

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, MARIANA ISLANDS

VOLUME 24 NUMBER 11



NOVEMBER 27, 2002

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**COMMONWEALTH**

**REGISTER**

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# COMMONWEALTH REGISTER

VOLUME 24 NUMBER 11  
NOVEMBER 27, 2002

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**PUBLIC NOTICE OF PROPOSED  
CASH RECEIPTS AND COMPLIANCE REGULATIONS**

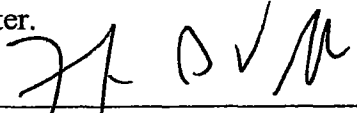
The Secretary of Finance hereby gives notice to the general public that the Department of Finance is proposing the Cash Receipts and Compliance Regulations. These regulations are made pursuant to the Department's authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553; 1 CMC §2557, P.L. 13-26, the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and any other applicable Commonwealth Law.

The purpose of these regulations is to provide guidelines and procedures to effectively implement the purpose of P.L. 13-26 and to require all businesses to provide receipts to clients and customers and retain a copy for inspection by the tax authority. These Rules and Regulations shall have the force and effect of law.

The proposed regulations may be inspected at, and copies obtained from the Secretary's Office, EDP Bldg., Capital Hill, Saipan, MP 96950. The proposed regulations are published in the Commonwealth Register.


The Secretary of Finance is soliciting comments on these Cash Receipts and Compliance Regulations from the general public. Anyone interested in commenting on this proposed amendment may do so in writing. Comments may be addressed to the Secretary of Finance, Department of Finance, P.O. Box 5234 CHRB, Saipan, MP 96950. All comments must be received within 30 days from the date of this notice published in the Commonwealth Register.

Certified By:

  
\_\_\_\_\_  
Frankie Villanueva  
Secretary  
Department of Finance

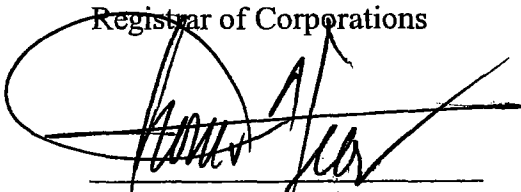
11-19-02  
Date

Filed By:

  
\_\_\_\_\_  
Soledad B. Sasamoto  
Registrar of Corporations

11/27/02  
Date

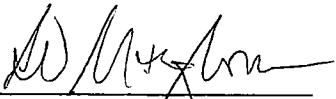
Received By:

  
\_\_\_\_\_  
Thomas A. Tebuteb  
SAA, Office of the Governor

11-27-02  
Date

Pursuant to 1 CMC §2153, as amended by P.L. 10-50, the regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

Dated this 25 Day of November 2002.

  
\_\_\_\_\_  
Ramona V. Mangiona  
Attorney General

## Notisian Ppubliku Put Man Ma Establisi I Risibun Cash Yan Regulasi3n Compliance Siha.

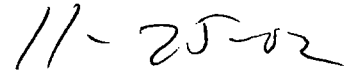
I Sekretariun i Finance este na momento man nãã'i' notisia para i henerãt ppubliku put i man ma ofreresi put asuntun Risibun Cash yan Regulasi3n Compliance siha. Este na regulasi3n siha man ma fatinas sigun i aturidãt yan direksi3n i Dipattamento ni ma mensiona gi kodigun i Commonwealth ni ininklulusu, lao tai limiteha para 1 CMC Sek. 2553; 1 CMC Sek.2557, P.L. 13 - 26, i Commonwealth Administrative Procedures Act, 1 CMC Sek. 9101 et. seq. yan palu na Lai ni man aplikatbli gi Commonwealth.

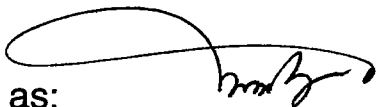
I rason este siha na regulasi3n put para hu pribeni put para hu gia yan hu guaha procedures put para hu efektibu i implimentasi3n i Lai Ppubliku 13 - 26 yan hu otden todun i bisnes siha para hu pribeni risibu para i clients yan customers yan hu mana guaha kopia - niha put para asuntun inspektasi3n put i aturidãt i tax. Este na Areklamento yan Regulasi3n siha gai fuetsa yan efektibu gi lai.

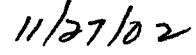
I man ma ofresi na regulasi3n siha siãa ma inspekta gi, yan kopia siha hu ma chuli ginen i Ofisinan i Sekretariu gi EDP Building, giya Capitol Hill, Saipan M.P. 96950. I man ma ofresi na regulasi3n siha man ma ppublisa gi Rehistran i Commonwealth.

I Sekretariun i Finance man solisiteteha opinion siha put este i Risibun Cash yan Regulasi3n Compliance siha, ginen i ppubliku. Maseha hãyi interesao munahalom opinion put este man ma ofresi na amendasi3n hu na halom tinige opinion guato gi Ofisinan i Sekretariun i Finance, gi Dipattamenton i Finance, gi P.O. Box 5234 CHRB, Saipan, M.P. 96950. Todun i opinion siha debidi hu ma risibi gi halom trenta (30) dias anai ma fecha este na notisia ni ma ppublisa gi Rehistran i Commonwealth.

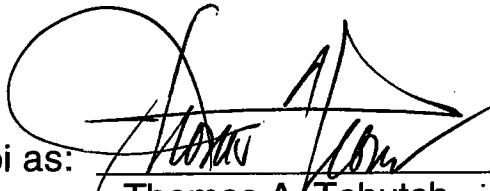
Inapreba as:   
Frankie Villanueva  
Sekretariu  
Dipattamenton i Finance

  
Fecha

Pine'lo gi as:   
Soledad B. Sasamoto  
Rehistran i Koporasi3n siha

  
Fecha

Rinisibi as:

  
Thomas A. Tebuteb  
Espisiãt Na Ayudãnte Para i Atministrasi3n  
Ofisinan i Gobietno

11-27-02

Fecha

Ma fecha gi 25 na dia gi Nobiembre, 2002.



Ramona V. Manglona  
Abugãdo Henerãt



**Office of the Secretary  
Department of Finance**

P.O. Box 5234 CHRB SAIPAN, MP 96950

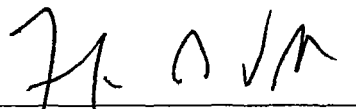
TEL. (670) 664-1100

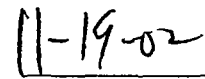
FAX: (670) 664-1115

**DEPARTMENT OF FINANCE PROPOSED  
CAHSH RECEIPTS AND COMPLIANCE REGULATIONS**

- Citation of Statutory Authority:** The proposed regulations for the Cash Receipts and Compliance Regulations are promulgated pursuant, but not limited to 1 CMC §2553(a), 1 CMC §2557, P.L. 13-26, the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and other applicable law.
- Statement of Goals and Objectives:** To propose the Cash Receipts and Compliance Regulations in order to implement P.L. 13-26.
- Brief Summary of the Rules:** The rules and regulations will require all businesses to provide receipts to clients and customers for cash transactions and retain a copy for inspection by the tax authority. These rules and regulations may be amended, modified or repealed as deemed appropriate by the CNMI Department of Finance.
- For Further Information, Contact:** Frankie B. Villanueva, Secretary of Finance. Telephone number 664-1100 and facsimile number 664-1115.
- Citation of Related and/or Affected Statutes, Regulations and Orders:** P.L. 13-26.

Submitted by:

  
\_\_\_\_\_  
Frankie B. Villanueva  
Secretary of Finance

  
\_\_\_\_\_  
Date

DEPARTMENT OF FINANCE  
CASH RECEIPT AND COMPLIANCE REGULATIONS

SECTION 1. AUTHORITY.

These regulations are promulgated pursuant to 1 CMC §2553, 1 CMC §2557, and Public Law 13-26 which authorizes the Secretary of Finance to promulgate rules and regulations to implement the requirements of the Act.

SECTION 2. PURPOSE.

The purpose of these regulations is to provide guidelines and procedures to effectively implement the requirements of Public Law 13-26.

SECTION 3. DEFINITION.

For purposes of these regulations, the following definitions shall apply:

- (a) "Act" means the Sale Receipt Act of 2002 enacted as Public Law 13-26.
- (b) "Business day" means the earliest time of the day the business is open until the earlier of its closing for business operation for that same day or 2:00 a.m. the following day.
- (c) "Director" means the Director of Revenue and Taxation.
- (d) "Law enforcement official" means any employee of the Commonwealth government who has been deputized by the Secretary of Finance to assist in the enforcement of the Act and these regulations.
- (e) "Receipt" means a sales receipt as defined in Section 3(c) of Public Law 13-26.



#### SECTION 4. RECEIPT SPECIFICATION.

Every receipt issued by any person shall comply with the following requirements:

(a) Cash register machine.

- (1) Bear the business name, including d.b.a. name, of the person receiving the gross revenue imprinted on the upper-most section of the receipt.
- (2) have the receipt numbered in sequence.
- (3) indicate, at the minimum, the following legible information:
  - i. date and time of the sale;
  - ii. a general description of the service, goods, merchandise, or commodities sold;
  - iii. total amount of the sale;
  - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales.

(b) Electronic or digital machine or device.

- (1) Bear the business name, including d.b.a. name, and address of the person receiving the gross revenue imprinted on the upper-most section of the receipt.
- (2) have the receipt numbered in sequence.
- (3) indicate, at the minimum, the following legible information:
  - i. date and time of the sale;
  - ii. description of the service, goods, merchandise, or commodities sold;
  - iii. total amount of the sale;
  - iv. payment terms; whether cash sales including checks and debit cards, credit cards, or credit sales

(c) Written receipt.

