casing wherever grout is not placed.
- 7.2 Openings into the well seal shall be protected from entrance of surface waters or foreign matter. Well casing air vents shall be equipped with stainless steel insect screen and shall have downturned "U" bend.
- a. A 1.0-inch diameter PVC schedule 40 pipe (Sounding Tube) shall extend from a point at least 6-inches above the top of the well down to within 5 feet of the top of the pump (if it is a submersible pump installation) or down to

within 5 feet of the top of the impeller bowls (if it is a turbine pump installation), in order to facilitate water level measurements. If the sounding tube is installed on the inside of the well casing, then each time the well undergoes significant modification, the sounding tube shall be properly reconstructed before the well is put back into service.

- b. Each well equipped with a submersible pump shall have a properly constructed well cap and gasket installed (sanitary seal).
- c. Each well equipped with a turbine pump shall have its pump head base plate properly gasketed to the well casing top flange.

7.3 Each well shall have a reinforced concrete pedestal constructed around the well head. The pedestal shall be a minimum of 6-inches thick, 3 feet by 3 feet in dimension, constructed continuous with the grout seal, and set into the ground several inches, sloping gently away from the well cap. The ground around the concrete pedestal shall be sloped away from the well.

7.4 All water wells shall be equipped with the following:

- * Sounding tube
- * Well casing air vent (bent downward, screened)
- * Check valve
- * Pressure gauge
- * Gate valve
- * Sample tap (If well is equipped with a chlorination system, the sample tap shall be located upstream of the chlorine injection point.)
- * Flow meter
- * Pressure relief valve, if well is made part of a hydropneumatic system.

7.5 Minimum inside diameters for well casing shall be based on the required installed capacity of the well, as defined in Section 11 of these regulations, and shall be in accordance with the table below:

<u>Capacity of Well (gal/min)</u>	<u>Min Inside Diameter of Well (inches)</u>
less than 30	5
30 to 100	6
100 to 199	8
200 to 349	10
350 to 650	12
Above 650	As directed by Chief

- a. Minimum wall thickness for steel well casing and conductor casing shall be 1/4 inches. Steel casing joints shall be screwed type with external sleeves, or welded. Steel casing shall conform to ASTM A-53 or A-120. Use of steel well casing is discouraged, due to the highly corrosive nature of much of the Commonwealth's groundwaters.
 - b. Minimum wall thickness for PVC well casing shall be schedule 40 for wells with depths up to 75 feet, and schedule 80 for wells with depths from 75 feet to 350 feet. PVC may not be used for well casing in wells deeper than 350 feet, or for conductor casing, or under conditions requiring driven well casing unless certification by the manufacturer is given for the specific application. PVC well casing shall conform to ASTM F-480.
 - c. Reinforced fiberglass casing may be suitable for casing depths of up to 500 feet, provided the manufacturer certifies that the casing has the required strength.
 - d. No casing material other than steel, stainless steel, PVC, or fiberglass shall be permitted unless granted special approval by the Chief.
- 7.6 Dug wells and driven wells are prohibited for use as drinking water supplies (public or non-public), unless otherwise granted special permission by the Chief.
- 7.7 The construction of underground injection wells shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), a copy of which can be obtained at the office of the Division.
- 7.8 Only clean, potable water shall be used in drilling fluids whether employed alone or in combination with drilling additives. Only high grade clays or commercial chemicals, proposed by the applicant and given prior approval by the Chief, shall be used in make-up of any drilling fluid.
- 7.9 Whenever there is an interruption in work on the well, such as an overnight shutdown, during inclement weather, or period between testing, etc., the well opening shall be closed and secured (by tack welding or other approved means) with a cover designed to insure the public safety, prevent damage to the well, and prevent the introduction of unwanted materials into the well.
- 7.10 Lead, all alloys/materials containing lead, and paints and coatings containing lead or mercury shall be strictly prohibited from introduction into any new or existing water

well.

- 7.11 All wells should be constructed both straight and plumb. Plumbness should provide for the proper installation of equipment.
- 7.12 For wells constructed in unconsolidated or incompetent geologic structures, well screens will likely be required. Well screens shall have the following properties:
- a. Constructed with slot openings continuous around the circumference of the screen, allowing for efficient well development and operation.
 - b. Constructed with slot openings spaced to provide maximum open area consistent with strength requirements and well packing (or native earth) grain size distribution. Slot openings should be V-shaped and widen inward.
 - c. Constructed of a single, corrosion resistant metal.
 - d. Screen design shall be submitted to the Chief for review and approval prior to installation.

SECTION 8. WELL DEVELOPMENT AND DISINFECTION

- 8.1 Developing, redeveloping, or conditioning of a well shall be done with care and by methods which will not cause damage to the well or its casing or cause adverse subsurface conditions that may destroy or damage barriers to the vertical movement of water between aquifers.
- 8.2 Where chemical agents have been introduced into the well or surrounding area in the course of well construction, development, and/or redevelopment, the well shall be pumped until these agents have been removed. Sampling may be required to verify removal.
- 8.3 Upon completion of well development and flushing, but before the start of the pump test, the well driller shall disinfect the well and discharge piping. Disinfection shall be accomplished by maintenance of a free chlorine residual of at least 100 parts per million (ppm) for a period of at least 24 hours. See the following table for guidance in determining the necessary chlorine dose to achieve a chlorine concentration of 100 ppm in the well water. After first application of chlorine into the well, the well driller shall momentarily operate the test pump in order to mix the chlorine solution in the well water and to introduce chlorine into the discharge piping. A chlorine solution shall be applied to the interior of the well casing above the water level.

CHLORINE COMPOUND REQUIRED TO PRODUCE A 100 MG/L SOLUTION PER 100 FEET OF WATER-FILLED CASING

<u>Well Casing Diameter</u>	<u>65% HTH dry wt. (1)</u>	<u>5.25% Commercial Bleach liquid measure</u>
6 inch	4.0 oz.	40 oz.
8 inch	6.0 oz.	64 oz. (1/2 gallon)
10 inch	8.0 oz.	112 oz.
12 inch	12.0 oz.	160 oz.
16 inch	22.0 oz.	256 oz. (2 gallons)
20 inch	34.0 oz.	428 oz.

NOTES:

(1) Where a dry chemical is used, it should be mixed with water to form a chlorine solution before putting it into the well.

(2) All other chemical additives applied in and around the well require approval by the Chief prior to use.

SECTION 9. PUMP TESTING REQUIREMENTS

- 9.1 The objective of the pump test is to prove that groundwater exists in sufficient quantities to meet the long-term water needs of the project, and that the *maximum monthly well production allocation* established in Section 11 of these regulations will not result in degradation of groundwater quality or potability. The Commonwealth is committed to a policy of non-degradation of its groundwater resources.
- 9.2 At a minimum, a 36-hour pump test (24-hours for non-public water supplies), or "sustained yield test", shall be required on all water wells. The Chief may require a longer test duration, if the hydrogeologic characteristics of the site and the water requirements of the project warrant it. The pump test shall be conducted only after the well has been developed, flushed, and disinfected.
- 9.3 For projects with a *total well discharge capacity requirement* of more than 200 gpm (see Section 11 of these regulations for determination of the total well discharge capacity requirement), a qualified hydrogeologist or groundwater engineer shall supervise the pump test process and report to the Division on the results of the test in accordance with the requirements of these regulations.
- 9.4 The start of pump test must be scheduled with the Division at least two (2) working days in advance.
- 9.5 The well driller shall test the pump, generator, and discharge piping, valves, meters, and gauges as necessary to assure their proper adjustment and good operating condition at least 24-hours in advance of the scheduled start of the well pump test. In the event pump testing equipment is not operational, the well driller will promptly notify the Division.
- 9.6 Routine water quality analysis shall be conducted during the course of pump test. This analysis can be performed at the Division's water quality laboratory or other EPA certified laboratory. Routine water quality analysis includes sampling for the following parameters.
- * Chloride
 - * Total Hardness
 - * Alkalinity
 - * pH
 - * Total Dissolved Solids
 - * Conductivity
 - * Total Coliform
- 9.7 Other non-routine water quality analysis may be required by the Chief for public and non-public water supplies, in

accordance with the vulnerability of the drinking water supply to source(s) of contamination. Such non-routine analysis may be for any of the regulated drinking water contaminants listed in the Commonwealth's Drinking Water Regulations. Non-routine analysis shall be performed by an EPA certified laboratory. The cost of all such analysis shall be borne by the applicant.

9.8 The sustained yield pump test shall be continuous, and shall monitor water level, rate of discharge, and water quality in accordance with the following schedule:

a. Water level measurements are to be recorded to the nearest one-one hundredth of a foot (0.01 feet), using an electronic depth sounder, a "data logger", or a steel tape (with chalk) properly calibrated.

<u>Duration</u>	<u>Interval (minutes)</u>
0 to 10 min	every minute
12 to 30 min	every 2 minutes
40 min to 1 hour	every 10 minutes
90 min to 8 hours	every 30 minutes
9 hours to 24 hours	every 1 hour
26 hours to 36 hours	every 2 hours (for PWS only)

b. An aquifer recovery test shall be conducted immediately upon the completion of the pump test. Water levels shall be measured every 1 minute for 60 minutes, or every one minute until such time as the water level recovers to within 95 percent of its pre-pumping level, which ever occurs first (i.e.; if the total pump test drawdown is 100 feet, then measurements shall be made until such time as the aquifer recovers to within 5 feet of its original pumping level). If the aquifer takes more than one hour to recover, measurements shall be made every 10 minutes until such time as the aquifer recovers to 95 percent of its pre-pumping level.

c. Flow rates shall be measured through a mechanical flow meter, and recorded at least once every 30 minutes for the first 8 hours of the pump test, and every hour thereafter. Other methods of flow measurement must be given prior approval by the Chief.

d. Routine water samples for all PUBLIC water supplies shall be taken at hour 0 (start of pump test), and at hours 2, 4, 6, 8, 12, 16, 24, 30, and 36. For NON-PUBLIC water supplies, the last sample will be taken at hour 24.

At the conclusion of the pump test, a sample for total coliform bacteria and any other non-routine water quality sample required by the Chief will be taken for all public

and non-public water supplies. The cost of this analysis is not included in the well drilling permit application fee. The applicant should inquire into the cost of the required routine and non-routine laboratory analysis prior to submitting a well drilling application. Water quality sampling results will be mailed to the applicant. No operations permit will be issued if the results of this water quality analysis exceeds the CNMI Drinking Water Standards, latest revision, unless the water supply is to undergo appropriate treatment. Regardless of any treatment process proposed, all water wells must undergo routine water quality analysis.

After installation of the permanent pumping and piping equipment, but before the well is put into service, the well and equipment shall be disinfected in accordance with the procedures outlined in paragraph 8.3.

- e. The Well Operations permit application includes copies of the forms to be used in reporting the results of the pump test and routine water quality analysis.
- 9.9 Water pumped from the well in the course of the pump test shall discharge a minimum of 100 feet downgradient of the well. Discharge water shall not impact surrounding property, nor shall it create a public nuisance. Discharge water shall not be permitted to pond or collect, but shall drain freely in the direction away from the well(s) being tested.
- 9.10 In the event 2 or more wells are constructed for the same project, the Chief may require simultaneous pump tests. For all multiple well pump tests, the applicant shall submit a pump test plan indicating sampling scheduling, pumping rates, and water level measurement to the Chief prior to performing the test.
- 9.11 The well site shall be relatively clean, free of excessive mud and debris, prior to the start of the pump test.
- 9.12 Injectivity tests, geophysical logging, and mechanical integrity testing for underground injection wells shall be conducted in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), latest revision, a copy of which can be obtained at the office of the Division.

SECTION 10. WELL DRILLING ACTIVITY REPORTING FOR WELL OPERATIONS PERMIT APPLICATION

- 10.1 The applicant shall submit copies of geologic (lithologic) logs to the Division. Geologic samples shall be taken every 10 feet, unless otherwise waived by the Chief in writing prior to the start of well drilling operations.
- 10.2 The applicant shall submit actual "as-built" well construction sections and material specifications, hydrogeologic data (static water level based on USGS datum), drawdown, and pump test flow rate. Forms for submission of this information are included in the Well Operations permit application.
- 10.3 The applicant shall submit all water quality sampling results.
- 10.4 The applicant shall submit a site specific hydrogeologic report, if made a condition of the applicant's Well Drilling permit issued by the Chief. The general requirements for a hydrogeologic investigation are given in Section 20 of these regulations.
- 10.5 A well operations permit will not be issued without submission of the above information.
- 10.6 Should the well construction, pump test, and analytical data indicate that long-term degradation of groundwater quality may occur as a result of withdrawing water at the depth and rate as requested by the applicant, the Chief may require subsequent pump test(s) at reduced flow rate(s) and at different depth(s), etc. until such time as it can be shown that no degradation of the groundwater will occur as a result of the applicant's withdrawal of his permitted maximum monthly well production allocation. The purpose of this provision is, in part, to minimize the possibility of saltwater intrusion which can occur due to overpumping wells.