- (1) Bear the business name, including d.b.a. name, of the person receiving the gross revenue, preprinted or stamped on the upper-most section of the receipt.
- (2) have the receipt pre-numbered in sequence.
- (3) indicate, at the minimum, the following information:
  - i. date of the sale;
  - ii. general description of the service, goods, merchandise, or commodities sold;
  - iii. total amount of the sale;
  - iv. payment terms; whether cash sales including checks and debit cards, credit

cards, or credit sales.

#### SECTION 5. RECORD-KEEPING AND INSPECTIONS.

(a) Every person required by the Act or these Regulations to provide a sale receipt from a sale shall preserve a legible copy of such sale receipts as part of its business records. These business records shall be preserved for a period of at least six (6) calendar years following the year of the sale transaction. These records shall be maintained along with other business records required in 4 CMC §1807 and the regulations issued thereunder.

(b) At the end of every business day, all receipts issued during the business day shall be totaled by receipt sequence range. If more than one receipt sequence range was used during the business day, aggregate the totals of all receipt sequences to record the total sales transaction for the business day.

(c) Receipts that were voided shall be noted as such and the voided original receipt and all copies shall be retained as part of the record-keeping requirements.

(d) The Director or his designee shall have the authority to examine or inspect any record from any person of a receipt bearing, directly or indirectly, on a sale transaction. Such examination or inspection shall be carried out during reasonable business hours unless otherwise determined by the Director.

#### SECTION 6. ENFORCEMENT.

(a) The Secretary of the Department of Finance may delegate his authority under the Act and these Regulations to any employee or law enforcement officials for the purposes of enforcing any and all of the Act and Regulations.

(b) The enforcement of the Act under the jurisdiction of the Secretary of Finance shall be carried out by the Director or any person designated by the Director. The Director may enter into a cooperative agreement with various departments and agencies of the CNMI government and empower the employees of these departments and agencies to carry out enforcement of the Act and these regulations.

(c) The Director or a designee may conduct periodic, random, unannounced visits to business establishments to verify compliance with the Act and these Regulations.

**SECTION 7. PENALTY PROCEDURE.**

**(a) Failure to comply with the Cash Receipt Act.**

(1) If the Director finds that noncompliance with the Act or these regulations were due to reasonable cause, the Director shall issue a "Notice of Violation" and grant a grace period not to exceed ten (10) days to cure such violation. "reasonable cause" for the purpose of this subsection includes but is not limited to:

(i) inability to procure a cash register machine or electronically or digitally operated machine or device if the business establishment can provide proof of an order of such machine or device, where a written receipt is not practical; or

(ii) where a cash register machine or electronically or digitally operated machine or device is undergoing repair for a period of not more than 10 days. The person shall to provide a job order receipt when requested by the Director.

(iii) any other situation or circumstance as determined by the Director.

(2) Any noncompliance not cured within ten (10) days from the Notice of Violation shall result in the suspension or revocation of any relevant existing license to do business within the Commonwealth pursuant to Section 7(c) of the Act.

**(b) Failure to issue a receipt.**

(i) If a person fails to issue a receipt to a customer, that person will be issued a Notice of Violation which shall be posted in a conspicuous place by the cash register for a period of thirty (30) days for all employees of the business establishment to be put on notice of the violation.

(ii) Once a Notice of Violation has been issued to a business establishment, there shall be a rebuttable presumption that any future violation for failure to issue a receipt was willfully or knowingly done in violation of the Act or these Regulations.

(iii) If such notice of violation is removed prior to the expiration of the 30 day period, a \$100 penalty shall be imposed upon citation for the first violation. Upon a second inspection, and the original notice remains unposted, a \$300 penalty shall be imposed upon citation. All penalties imposed shall be allowed the procedures established under the Administrative Procedures Act, 1 CMC §9101 et. seq. And any hearing shall be requested in writing within 5 days of issuance of the citation, otherwise such request for hearing is waived.

SECTION 8. SEVERABILITY.

If any provision of these Regulations shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulations shall not be affected thereby.

PUBLIC NOTICE OF PROPOSED REPEAL AND REENACTMENT  
TO THE RULES AND REGULATIONS  
FOR THE OPERATION OF POKER MACHINES

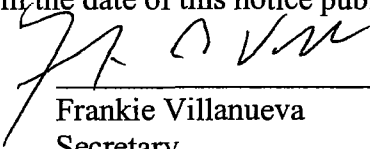
The Secretary of Finance hereby gives notice to the general public that the Department of Finance is proposing to repeal and reenact the Rules and Regulations for the Operation of Poker Machines, as originally published in the Commonwealth Register, Volume 17, No. 4, on April 15, 1995 beginning at page 13128, and amended and adopted in Commonwealth Register, Volume 17, No. 6, on June 15, 1995 at page 13539. These Poker Machine Rules were further amended by emergency regulation on November 22, 1995, published in Commonwealth Register Vol. 17, No. 12, at pages 13850-55 on December 15, 1995 and adopted in Commonwealth Register Vol. 18, No. 2, at pages 14031-32 on February 15, 1996. This amendment is made pursuant to the Department's authority and directions set forth in the Commonwealth Code including, but not limited to, 1 CMC §2553, 1 CMC §2557, 4 CMC §1507, the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and other applicable Commonwealth law.

The purpose of these amendments are enacted to implement, interpret, prescribe and clarify the policies and procedures required to implement, regulate and supervise the operation of poker machines. These Rules and Regulations shall have the force and effect of law.

The proposed regulations may be inspected at, and copies obtained from the Secretary's Office, EDP Bldg., Capital Hill, Saipan, M.P. 96950. The proposed regulations are published in the Commonwealth Register.


The Secretary of Finance is soliciting comments on this proposed amendment to the Amended Rules and Regulations for the Operation of Poker Machines from the general public. Anyone interested in commenting on this proposed amendment may do so in writing. Comments may be addressed to the Secretary of Finance, Department of Finance, P.O. Box 5234 CHRB, Saipan, MP 96950. All comments must be received within 30 days from the date of this notice published in the Commonwealth Register.

Certified By:

  
Frankie Villanueva  
Secretary  
Department of Finance

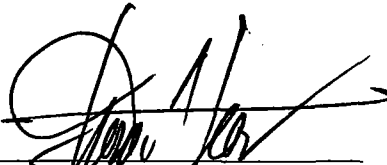
11-21-02  
Date

Filed By:

  
Soledad B. Sasamoto  
Registrar of Corporations

11/27/02  
Date

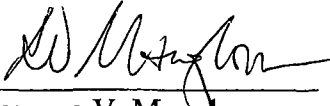
Received By:

  
\_\_\_\_\_  
Thomas A. Tebriteb  
SAA, Office of the Governor

11-27-02  
Date

Pursuant to 1 CMC §2153, as amended by P.L. 10-50, the regulations attached hereto have been reviewed and approved by the CNMI Attorney General.

Dated this 22 Day of November 2002.

  
\_\_\_\_\_  
Ramona V. Manglona  
Attorney General

## Notisian Puplicu Put I Areklamento Yan Regulasi3n Siha Ni Man Ma Ofreresi Put Para Hu Ma Diroga Yan Talun Otdena Para I Operasion I Poker Machines.

I Sekretariun i Finance este na momento man nãã'i' notisia i henerãt puplicu na i Dipattamenton i Finance ma ofreresi put para hu ma diroga yan talun otdena i Areklamento yan Regulasi3n siha para i Operasi3n i Poker Machines ni ma pupblisa gi Rehiſtran i Commonwealth, Volume 17, No. 04, gi Abrit 15, 1995 ni ma tutuhun gi pãhina 13128, yanma amenda yan adopta gi Rehiſtran i Commonwealth, Volume 17, No. 06, gi Hunio 15, 1995 gi pãhina 13539. Este siha na Areklamenton i Poker Machines guaha mãs ma amenda ginen i imidiamente put i regulasi3n gi Nobiembre 22, 1995, ma pupblisa gi Rehiſtra i Commonwealth Volume 17, No. 12, gi pãhinan 13850 - 55 gi Disiembre 15, 1995 yan ma adopta gi Rehiſtran i Commonwealth Volume 18, No. 02, gi pãhinan 14031 - 32 gi Febreru 15, 1996. Este na amendasi3n ma fatinas sigun i aturidãt yan direksion i Dipattamento ni ma mensiona gi Kodigun i Commonwealth ni ininklukuſu lao tai limiteha para 1 CMC Sek. 2553, 1 CMC Sek. 2557, 4 CMC Sek. 1507, i Commonwealth Administrative Procedures Act, 1 CMC Sek. 9101 et. seq. yan palu na lai ni man aplikãtbli gi Commonwealth.

I rason este siha na amendasi3n man ma diroga put para hu ma implimenta, esplikãyi, otden yan klãru i policies yan procedures ni ha nisisita para hu implimenta, gobietna yan manea i operasi3n i Poker Machines. Este na Areklamento yan Regulasi3n siha gai fuetsa yan efektibu gi lai.

I man ma ofresi na regulasi3n siha siãna ma inspekta gi, yan kopia siha hu ma chuli ginen i Ofisinan i Sekretariu gi EDP Building, giya Capitol Hill, Saipan M.P. 96590. I man ma ofresi na regulasi3n siha man ma pupblisa gi Rehiſtran i Commonwealth.

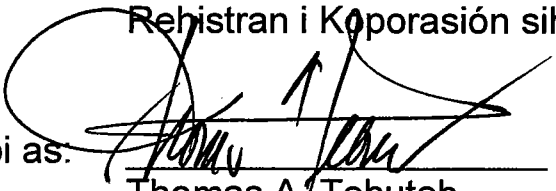
I Sekretariun i Finance man solisiteteha opinion siha put este man ma ofreresi na amendasi3n siha put i Areklamento yan Regulasi3n para i operasi3n i Poker Machine ginen i puplicu. Maseha hãyi interesao muna halom opinion siha put este man ma ofreresi na amendasi3n hu na halom tinige' opinion guato gi Ofisinan i Sekretariun i Finance, gi Dipattamenton i Finance, gi P.O. Box 5234 CHRB, Saipan, M.P. 96950. Todu i opinion siha debidi hu ma risibi gi hãlom trenta (30) dias anai ma fecha este na notisia ni ma pupblisia gi Rehiſtran i Commonwealth.

Inapreba as:   
Frankie Villanueva  
Sekritariu  
Dipattamenton i Finance

11-25-02  
Fecha

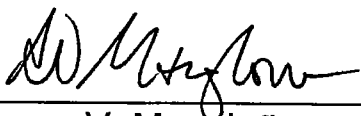
Pine'lo gi as:   
Soledad B. Sasamoto  
Rehistran i Koporasi3n siha

11/27/02  
Fecha

Rinisibi as:   
Thomas A. Tebuteb  
Espisi3t Na Ayud3nte Para i Administrasi3n  
Ofisian i Gobietno

11-27-02  
Fecha

Ma fecha gi 25 na dia gi Nobiembre, 2002.

  
Ramona V. Mangloña  
Abug3do Hener3t



DEPARTMENT OF FINANCE  
REPEAL AND REENACTMENT TO THE RULES AND REGULATIONS  
FOR THE OPERATION OF POKER MACHINES

Citation of Statutory Authority: The repeal and reenactment to the Rules and Regulations for the Operation of Poker Machines are promulgated pursuant, but not limited to 1 CMC §2553(a), 1 CMC §2557, 4 CMC §1507, the Commonwealth Administrative Procedure Act, 1 CMC §9101 *et. seq.*, and other applicable law.


Statement of Goals and Objectives: To repeal and reenact the Rules and Regulations for the Operation of Poker Machines, as published in the Commonwealth Register, Volume 17, No. 4, April 15, 1995, and Commonwealth Register, Volume 17, No. 6, June 15, 1995 and Commonwealth Register Vol. 17, No. 12, December 15, 1995.

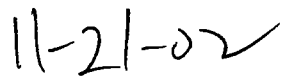
Brief Summary of the Rules: The rules and regulations provide the policies and procedures required to implement and regulate and supervise the operation of poker machines. These rules and regulations may be amended, modified or repealed as deemed appropriate by the CNMI Department of Finance.

For Further Information, Contact: Frankie B. Villanueva, Secretary of Finance. Telephone number 664-1100 and facsimile number 664-1115.

Citation of Related and/or Affected Statutes, Regulations and Orders: 4 CMC §1507; Commonwealth Register, Volume 17, No. 4, April 15, 1995, and Commonwealth Register, Volume 17, No. 6, June 15, 1995 and Commonwealth Register Vol. 17, No. 12, December 15, 1995.

Submitted by:

  
\_\_\_\_\_  
Frankie B. Villanueva  
Secretary of Finance

  
\_\_\_\_\_  
Date

Part XV - SECTION 2300 RULES AND REGULATIONS FOR THE  
OPERATION OF POKER MACHINES

Section 2300.1 Definitions For purposes of this Part, the following definitions apply:

(a) "Beneficial Interest" in an owner or organization means an interest (other than solely as a creditor) held by a person directly or indirectly: (1) that entitles such person to control, directly or indirectly, such organization; or (2) which permits a person to share in any income or profit earned from a licensed poker machine; or (3) which constitutes more than five percent (5%) of the shares of voting stock or other voting securities which control or regulate the operation of the organization; or (4) that entitles such person to more than five percent (5%) of the earnings and profits or distributions of such organization; or (5) that entitles such person to five percent (5%) or more of the assets of such corporation upon the liquidation or dissolution of such organization; or (6) from which such person receives or is legally entitled to receive over a period of time, interest payments, dividends, or other payments totaling more than Five Thousand Dollars (\$5,000.00), other than payments with respect to bonds, certificates of deposits, notes or other evidences of indebtedness which are generally offered to members of the public and for which such person paid a fair market value.

(b) "Director" means the Director of Revenue and Taxation, Department of Finance.

(c) "Moral Turpitude" means a crime, whether a felony or misdemeanor, that involves illegal gambling, bookmaking, embezzlement, theft, bribery, use of controlled substance, corruption, abuse of a minor, contribution to the delinquency of a minor, or any other act or conduct that could or may impair a person's ability to perform his or her duties related to the supervision of the operation of a poker machine;

(d) "Organization" means a corporation, partnership, joint stock association, sole proprietorship, joint venture, business association, cooperative association, professional corporation, or other entity existing for any purpose.

(e) "Person" includes an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, organization, or any other person acting in a fiduciary or representative capacity, or any combination of individuals. "Person" includes any department, commission, agency, or instrumentality of the Commonwealth, including any municipality or political subdivision and any agency or instrumentality thereof.

(f) "Secretary" or "Secretary of Finance" means the Secretary of the Department of Finance or his designee. The designee shall be the Director of Revenue and Taxation unless otherwise specified.

(g) "Skimming": the skimming of poker machine proceeds is the intentional exclusion, or the taking of any action in an attempt to exclude any money, proceeds or their value from the deposit, counting, collection, or computation of the gross revenue or net proceeds of the operation of a poker machine.

(h) "Software" means the programs or data used to control the machine.

(i) "Token" means a piece of metal or composite material approved by the Department of Finance for use in the operation of poker machines which represents a specific monetary value or a U.S. twenty-five cent piece, i.e., a quarter, as the context requires.

Section 2300.2. Poker machines -- Applications

(a) All applications for a poker machine license must be submitted by the owner of the machine on the form prescribed by the Department of Finance and must contain --

- (1) the statutorily required license fee attached to the application;
- (2) the make, model, year, brand name, and serial number (or manufacturer identification number if serial number is not applicable) of each machine;
- (3) the date each poker machine was imported into the CNMI and a copy of all required documents establishing that all excise taxes have been paid;
- (4) the intended location (by building, village and island) of each machine;
- (5) a color photograph of each type of machine while in operation with its screen illuminated;
- (6) the name, address, telephone number, and signature of the owner of the machine and of any person or organization holding a beneficial interest in the owner of the machine. In lieu of providing the signature of each person or organization holding a beneficial interest in the owner of the machine, a primary officer, person in control of such person or organization, or designated representative may affix its signature for the person or organization holding a beneficial interest in the owner of the machine;
- (7) a photocopy of the applicant's identification or passport, and a copy of the applicant's criminal history issued by the proper authorities. If the applicant is a corporation, all officers of the

corporation shall submit a copy of their passport and a copy of their criminal history as specified above;

- (8) a copy of the corporation's by-laws, if applicable;
- (9) the most recent financial statement;
- (10) a memorandum explaining the applicant's business experience, outlining the applicant's ability to operate a poker establishment;
- (11) social security number and tax identification number of the owner;
- (12) a declaration, made under penalty of perjury by the owner, that the owner has filed all tax returns and has paid all taxes, or has entered into an installment agreement with the Division of Revenue and Taxation;
- (13) proof of registration with the U.S. Attorney's Office pursuant to 15 USC §1173;
- (14) all other information required by the Department of Finance;
- (15) a statement under penalty of perjury that all information related to the application is true and correct.

(b) All applications must be submitted by the owner of the machine to the Director, Division of Revenue and Tax, Department of Finance.

(c) Upon written request by an applicant and written approval by the Director, the Director may authorize an applicant to omit certain information from an application if the information is not available to the applicant, or if the information was previously submitted, provided such information continues to be current, and provided such information is provided to the Director on or before the date prescribed by the Director.

#### Section 2300.3 Renewal of Licenses

(a) Poker machine licenses must be renewed annually on or before the expiration date of the existing license. Poker machines may continue in operation during the review period provided that the application is received before the expiration date and the full amount of the license fee is paid. If the license application is denied, the poker machines may not be operated.

(b) The application procedure for renewal of a poker machine license is pursuant to §2300.2 of these Rules and Regulations as specified therein. The Department of Finance may prescribe a different application form for renewal of a poker machine

license which may require the same, more, or less information than that required in an initial application.

(c) Except as indicated otherwise, the rules and procedures pertaining to the renewal of a poker machine license shall be the same as those pertaining to the original license issued.

Section 2300.4      Issuance of Poker Machine Licenses

(a) Issuance of License. A license may only be issued upon payment of the required license fee and submission of a completed application form and all supporting documents.

(b) Upon receipt of a completed application for a poker machine license, the Director will issue licenses pursuant to the following procedures:

(1) the Department of Finance may visit the premises designated in the application and certify that the information contained in the application is true and correct and that the machines and applicants are in full compliance with these Rules and Regulations;

(2) the Department of Finance will review all applications and supporting documents to ensure full compliance with these Rules and Regulations;

(3) if the application meets all requirements, a license will be issued within 21 days from the date the completed application is received. Said license shall be in writing and must be posted on the premises where the machine is located in such a manner as will be visible to the public;

(4) an application for initial license may be denied as specified under §2300.23 of these Rules and Regulations;

(5) Before a license is issued, all charges, taxes and fees relating to poker machines must be fully paid, including applicable penalty and interest charges;

(6) All poker machines imported into the Commonwealth for commercial use must be properly identified pursuant to §2300.11(a) of these Regulations. Poker machines not properly identified shall not be issued a license.