SECTION 11. WATER SUPPLY CAPACITY GUIDELINES

- 11.1 Water supply capacity guidelines are given in Table 11.1. The total of all uses constitutes the estimated average daily water supply requirement. The applicant shall provide a detailed summary, by class of use, of the project's total average daily water supply requirement.
- 11.2 For those projects proposing no form of water treatment, the average daily well withdrawal requirement is equal to the average daily water supply requirement identified in paragraph 11.1 above. For those projects proposing water treatment as part of their water supply facilities, the average daily well withdrawal requirement shall be equal to the average daily water supply requirement established in paragraph 11.1 above, divided by the stated efficiency (expressed in its decimal form) of the proposed treatment system.
- 11.3 The project's maximum monthly well production allocation shall be equal to no more than 150 percent of the flow, expressed in gallons per month, of the average daily well withdrawal requirement as identified in paragraph 11.2 above.
- 11.4 The well pump test flow rate shall be set at the maximum monthly well production allocation, expressed in gallons per minute, identified in paragraph 11.3 above. Well pump tests shall be conducted in accordance with the requirements of Section 9 of these regulations. Actual maximum monthly well withdrawal allocation for individual wells shall be subject to the following limitations:
- a. If degradation in the ambient groundwater quality is measured in the course of the pump test, the applicant will be required to reduce the water supply requirement of the project; install additional wells to provide for a reduced rate of withdrawal from each production well; or both, until subsequent pump tests confirm there is no degradation in groundwater quality as a result of the applicant's withdrawal of the permitted maximum monthly well production allocation.
- 11.5 The project's total well discharge capacity requirement shall be equal to 200 percent of the average daily well withdrawal requirement identified in paragraph 11.2 above, expressed in gallons per minute. This flow rate will dictate well construction parameters and selection and design of pumping systems. This provision is to assure that:
- a. There is an adequate water supply during short-term periods of peak use;

TABLE 11.1

WATER SUPPLY CAPACITY GUIDELINES

<u>TYPE OF DEVELOPMENT</u>	<u>UNIT OF MEASUREMENT</u>	<u>GALLONS PER UNIT PER DAY</u>
SINGLE FAMILY HOME	BEDROOM	150
DUPLEX	BEDROOM	150
MULTIPLE FAMILY (APT)	BEDROOM	120
CONDOMINIUM/MOTEL	BEDROOM	150
HOTEL/RESORTS	BEDROOM	225
BARRACKS/WORKER'S HOUSING	BED	60
HOSPITALS	BED	250
RESTAURANTS	SEAT	40
LOUNGE	SEAT	10
SCHOOLS WITH CAFETERIA	STUDENT/FACULTY	25
SCHOOLS WITHOUT CAFETERIA	STUDENT/FACULTY	15
BOARDING SCHOOL	STUDENT/FACULTY	100
OFFICE SPACE	100 SF GROSS AREA	15
RETAIL COMMERCIAL SPACE	100 SF GROSS AREA	10
GARMENT FACTORY	WORKER SHIFT	15
AIRPORT	PASSENGER	5
SELF-SERVICE LAUNDRY FAC	WASHER	250
CAR WASH	RESTROOM	150
SERVICE STATION	EMPLOYEE	40
SWIMMING POOL/BATH HOUSE	PERSON	10
THEATER/AUDITORIUM	SEAT	5

NOTES:

(1) The Division may modify the above standards for a specific project if the applicant provides historical metered water use data for other like projects indicating a more appropriate gallons per unit water requirement.

(2) For a type of development not listed above, the applicant shall provide a detailed summary of projected water use for review by the Division. The Chief reserves the right to modify water use projections made by an applicant for a given type of development not listed above.

(3) For some Hotels/Resorts, Apartments, Condominiums, and Motels, other ancillary water uses may have to be factored into the total water supply requirement. These uses may include swimming pools, health clubs, gardening/irrigation, on-site staff housing, and air conditioning.

(4) Seasonal water use needs, such as golf course irrigation supply, shall be determined on the basis of a dry year dry season irrigation requirement.

(5) For the purpose of these Regulations, the water use figures listed above shall take precedence over other water use figures used by Coastal Resources Management Office and CUC.

- b. An allowance is made for declining well yield and pump performance over time;
 - c. The water supply facilities for large projects (with more than one well in production) will be capable of producing all of, or a significant portion of, the *average daily water supply requirement* with one well out of service.
- 11.6 If *the total well discharge requirement* established in paragraph 11.5 above exceeds 200 gallons per minute, then the applicant shall be required to install at least two (2) water supply wells to serve the project, whose combined discharge capacity is equal to or greater than the flow rate established in paragraph 11.5 above.
- 11.7 For systems proposing water treatment, the treatment plant rated capacity shall be equal to or greater than *the total well discharge capacity requirement*.
- 11.8 The Chief will establish *the total well discharge capacity requirement* based upon the water supply needs of the project, and shall establish *the maximum monthly well production allocation* for each well on the basis of well pump test data, well drilling data, and water quality analytical data.
- 11.9 The applicant shall provide atmospheric storage equal to at least two (2) days' of *the average daily water supply requirement* as determined in paragraph 11.1 above.

EXAMPLE

Given:

The proposed "Jewel of Micronesia" resort project has a calculated total average daily water supply requirement of 201,600 gallons per day (gpd), based upon the proposed number of resort bedrooms, condominium bedrooms, restaurant seating capacity, on-site staff housing, etc. Table 11.1 was used as a reference in determining the above daily requirement. The developers of the resort propose to use a reverse osmosis treatment system with a stated efficiency of 40 percent.

Solution:

Average daily water supply requirement is 201,600 gpd = 140 gpm

Average daily well withdrawal requirement is
 $\frac{140 \text{ gpm}}{.40} = 350 \text{ gpm}$
(treatment plant efficiency)

Total well discharge capacity requirement is
 $350 \text{ gpm} \times 200 \text{ percent} = 700 \text{ gpm}$

Maximum monthly permitted withdrawal for all wells is therefore:
 $350 \text{ gpm} \times 150 \text{ percent} = 525 \text{ gpm}$, or
22.8 million gallons per month

Because the total well discharge capacity requirement is greater than 200 gpm, at least two (2) wells are required. The developer proposes to install four wells, each with an installed production capacity of 25 percent of the total requirement, or 175 gpm each.

Because the total well discharge capacity requirement is divided equally among the four proposed wells, each well shall be allocated a maximum monthly production of 130 gpm (one-quarter of the total), or 5.7 million gallons per month.

Because the proposed production wells do not have a discharge capacity requirement greater than 350 gpm (each), there is no need for installing test wells to determine the limits of the wells' Radius of Influence (see Section 19 for requirements related to determination of a well's Radius of Influence).

The proposed production wells must undergo a 36-hour pump test (this is a public water system, as defined in Section 3, served by non-seawater well). The pump test flow rate for each well in this example will be set at 130 gpm. Since the project has a total well discharge capacity requirement greater than 200 gpm, a qualified hydrogeologist or groundwater engineer is required to supervise the

pump test(s). In this example, the Chief determined that the four wells must be pump tested at the same time.

In this particular example, water quality sampling results reveal there was no degradation of the groundwater during the pump test. Therefore, the applicant is granted *the maximum monthly well production allocation* as requested. There is no need to reduce the pump test discharge rate, install additional wells, pump from a different depth, and/or re-perform the pump test and sampling.

SECTION 12. WELL OPERATIONS PERMIT APPLICATION REQUIREMENTS

No person may operate a well or withdraw groundwater without a valid well operations permit issued by the Chief. Upon satisfying all of the well drilling permit requirements, and prior to placing any new or significantly modified well into service (including test wells and monitoring wells), the applicant must submit a new well operations permit application to the Division. Underground injection wells are exempted from the requirements of this Section. Application for operating an underground injection well shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC), a copy of which can be obtained at the office of the Division.

The well operations permit covers as-constructed well location, construction, testing, and development data for all new or significantly modified wells. The well operations permit application shall be submitted to the Chief, and shall include at a minimum the information covered in this Section.

The requirements of this Section apply to all applicants that have not received a well drilling permit as of the date these regulations become effective. A copy of the Well Operations permit application form is available from the Division. See Section 18 for applicable requirements for wells in operation as of the date these Regulations become effective.

The application may be filled out by the applicant or his authorized representative. In either case, the applicant shall sign and date the application, and shall be responsible for all statements made therein.

Information to be provided in the well operations permit application form shall include:

- 12.1 Name, address, and telephone number of the applicant. If the owner of the well and the operator of the well are not the same, a notarized statement from the owner of the well granting permission for the operation and maintenance of the well must accompany the application.
- 12.2 Type of application (new, revision, or renewal).
 - a. New applications are for all new wells, for change of use from one type of well to another, and for wells which have undergone significant modification.
 - b. Revised applications are for those applicants who seek to make a substantial change to the scope of work as described in the original permit application. Substantial changes to original scope include the number of wells, the discharge rate requested, the location of

the well(s), the intended use(s) of the proposed well(s), change in ownership or maintenance responsibility of the well(s), etc.

- c. Renewal applications are for wells whose operations permits have expired. All well operations permits expire on September 30 of the year following issuance of a permit, and are renewable each September 30 thereafter.

12.3 Well operation permit application fees shall be in accordance with the following fee schedule. Payment of fees is required at the time of submitting each permit application, and is non-refundable. Fees shall be paid by check, and made payable to the Division. The Commonwealth Utilities Corporation is exempt from payment of permit application or renewal fees.

WELL OPERATIONS PERMIT APPLICATION FEE TABLE

<u>Application Type</u>	<u>Total Well Discharge Capacity Requirement(1)</u>	<u>Application Fee</u>
New	less than 20 gpm	\$ 25.00
	21 gpm to 100 gpm	\$ 100.00
	101 gpm to 200 gpm	\$ 500.00
	201 gpm to 350 gpm	\$ 1000.00
	351 gpm to 500 gpm	\$ 2000.00
	over 500 gpm	\$ 4000.00
Revised	If discharge capacity requirements change, fee to be based upon the above. If well location changes, no adjustment in fees is necessary.	
Annual Renewal	Calculated based upon 50% of fees paid in accordance with the above schedule. Projects with a total well discharge capacity requirement less than 20 gpm (such as a single family home or a duplex) are exempt from the requirement of renewal of permit, and therefore are exempt from payment of renewal fees.	

NOTES FOR FEE TABLE:

- (1) See Section 11 of these regulations for determination of a project's total well discharge capacity requirement.
- (2) There are no application fees for test wells and monitoring wells.

Semi-annual routine water quality sampling is required as a condition of the well operations permit process for all projects except those with a total well discharge capacity requirement less than 20 gpm. See Section 13 of these

regulations for the routine semi-annual water quality sampling requirements.

The Chief has the authority to require any applicant to sample for other "non-routine" water quality parameters as part of the original well operations permit application or as part of renewing a well operations permit. These non-routine parameters may be any of the regulated contaminants listed in the Commonwealth's Drinking Water Regulations of applicable federal drinking water standards. Laboratory fees for all water well water quality sampling are not included in the above fee schedule.

12.4 Use of the well.

12.5 For new or significantly modified wells SERVING NON-PUBLIC WATER SUPPLY SYSTEMS, submit a cross-section of the well as constructed.

12.6 For new or significantly modified wells SERVING PUBLIC WATER SUPPLY SYSTEMS, submit a cross-section of the well as constructed.

- a. Elevation of static water level in well (USGS datum)
- b. Elevation of water level at end of the pump test (24-hour test for non-public water supplies, and 36-hour test for all public water supplies) at the requested well discharge rate.
- c. Elevation of pump
- d. Pump type, horsepower, manufacturer, material of construction, and pump curve information.
- e. Hydraulic calculations supporting size of pumping equipment.
- f. Master flow meter type, size, manufacturer, and material of construction.
- g. Elevation of top and bottom of well screen. In an unconfined basal or parabasal aquifer, the Division strongly recommends that the well screen or open hole section of the well be installed such that the well draws from as close to the top of the aquifer as possible after pumping equilibrium is reached.
- h. Elevation of limits of the annular seal.
- i. Expected well head discharge pressure at permitted flow rate.

- 12.7 The as-constructed well location, project name, and project scope shall be exactly as indicated in the well drilling permit application. Any changes from the information provided in the well drilling permit application must be reported to the Division immediately.
- 12.8 All information identified in Section 10 of these regulations.
- 12.9 The well shall be inspected by the Chief or Division staff member prior to issuance of a well operations permit (for new or significantly modified wells, or application renewal).
- 12.10 A fully completed well operations permit application shall be submitted to the Chief for review at least thirty (30) calendar days prior to the scheduled start of any well production activities.
- 12.11 The well owner shall apply for a renewal of a well operations permit at least thirty (30) days prior to expiration of the existing well operations permit.

SECTION 13. WELL OPERATIONS PERMIT OBLIGATIONS

13.1 All owners of projects with a total well discharge capacity requirement greater than 20 gpm shall, on a semi-annual basis, perform *routine water quality analysis* on the water from each well. Samples shall be taken from a point prior to any chemical addition or form of treatment. Routine analysis includes sampling for the following parameters. Such analysis may be performed at the Division's laboratory or other EPA certified laboratory.

- * Chloride
- * Total Hardness
- * Alkalinity
- * pH
- * Total Dissolved Solids
- * Conductivity
- * Total Coliform (if a public water supply)

13.2 *Other non-routine water quality analysis* may be required by the Chief, in accordance with the vulnerability of the drinking water supply to source(s) of contamination. Such non-routine analysis may be for any of the regulated drinking water contaminants listed in the Commonwealth's Drinking Water Regulations. Samples shall be taken from a point prior to any chemical addition or form of treatment. Non-routine analysis shall be performed by an EPA certified laboratory. The cost of all such analysis shall be borne by the applicant.