(7) A license shall be valid for a period of one (1) year from the date specified in the license.

Section 2300.5      Transfer of Tag.

(a) No poker machine license tag may be transferred from a defective or malfunctioning machine to an operative machine without the written approval of the Director.

(b) A retagging fee shall apply pursuant to § 2300.9, and an amended license shall be issued indicating the new serial number and tag number.

(c) No additional license fee shall be required to be paid for the replacement machine, however, the replacement machine license shall expire on the expiration date of the defective or malfunctioning machine that was replaced.

Section 2300.6      Tags

(a) Licensed poker machines must bear a numbered tag on the top right-hand corner of the machine's cabinet affixed by the Department of Finance. This tag may be removed only by the Department of Finance. A second identical tag shall be placed inside the poker machine. No poker machine may be operated unless it has a valid tag affixed to its cabinet. No tag can be transferred from one machine to another except in accordance with §2300.5.

(b) The poker machine owner shall report to the Department of Finance whenever a tag is lost or defaced, and that lost or defaced tag will be promptly replaced by the Department of Finance after the Department verifies the tag number from the identifying tag inside the machine. A tag replacement fee of \$25 shall be paid to the Department of Finance for each new tag.

Section 2300.7      Jackpot Payout Level.

(a) Each machine shall be set to stop and payout the jackpot upon reaching \$1,000 worth of credits from a single winning occurrence, or progressive occurrence when the player elects to terminate further progressive betting. Upon termination of further progressive betting, the machine must block coins-in until the operator has reset the machine. The Jackpot Tax shall be collected at this time.

(b) Single Occurrence. The Gaming Machine Jackpot Tax is not applicable to jackpot winnings in an amount less than \$1,000 in a single occurrence.

Example: Mr. X wins \$500 at 10:00 a.m. and then another \$500 during another occurrence at 11:00 a.m. for a cumulative total of \$1,000. In this case, none of Mr. X's \$1,000 winnings are subject to the jackpot tax.

(c) Progressive Occurrence. The Jackpot Payout is applicable to jackpot winnings in the amount of \$1,000 or more from a progressive occurrence, such as winnings of \$1,000 or more resulting from the doubling of a wager.

Example: Mr. X earns \$300 from a machine but chooses to continue playing on the machine by doubling his wager and ultimately wins \$1,000. The machine shall payout this jackpot and shall not accept any additional coins until the operator has reset the machine. All applicable taxes will be collected at this time.

Section 2300.8      Electronic Security and Accounting System

Each poker machine licensed in the CNMI shall contain an electronic security and accounting system acceptable to the Director. Such system shall:

- (i) detect any defects or malfunctioning in such machine;
- (ii) ensure the integrity of the poker machine game being played;
- (iii) be able to accurately record the gross revenue earned by the machine; and
- (iv) monitor and calculate the play of each machine to secure full and complete payment of all applicable CNMI taxes.

Section 2300.9      Reserved

Section 2300.10     Reserved.

Section 2300.11     Identification of Machines.

All poker machines must bear a visible, engraved identification plate which contains the following information:

- (a) name of the manufacturer;
- (b) serial number;
- (c) model number;
- (d) manufacturer's commercial name.

Section 2300.12     Security Requirements.

Except as waived in writing by the Director for cause, all poker machines licensed after the effective date of these Regulations must comply with the following security requirements in order to be issued a poker machine license:

- (a) the door may not be opened without a key;

- (b) the power switch and the payout level key switch must be located inside the cabinet;
- (c) the processor board must be enclosed in a transparent plastic case;
- (d) any errors or malfunctions must be displayed by error codes on the machine. The errors must be cleared by an attendant;
- (e) the mechanism to accept coins must be capable of detecting a valid coin and rejecting all others. The mechanism must signal an error if any invalid condition is detected;
- (f) the machine must resist forced or illegal entry and must retain evidence of any entry until properly cleared or until a new play is initiated;
- (g) any malfunction of the machine must void all pays and plays for that game and must be clearly marked on the machine;
- (h) each machine must have a system of lights or sound to notify the operator of a machine door open, hopper empty, printer problems, and call button (customer service);
- (i) each machine must indicate that a coin has been accepted. Manual payouts must have a system to call the operator (lights or sound) and must be able to block coins-in until the operator has reset the machine;
- (j) electronic meters must be preserved for a minimum of 5 years in case of power off condition. A machine must be able to complete its cycle and complete all pays owed to the player in the event of a power interruption, once the power has been restored to its proper level;
- (k) each machine must have a tamper evidence seal placed over the motherboard compartment and may not be opened without the presence of Revenue and Tax employees. Any tampering of this seal will be grounds for the seizure of the machine.

Section 2300.13      Accounting Requirements.

Except as waived in writing by the Director for cause, all poker machines licensed after the effective date of these Regulations must comply with the following accounting requirements:



(a) All owners of poker machines must place a meter inside each poker machine for recording the number of coins inserted into the machine.

(b) Such meter is to be read each time the machine is opened for fills and withdrawals. Each reading must be kept as a permanent accounting record of all poker machine businesses.

(c) Each machine must have the following meters:

(1) electronically stored meters that can be read by the attendant without opening the machine door;

(2) electronically stored meters of at least 6 digits in length, that are stored in memory and register token/coin-in, token/coin-out or credits paid, and token/coin to drop.

(d) An entry must be made each time the door to the machine is opened noting the following information:

(1) date;

(2) purpose of opening the door or the motherboard compartment;

(3) initials, signature, or control number of person opening door or the motherboard compartment;

(4) time door or the motherboard compartment was opened;

(5) time door or the motherboard compartment was closed.

Such documentation must be kept inside the machine at all times.

Section 2300.14 Safety Requirements.

Except as waived in writing by the Director for cause, all poker machines licensed after the effective date of these Regulations must comply with the following safety requirements:

(a) Electrical Immunity Requirements

(1) Each machine must be totally immune to human electrostatic discharge (up to 20,000 volts DC).

(2) Each machine must completely recover from 20,000-27,000 volt DC discharges, without any data or video corruption.

(b) Other Safety Requirements

- (1) Each machine shall be manufactured in a way as not to present any electrical, mechanical or fire hazard.
- (2) Each machine must comply with all electrical standards, industrial codes, and safety standards set prescribed by law.
- (3) Each machine must be properly fused or protected by circuit breakers.

Section 2300.15 Unlicensed Machines.

- (a) Any poker machine which is not validly licensed and tagged shall be removed from within the game room and kept within a separate locked room. No customers shall be permitted to enter the separate locked room.
- (b) Violation of this provision may subject the machine to seizure and any other remedy provided for by law or these regulations.

Section 2300.16 Movement of Machines.

- (a) Before any poker machine can be relocated from one building or business location to another, the licensee of the machine shall first submit a written request to the Director on the form prescribed by the Department of Finance. The request must be signed by the person who is the licensee of the poker machine in question under penalty of perjury. The request must include the following information:
  - (i) present location of the poker machine to be moved;
  - (ii) the intended location of the poker machine to be moved;
  - (iii) the serial number and the CNMI tag number of such machine;
  - (iv) all other information requested by the Department of Finance.
- (b) The Director must act on the relocation request within 5 working days after receipt of such request. If any poker machine is found to have been moved without prior written approval from the Director, the license for that machine may be suspended for no less than 30 days and not more than 180 days.
- (c) The licensee shall post a photo-copy of the license of the transferred machine(s) at the new location. A copy of the form prescribed for the transfer shall be posted at both the old and new location in such a manner as will be visible to the public and available for inspection by Revenue and Taxation.

(d) Only machines listed in the license, as updated by the posted form prescribed by the Director for machines that have been relocated, shall operate in the particular named location.

Section 2300.17 Notification of Machine Location.

Upon application for a poker machine license pursuant to these Rules and Regulations, each applicant shall give written notice to the Department of Finance of the location and a sketch of the location, by building, village and island where the machine will be operated.

Section 2300.18 Separate Room, Minors, and Prohibition of Alcohol.

(a) Separate Room. Poker machines operated in an establishment at which any other business is carried on shall be segregated from the other business area(s) of the establishment by a wall or barrier from floor to ceiling, creating a completely separate room. Poker machines may be operated in a segregated room which contains poker machines to the extent allowed by law. Poker machines may be operated in hotel or motel lobbies without a wall or barrier.

(b) Minors. Only persons 18 years of age or older shall be allowed entry into the poker machine room. Every person who is a licensee is responsible for ensuring that only those authorized by law are permitted to enter the segregated room and are permitted to operate a poker machine. A sign must be visibly displayed on the outside door of the separate room or the entrance door of the establishment if no separate room is required which reads "No Person Under 18 Years Old Allowed".

(c) Prohibition of Alcohol. As provided by 4 CMC §1503(d), no alcoholic beverages or other intoxicants shall be allowed in the separate room specified in subsection (a).

Section 2300.19 Location.

Poker machines may be operated only in locations authorized by law.

Section 2300.20 Inspection of Machines.

The Secretary of Finance or his designee has an absolute right at all times to open, inspect, and test any poker machine to determine compliance with these Rules and Regulations and/or applicable law. This right of inspection includes, but is not limited to, the right to remove any poker machine, or any components thereof, from the premises where the machine is being operated.

Section 2300.21      Hours of Operation.

The operation of poker machines in the Commonwealth shall be limited to the hours between 10:00 a.m. to 10 p.m. Provided, however, that this limitation shall not apply to poker machines which are operated by and on the premises of a licensed casino.

Section 2300.22      Other Reporting Requirements.

Persons who are the licensees of poker machines must strictly adhere to all reporting requirements under the tax laws of the Commonwealth of the Northern Mariana Islands, including the filing of information returns and payments of taxes. Failure to comply will be grounds for suspension or revocation of an existing poker machine license or for denying an application for renewal of a poker machine license.

Section 2300.23      Violation

The receipt of a CNMI Poker machine License is a privilege not a right. However, any such license once issued is revocable only for cause.

(a)      Denial or Revocation of License – Grounds Pursuant to the procedures prescribed within this Part, the Director may deny an application for a license or revoke a license issued on any one or more of the factors herein listed:

(1)      The financial responsibility and security of the applicant and the business or activity in which the applicant is engaged. Consideration of this factor may include the analysis of the applicant's credit record, compliance with CNMI tax laws, status of other permits and licenses, results of a criminal background investigation, adequacy of security procedures against theft, the type of construction of the applicant's facility and whether the location is fixed and permanent, whether the applicant can provide appropriate security, and any other factor that may assist the Director in such evaluation; or

(2)      The location of, and public accessibility to, the applicant's place of business or activity. Consideration of this factor may include analysis of the applicant's hours of operation, proximity to major transit routes, proximity to large employers, public parking availability, and any other factor that may assist the Director in such evaluation; or

(3)      the applicant has been convicted of a felony, or criminal fraud, or gambling or a gambling-related offense, or any felony or misdemeanor involving moral turpitude, if less than 10 years has elapsed since the termination of the sentence, parole, mandatory supervision, or probation served for the offense; or

(4) the applicant is or has been a professional gambler. A “professional gambler” is a person whose profession is, or whose major source of income derives from, playing games of chance for profit; or

(5) the applicant is delinquent in the payment of any Commonwealth tax, duty, fee or similar charge or any other debt due the Commonwealth at any time after the application is filed but before the Department of Finance acts to grant or deny the license; or

(6) the applicant has a spouse, child, parent, parent-in-law, or spouse's child who is a person described in paragraph (3), (4), or (5) of this subsection; or

(7) the applicant has violated the Poker machine Act or a Rule or Regulation adopted pursuant to the Poker Machine Act; or

(8) the applicant is not an individual, but an individual described in one or more of paragraphs (3) - (7) of this section holds a beneficial interest in the applicant; or

(9) the applicant provided false or misleading information on the application form, or failed to provide information required as part of the application or evaluation process; or

(10) the applicant failed to cooperate or to provide any additional or supplemental information which the Director deems necessary in order to determine whether the applicant is suitable to hold a license; or

(11) the applicant operates any poker machine without a license; or

(12) the applicant fails to comply with any other factor that is or may be helpful in determining whether the applicant's experience, character, and general fitness are such that the licensing of the person to operate a poker machine will not detract from the integrity, security, honesty, or fairness of the operation of the poker machine business. An example of the type of factor considered in this regard is the analysis of the type of product currently sold or form of service currently provided or other business activity currently conducted by the applicant.

(b) Suspension Poker machines operating in violation of law or these Rules and Regulations shall be dealt with in accordance with the applicable CNMI laws. If a poker machine is found not to be in compliance with the requirements of these Rules and Regulations, the person who is the licensee of such machine will have his license to operate poker machines suspended until compliance with the Rules and Regulations is met to the satisfaction of the Director.

(c) Revocation In addition to the basis of denying or revoking a poker machine license set forth in §2300.23(a)(1) - (12), a license once issued may also be revoked if the person holding such license:

(1) operates a machine without proper documentation or provides or maintains inaccurate or false information; or

(2) alters the software programs, pay back percentages, jackpots, meters, security and accounting system or related equipment or any other equipment that implies a modification of the conditions under which the machines were approved; or

(3) allows minors to play a poker machine;

(4) fails to cooperate with or provide all relevant information requested by the Department of Finance; or

(5) accepts or exchanges a food stamp coupon, an NAP coupon or similar item for coins or tokens used to play a poker machine; or

(6) violates any CNMI law.

(d) Seizure. A poker machine may be seized pursuant to §2300.29 for the grounds stated in §2300.28 of these Regulations. If a licensed or unlicensed machine is seized, the owner and/or the person licensed to operate such machine shall be liable for the cost of transporting the machine, a reasonable storage charge of not less than \$25 per day per machine, and any labor charges incurred in the seizure and storage of such machine.

(e) The Department of Finance and the Commonwealth Government shall not be liable for damages arising from the seizure and/or confiscation of machines, including damages occurring during transfer and storage, provided that reasonable care is used in seizure and confiscation.

(f) Suspension or Revocation of License.

(1) Without any way limiting or restricting the ability of the Director to consider the factors listed in §2300.23 as grounds for suspension or revocation of a license issued by the Director, the Director may also suspend or revoke a license held by a licensee based upon a finding of one or more of the following:

(A) The determination by the Director of the existence of any one or any combination of factors previously listed as grounds for denial of issuance of a license under §2300.23 of these Rules and Regulations or the determination by the Director that the existence of any one or more

factors listed in subsections (B) - (M) below directly apply to or relate to the holder of the poker machine license; or

(B) that the beneficial interest in the ownership of the business premises has changed or the business location of the applicant has changed without approval of the Director; or

(C) that the licensee has permitted a person under 18 years of age to play a poker machine; or

(D) that the licensee has not prominently displayed, at the licensed location, the license issued by the Director; or

(E) that the licensee has violated any directive or instruction issued by the Director; or

(F) that the licensee has violated any express term or condition of its license, the Poker machine Act, or these Rules and Regulations; or

(G) that the licensee and/or its employee(s) has exhibited discourteous treatment including but not limited to, abusive language toward customers or any government agents, employees or their designees; or

(H) that the licensee has assigned or transferred or attempted to assign or transfer its poker machine license to another party; or

(I) that the licensee engaged in fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the poker machine business; or

(J) that the licensee engaged in telecommunication or printed advertising that the Director determines to have been false, deceptive, or misleading; or

(K) that the licensee failed to establish or maintain reasonable security precautions with regard to the operation of the licensed poker machines; or

(L) that the licensee has engaged in skimming of poker machine funds; or

(M) that the licensee has failed to make payments when due by any poker machine to the CNMI.

(2) Notice of suspension or revocation of a license shall, if possible, be given to the licensee in writing setting forth the reasons therefore. A suspended or revoked license shall immediately be surrendered to the Director.

Section 2300.24 Continuous Disclosure of Information.

(a) Any information provided to the Director under these Rules and Regulations or on any application, filing or other instrument submitted to the Director that subsequently becomes incorrect or misleading, shall be immediately updated by the applicants or licensees providing an explanation thereof to the Director. Without limiting the foregoing, all applicants or licensees shall notify the Director immediately if any change in the ownership or beneficial interest or location of the applicant or licensee occurs.

(b) The Director may develop forms for poker machine license applications requesting all such information required by the Poker machine Act or by these Rules and Regulations or that is deemed necessary or appropriate to evaluate the applicant's suitability to hold a license. Such application shall be completed, executed, acknowledged and notarized by the applicant prior to submission to the Director.

Section 2300.25 License Proceedings.

(a) Denial of an Application of License. Whenever the Director has reason to believe that an applicant is not eligible to receive a license, he may issue a written notice of denial to the applicant. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice to submit a written Request for Reconsideration to the Director wherein the applicant may set forth the basis pursuant to which the applicant believes that the denial of a license was based on either an incorrect understanding of fact or an incorrect application of the law. The Director shall promptly review the Request for Reconsideration and, in writing, either affirm or modify the previous denial of a license. The denial of a poker machine license by the Director is subject to judicial review and may be reversed by the court only upon a finding that the Director acted in an arbitrary and capricious manner in denying such license.

Section 2300.26 Hearings.

All hearings related to these Rules and Regulations shall be conducted in accordance with the CNMI Administrative Procedure Act, 1 CMC §9101 et seq.



Section 2300.27 Confidentiality.

All information submitted to the Department of Finance regarding licensing of a poker machine shall be confidential and shall be disclosed only as follows:

- (a) to the license applicant; or
- (b) to the Business Licensing Section of the Department of Finance only to the extent necessary to permit that agency to carry into effect its statutory business licensing provisions; or
- (c) for the purpose of carrying into effect these Rules and Regulations, laws pertaining to poker machines, or any law imposing taxes or duties payable to the Commonwealth of the Northern Mariana Islands.

Section 2300.28. Grounds for Seizure of a Machine.

- (a) A licensed or unlicensed machine may be seized in accordance with §2300.29 of these Regulations for the following grounds:
  - (1) the applicant is delinquent in the payment of any Commonwealth tax, duty, fee or similar charge or any other debt due the Commonwealth at any time; or
  - (2) the applicant has violated the Poker Machine Act or a Rule or Regulation adopted pursuant to the Poker machine Act; or
  - (3) the applicant operates any poker machine without a license; or
  - (4) operates a machine without proper documentation or provides or maintains inaccurate or false information; or
  - (5) alters the software programs, pay back percentages, jackpots, meters, security and accounting system or related equipment or any other equipment that implies a modification of the conditions under which the machines were approved; or
  - (6) allows minors to play a poker machine;
  - (7) accepts or exchanges a food stamp coupon, an NAP coupon or similar item for coins or tokens used to play a poker machine; or
  - (8) violates any CNMI law.

Section 2300.29      Inspection, Warrants and Seizure.