13.3 All owners of public water systems (community and non-community water systems) shall also sample their water supplies in accordance with the requirements of the Commonwealth's Drinking Water Regulations, latest revision.

13.4 All owners of active water wells subject to the requirements of paragraph 13.1 shall, on a monthly basis, record total well production (in gallons).

13.5 The data requirements specified in paragraphs 13.1 through 13.4 shall be submitted with each well operations permit renewal application. Failure to provide this data will result in an incomplete renewal application. See Section 17 of the regulations regarding the penalties associated with submission of an incomplete well operations renewal application.

13.6 Pumpage of any well in any month which exceeds 110 percent of the permitted maximum monthly withdrawal rate must be reported to the Division within seven (7) working days after the end of the month in question. Failure to do so will result in violation of these regulations, with fines imposed for each continued day of violation until such time as the applicant files a report with the Chief explaining the circumstances

leading up to exceeding the permitted pumpage rate, and a plan to avoid recurrence of exceeding the maximum monthly withdrawal rate. See Section 17 of these regulations regarding the imposition of fines and other penalties.

SECTION 14. EXEMPTIONS FOR SEAWATER WELLS

In recognition of the limited public value of salty groundwater as a vital public resource, these Regulations provide for certain exemptions for wells to be developed within saltwater groundwater. Except for the specific exemptions listed below, all other provisions of these Regulations shall apply to seawater wells (see Section 3 for the definition of "Seawater Well"). Verification of the analysis proving chloride or conductivity of well water shall be made by the Division.

All seawater wells must undergo reverse osmosis treatment before use if the exemptions of this Section are to apply. Because this treatment process requires the application of sophisticated technology, the Division requires that supervision, operation, and maintenance of the water treatment facilities be performed by qualified, experienced personnel. Use of the reverse osmosis treatment process requires the safe disposal of treatment waste stream, in a manner that will neither impact human health or the environment.

All well drilling permit applications for seawater wells must include a complete water treatment waste stream disposal plan. This plan must prove that no degradation of the groundwater will occur as a result of discharging the water treatment waste stream, and must prove that the CNMI Water Quality Standards will not be violated.

Under all conditions and circumstances, public water supplies shall meet the requirements of the CNMI's Drinking Water Regulations, regardless of the exemptions provided for in this Section.

For all seawater wells, the following exemptions from these Regulations are provided.

- 14.1 Well Siting Criteria. Down gradient and upgradient wellhead protection dimensions for seawater wells may be reduced by up to 66 percent for existing land uses listed in Paragraph 6.1 and 6.2, down to no less than 50 feet. Seawater wells are exempted from the provisions of Paragraph 6.3.
- 14.2 Well Development and Disinfection. Seawater wells are exempted from the provisions of Paragraph 8.3.
- 14.3 Pump Testing Requirements. Seawater wells are exempted from the provisions of Paragraphs 9.2, 9.3, 9.7, and 9.8. The pump test requirements for seawater wells shall be 24-hour duration, with chemical analysis for the routine water quality parameters listed in Paragraph 9.6 and water level measurements shall be taken at hour 0 (start of pump test), hour 4, 8, 16, and 24.

- 14.4 Water Supply Capacity Guidelines. Seawater wells are exempted from the provisions of Paragraphs 11.3, 11.4, and 11.8.
- 14.5 Well Operations Permit Application Requirements. Seawater wells are exempted from the provisions of payment for Well Operations Permit Renewal Fees (included in Paragraph 12.3).
- 14.6 Well Operations Permit Obligations. Seawater wells are exempted from the provisions of Paragraphs 13.1, 13.2, 13.3, and 13.6.
- 14.7 Action On Applications. Seawater wells are exempted from the provisions of Paragraph 16.6.
- 14.8 Monitoring Wells And Comprehensive Hydrogeologic Investigations. Seawater wells are exempted from the provisions of Paragraphs 20.1 through 20.4.

SECTION 15.

EXEMPTIONS FOR WELLS PRE-DETERMINED TO UNDERGO REVERSE OSMOSIS TREATMENT

In recognition of the effective removal of contaminants provided by reverse osmosis, exemptions from certain provisions of these Regulations are warranted for non-seawater wells pre-determined to undergo reverse osmosis treatment. Except for the specific exemptions listed below, all other provisions of these Regulations shall apply to wells pre-determined to undergo reverse osmosis water treatment. The reverse osmosis membrane must have a molecular weight cut off (MWCO) value no greater than 300.

All well drilling permit applications for wells pre-determined to undergo reverse osmosis treatment must include a complete water treatment waste stream disposal plan. This plan must prove that no degradation of the groundwater will occur as a result of discharging the water treatment waste stream, and must prove that the CNMI Water Quality Standards will not be violated.

Under all conditions and circumstances, public water supplies shall meet the requirements of the CNMI's Drinking Water Regulations, regardless of the exemptions provided for in this Section.

For all wells pre-determined to undergo treatment by reverse osmosis, the following exemptions from these Regulations are provided.

- 15.1 **Well Siting Criteria.** Down gradient and upgradient wellhead protection dimensions for wells pre-determined to undergo reverse osmosis treatment may be reduced by up to 66 percent for existing land uses listed in Paragraph 6.1 and 6.2, down to no less than 50 feet. Wells pre-determined to undergo reverse osmosis water treatment are exempted from the provisions of Paragraph 6.3.
- 15.2 **Well Development and Disinfection.** Wells pre-determined to be treated by reverse osmosis are exempted from the provisions of Paragraph 8.3.

SECTION 16. ACTION ON APPLICATIONS

- 16.1 The Chief may require the applicant to furnish additional information, plans, or specifications before acting on an application for any license or permit.
- 16.2 Each applicant for license or permit shall be issued a notice, sent by the Chief, as to whether or not the Division finds the application complete within thirty (30) calendar days of receipt of the application. The Chief shall review and act on any permit application and license within thirty (30) calendar days of determining the application complete.
- 16.3 The Chief shall notify the applicant in writing of his or her decision regarding the application for a well drilling license, or well drilling or well operations permit (original or renewal). The Chief shall inform the applicant of sufficient facts and reasons upon which a disapproval or conditional approval was based. The applicant shall be afforded the opportunity to file a written appeal of the Chief's decision. Request for appeal shall be served upon the Division within seven (7) calendar days from receipt of the disapproval or conditional approval. Failure to file this appeal within seven (7) calendar days shall constitute a waiver of the applicant's rights to any future appeal of the Chief's decision.
- 16.4 A well drilling permit or a well operations permit issued pursuant to these regulations shall not be transferred from one location to another, or from one person to another, without the written approval of the Chief.
- 16.5 The Commonwealth Utilities Corporation shall receive priority in the issuance of all well drilling and well operations permits.
- 16.6 The Chief may modify the maximum monthly discharge allocation at the time of well operations permit renewal if subsequent hydrogeologic data, water quality analytical data, etc. warrants such change in order to protect the Commonwealth's groundwater resources from degradation.

SECTION 17. PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

- 17.1 The Chief may issue any order to enforce compliance with the Act, or any regulations adopted pursuant to the Act, and any permit or license issued pursuant to the Act and such regulations. Such orders may include but not be limited to a payment of a civil fine, taking corrective action, Cease and Desist Order, or Administrative Order.
- 17.2 The Chief may order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. No prior notification of violation is necessary before imposition of a civil fine. Each day of continued violation after issuance of written notice is a separate offense.
- 17.3 The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.
- 17.4 The Chief may suspend or revoke a Well Operations permit under the following conditions:
- a. The well is not being maintained or operated in accordance with these regulations or any permit or license conditions; or
 - b. The continued operation of the well threatens to contaminate the groundwater resources of the Commonwealth or threatens public health or the environment, as determined by the Chief; or
 - c. The well operations permittee has made material misrepresentation or misstatement concerning the quality or quantity of water produced by the subject well; or
 - d. Reporting requirements have not been met.
- 17.5 A Well Operations permit for a PUBLIC WATER SUPPLY that does not undergo an appropriate form of treatment may be suspended under the conditions specified in Paragraph 17.4 or under the following conditions:
- a. The water produced from such well fails to meet the Commonwealth's Drinking Water Quality Standards; or
 - b. The Division's or any other person's investigation and sampling of the well's production provides evidence of contamination. Under this provision, suspension of the

operations permit shall remain in effect until laboratory analysis confirms that no contamination exceeding the Commonwealth's Drinking Water Regulations are present.

- 17.6 The Chief may fine any well operations permittee for any material misrepresentation or misstatement of the quality or quantity of water produced by the subject well.
- 17.7 The Chief may fine any well operations permittee for tampering with or rendering inoperable any well or appurtenant facility (such as meter, sample tap) necessary for the determination of compliance with the conditions of the well operations permit.
- 17.8 The Chief may revoke a well driller's license or well drilling permit for any material misstatement or misrepresentation made by the licensee or permittee made for the purposes of obtaining or retaining such license or permit. The Chief may suspend or revoke a well driller's license or well drilling permit for violation of the Act, regulations, license, or permit.
- 17.9 A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.
- 17.10 No application for a well driller's license or well drilling permit may be made within one (1) year after revocation of such license or permit by the Chief for the reasons identified in paragraph 17.8 above.
- 17.11 Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine or not more than \$50,000.00 or by imprisonment for not more than one (1) year, or both. Any other penalties or remedies provided by these regulations and ordered by the Chief shall also remain in effect.
- 17.12 Any person who is subject to civil penalties, revocation, or suspension pursuant to Section 17 may be served with an Administrative Order and Notice of Violation and may upon written request seek an appeal hearing before the Chief or his/her designee. Request for appeal may be served upon the Division within seven (7) calendar days from receipt of the Administrative Order. Failure to request an appeal within seven (7) calendar days shall result in the person's waiving the right to any appeal or hearing. The Chief may compromise any penalty.

- 17.13 Any well operations permittee who does not or cannot meet the data submission requirements for a well operations permit renewal may be issued a conditional extension of the original operations permit for a period not to exceed 90 calendar days, during which time the permittee must submit a minimum of two sets of routine water quality samples (see paragraph 13.1) to the Division's laboratory, and submit monthly well production meter readings. If the permittee fails to accomplish these tasks during the conditional extension, the Chief may revoke the Well Operations permit. The permittee shall also remain subject to the provisions of paragraph 17.2.
- 17.14 The written request for a hearing shall serve as the answer to the complaint. The request for a hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator ("respondent") has any knowledge. Where respondent has no knowledge of a particular factual allegation and so state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations.
- 17.15 The respondent may also request an Informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.
- 17.16 If a hearing is conducted, the Chief or his/her designee will reside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The evidence presented at such hearing need not conform with the prescribed rule of evidence, but may be limited by the Chief in any manner he/she reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within fifteen (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.
- 17.17 Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of the issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing

before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision within thirty (30) calendar days.

17.18 The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

17.19 For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified) of any Administrative Order, Notice of Violation, Cease and Desist, or order for payment of a civil fine. If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

SECTION 18. EXISTING WELLS

- 18.1 Every owner or user of any well existing at the time these regulations go into effect shall, upon written request from the Chief, disclose the location and all other facts and information within the owner's/user's knowledge relating to such well. The owner/user shall include a statement of the manner in which the well is being used or operated, the volume of water being drawn or flowing therefrom, and the methods and means of control thereof.
- 18.2 Owners of wells in existence at the time these regulations go into effect that do not have valid Well Operations Permits shall be required to submit a complete Well Operations Permit application by August 30 of the year following the effective date of these Regulations. All of the submission requirements for obtaining a Well Operations Permit specified in these Regulations shall apply.
- 18.3 Owners of wells in existence at the time these regulations go into effect that do have valid Well Operations Permits shall be required to submit a complete Well Operations Permit renewal application by August 30 of the year following the effective date of these Regulations. All of the submission requirements for obtaining a renewed Well Operations Permit specified in these Regulations shall apply. All Well Operations Permits in effect as of the effective date of these Regulations shall expire on September 30 of the year following the effective date of these Regulations.
- 18.4 For the purpose of assessing annual well operations permit and permit renewal fees for existing wells in operation on the effective date of these Regulations, Well Operations Permit and permit renewal applicants must submit calculations defining the total well discharge capacity requirement. Failure of the applicant to submit this information may result in the Chief assigning a total well discharge capacity requirement.
- 18.5 Within 180 days of the effective date of these Regulations, owners of all wells in operation, whether or not in possession of a Well Operations Permit, must comply with the requirements of Paragraphs 7.2, 7.3, 7.4, 7.10, 13.1, 13.4,

SECTION 19. TEST WELLS

- 19.1 For all water wells with a well capacity requirement greater than 350 gallons per minute, the Chief may require that test wells be installed in order to determine the limits of the well's Radius of Influence.
- 19.2 Test wells shall be treated like other wells, subject to permit requirements, except that a group of test wells located on a single property may be considered under one permit.
- 19.3 Test wells, unless developed into water producing wells, monitoring wells, or underground injection wells, must be properly destroyed in accordance with pertinent paragraphs of Section 22 of these regulations.
- 19.4 A well originally permitted as a test well may be converted to a water well provided the applicant applies for and receives a Well Drilling Permit for a water well prior to conversion.

SECTION 20 MONITORING WELLS AND COMPREHENSIVE HYDROGEOLOGIC INVESTIGATIONS

The Chief may require the installation of permanent groundwater monitoring wells in order to monitor the effects of groundwater withdrawal facilities or potential sources of contamination on the quality of the Commonwealth's groundwater resources, and to determine whether or not such facilities or potential sources of contamination are preventing the highest beneficial use for which these resources are capable.

20.1 Monitoring wells shall be constructed under the direct supervision of a qualified hydrogeologist or groundwater engineer, in accordance with Best Engineering Practices (BEP), and shall be designed and sited in such a way as to assess any changes to groundwater quality that may be occurring. Determination of the number of monitoring wells, the contaminant parameters for which these wells will be sampled, and the frequency of sampling shall be made by a qualified hydrogeologist familiar with the general hydrogeology of the Commonwealth and the specific threats to groundwater quality posed. Such determinations shall be made as a part of a Comprehensive Hydrogeologic Investigation (CHI) of the project area. Other hydrogeologic investigative tools, such as installation of test wells, ground penetrating radar (GPR), specific conductance surveys, review of existing geologic data, etc., will likely be required to properly conduct such an investigation. The hydrogeologist shall submit to the Chief a Scope of Work prior to beginning the CHI for review and comment. Upon completion of the CHI, the hydrogeologist shall summarize the means and methods of the investigation, summarize all findings, and propose a groundwater monitoring plan. The Chief shall review the plan, and may require modifications to it prior to its approval and implementation.

20.2 A CHI may be ordered by the Chief for any project, either currently in operation or proposed which by their nature constitutes a potential threat to the groundwater resources of the Commonwealth and specifically to groundwater used for drinking water supplies, including but not limited to:

- a. Underground fuel storage facilities;
- b. Solid waste disposal facilities;
- c. Hazardous waste storage or disposal facilities;
- d. Hazardous materials manufacturing, storage, or disposal facilities;
- e. Large scale groundwater withdrawal projects

(projects with total well capacity requirements greater than 0.5 million gallons per day);

- f. Golf courses and other agro-commercial land uses which are regular users of pesticides, fungicides, or fertilizers;
 - g. Wastewater treatment and disposal facilities discharging directly or indirectly to the groundwater serving projects with an average daily wastewater generation rate of 10,000 gallons per day or more. These facilities may be either an approved IWDS or a wastewater treatment facility.
 - h. Any underground injection well (see the Division's Underground Injection Control regulations for a definition of an underground injection well).
- 20.3 The CHI shall include a contingency plan in the event contamination of the groundwater is detected.
- 20.4 The cost to conduct a CHI, and the cost of all groundwater monitoring and laboratory analysis shall be borne by the owner of the facility.

SECTION 21. DISCONTINUED USE OF WELLS

- 21.1 A well shall be considered abandoned if the well is not being used in compliance with or maintained under a valid operation permit or the well has not been used for a period of 24 consecutive months.
- 21.2 Monitoring wells used in the investigation or management of groundwater basins are not considered abandoned so long as they are maintained for this purpose.
- 21.3 Owners of a well that is to be made inactive shall notify the Chief, in advance and in writing, of the expected period of inactivation and the reasons for inactivating the well.

SECTION 22. REQUIREMENTS FOR DESTRUCTION OF ABANDONED WELLS

- 22.1 All abandoned wells, including test wells, shall be destroyed by a licensed well driller in such a way that they will not produce water or act as a channel for the interchange of waters between aquifers. The owners of or those with a leasehold interest in the property upon which an abandoned well exists shall be responsible for all costs associated with abandonment, unless otherwise provided for by law.
- 22.2 Before the hole is filled, the well shall be inspected by a licensed well driller to determine its condition, details of construction, and whether there are any obstructions that will interfere with the process of filling and sealing. The well driller shall propose in writing the means and methods for filling the abandoned well to the Chief for review and approval prior to start of well filling work. All work shall be performed in accordance with applicable NWWA and AWWA standards.
- 22.3 The well driller shall notify the Division in writing at least three (3) working days in advance of scheduled well filling operations.

SECTION 23. ACCESS TO WELLS

23.1 Any duly authorized officer, employee, or representative of the Division may enter and inspect any property where a well is being constructed, operated, or filled, for the purpose of ascertaining the state of compliance with these regulations. No person shall refuse entry to an authorized representative of the Division and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such inspection.

SECTION 24. SEVERABILITY

24.1 If any rule, section, sentence, clause, or phrase of these regulations or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these regulations or the application of these regulations to other persons or circumstances or property shall not be affected.



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



Tels: (670) 234-6114/6984
Fax: (670) 234-1003

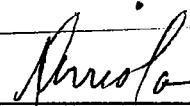
PUBLIC NOTICE OF PROPOSED ADOPTION OF REVISED RULES AND REGULATIONS FOR UNDERGROUND STORAGE TANKS

The Director of the Department of Public Health and Environmental Services, of the Northern Mariana Islands (CNMI), pursuant to the authority of 2 CMC § 3121 and 1 CMC § 2605, hereby gives notice of its intention to adopt revised rules and regulations concerning Underground Storage Tanks (USTs). The proposed revised regulations are published herewith. These regulations apply to Underground Storage Tanks (USTs) containing regulated substances such as petroleum products.

Copies of the proposed revised UST regulations may be obtained from the Department of Public Health and Environmental Services, Division of Environmental Quality, located at Dr. Torres Hospital, P.O. Box 1304, Saipan, MP 96950.

All interested parties persons are requested to submit, data, views, or arguments, in writing, concerning the proposed regulations. Written comments must be submitted to the Chief of the Division of Environmental Quality, not later than the close of business thirty (30) days following the date of publication of this Notice.

Date 7-1-92

for 
Dr. JOSE L. CHONG, Director
Department of Public Health and
Environmental Services



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



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NOTISIAN PUPBLIKU

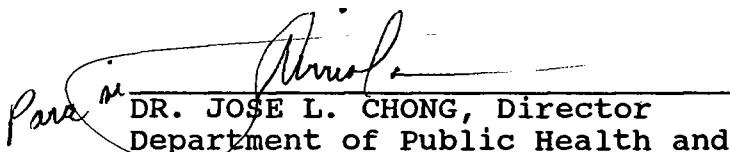
I direktot i Depattamenton Hinemlo i Pupbliku yan Environmental Services, Commonwealth of the Northern Mariana Islands (CNMI), sigun gi 2 CMC § 3121 yan sigun gi probision 1 CMC § 2605, ha notitisia i pupbliku pot i intension para umaadapta repasa i Arelakminento yan Regulacions put tanke siha gi papa tano. I mapropone repasa na regulacions ma publica guine.

Kopia siha para i mapropopone na regulasion, sina manmuchuchule' ginen i Depattamenton Hinemlo l Pupbiku yan Environmental Services, Division of Environmental Quality (DEQ) gi hagas Dr. Torres Hospital, P.O. Box 1304, Saipan, MP 96950.

Todos personas ni man interesao siempre manae oportunidad ni unfanmatugi ya umasubmiti opinon pot este na maprpopone na regulasion gi Divison of Environmental Quality, gi halom trenta (30) dias despues de mapublika este na Notisia.

Date

Julio 1, 1992

Para si 
DR. JOSE L. CHONG, Director
Department of Public Health and
Environmental Services



Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services
Division of Environmental Quality
P.O. Box 1304
Saipan, Mariana Islands 96950



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NOTISIAL PUBLIKO SANGI ADOPTAAL SIWEL REEL ALLEGHUL TOWLAP 2 CMC § 3121 AND 1 CMC § 2605

Direktoodul Bwulasiyool Public Health me Environmental Services, mellol Commonwealth of the Northern Mariana Islands (CNMI), sangi allegh ye 2 CMC § 3121 me sangi alleghleghul 1 CMC § 2605 e aghuley ngalir publiko reel yaal ebwe adoptaali me siweli alongal ngali ammwel tangkki kka e ghal lo faal ppwel (Underground Storage Tank) regulations.

Koopiyal nge emmwel shcagh bwe aramas rebwe bweibwogh mellol Bwulasiyool Public Health me Environmental Services, Division of Environmental Quality.

Alonger aramas re tingor ngalir bwe rebwe iseislong iar mengemeng, ngare mwuschel nge rebwe ischilongss sangi allegh yeel. Alongal mwuschel nge ebwe toolong loll Divison of Environmental Quality Fasul Dr. Torres Hospital, P.O. Box 1304, Saipan, MP 96950.

Date 7-1-92

Reel me

DR. JOSE L. CHONG, Director
Department of Public Health and
Environmental Services

**PROPOSED REVISIONS
TO THE
UNDERGROUND STORAGE TANK REGULATIONS**

**PROPOSED BY THE
DEPARTMENT OF PUBLIC HEALTH AND
ENVIRONMENTAL SERVICES**

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

PROPOSED REVISIONS TO THE
UNDERGROUND STORAGE TANK REGULATIONS

Proposed by
The Department of Public Health and Environmental Services
Division of Environmental Quality
Saipan, MP 96950
1992

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PART 1

AUTHORITY

1.1 General Provisions

These regulations have been promulgated by the Department of Public Health and Environmental Services in accordance with the Commonwealth of the Northern Mariana Islands Public Law 3-23, the Commonwealth Environmental Protection Act, 2 CMC §§ 3101 to 3134. These regulations and technical provisions shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

The Department of Public Health and Environmental Services, Division of Environmental Quality, shall serve as the official representative for all purposes of Subtitle I of the Resource Conservation and Recovery Act of 1976, 42 USC §§ 6901 to 6992K (Public Law 94-580) as amended, and for the purpose of such other federal or local legislation as may hereafter be enacted to assist in the management of underground storage tanks in the Commonwealth of the Northern Mariana Islands.

1.2 U.S. Federal UST Authority

The U.S. Federal Underground Storage Tank (UST) Regulations are issued under the Environmental Protection Agency (EPA) authority of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, 42 USC 6901 et seq., as amended and effective on December 22, 1988.

Section 9004 (42 USC § 6991c) permits the EPA to authorize states, including the Commonwealth of the Northern Mariana Islands, to implement their own UST programs in place of the federal requirements, if the state's requirements are "no less stringent" than EPA's and provide for adequate enforcement.

PART 2 PURPOSE AND POLICY

2.1 The purpose of these regulations is to establish a system of control and enforcement over the permitting, installation, compliance, use and monitoring of all Underground Storage Tanks (UST) containing regulated substances and prohibit the storage of hazardous substances or wastes in UST systems by persons within the CNMI as necessary to conserve the land and water resources of the CNMI, protect public health, and prevent environmental pollution, resource degradation and public nuisances.

2.2 These regulations provide a means to protect the CNMI surface and groundwater resources, as stated in the Commonwealth Groundwater Management and Protection Act of 1988, 2 CMC §§ 3311 to 3333 (P.L. 6-12). Since the CNMI is dependent on groundwater for

its drinking water supply, these regulations establish a mechanism to protect this limited resource from contamination from petroleum products contained in underground storage tanks. Thus, the purpose of these regulations is to also establish leak detection, leak prevention, financial responsibility, and corrective action requirements for all UST containing regulated substances.

2.3 These regulations provide a means to protect marine resources and coastal areas under the Coastal Resources Management (CRM) Act, 2 CMC § 1501 to 1543 (P.L. 3-47). These UST regulations provide a mechanism to prevent the degradation or pollution of, or damage to the marine resources of the CNMI from underground storage tanks. The provisions stated in these regulations are consistent with the purpose and objective of the CRM Act.

2.4 The Department of Public Health and Environmental Services, Division of Environmental Quality (DEQ) shall have primary jurisdiction to enforce those regulations in the CNMI. Additionally, the Environmental Protection Agency (EPA) Region IX Office, may independently enforce these regulations without requiring DEQ action.

PART 3 ADMINISTRATION

3.1 The Chief is authorized to take such action as may be necessary in the administration and enforcement of the Underground Storage Tank Regulations for the CNMI.

3.2 The Division of Environmental Quality shall be responsible to prepare, adopt, promulgate, modify, update, repeal, and enforce rules and regulations governing underground storage tank design, construction, permitting, installation, release detection and inventory control, compatibility, record maintenance, reporting, corrective action, closure, and financial responsibility in order to protect human health and environment, and enable DEQ to carry out the purposes and provisions of these regulations.

PART 4 DEFINITIONS

4.1 "Acceptable pressure gauge" shall mean a pressure gauge with a scale reading of no more than twice the test pressure required (ie. a 50 psi gauge is not acceptable for use to conduct a 20 psi pressure test) and no less than the test pressure plus 20% (ie. a 22 psi gauge is not acceptable for use to conduct a 20 psi pressure test).

4.2 "Associated piping" shall mean all piping used in the operation of a UST through which regulated substances flow, also referred to as product delivery lines.

4.3 "Certified Tank Installer" shall mean a person trained by an authorized person on the proper handling, testing, and installation of tank systems. The person "certified tank installer" must be trained in accordance with: 1) the manufacturers specifications; 2) the code of practice developed by a nationally recognized association or independent testing laboratory; and 3) these regulations. Training must pertain to the specific equipment being used on the portion of the tank system being tested. The individual authorized to conduct the training must be trained and certified by the manufacture of the tank, piping, or testing equipment, or by a nationally recognized professional association.