(a) The division and its employees and agents, upon approval of the director, shall have the authority, without notice and without warrant:

(1) To inspect and examine all premises wherein poker machines are located, or wherein any records of such activities are prepared or maintained;

(2) To inspect all equipment and supplies in, about, upon or around such premises;

(3) To seize summarily and remove from such premises and impound any such equipment or supplies for the purposes of examination and inspection;

(4) To inspect, examine and audit all books, records, and documents pertaining to a licensee's operation;

(5) To seize, impound or assume physical control of any book, record, ledger, poker machine, device, cash box and its contents, counting room or its equipment; and

(6) To inspect the person, and personal effects present where poker machines are operated, of any holder of a license or registration issued pursuant to 4 CMC §1503 while that person is present in the poker establishment.

(b) The provisions of subsection (a) of this section shall in no way be deemed to limit warrantless inspections except in accordance with constitutional requirements.

(c) To effectuate further the purposes of the regulations, the Division and its employees and agents may obtain administrative warrants for the inspection and seizure of any property possessed, controlled, bailed or otherwise held by any applicant, licensee, registrant, intermediary company, or holding company.

(d) Issuance and execution of warrants for administrative inspection and seizure shall be in accordance with the following:

(1) Any judge of a court having jurisdiction where the inspection or seizure is to be conducted may, upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by 4 CMC §1507 or regulations thereunder and seizures of property appropriate to such inspections. For the purposes of this section, "probable cause" means a valid public interest in the effective enforcement of the act or

regulations sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of a person duly designated and having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying:

- (i) the area, premises, building, or conveyance to be inspected;
- (ii) the purpose of such inspection; and,
- (iii) where appropriate, the type of property to be inspected, if any.
- (iv) The warrant shall identify the item or types of property to be seized, if any.
- (v) The warrant shall be directed to a person authorized to execute it.
- (vi) The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof.
- (vii) It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and where appropriate, shall direct the seizure of the property specified.
- (viii) The warrant shall direct that it be served during normal business hours of the licensee.
- (ix) It shall designate the judge to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within 10 days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person executing the warrant. The clerk of the court, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall cause them to be filed with the court which issued such warrant.

(e) The division is authorized to make administrative inspections to check for compliance by any applicant, licensee, registrant, intermediary company or holding company, and to investigate any violations thereof.

(f) This section shall not be construed to prevent entries and administrative inspections, including seizures of property, without a warrant:

(1) With the consent of the owner, operator or agent in charge of the controlled premises;

(2) In situations presenting imminent danger to health or safety;

(3) In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impractical to obtain a warrant or in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking;

(4) In accordance with the provisions of this regulation; or

(5) In all other situations where a warrant is not constitutionally required.

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Section 2300.30 Presence Upon Opening of Machines

(a) Pursuant to law, the Secretary of Finance is authorized to be present at all times when monies are withdrawn from poker machines. Accordingly, the Secretary of Finance will establish a schedule in coordination with all applicants receiving poker machines licenses, to ensure that the Secretary of Finance or his designee is present at all times when monies are withdrawn from poker machines. Except as otherwise authorized by the Secretary of Finance, no monies may be withdrawn from any poker machine unless the Secretary of Finance or his designee is present at such time. In the alternative, the Secretary of Finance may promulgate additional or supplemental Rules or Regulations to accomplish the objectives of this Section which are to assure that the integrity of the game is protected and that there is an accurate accounting of income generated from each machine and that any and all fees and taxes due and owing to the CNMI are promptly and fully paid.

(b) In lieu of subsection (a), the Secretary or his designee may require a written report relating to all monies withdrawn from a poker machine, meter readings, payout amount, jackpot winnings and other information to be provided on a form prescribed by the Director.

Section 2300.31      Violation of Law or Regulations.

Violation of any provision of 4 CMC Division 1, Chapter 5 or of these regulations by a licensee, his agent or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the inhabitants of the CNMI and grounds for suspension or revocation of a license. Acceptance of a poker license or renewal thereof by a licensee constitutes an agreement on the part of the licensee to be bound by all of the regulations of the Division of Revenue and Taxation as the same now are or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the content of all such regulations, and ignorance thereof will not excuse violations.



**Commonwealth of the Northern Mariana Islands**  
**OFFICE OF THE GOVERNOR**  
**Division of Environmental Quality**



P.O. Box 501304 C.K., Saipan, MP 96950-1304  
Tels.: (670) 664-8500 /01  
Fax: (670) 664-8540

**NOTICE AND CERTIFICATION OF ADOPTION**  
**OF**  
**WASTEWATER TREATMENT AND DISPOSAL RULES AND REGULATIONS**

I, John I. Castro, Jr., Director of the Division of Environmental Quality (DEQ), Office of the Governor, Commonwealth of the Northern Mariana Islands (CNMI), which is promulgating the Wastewater Treatment and Disposal Rules and Regulations published in the Commonwealth Register, Volume 24, Number 08, August 21, at pages 19421 through and including 19481, by signature below hereby certify that as published such rules are a true, complete, and correct copy of the Wastewater Treatment and Disposal Rules and Regulations previously proposed by DEQ which, after the expiration of appropriate time for public comment, have been adopted with extensive modifications or amendment. By signature below, I hereby certify that the Amended Wastewater Treatment and Disposal Rules and Regulations attached hereto and published herewith, are a true, correct, and complete copy of the Amended Wastewater Treatment and Disposal Rules and Regulations adopted by DEQ. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 21<sup>st</sup> day of November, 2002 at Saipan, Commonwealth of the Northern Mariana Islands.

John I. Castro, Jr., Director  
Division of Environmental Quality



Commonwealth of the Northern Mariana Islands  
OFFICE OF THE GOVERNOR  
Division of Environmental Quality

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Tels.: (670) 664-8500 /01  
Fax: (670) 664-8540



PUBLIC NOTICE

ADOPTION OF THE WASTEWATER TREATMENT AND DISPOSAL  
RULES AND REGULATIONS

The Division of Environmental Quality (DEQ), Office of the Governor, Commonwealth of the Northern Mariana Islands (CNMI), pursuant to the CNMI Environmental Protection Act, P.L. 3-23, 2 CMC §§ 3101 *et seq.* (as amended by P.L. 11-103), 1 CMC §§ 2646 to 2649, and Public Law 11-108, and in accordance with the Administrative Procedures Act (1 CMC §9101, *et seq.*) hereby notify the general public that the proposed Wastewater Treatment and Disposal Rules and Regulations as published in the Commonwealth Register, Volume 24, Number 08, August 21, at pages 19421 through and including 19481, and after expiration of appropriate time for public comment, have been adopted with the modifications set forth below:

1. 3.5 "Available sewer" means a public sewer which has been constructed in a road-way, street or easement abutting the property on which the subject building is located provided that:
  - A. For a single family dwelling and duplexes: (1) the public sewer; or (2) an existing building ~~or exterior drainage facility~~ located on the subject property which is connected to the public sewer, is located within 200 feet of the single family dwelling duplex, and ~~the public sewer is no more than 20 feet above the lowest floor level of the single family dwelling or duplex;~~ and connection to the public sewer is possible without the use of pumps.
2. 3.9 "Class I Aquifer Recharge Area" means the area contributing surface infiltration to a geologic formation, or part of a formation, that is water bearing and which currently transmits, or is believed capable of transmitting ~~quantities of potable~~ water to supply pumping wells or springs. For the purpose of these regulations, Class I aquifer recharge areas shall be one of the following: (1) Areas so defined and mapped by the United States Geological Survey (USGS) as ~~potable~~ aquifer recharge zones; ....
3. 3.12 "Confined Animal Facility" means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained ~~for a total of 45 days or more in any 12-month period.~~ Confined Animal Facilities include areas used to grow or house animals, areas used for

processing and storage of product, manure, ~~and~~ runoff storage areas, and silage storage areas.

4. 3.27 “Livestock” means ~~domesticated animals~~ farm animals raised for human use.
5. 3.31 “NPDES” means National Pollutant Discharge Elimination System. An NPDES permit is required for all municipal and industrial waste and waste treatment plant discharges to the waters of the ~~Commonwealth~~ United States.
6. 3.46 “Water of the Commonwealth” – Definition deleted.  
  
[NOTE: All references to “Water of the Commonwealth” have been changed to “State Waters” as defined in §3.46.]
7. 3.46 “State Waters” shall be as defined in the CNMI Water Quality Standards [19 Com. Reg. 01, January 15, 1997, page 14918] to mean all natural waters, fresh, brackish, or marine including wetlands, around and within the Commonwealth and as further delineated and defined under the Marine Sovereignty Act of 1980 (P.L. 2-7).
8. 3.47 “Storm water drainage system” means any privately or publicly owned structure or system of structures designed to collect, carry, and/or divert surface runoff. This term includes, but is not limited to, lined and unlined drainage ways, swales, ditches, culverts, drainpipes, catch basins, ponding basins, and infiltration beds.
9. 3.49 “Waters of the United States” or “waters of the U.S.” shall be as defined in the Code of Federal Regulations, Chapter 40, Part 122.2 (40 CFR 122.2).
10. 3.50 “Wetlands” shall be as defined in the CNMI Water Quality Standards [19 Com. Reg. 01, January 15, 1997, page 14918] to mean an area which is inundated or saturated by surface or groundwater at a frequency and duration that is sufficient to support, and under normal circumstances does support, vegetation typically adapted for life in saturated soil conditions.
11. 3.48 “Wellhead Protection Area” – definition deleted.
12. 3.49 “Zone of Contribution” – definition deleted.
13. 5.4 Owners of all existing publicly owned OWTS (i.e., CUC) are not required to obtain a permit from the Division to reconstruct, modify, or operate an OWTS provided that the publicly owned OWTS is subject to the NPDES permitting process, administered by the EPA. Provisions of these



regulations may ~~also be waived~~ designated as “not applicable” by the Director for future publicly owned OWTS. The rationale for any such designation shall be based on sound engineering principles, with due consideration of all potential impacts to public health and the environment. Such rationale shall be clearly explained in the permit documentation and in any public notice that may be required as part of the NPDES permitting process.