4.4 "Certified Tank Tester" shall mean a person trained and certified by an authorized person to conduct precision testing in accordance with the manufacturers specifications, the code of practice developed by a nationally recognized association or independent testing laboratory, and these regulations.

4.5 "Chief" shall mean the Chief of DEQ or his/her duly authorized designee.

4.8 "Closure of tank system" shall mean the temporary or permanent removal of a tank system from service or operation in accordance with the federal UST regulations.

4.9 "Contractor or Agent" shall mean the person designated and bound by contract, signed by all involved parties, to represent the owner or operator to conduct the installation of an UST system. The contractor or agent shall not relieve the owner and operator of liability, and may only be responsible for provisions specified in Part 8 of these regulations, Installation Standards, without a waiver approved by the Chief. The owner and operator may still be held liable for noncompliance with all of the regulations.

4.10 "DEQ" shall mean the CNMI Department of Public Health and Environmental Services', Division of Environmental Quality.

4.11 "DEQ UST Inspector" shall mean an employee of the Division who has been trained in the proper installation and operation of UST in accordance with the manufacturers specifications.

4.12 "Division" shall mean the CNMI Department of Public Health and Environmental Services, Division of Environmental Quality.

4.13 "Department" shall mean the CNMI Department of Public Health and Environmental Services.

4.14 "Existing tank" means any UST installed and operated prior to the effective date of these regulations which has not been the source of any release to the environment.

4.15 "Facility" shall mean the location or property where the UST is or was installed, and operating.

4.16 "Federal UST regulations" shall mean the Underground Storage Tank regulations (40 CFR 280) promulgated by the Environmental Protection Agency (EPA) under the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC 6901 et seq.) as amended and effective on December 22, 1988.

4.17 "Guarantor of Insurer" shall mean any person, other than the owner or the operator, who provides evidence of financial responsibility for the underground storage tanks and associated piping.

4.18 "Inland waters" shall mean surface freshwaters, such as streams, that are not subject to the ebb and flow of the tide.

4.20 "Local fire jurisdiction" shall mean the Fire Division of the CNMI Department of Public Safety.

4.21 "Navigable waters" shall mean those waters that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past or may be susceptible to use to transport interstate or foreign commerce.

4.22 "New tank" shall mean any UST installed on or after the effective date of these regulations which shall be required to comply with all provisions of these regulations.

4.23 "Operational life" shall mean the period beginning when installation of the tank system has commenced until the time the tank system is properly closed, in accordance with these regulations.

4.24 "Operator" shall mean any person in control of, or having responsibility for, the daily operation of an UST.

4.25 "Owner" shall mean any person who owns an UST and the associated piping used for the storage, use, or dispensing of regulated substances, or in the case of an UST no longer in operation at the effective date of these regulations, any person who owned such UST at the time operation or use of such tank system was discontinued.

4.26 "Perched aquifer" shall mean a water bearing stratum of permeable rock, sand, gravel in a geological area where there is a layer of impermeable material above the water table, forming a zone of saturation above it.

4.27 "Person" shall mean any individual, trust, firm, joint stock company, corporation (private and government), partnership,

consortium, joint venture, commercial entity, association, political subdivision of the CNMI, interstate body, any agency or department or instrumentality of the U.S. Federal or Government of the Northern Mariana Islands, or any other legal representative, agency or assignee.

4.28 "Precision test" shall mean a tank tightness test capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effect of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

4.29 "psi" shall mean the unit of pressure measurement, pounds per square inch.

4.30 "Regulated Substances" shall mean any element, compound, mixture, solution, or substance that when released into the environment, may present substantial danger to the public health, welfare, or the environment. The term includes:

a. Any substance defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC §§ 9601 to 9675 (Public Law 96-510) as amended, but not including any substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq. (Public Law 94-580) as amended;

b. Petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and

c. Any other substance as designated by the Chief.

4.31 "Release" shall mean the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a regulated or hazardous substance from a UST or associated piping.

4.32 "Secondary containment" shall mean a system installed around a UST that is designed to prevent a release from migrating beyond the secondary containment system outer wall (in the case of a double-walled UST) or excavation area (in case of a liner) before a release can be detected.

4.33 "Sensing devices" shall mean techniques used to identify a loss of product that are based on volumetric measurements of the tank contents and reconciliation of those measurements with product delivery and withdrawal records or any other technique approved by the chief in writing.

4.34 "Septic tank" shall mean a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settle solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

4.35 "Shoreline" shall mean the line where the water surface meets land at the mean high tide.

4.36 "Surface water bodies" shall mean the area where water collects at the surface which is fed by rainfall or a groundwater source such as a perched aquifer.

4.37 "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed primarily of non-earthen materials (e.g., concrete, steel, fiberglass) that provide structural support.

4.38 "Tank system" shall mean an UST and piping associated with the operation of a UST which contains any amount of a regulated substance for any period of time.

4.39 "Tidal area" shall mean any land within 500 feet of the shoreline, navigable waters, or area influenced by tidal fluctuations.

4.40 "Underground Storage Tank" shall mean a tank or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground.

4.41 "Upgrade" shall mean any addition or retrofit of some systems such as cathodic protection, lining, or spill and overflow controls to improve the ability of an tank system to prevent the release of regulated substance."

4.42 "USC" shall mean United States Code.

4.43 "UST" shall mean underground storage tank.

4.44 "Well" shall mean the system whereby water is pumped out of the ground to be collected, and used for drinking water supply.

4.45 "Wetland" shall mean any geographic area which includes areas inundated by surface or groundwater at a frequency and duration that is sufficient to support, and under normal circumstances a prevalence of plant or aquatic life, that require saturated or seasonally saturated soil conditions for growth and reproduction.

PART 5 APPLICABILITY

5.1 These regulations shall apply to all tank systems which receive, store or distribute regulated products, and have at least 10 percent of its volume including associated piping underground.

5.2 The following tanks shall be excluded from the definition of UST and shall be exempt from the provisions of these regulations:

5.2.1 Farm or residential tanks of 150 gallons or less capacity storing motor fuel for noncommercial purposes;

5.2.2 Septic tanks;

5.2.3 Storm water catchment systems;

5.2.4 Wastewater treatment plants;

5.2.5 Surface impoundments, pits, ponds and lagoons;

5.2.6 Flow-through process tanks (except oil:water separators, which must be a US EPA approved design);

5.2.8 Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;

5.2.9 Pipeline facility (including gathering lines) regulated under;

a. The Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481) as amended; and

b. The Hazardous Liquid Pipeline Safety Act of 1979 (P.L. 96-129), as amended, and

PART 6 REGULATORY REVISIONS

6.1 Any amendments to the U.S. EPA Underground Storage Tank Regulations (40 CFR 280) promulgated by the U.S. EPA shall apply to the CNMI. Amendments to the federal UST Regulations shall be incorporated into these regulations by the Director.

6.2 Any revisions to these regulations that are more stringent than the corresponding requirements specified in the federal regulations may be incorporated into these regulations only after publication in the CNMI Commonwealth Register for a period of thirty (30) days, and a public hearing if requested from a resident or citizen of the CNMI. DEQ shall comply with the requirements of the Administrative Procedure Act (APA), 1 CMC § 9104.

PART 7 PERMITTING

7.1 Prior to installation of any UST, the owner or operator shall apply for and obtain a UST Permit to Install from DEQ. The UST Permit to Install application shall be completed in full, signed by the owner or operator submitting the application, and be submitted to DEQ with a copy of the design blue prints and a vicinity map.

7.1.1 The owner or operator shall pay an UST Permit to Install application fee of five hundred (\$500.00) US Dollars per tank (new and replacement) payable to the Division of Environmental Quality, at the time the UST Permit to Install application is submitted.

7.1.2 DEQ shall notify the applicant if any additional information is needed within 14 working days from the date the application is submitted. A UST Permit to Install application will not be considered complete until DEQ has received the additional information requested.

7.1.3 DEQ shall not issue an UST Permit to Install until the owner, operator, or designated contractor has obtained a DEQ Earthmoving and Erosion Control Permit.

7.1.4 Prior to the permitting of the installation of any new or replacement UST, the owner or operator and the certified tank installer who will be responsible for the proper installation of the new or replacement UST shall attend an UST Program Briefing to be conducted by DEQ after an application has been filed at DEQ.

a. The UST Program Briefing shall minimally include a review of federal and CNMI UST Regulation and the DEQ UST Program.

7.1.5 No UST Permit to Install shall be issued without prior proof of financial responsibility in accordance with Part 14.

7.1.6 There will be a 30 day processing period for any UST Permit to Install application, from the time all requirements in this Part have been completed and DEQ determines the application complete.

7.1.7 DEQ has the right to reject any UST Permit to Install application that does not comply with all requirements as specified in the federal or CNMI UST Regulations, or as the Chief may deem necessary to protect public health or the environment.

7.1.8 All UST Permits to Install shall be non-transferable, from person to person, and from location to location.

7.2 The operator of the tank system shall apply for and obtain an UST Permit to Operate from DEQ:

a. prior to commencing the operation of a newly installed tank system;

b. within 90 days of the effective date of these regulations for tanks storing heating oil for consumptive use on premises where stored or storage tanks located on or above the floor in an underground room.

7.2.1 The UST Permit to Operate Application shall be completed in full, signed by the operator submitting the permit application and submitted to DEQ.

7.2.2 The operator shall pay an UST Permit to Operate Application fee of one-hundred and fifty (\$150.00) US Dollars per tank (new, renewal, and replacement) payable to the Division of Environmental Quality at the time the application is submitted. Applications for UST Permit to Operate must be renewed yearly.

7.2.3 DEQ has the right to reject any UST Permit to Operate application and revoke any UST Permit to Operate if DEQ believes or finds the tank system is not being operated and maintained by a person with sufficient training and experience in preventing corrosion, and in a manner that ensures that no releases occur.

7.2.4 All UST Permits to Operate shall be non-transferable form person to person, and from location to location.

7.2.5 No UST permit to operate shall be issued without prior proof of financial responsibility in accordance with Part 14.

PART 8 INSTALLATION

8.1 The following standards apply to any UST and associated piping installed after the effective date of these regulations. The following installation requirements and criteria shall be met:

8.1.1 tank installation shall be conducted in accordance with the manufacture's specifications and in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory;

8.1.2 each tank shall be equipped with the means to detect and prevent an overflow of the tank before a discharge can occur;

8.1.3 tanks and associated piping shall be made of or lined with materials compatible with the regulated substance(s) and designed and equipped to prevent corrosion for the operational life of the UST, accomplished by:

a. use of fiberglass reinforced or other non-corrosive materials for UST's, piping and fittings; or

b. any other equally effective design approved by the Chief in writing; and

8.1.4 tanks shall be equipped with secondary containment either by:

a. installation of double walled tanks and double walled piping with piping containment sumps and concrete vaults or other lined excavation pit; or

b. any other equally effective design approved by the Chief in writing; and

8.1.5 tanks shall be equipped with mechanisms or methods that are capable of detecting releases from any portion of the tank by one of the following methods:

a. inventory control;

b. manual tank gauging;

c. automatic tank gauging;

d. vapor monitoring;

e. groundwater monitoring;

f. interstitial monitoring;

g. any other release detection methods, or combination of methods can be used if it can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or

h. any other equally effective leak detection method approved by the Chief in writing; and

8.1.6 product delivery lines shall be equipped with mechanisms or methods that are capable of detecting releases

from any portion of the piping by one of the following methods:

- a. automatic line leak detector that detects a release within an hour by restricting or shutting off flow or sounding an alarm;
- b. applicable method used in Part 8.1.5 that is designed to detect a release from any portion of the piping that routinely contains regulated substances; or
- c. any other equally effective leak detection method approved by the Chief in writing.

8.2 The owner or operator or the certified tank installer shall notify the local fire jurisdiction in writing before beginning construction. Notification shall specify the number, size and contents of tanks to be installed, the location, and estimated date tank operation will commence.

8.3 The owner or operator shall be responsible for assuring the installation of tanks and associated piping be conducted in compliance with these regulations by contracting a certified tank installer to conduct or oversee and inspect all installation procedures.

8.4 The certified tank installer shall comply with the following testing criteria for both tanks and associated piping:

8.4.1 conduct tank tests prior to placing tanks into the ground and before covering the tanks; and

8.4.2 contact a DEQ UST Inspector at least 2 days prior to the scheduled date of pressure testing; and

8.4.3 conduct line tightness testing capable of detecting a leak of 0.1 gallon per hour leak rate at one and one-half time the operating pressure.

8.5 A DEQ UST Inspector shall be present during all pressure testing of UST's and the associated piping.

8.5.1 Any pressure test conducted without visual inspection of a DEQ UST Inspection shall be deemed invalid.

8.6 A DEQ UST Inspector shall inspect the bedding prior to placing tanks underground.

8.7 The owner or operator shall be responsible for the correction of any procedure or replacement of any materials that do not comply with these regulations.

8.8 DEQ shall be responsible for completing the DEQ UST Installation Inspection Checklist (IIC). The IIC shall include all phases of installation including, but not limited to, construction of the tank, size of backfill material used, tank integrity, adequacy of excavation, bedding and anchoring, manway risers, and pipe material, trenching and pressure testing.

8.8.1 The IIC shall not replace any installation checklist required by the manufacturer for warranty purposes.

a. The certified tank installer shall be responsible for completing manufacturer checklists.

b. The owner or operator shall be responsible for compliance with any warranty requirements for equipments installed.

8.9 An UST Inspector shall make frequent inspections of all installation procedures to assure compliance with these regulations.

8.10 DEQ shall not certify any tank until the UST Installation Inspection Checklist is complete.

8.11 There shall be no tanks installed after the effective date of these regulations in the following locations:

a. within a wetland or within five hundred (500) feet of a wetland boundary; or

b. within five hundred (500) feet of a private or municipal well; or

c. within five hundred (500) feet of surface waters bodies, such as a reservoir or cave, from which public drinking water supply is collected; or

d. within five hundred (500) feet of inland waters; or

e. within five hundred (500) feet of the shoreline or navigable waters; or

f. within tidal or storm wave inundation areas; or

h. any area determined as unsuitable by the Chief.

8.12 It shall be prohibited to install additional tanks to any tank system located in an area specified in Part 8.11 which were installed prior to the effective date of these regulations.

8.12.1 Tank systems which were installed in an area specified in Part 8.11 prior to the effective date of these

regulations may be replaced or upgraded in compliance with these regulations.

a. The owner or operator shall comply with any additional requirements specified by the Chief as necessary to protect public health and the environment.

8.13 The owner or operator shall upgrade operating tank systems which were installed prior to the effective date of these regulations such that the entire tank system will be in compliance with Part 8.1.2-5 of these installation standards by December 22 1998.

8.13.1 The owner or operator shall upgrade the UST system such that leak detection is installed and operated in compliance with subpart 8.1.5 by December 1, 1993.

8.14 The owner or operator shall upgrade the tank(s) which were installed prior to the effective date of these regulations such that the tank(s) is in compliance with Part 8.1.5 by:

8.14.1 December 22, 1990 for tanks installed before 1965;

8.14.2 December 22, 1990 for tanks installed between 1965-1974;

8.14.3 December 22, 1991 for tanks installed between 1970-1982;

8.14.4 December 22, 1992 for tanks installed between 1975-1979; and

8.14.5 December 22, 1993 for tanks installed between 1980-1988.

8.15 The owner or operator shall upgrade product delivery lines which were installed prior to the effective date of these regulations such that the piping is in compliance with Part 8.1.6 by:

8.15.1 May 25, 1992 for pressurized; or

8.15.2 the same date as specified for existing tanks in 8.14 for suction piping.

PART 9 TANK CERTIFICATION (PERMIT TO OPERATE)

9.1 Upon completion of installation and DEQ's final visual inspection of newly installed UST's, but prior to the filling and operation of any UST, the owner or operator shall have the tank(s) and associated piping precision tested.

9.1.1 The precision testing shall be conducted by a certified tank tester;

9.1.2 the method of precision testing used must be capable of detecting leaks of .01 gallon per hour; and

9.1.3 the certified tank tester shall provide the Chief with the test results within forty eight (48) hours of when the precision test is conducted.

9.2 Upon receipt and approval of the precision test results and any additional information requested by DEQ, the Chief may issue a Letter of Certification to the owner or operator.

9.2.1 The Letter of Certification shall testify that:

a. the owner or operator applied for and obtained an Earthmoving Permit from the Chief prior to the commencement of clearing of land and excavation activities;

b. the owner or operator applied for and obtained an UST Permit from the Chief by complying with all provisions in Part 7 of these regulations prior to the commencement of installation procedures;

c. the owner or operator has obtained any permits, leases or certifications required by other CNMI agencies or offices;

d. the owner or operator has provided proof of financial responsibility as specified in Part 14; and

e. DEQ has inspected and approved all installation procedures and verifies that all federal and local specifications have been met and followed.

9.2.2 The Letter of Certification (Permit to Operate) shall be kept at the UST site and be readily available at all times for inspection by the Chief or DEQ UST Inspector.

9.3 There will be a 30 day processing period for any UST Letter of Certification (Permit to Operate), from the time all requirements in this Part have been completed and DEQ determines the application complete.

9.4 Any UST installed prior to the effective date of these regulations must be certified by DEQ within twelve (12) months from the effective date of these regulations in accordance with Section 9.1 of Part 9, Tank Certification.

9.5 The UST Certification is valid for one year from the date of issuance. It is the responsibility of the owner or operator to contact DEQ at least 30 days prior to the expiration of the UST Certification and for requesting renewal of the certification. Precision testing required for UST certification is as specified in Section 10.8 of this regulations.

9.5 Transfer of tank ownership is prohibited without first providing DEQ with proof that the transferee has complied with the financial assurance requirements specified in Part 14 of these regulations.

PART 10 MONITORING

10.1 The owner or operator shall operate and maintain a leak detection system capable of detecting release of regulated substances from any portion of the UST system that routinely contains regulated substances in compliance with Part 8 for the operational life of the tank system. Release detection requirements shall apply to all UST systems:

10.1.1 when a new UST system is installed; and

10.1.2 by upgrading existing UST systems before December 21, 1993, except that release detection for the piping attached to any existing UST through which regulated substances routinely pass, under greater than atmospheric pressure must be upgraded by September 22, 1991.

10.2 An UST system with cathodic protection shall be operated and maintained by a person with sufficient experience and training in preventing corrosion of the system, including formal training in corrosion prevention or training from the manufacturers of the cathodic protection equipment utilized in the UST system.

10.3 All UST shall minimally be monitored monthly, except that new or upgraded tanks already in compliance with Part 8.1.2-8.1.4 and the monthly inventory control requirements in Part 8.1.5 (a) (b), may use precision tank testing (in accordance with Part 9.1) at least every two years until December 22, 1998, or for 10 years for new and upgraded tank systems, whichever is later.

10.4 Automatic line leak detectors installed in piping through which regulated substances routinely pass under pressure and under suction in accordance with 8.1.5 shall have a line tightness test conducted every year and use a monthly monitoring method conducted in accordance with 8.1.5 (c) (d).

10.5 Piping through which regulated substances routinely pass under pressure and under suction in accordance with 8.1.5 shall have a

line tightness test conducted every year and use a monthly monitoring method conducted in accordance with 8.1.5 (c)(d).

10.6 The owner or operator shall be responsible for keeping records of leak detection monitoring.

10.7 Any malfunction or damage to leak detection devices or system shall be reported to DEQ within 24 hours of such findings.

10.7.1 Operation of the tank system is prohibited until:

a. the leak detection devices or system has been repaired or replaced; and

b. DEQ has inspected and approved the repaired or replaced leak detection system.

10.8 Each UST shall be precision tested:

10.8.1 prior to tank certification and operation for new installations as specified in Part 9.1; and

10.8.2 within one year from the effective date of these regulations for existing tank systems as specified in Part 9.3; and

10.8.3 five years from the date of the initial precision test, unless a leak is detected, upon which precision testing must be conducted prior to the returned use of the UST after the UST has been repaired or replaced; and

10.8.4 ten years from the date of the initial precision test and annually thereafter, for the operational life of the UST.

PART 11 LEAK REPORTING AND CORRECTION

11.1 The owner or operator shall immediately investigate all suspected leak, spill, overflow, discharge, or any other release from a UST or associated equipment when:

11.1.1 unusual operating conditions, release detection system signal or alarm, or environmental conditions at the site suggest a release of regulated substances may have occurred; or

11.1.2 when required by DEQ to determine the source of a release having an impact in the surrounding area.

11.2 Any leak, spill, overfill, discharge, or any other release from a UST or associated equipment shall be stopped as soon as practicable by the owner or operator.

11.3 The owner or operator of any UST must report any verified or suspected leak, spill, overfill, discharge or any other release from a tank(s) or associated equipment within 24 hours to DEQ.

11.4 DEQ may undertake any reasonable investigation as necessary to identify the existence, source, nature, and extent of a verified or suspected release and the extent of danger to the public health and welfare or the environment.

11.5 The owner or operator shall identify, contain and mitigate any immediate health and safety threats that are posed by a release (including the investigation and initiation of free product removal, if present).

11.6 Any UST or associated equipment from which a release has been detected shall be:

a. immediately removed from service until the tank is repaired or replaced including removal of the regulated substance from the tank system as necessary to prevent further releases; and

b. meet all installation requirements contained in Part 7 as appropriate prior to being returned to service.

11.7 The owner or operator shall conduct an investigation of the release site to determine possible adverse impacts on soil, groundwater, and surface waters.

11.8 Within 20 days after release confirmation, or within another reasonable period of time determined by the Chief, the owner or operator must submit a report to the DEQ summarizing the initial abatement steps taken to comply with subpart 11.1 to 11.6 and include any resulting information or data.

11.9 Unless otherwise directed by the Chief, the owner or operator shall prepare an initial site characterization which shall include the following information:

11.9.1 data on the nature and estimated quantity of release;

11.9.2 data from available sources including an estimate of the surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use; and

11.9.3 results of the site investigations as specified in this part, Part 11, and corrective action taken in response to a release.

11.10 The tank owner or operator shall be liable for any and all property or personal damages and/or expenses incurred by others as a direct or indirect cause of any discharge, or efforts or actions to stop or contain an identified release from a UST or associated equipment.

11.11 The tank owner or operator shall provide reasonable assurance that money will be available up-front to respond to releases from tank systems and pay for potential damages as specified in this Part and in compliance with Part 14, Financial Responsibility requirements.

11.12 The owner or operator shall be responsible for the clean-up and disposal of all regulated substances released from an UST or associated equipment in a manner that will protect human health and the environment.

11.12.1 All regulated substances shall be cleaned-up and properly disposed of within thirty (30) days of the release or by a date indicated by the Chief.

11.13 The owner or operator is responsible for the clean-up and proper disposal of any soil or water contaminated by a release.

11.13.1 All soil or water contaminated shall be cleaned-up and properly disposed of within ninety (90) days of the release or by a date indicated by the Chief.

11.13.2 DEQ shall publish a Public Notice to notify the affected public of all confirmed releases requiring a plan for soil and groundwater remediation. Upon request, DEQ shall provide interested persons information on the nature of the release and the corrective measures planned or taken.

11.14 DEQ may take emergency corrective action if the Chief determines a confirmed release constitutes a clear and immediate danger requiring immediate action to prevent, minimize, or mitigate damage to the public health and welfare or the environment.

11.14.1 Prior to taking such action, the Chief shall make every reasonable effort, taking into consideration the urgency of the situation, to order the owner or operator to take corrective action.

PART 12. TANK CLOSURE

12.1 Any tank removed from service prior to the effective date of these regulations or any tank to be removed from service for more than one year shall be permanently closed.

12.2 To permanently close a tank the owner or operator shall:

12.2.1 notify the Division of the intent to permanently close the tank in writing no less than 30 days prior to the anticipated date of closure;

12.2.2 assess the site, including an evaluation of soil, groundwater, and surface water, to determine whether there has been a release of regulated substances;

12.2.3 notify the local fire jurisdiction of the intent to permanently close the tank in writing no less than 30 days prior to the anticipated date of closure; and

12.2.4 remove and properly dispose of all regulated substances and any sludge or other waste materials remaining in the UST and associated piping in a manner that eliminates the potential for safety hazards and any future releases.

12.3 If a tank system shall be temporarily removed from service (for a period less than 12 months), the owner or operator shall:

12.3.1 continue to comply with operating requirements, release reporting and investigation and release response and corrective action;

12.3.2 continue to comply with release detection requirements if regulated substances are stored in the tank;

12.3.3 leave vent lines open and functioning;

12.3.3 be closed off to outside access; and

12.3.4 comply with subpart 12.2 if the UST system has not been protected from corrosion and has not been used in one year.

12.4 To remove a UST from the ground the owner or operator shall:

12.4.1 properly dispose of the tank and associated piping;

12.4.2 backfill the area or space previously occupied by the UST and associated piping to the ground level; and

12.4.3 close off the area until it is completely backfilled to restrict access and risk of injury to persons, animals, or property.

12.5 To leave the UST and associated piping in the ground the owner or operator shall completely fill the tank with a solid, inert material, approved in advance by DEQ.

12.6 Owners or operators of UST to be permanently or temporarily removed from service shall maintain all records necessary to verify compliance with these closure requirements.

PART 13 RECORD KEEPING

13.1 The owner or operator shall notify DEQ, using the CNMI UST Notification Form, within thirty (30) days after newly installed tank system is brought into use. The CNMI UST Notification Form shall specify information including, but not limited to, the age, size, type, location, and uses of new UST.

13.1.1 The owner or operator is responsible for submitting a CNMI UST Notification Form each year. The Form must indicate whether any changes have been made to the UST system, or the ownership or operation of the system.

13.1.2 DEQ shall be responsible for submitting copies of all CNMI Notification Forms to the EPA.

13.1.3 CNMI UST Notification Forms shall be public information.

13.2 The owner or operator shall maintain records of monitoring, testing, repairs, and closures sufficient to demonstrate recent facility status, except that records demonstrating compliance with repair and upgrading requirements must be maintained for the remaining operational life of the facility.