14. **SECTION 6 IWDS AND OWTS PERMIT APPLICATION REQUIREMENTS**

No IWDS or OWTS .... An IWDS/OWTS permit application shall be completed and submitted to the Director for all new waste treatment and disposal systems, repairs, or modifications and/or expansions to same. Before construction ....

15. 6.8.5 Topography of the project site, showing contour lines drawn at **1 2-foot (1-meter) intervals, or other intervals approved by the Director,** and floor elevation of the existing ...
16. 6.13.1 ~~All~~ IWDS permit applications ~~EXCEPT those that serve a single family home or duplex~~ shall be certified (“stamped”) by a professional Civil Engineer licensed by the Board of Professional Licensing to practice in the CNMI who has proven a complete understanding of the requirements of IWDS design. **IWDS systems that serve a single family home or duplex are exempt from the certification requirement unless otherwise required by the Board of Professional Licensing.** Architects, unlicensed engineers, and unqualified licensed engineers shall not certify any IWDS or OWTS permit applications.
17. 6.13.3 All OWTS permit applications must contain complete structural, hydraulic, and kinetic design calculations certified by a CNMI licensed professional engineer. The Director may allow exceptions **from the certification requirement** for Confined Animal Facility OWTS applications, depending on size, complexity, and potential impacts, **and as consistent with the Board of Professional Licensing requirements.** **The rationale for any such exception shall be clearly explained in the permit documentation.**
18. ~~7.1.7 No wastewater disposal system installations, construction, repairs or additions shall be made by the owner or lessee of the property without a written permit from the Director.~~
19. 8.2 Please specify flow rates for all other uses. Unit flow rates employed for “other uses” are subject to modification by the Director if, in his/her judgment, such unit flow rates are unreasonable. **The rationale for any such modification shall be clearly explained in writing to the applicant.**

20. 9.14.1 Location - Grease traps should be installed .... The discharge from the grease trap must flow to a ~~properly designed~~ septic tank meeting the requirements of these regulations.

21.

TABLE 13.1  
IWDS AND OWTS SITING CRITERIA

<u>IWDS COMPONENT</u>	<u>FEATURES</u>	<u>MINIMUM REQUIRED SET BACK DISTANCE</u>
Septic tank -	<del>Waters of the CNMI State waters</del>	100 feet
	..... Storm water drainage systems <sup>4</sup>	<u>50 feet<sup>5</sup></u>
Leaching Fields & Confined Animal Facilities	<del>Waters of the CNMI State waters</del>	150 feet
	..... Storm water drainage systems <sup>4</sup>	<u>50 feet<sup>5</sup></u>
Seepage Pits	<del>Waters of the CNMI State waters</del>	150 feet
	..... Storm water drainage systems <sup>4</sup>	<u>50 feet<sup>5</sup></u>

NOTES:

....

(4.) This applies only to storm water drainage systems that the Director determines to be reasonably susceptible to contamination from an IWDS or OWTS. In considering whether a storm water drainage system is reasonably susceptible to contamination, the Director shall consider the following factors:

- a. The size of the proposed IWDS or OWTS;
  - b. The location and depth of the IWDS or OWTS relative to the storm water drainage system;
  - c. The design, construction, and discharge location of the storm water drainage system;
  - d. The soils, slopes, depth, and other factors affecting the likelihood or frequency of discharge to the storm water drainage system;
  - e. Other relevant factors.
- (5.) This setback distance may be increased to 100 feet for septic tanks and 150 feet for leaching fields, seepage pits, and confined animal facilities for storm water drainage systems that discharge to a "State water", if determined to be reasonably susceptible to contamination as outlined above.

22. 13.3 The Director may increase the set back distances specified above if, in his/her judgment, the volume of sewage discharge, the hydrogeologic conditions, and/or the size of the water well service population warrants further protective measures. The rationale for any decision to increase

**setback distances shall be clearly explained in the permit documentation.**


23. 19.4 OWTS design for treated effluent land application must be designed by an experienced licensed professional engineer in the field of wastewater treatment. ~~In this instance, the engineer may be licensed in any U.S. jurisdiction.~~ At a minimum, the OWTS design shall provide for the following....
24. 20.4 Confined Animal Facility OWTS are required to meet the siting criteria specified in Section 13 of these regulations. Facilities that are required to obtain an OWTS permit because of violations of the CNMI Water Quality Standards or the CNMI Drinking Water Standards, **and which violate the siting criteria**, will be required to re-locate to meet the siting criteria, unless the ~~Director certifies that further violations can be reasonably prevented by facility re-design~~ **facility can be re-designed to reasonably prevent discharge and further violations, and such re-design is certified by a professional engineer and approved by the Director** as part of the OWTS permit. Facilities that cannot re-locate **outside to meet** the siting criteria, and from which discharge cannot be **reasonably** prevented by facility re-design, shall not be permitted.
25. 21.1.2 Any carnival, fair, sporting event, outdoor concert or large public gathering requiring **any CNMI Government permit (e.g., a Coastal Resources Management Office "Minor Development Permit")**, hereafter, collectively referred to as a "special event", where adequate working toilet facilities connected to a sanitary sewer do not exist ....
26. 22.4 For all applications found to be incomplete, the Division will notify the Applicant via a short written statement, describing the deficiencies found **within fourteen (14) calendar days of the date the application is received.** ....
27. 22.5 The Director shall notify .... The Applicant shall be afforded the opportunity to file a written request for reconsideration **and justification** of the Director's decision **and shall include justification for the request.** ~~The R~~request for reconsideration shall be served upon the Division within seven (7) **calendar** days from receipt of the disapproval or conditional approval....
28. 23.3 Any person .... Request for a hearing shall be served upon the **Director Division** within seven (7) calendar days from receipt of the Order....
29. 23.4.1 The Director shall serve notice of the hearing in accordance with APA § 9109(a) at least ten (10) **calendar** days before the scheduled hearing date.

30. 23.4.2 The alleged violator or "respondent" shall submit a written response to the Order at least five (5) calendar days before the hearing .... The request for hearing or "response" shall clearly and directly admit, deny, or explain all the factual allegations contained in the ~~notice of violation~~Order with regard to which the respondent has knowledge. ....
31. 23.4.4 The Director or designee will preside over the hearing. .... The Presiding Officer shall issue a written decision within ~~fifteen (15) working days~~ twenty one (21) calendar days of the close of the enforcement hearing.....
32. 23.4.5 The decision of the Director or Presiding Officer shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following ~~service~~issuance of the final agency decision.
33. 23.6 Revocation of Hauler's Registration. In addition to the provisions in Section 18.5, the Director may revoke a Hauler's registration for any material misstatement or misrepresentation made by the licensee made for the purposes of obtaining or retaining such ~~license~~registration. .... The Hauler shall have seven (7) calendar days from the date of receipt of the revocation notice to provide a written response addressing the facts in the notice and ....
34. 23.6.1 No application for a Hauler's license may be made within one (1) year after revocation of such license registration by the Director for the reasons identified above.

Copies of the Wastewater Treatment and Disposal Rules and Regulations are available at the office of the Division of Environmental Quality, located at the third floor of the Morgen Building, San Jose, Saipan, or may be obtained by mail at P.O. Box 501304, Saipan, MP 96950.

The adopted regulations become effective ten (10) calendar days after publication of this Notice in the Commonwealth Register.

Dated this 21<sup>st</sup> day of November, 2002.

  
\_\_\_\_\_  
John I. Castro, Jr., Director  
Division of Environmental Quality

Pursuant to 1 CMC § 2153, as amended by P.L. 10-50, the regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Date: Nov. 22, 2002



\_\_\_\_\_  
Ramona V. Mangiona  
Attorney General

Filed by:

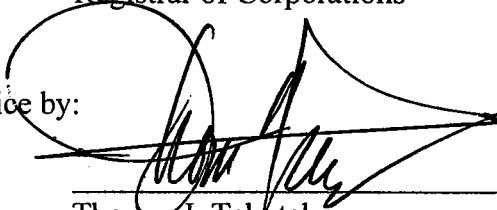
Date: 11/26/02



\_\_\_\_\_  
Soledad B. Sasamoto  
Registrar of Corporations

Received at the Governor's Office by:

Date: 11/27/02



\_\_\_\_\_  
Thomas I. Tebuteb  
Special Assistant for Administration

**WASTEWATER TREATMENT AND DISPOSAL**  
**RULES AND REGULATIONS**

**SECTION 1. AUTHORITY**

These rules and regulations have been promulgated by the Division of Environmental Quality in accordance with the *Commonwealth Environmental Protection Act, (CEPA), 1982, 2 CMC §§3101 to 3134, Public Law 3-23*, and the *Commonwealth Environmental Amendments Act, (CEAA), 1999, Public Law 11-103* of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications, to be adopted by the Division of Environmental Quality, 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 large numbers of Commonwealth residences currently rely and will continue to rely on on-site wastewater disposal systems for treatment and disposal of wastewater; and whereas proper design, construction, and operation of these systems provide personal and public benefit through protection of groundwater and surface water; whereas public health can be significantly impacted by design and continued use of substandard disposal systems, and whereas waste from livestock also impacts the quality of ground water and surface water and public health, the purpose of these regulations is:

- 2.1 To protect the health of the wastewater disposal system user and his/her neighbors.
- 2.2 To establish minimum standards that will ensure that the discharge of wastewater:
  - 2.2.1. Will not contaminate or degrade the groundwater of the CNMI;
  - 2.2.2. Will not contaminate or degrade the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes or for recreational purposes;
  - 2.2.3. Will not be accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;
  - 2.2.4. Will not pose a health hazard by being accessible to children;

- 2.2.5. Will not create a public nuisance due to odor or unsightly appearance; or
- 2.2.6. Will not violate any other local or federal laws or regulations governing water pollution or sewage disposal.
- 2.3 To provide for a reasonable service life for such systems.
- 2.4 To provide for registration and requirements for sanitary waste hauling and disposal.
- 2.5 To establish minimum standards for the treatment of animal wastes.
- 2.6 As with all of the Division of Environmental Quality Regulations, the design standards and details described in these regulations and in the permitting processes are for minimum standards. The ultimate responsibility and success and failure of a project lies with the applicant. Although the Division sets these minimum standards that applicants must follow, it takes no responsibility for possible failures of systems it reviews. Each system must be designed for the specific location and use of the system.