13.2.1 Copies of all records required by these regulations shall be maintained at the UST facility.

13.3 All records shall be made immediately available to the Chief or DEQ staff member upon request.

13.3.1 Willful withholding of requested information shall be subject to enforcement procedures specified in Part 15.

13.4 All records or other information furnished to or obtained by the Division concerning regulated substances shall be public information, except for information concerning trade secrets, processes, operations, style of work or apparatus or to the identity, confidential statistical data, amount or source of any

income, profits, losses or expenditures which shall be for the confidential use at the Division in the administration of these regulations.

13.4.1 The owner or operator may expressly waive any of the exceptions specified in 13.4 and make this information available to the public.

13.4.2 The owner or operator shall have the right to claim the privilege and identify confidential information, subject to a final determination by the Chief, at the time the information is submitted to DEQ.

13.5 This Part does not prohibit the publishing of quantitative and qualitative statistics pertaining to the storage of regulated substances.

13.6 Information regarding the nature and quality of releases from a UST or associated piping otherwise reportable pursuant to this Part shall be available to the public.

PART 14 FINANCIAL RESPONSIBILITY

14.1 The owner or operator of a UST shall provide DEQ with evidence of financial responsibility such as security bond or guarantee agreement which provides insurance coverage for taking corrective action and in order to adequately compensate third parties for bodily injury and property damage caused by sudden and non-sudden accidental releases arising from the operation of a UST.

14.1.1 The owner or operator shall obtain \$2 million (US Dollars) insurance per occurrence coverage if they own and/or operate between 100-999 tanks.

14.1.2 The owner or operator shall obtain \$1 million (US Dollars) insurance per occurrence coverage by April 1, 1991 if they own and/or operate between 13-99 tanks, or by December 22, 1993, if they own one to twelve tanks in accordance with federal UST regulations, 40 CFR 280.95 to 280.99.

14.1.3 The owner or operator shall obtain \$500,000 per occurrence coverage for third party liability and corrective action claims for UST systems not used in petroleum production, refining or marketing and handle a throughput of 10,000 gallons per month or less.

14.2 Proof of coverage shall be provided in the form of insurance/risk retention group coverage, self-insurance, guarantee, letter of credit, surety bond, trust fund, state-funding mechanism, as defined in the federal UST regulations and certified by the CNMI Attorney General.

14.3 If the owner or operator is in bankruptcy, reorganization, or under other court order not to disperse any funds or if personal jurisdiction in either CNMI state or US District Court cannot be obtained over such owner than the Chief may seek recovery for damages arising from accidental UST releases directly from the guarantor or insurer. The guarantor or insurer is entitled to invoke all rights and defenses which the owner would have in an action by claimants under this Section.

14.4 The total liability of a guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this subsection. This subsection does not limit any other CNMI or federal statutory, contractual, or common law liability of a guarantor to its owner or operator, including but not limited to, the liability of the guarantor for bad faith in negotiating or in failing to negotiate the settlement of any claim. This subsection does not diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC §§ 9601 to 9675 (Public Law 96-510) as amended, or other applicable laws.

PART 15. ENFORCEMENT

15.1 The Chief may institute civil actions through the Commonwealth Courts or by Administrative Orders issued by the Chief and the Director.

15.2 Procedures for Administrative Orders shall be conducted as follows:

15.2.1 The Chief may issue and order to enforce compliance with the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations. Such orders may include but are not limited to a payment of a civil fine, take corrective action, or to cease and desist. Prior to any order for a civil fine the Chief shall issue a notice to the alleged violator and allow the violator a reasonable time, as determined by the Chief, to correct such violation. The administrative order shall serve as an complaint.

15.2.2 The Chief may order any person to pay a civil fine of not more than \$1,000.00 for each violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations. Each day of continued violation is a separate offense.

15.2.3 The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act,

any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.

15.2.4 Any person who is subject to civil penalties, revocation, or suspension pursuant to §§ 15 and 16 shall be served an Administrative Order and Notice of Violation and may upon written request seek a hearing before the Chief or his designee. Request for a hearing must be served upon the Division within seven (7) calendar days from the receipt of the notice of violation or the right to a hearing is waived.

15.2.5 The written request for a hearing shall serve as the answer to the complaint. The request for hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator (respondent) has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations.

15.2.6 The respondent may also request an informal Settlement Conference. An Informal Settlement Conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.

15.2.7 If a hearing is conducted the Chief or his designee will reside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The type of record made shall be the discretion of the Chief. Evidence presented at such a hearing need not conform with the prescribed rules of evidence, but may be limited by the Chief in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within (15) working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.

15.2.8 Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten (10) working days of the date of issuance of the decision. The request must concisely state the

specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision or affirm the Chief's decision. She/he will issue a written decision within thirty (30) calendar days.

15.2.9 The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.

15.2.10 For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified). If any filing date falls on a Saturday, Sunday, or Commonwealth Holiday, the filing date shall be extended to the next working day.

15.3 The Chief, shall have the responsibility to prepare, issue, modify, revoke and enforce orders for compliance with any of the provisions of these regulations or of any rules and regulations issued pursuant thereto and requiring the taking of such remedial measures for underground storage tank management as may be necessary or appropriate to implement or effectuate the provisions and purposes of these regulations.

15.4 The Chief may initiate civil actions through the Commonwealth Courts shall be transmitted through and with the approval of the Director and the Attorney General as necessary to enforce these regulations in consonance with, and in accordance with the applicable laws of the CNMI and in accordance with Federal UST Regulations. The Attorney General will institute legal actions to enjoin a violation, continuing violation or threatened violation of these regulations.

15.5 If the Chief has probable cause to believe there has been a violation of these regulations, upon receipt of an order or warrant from the Commonwealth Trial Court or the District Court, DEQ may enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in such order or warrant.

15.5.1 The Chief may enter property for purposes specified in subpart 15.5 if a violation has occurred or is imminent; the violation poses a serious, substantial and immediate threat to public health or welfare; or the process of obtaining a warrant or order would prolong or increase the threat, impair discovery of evidence of a violation or impair mitigation of the threat.

15.6 DEQ shall provide for public participation in the enforcement of these regulations.

15.6.1 Public participation shall included providing notice and opportunity for public comment on all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment); and

15.6.2 Investigating and providing responses to citizen complaints about violations.

15.5 Nothing in this section shall prevent US EPA enforcement of either the federal or CNMI UST regulations.

15.6 DEQ shall make information obtained available, upon request, to the US EPA or any duly authorized committee of Congress without restriction.

PART 16 PENALTIES FOR VIOLATIONS

16.1 Any person who violates, or who refuses or neglects to comply with any provision of these regulations, or any certification, standard, notification, or order issued by the Chief, Department, or Attorney General, or any valid rule or regulation promulgated under these regulations, shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each tank for each day of violation.

16.2 Upon request of the Chief, the CNMI Attorney General shall petition the Commonwealth Trial Court or the United States District Court for the CNMI for a judgement assessing damages arising from a violation of these regulations or of any certification, standard, notification, permit, or order. In determining such damages, if any, the court having jurisdiction of the matter shall consider the magnitude of harm caused by the violation, the nature and persistence of the violation, the length of time during which the violation has occurred and any corrective or ameliorative action or circumstances on the part of the person or persons against whom the damages are to be assessed.

16.3 Any person who knowingly and willfully makes any false statement, representation, or certification in any application, records, report, plan or other documentation filed or required to be maintained under these regulations, or by any certification, or order issued under these regulations, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to these regulations or any certification or order of the Chief pursuant to these regulations shall be subject to criminal prosecution and upon conviction shall be assessed fines not to exceed fifty thousand

dollars (\$50,000.00) per day or imprisoned not less than six (6) months and not more than one year or both.

16.4 All sums received as fines pursuant to this part and all permit fees collected pursuant to these regulations shall be paid to the treasurer of the CNMI for credit to the general fund of the CNMI.

16.5 Any person with an interest, which is or may be adversely affected by a violation of these regulations, may intervene as a matter of right in any civil action brought by the Chief, Department, or CNMI Attorney General's Office to require compliance with the provisions of these regulations.

17 SEVERABILITY

Should any part, section, paragraph, sentence, clause, phrase, or application of these rules and regulations 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.

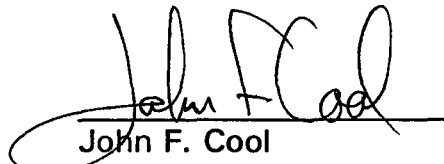
**NOTICE OF PROPOSED AMENDMENTS
TO THE
IMMIGRATION AND NATURALIZATION REGULATIONS**

The Attorney General, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt amendments to the Immigration and Naturalization Regulations. The proposed regulations are promulgated pursuant to 3 CMC §4312.

The proposed amendments establish an entry permit category of Long Term Business Entry Permit, and amends §1201 of the Immigration Regulations.

The text of the proposed amendment is published with this notice. I further certify under penalty of perjury that the attached is a true and correct copy of the proposed amendment to the regulations. Any person interested in commenting on the proposed regulation may do so by submitting written comments to the Attorney General, 2nd Floor Administration Building, Capitol Hill, Saipan, MP 96950.

Dated: July 8, 1992
at Saipan, MP


John F. Cool
Acting Attorney General

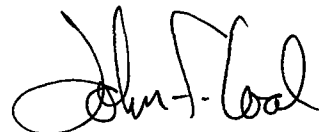
**NUTISIA PUT I MAPROPOPONI NA AMENDASION
PARA
REGULATION IMMIGRATION YAN NATURALIZATION**

I Attorney General, gi halom Commonwealth of the Northern Marianas Islands, ginen este ha infotma i pupbliku put intension-na man adapta amendasion para Regulasion Immigration yan Naturalization. I man Mapropoconi na Regulasion ma establisa sigun 3 CMC Section 4312.

I mapropoconi na amendasion para u establese katigurat Lisensia para i Long Term Business Entry Permit.

Eksaminasion I mapropoconi na amendasion ma publika huyong yan este na nutisia. Hu settifika na magahet todus este yan i dinanche na kopian i mapropoconi na Regulasion. Hayi na petsona interesao mamatinas komentu put i man mapropoconi na amendasion, sina ha matuge' papa ya mana hanao guatu gi Attorneu General's Office, 2nd Floor, Admin. Bldg/Capitol Hill, Saipan, MP 96950.

**Ma Fecha gi: Julio 8, 1992
Giya Saipan, MP 96950**



JOHN F. COOL

Acting Attorney General

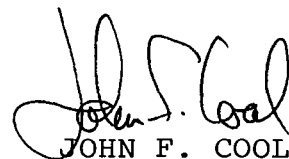
ARONGORONG REEL FFÉÉRÚL LLIWEL MELLÓL
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ATTORNEY GENERAL MELLÓL COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS, EKKE ARONGAAR TOWLAP IGHA EKKE MÁNGIY BWE EBWE ADAPTAALIL LLIWEL KKA LLÓL ALLÉGHÚL IMMIGRATION ME NATURALIZATION. LLIWEL KKAAL NGE E FFÉÉR SÁNGI BWÁNGIL ME AILÉÉWAL MILLE 3 CMC § 4312.

LLIWEL KKAAL NGE IGHA EBWE YOOROTÁ TAPPAL LISENSIYAAL LONG TERM BUSINESS ENTRY PERMIT.

TEESIL LLIWEL KKAAL NGE E TÉÉPPAGHWOW ME ARONGORONG YEEL. NGAANG I ALÚGHWLÚGHÚÚW BWE E ELLET MILLEEL NGE ESE RUGH NGE IYEEL SCHÉSCHÉÉL KKOPIYAAL LLIWELIL ALLÉGH KKAAL. ARAMAS YE E TIPÁLI NGE EMMWEL SCHAGH BWE EBWE ISCHIITIW META TIPAL ME MÁNGEMÁNGIL NGE AA AFANGA NGÁLI ATTORNEY GENERAL, 2ND FLOOR, ADMINISTRATION BUILDING, CAPITOL HILL, SAIPAN, MP 96950.

E FFÉÉR WÓOL: ULLIYO 8, 1992
MEWÓOL SEIPÉL, MP



JOHN F. COOL

ACTING ATTORNEY GENERAL

LONG TERM BUSINESS ENTRY PERMIT

**OFFICE OF IMMIGRATION AND NATURALIZATION
OFFICE OF THE ATTORNEY GENERAL**

Section 706.

N.Long term Business Entry permit

1. Definitions. For the purpose of this subsection, the following terms shall have the following meanings:

A. "Enterprise" means a commercial or business activity carried on in the Commonwealth for profit.

1) "New Enterprise" means an enterprise existing or prospective which has been established by an alien for the purpose of doing business within the Commonwealth.

2) "Existing Enterprise" means an enterprise which presently exists in the Commonwealth and is engaged in business in the Commonwealth in which the Alien previously had no ownership interest.

B. "Capital" means money or property used or committed to use in an enterprise in the form of equity or ownership interest, and not as a loan.

C. "Immediate Family" means the Alien Investor's spouse, parents and children.

D. "Review Committee" means a committee composed of the Attorney General or his designee and the Chief of Immigration or his designee.

E. "Public Organization" means a Commonwealth Public Corporation or agency of the Commonwealth government.

2. Approved Investment - General Standard.

An approved investment is one which the Review Committee finds that the Alien has invested or is actively in the process of investing a substantial amount of capital in a bona fide enterprise in the Commonwealth, and which enterprise benefits the Commonwealth.

3. Evaluation Factors - New Enterprises.

In determining whether a proposed investment in a new enterprise is an approved investment, the Review Committee shall consider the following:

A. The amount of capital invested or to be invested by the Alien Investor.

B. The type of enterprise proposed by the Alien Investor,

- C. The reputation and business experience of the Alien Investor,
- D. The number and type of employment opportunities to be created by the enterprise for Commonwealth residents,
- E. The number of alien workers to be employed by the enterprise,
- F. The demand for the type of enterprise and existing competition,
- G. The island or islands on which the enterprise will be established,
- H. The extent to which the enterprise will reduce imports and increase exports,
- I. The extent to which the enterprise will increase the availability of goods and services at competitive prices to Commonwealth residents,
- J. The extent to which the enterprise will support or enhance the existing industries in the Commonwealth,
- K. The extent to which the enterprise will develop the resources of the Commonwealth,
- L. The extent of any equity participation in the enterprise by Commonwealth residents,
- M. Whether the enterprise will be a substantial business, as distinct from a marginal enterprise solely for the purpose of earning a living for the alien and his family,
- N. The extent to which the enterprise will contribute to the overall economic well-being of the Commonwealth without adversely affecting the existing social and cultural values and ethnic conditions in the Commonwealth.

4. Evaluation Factors - Existing Enterprises.

In determining whether a proposed investment in an existing enterprise is an approved investment, the Review Committee shall consider the following:

A. The amount of capital to be invested by the Alien Investor in excess of \$150,000 in a Public Organization or in excess of \$250,000 invested in a private enterprise.

B. The type of business engaged in by the existing enterprise,

C. The size and financial integrity of the existing enterprise,

D. The ownership of the existing enterprise,

E. The nature and extent of the Alien Investors participation in the management of the existing enterprise,

5. Application Process.

A. The applicant shall submit three copies of the application for a Long Term Business Entry Permit along with such additional information the applicant desires to include to the Chief of Immigration. The Chief of Immigration shall transmit a copy of the application for Approved Investment and other information submitted by the applicant to the Attorney General. The Review Committee may request the applicant to supply additional information.

B. If the Review Committee does not approve or disapprove the application within 60 days after the date of filing of the application for a Long Term Business Entry Permit application shall be deemed approved.

C. The Review Committee shall determine the conditions for the Long Term Business Entry Permit, which may include, but not limited to the following:

1. The representations made by the Alien in his application and to the Review Committee;

2. The length of time for which the Long Term Business Entry Permit may be granted before it shall be subject to renewal and reconsideration;

3. The types of business activity or scope of business activity in which the Alien may engage;

4. Guarantees of employment preferences for Commonwealth Residents; and

5. Such other conditions as the Review Committee deem appropriate.

6. Long Term Business Entry Permit.

A. The Chief of Immigration shall issue a Long Term Business Entry Permit to an Alien whose application has been deemed to have been approved and who is not an excludable alien.

B. The representations made by the Alien Investor in or in conjunction with the Application for Approved Investment and the

conditions imposed under Section 6.D. shall be conditions to the Alien Investor Entry Permit.

C. The initial term of the Long Term Business Entry Permit shall be for a period not to exceed two years.

D. The immediate family of the holder of a Long Term Business Entry Permit may be issues an entry permit for the same duration as the Long Term Business Entry Permit, provided such persons are not excludable aliens.

7. Renewal of Long Term Business Entry Permit.

A. The holder of a Long Term Business Entry Permit has no right to a renewal of the Long Term Business Entry Permit.

B. The Long Term Business Entry Permit may be renewed if the Review Committee finds that the aliens investment continues to be in compliance with the General Standard set forth in Section 3, considering the Evaluation Factors set forth in Sections 4 and 5, and the conditions imposed under Section 6.D., provided the Alien is not deportable.

C. An alien may apply for a renewal of the Long Term Business Entry Permit by submitting three copies of the renewal application and such other informtion that the Applicant desires to include to the Chief of Immigration at least 90 days prior to the expiration of the Alien Investors entry permit. The Chief of Immigration shall forward a copy of the application and other materials submitted by the Alien to the Director of the Attorney General.

D. If the Review Committee does not approve or dissapprove the renewal application within 60 days after the renewal application is filed, the application shall be deemed approved.

E. If the Review Committee finds that the Alien Investor continues to meet the standards for an Approved Investment and the conditions to the previously Approved Investment, or the investment is deemed approved, the Chief of Immigaration may issue as Long Term Business Entry Permit for a period of up to five years.

Section 1201 of the Immigration Regulations is amended as follows:

Section 1201. fees. The following schedule of fees shall apply. The fees are not refundable:

A. Certificate of Identity	\$5.00
B. Vessel or Aircraft Permission to IAND	10.00
C. Foreign Investor Entry Permit	500.00
D. Regular Term Business Entry Permit	
Application and Renewal	100.00
E. Long Term Business Entry Permit	
Application and Renewal	500.00
F. All other Entry Permits	
Application, Extension and Renewal	25.00



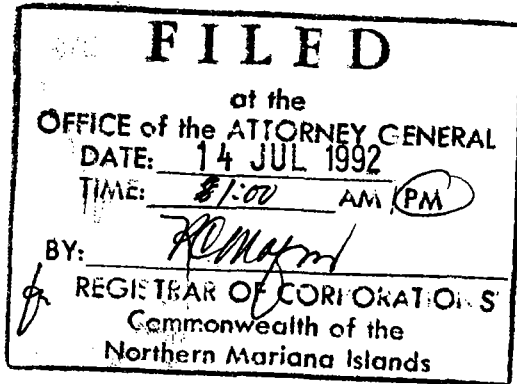
COMMONWEALTH PORTS AUTHORITY


Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

PUBLIC NOTICE OF ADOPTION OF TERMINAL TARIFF RULES AND REGULATIONS

The Executive Director of the Commonwealth Ports Authority, pursuant to the authority of 2 CMC § 2122(j), and in accordance with the provisions of 1 CMC 9104(a), hereby gives notice to the public of its adoption of revised and amended Terminal Tarriffs for the Commonwealth Ports Authority as published in the Commonwealth Register on May 26, 1992, Volume 14, No. 5 pages 9230-9244.

DATED this 14th day of July, 1992




ROMANTUDELA
Executive Director
Commonwealth Ports Authority

*Received in Governor's office
7/14/92, 11:15 AM
Don J. Jay*




COMMONWEALTH PORTS AUTHORITY


Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

NOTISIAL PUBLIKO SANGI ADOPTAAL SIWEL REEL ALLEGHUL TERMINAL TARRIEFS

Ofisinal Commonwealth Port Authority sangi allegh ye 2 CMC Section 2122(j) me sangi alleghleghul 1 CMC 9104(a) e aghuley ngalir publiko reel yaal adoptaali me siweli alongal alleghul Terminal Tarriffs me loll ofisinal Commonwealth Ports Authority iseiswow loll Commonwealth Registrar wol Majo 26, 1992, Volume 14, Numero 5, page 9245-9284.

Raal yeey 7/14/, 1992.


ROMAN TUDELA
Executive Director
Commonwealth Ports Authority

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 14 JUL 1992
TIME: 1:00 AM (PM)
BY: 
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

*Received in Governor's office
7/14/92, 11:15 AM
Donna J. Cy*



COMMONWEALTH PORTS AUTHORITY

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P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

NOTISIAN PUBLIKU

I Commonwealth Ports Authority, sigun gi 2 CMC, seksiona 2212 (j), yan sigun gi probision 1 CMC 9104(a), ha notisia i publiku pot i aadapta i ma repasa yan ma amenda na Regulations i Terminal Tariff i Commonwealth Ports Authority, ni ma publica gi Majo dia 26, 1992, Volume 14, Numeru 5, pahina 9245-9284.

Fetcha 7/14/, 1992.

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 14 JUL 1992
TIME: 1:00 AM (PM)
BY: <i>R. Magno</i>
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

R. Magno
ROMAN TUDELA
Executive Director
Commonwealth Ports Authority

*Received in Governor's office
7/14/92, 11:15 AM
Don J. Cruz*



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

CERTIFICATION OF RULES AND REGULATIONS REGARDING TERMINAL TARIFFS

I, ROMAN T. TUDELA, Executive Director of the Commonwealth Ports Authority, which is promulgating Rules and Regulations regarding Terminal Tariffs for the Commonwealth Seaports, by signature below, hereby certifies that the Rules and regulations regarding terminal tariffs as published in the Commonwealth Register on May 26, 1992, Volume 14, No. 5 pages 9230-9244 are a true, complete and correct copy of the Rules and Regulations adopted by the Board of Directors of the Commonwealth Ports Authority

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on the 14th day of July, 1992, at Saipan, Commonwealth of the Northern Mariana Islands.

FILED	
at the	
OFFICE of the ATTORNEY GENERAL	
DATE:	14 JUL 1992
TIME:	1:00 AM (PM)
BY:	<i>R. Tudela</i>
REGISTRAR OF CORPORATIONS Commonwealth of the Northern Mariana Islands	

R. Tudela
ROMAN T. TUDELA
Executive Director
Commonwealth Ports Authority

*Received in General Office
7/14/92, 11:15 AM
Don J. [Signature]*



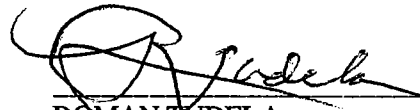
COMMONWEALTH PORTS AUTHORITY


Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962


PUBLIC NOTICE OF ADOPTION OF REVISED HARBOR RULES AND REGULATIONS

The Executive Director of the Commonwealth Ports Authority, pursuant to the authority of 2 CMC § 2122 (j), and in accordance with the provisions of 1 CMC 9104(a), hereby gives notice to the public of its adoption of the revised and amended Harbor Rules and Regulations for the Commonwealth Ports Authority as published in the Commonwealth Register on May 26, 1992, Volume 14, No. 5 pages 9245-9284.

DATED this 14th day of July, 1992


ROMAN TUDELA
Executive Director
Commonwealth Ports Authority

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 14 JUL 1992
TIME: 1:00 AM (PM)
BY: 
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

*Rec 7/14/92, 11:15 AM
Office of the Governor
*



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

NOTISIAN PUBLIKU

I Commonwealth Ports Authority, sigun gi 2 CMC, seksiona 2212 (j), yan sigun gi probision 1 CMC 9104(a), ha notisia i publiku pot i aadapta i ma repasa yan ma amenda na Harbor Rules yan Regulations i Puetto para i Commonwealth Ports Authority, ni ma publica gi Majo dia 26, 1992, Volume 14, Numeru 5 pahina 9245-9284.

Fetcha 7/14/, 1992.

ROMAN TUDELA
Executive Director
Commonwealth Ports Authority

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 14 JUL 1992
TIME: 1:00 AM (PM)
BY: <i>[Signature]</i>
REGISTRAR OF CORPORATIONS
Commonwealth of the Northern Mariana Islands

Received in Governor's office
7/14/92, 11:15 AM
[Signature]




COMMONWEALTH PORTS AUTHORITY


Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

NOTISIAL PUBLIKO

Ofisinal Commonwealth Port Authority sangi allegh ye 2 CMC Section 2122 (j) me sangi alleghleghul 1 CMC 9104(a), e aghuley ngalir publiko reel yaal adoptaali me siweli alongal alleghul leliel bot me loll ofisinal Commonwealth Ports Authority iwe ye iseiswow loll Commonwealth Registrar wol Majo 26, 1992, Volume 14, Numero. 5 pages 9245-9284.

Raal yeey 7/14/92, 1992.


ROMAN TUDELA
Executive Director
Commonwealth Ports Authority

FILED
at the
OFFICE of the ATTORNEY GENERAL
DATE: 14 JUL 1992
TIME: 1:00 AM (PM)
BY: 
REGISTRAR OF CORPORATIONS
Commonwealth of the
Northern Mariana Islands

*Received in Governor's office
7/14/92, 11:15 AM
Don J. Coy*



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • CM 96950
Ph: 234-8315/16/17 / Panafax 234-5962

CERTIFICATION OF RULES AND REGULATIONS REGARDING HARBORS

I, ROMAN T. TUDELA, Executive Director of the Commonwealth Ports Authority, which is promulgating Rules and Regulations regarding harbors within the Commonwealth, by signature below, hereby certifies that the Rules and regulations regarding Harbors as published in the Commonwealth Register on May 26, 1992, Volume 14, No. 5 pages 9245-9284 are a true, complete and correct copy of the Rules and Regulations adopted by the Board of Directors of the Commonwealth Ports Authority

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on the 14th day of July, 1992, at Saipan, Commonwealth of the Northern Mariana Islands.

FILED	
at the	
OFFICE of the ATTORNEY GENERAL	
DATE:	<u>14 JUL 1992</u>
TIME:	<u>1:00</u> AM (PM)
BY:	<i>[Signature]</i>
REGISTRAR OF CORPORATIONS Commonwealth of the Northern Mariana Islands	

[Signature]
ROMAN T. TUDELA
Executive Director
Commonwealth Ports Authority

*Received in Governor's office
7/14/92, 11:15 AM
Dennis J. Coy*