### SECTION 3. DEFINITIONS

- 3.1 “Abutting property” means that property which lies next to any road, street, or easement in which a public sewer is located. The boundary of the property abutting the sewer need not physically touch the sewer easement so long as that piece of land separating the sewer easement from the abutting property consists of a public right-of-way, easement, road, or street not owned or controlled by another private owner, so that the abutting property owner would not be required to obtain an easement in order to connect his/her property with the sewer.
- 3.2 “The Act” means the Commonwealth Environmental Protection Act, (CEPA), 1982, 2 CMC §§ 3101 to 3134, Public Law 3-23, as amended by the Commonwealth Environmental Amendments Act (CEAA), 1999, Public Law 11-103, of the Commonwealth of the Northern Mariana Islands.
- 3.3 “Animal Waste” means animal excreta and associated feed losses, bedding, spillage or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing into a confined animal facility (“runoff”), and other materials polluted by livestock or their direct products.
- 3.4 “Aquifer” means 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.

- 3.5 “Available sewer” means a public sewer which has been constructed in a road-way, street or easement abutting the property on which the subject building is located provided that:
- A. For a single family dwelling and duplexes: (1) the public sewer; or (2) an existing building located on the subject property which is connected to the public sewer; is located within 200 feet of the single family dwelling or duplex, and connection to the public sewer is possible without the use of pumps.
  - B. For all other buildings and structures the public sewer is no more than 50 feet above the lowest floor level.
- 3.6 “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.
- 3.7 “Building” means a structure having a roof and intended to shelter people, animals, property, or business activity, or any structure used or intended to be used for supporting or sheltering any use or occupancy.
- 3.8 “Cesspool” means any buried chamber, including, but not limited to, any metal tank, perforated concrete vault or covered hollow or excavation, which receives discharges of sanitary sewage from a building sewer for the purpose of collecting solids and discharging liquids to the surrounding soil. Cesspools are not an approved method of sewage disposal under these regulations, and all existing cesspools are considered to be substandard.
- 3.9 “Class I Aquifer Recharge Area” means the area contributing surface infiltration to a geologic formation, or part of a formation, that is water bearing and which currently transmits, or is believed capable of transmitting water to supply pumping wells or springs. For the purpose of these regulations, Class I aquifer recharge areas shall be one of the following: (1) Areas so defined and mapped by the United States Geological Survey (USGS) as aquifer recharge zones; (2) Areas defined by the Director pursuant to the CNMI's Groundwater Management and Protection Act as a Class I Groundwater Management Zone; or (3) areas determined in consultation with the USGS and the Commonwealth Utilities Corporation.
- 3.10 “CNMI” means the Commonwealth of the Northern Mariana Islands.
- 3.11 “Community Sewer System” means a common sewer collection, conveyance, and treatment system serving more than one lot, directly controlled by an individual or community association duly authorized by those served (i.e., IWDS permittee) to undertake the responsibility of control and operation of the system.



- 3.12 “Confined Animal Facility” means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained. Confined Animal Facilities include areas used to grow or house animals, areas used for processing and storage of product, manure, runoff storage areas, and silage storage areas.
- 3.13 “Contamination” means the introduction of any physical, chemical, biological, or radiological substance into surface or groundwater which has the potential to pose a threat to human health or the environment, or to impede the most beneficial use of water.
- 3.14 “CUC” means the Commonwealth Utilities Corporation, a public authority currently providing treatment for domestic and industrial wastewater.
- 3.15 “Director” means the Director of the Division of Environmental Quality or his duly authorized representative unless otherwise specified.
- 3.16 “Division” means the Division of Environmental Quality unless otherwise specified.
- 3.17 “DPW” means the Department of Public Works.
- 3.18 “Duplex” means a building which is designed exclusively for the occupancy of one family in each of two units which are attached to each other and which are detached from any other dwelling or commercial building.
- 3.19 “Effluent Filter” means an effluent treatment device installed on the outlet of a septic tank which is designed to prevent the passage of suspended matter larger than one-eighth inch in size.
- 3.20 “EPA” means the United States Environmental Protection Agency.
- 3.21 “Grazing Unit” is any area of public or private pasture, range, grazed woodland, or other land that is grazed as an entity.
- 3.22 “Groundwater” is that part of the subsurface water which is in the zone of saturation.
- 3.23 “House Sewer or Building Drain” means that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer pipe beginning 5 feet outside the building walls.
- 3.24 “Individual Wastewater Disposal System” (“IWDS”) means a system designed and installed to treat and dispose of sewage from a single structure or group of structures using a septic tank, together with a leaching field or seepage pit.

- 3.25 “IWDS Failure” or “System Failure” means: (1) The IWDS refuses to accept sewage effluent at the rate of design application, resulting in interference with plumbing fixture use; (2) Sewage effluent exceeds the infiltration capacity of the soil resulting in objectionable odors, ponding, seepage, or other discharge of the effluent to the surface of the ground or to surface waters; (3) Effluent discharges from the absorption system result in contamination of a potable water supply, groundwater, or surface water.
- 3.26 “Leaching Field” means a buried system of perforated pipes, bedded in washed crushed rock, through which primary or secondary treated sewage effluent may seep or leach into the surrounding porous soil.
- 3.27 “Livestock” means farm animals raised for human use.
- 3.28 “MPLA” means the Marianas Public Land Authority.
- 3.29 “MVA” means the Marianas Visitors Authority.
- 3.30 “Monitoring Well” is a well constructed for the purpose of observing subsurface hydrologic conditions and collecting hydrologic or water quality data, and not for use in extracting water for a beneficial use.
- 3.31 “NPDES” means National Pollutant Discharge Elimination System. An NPDES permit is required for all municipal and industrial waste and waste treatment plant discharges to waters of the United States.
- 3.32 “Other Wastewater Treatment Systems” (“OWTS”) means a system designed and installed to treat and dispose of sewage from a single structure or group of structures using a means other than a septic tank together with a leaching field or seepage pit.
- 3.33 “Permit” as used in these regulations shall mean an Individual Wastewater Disposal System or an Other Wastewater Treatment System permit.
- 3.34 “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.
- 3.35 “Potable Water” means water that is of a quality that meets the requirements of the CNMI's Drinking Water Regulations latest revision.
- 3.36 “Primary Treated Wastewater” for the purpose of these regulations means wastewater which has passed through a septic tank of the size and configuration as required by these regulations.

- 3.37 "Public Sewer System" means a common sewage collection, conveyance, and treatment system serving more than one lot, directly controlled by a public authority.
- 3.38 "Runoff" means that part of precipitation or irrigation water that runs off the land into streams or other surface water.
- 3.39 "Secondary Treated Effluent" for the purpose of these regulations means domestic non-industrial wastewater which has undergone physical, chemical, and/or biological treatment in order to effect the following characteristics: (1) 5-day Biochemical oxygen demand, BOD(5), of not more than 20 mg/1; (2) Total suspended solids, TSS, of not more than 20 mg/1; (3) Total nitrogen concentration of not more than 1.0 mg/1; and (4) Fecal coliform concentration of not more than 23 colony forming units per 100 ml. All figures given are for 30-day averages, with single measurement not to exceed twice the 30-day average limit. Sampling frequency shall be dictated by the Director. BOD(5) and TSS analysis must be done by acceptable scientific practices as in the current Standard Methods for the Examination of Wastewater Analysis.
- 3.40 "Seepage Pit" means a covered pit with open-jointed lining through which primary or secondary treated sewage effluent may seep or leach into the surrounding porous soil.
- 3.41 "Septage" means the domestic liquid and solid sewage pumped from septic tanks, cesspools, holding tanks, vault toilets, chemical toilets or other similar domestic sewage treatment components or systems and other sewage sludge not derived at sewage treatment plants.
- 3.42 "Septic Tank" means a watertight receptacle which receives the discharges of sewage and is designed and constructed so as to retain solids, digest organic matter through a period of retention and allow the treated liquids to discharge to additional treatment system components or directly into the subsoil through a leaching field or seepage pit.
- 3.43 "Sewage" or "wastewater" means untreated or insufficiently treated human excreta; food wastes disposed of through sewers; wash water; liquid wastes from residences, commercial buildings, agriculture or animal husbandry/slaughter operations, industrial establishments, or other places of assembly; and such diluting water (e.g., storm water inflow) as may have entered the waste disposal system.
- 3.44 "Significant Treatment System Modification" means any change, replacement, or reconstruction of any IWDS or OWTS because of: (1) System failure; (2) Increase in influent sewage flow rate above the design capacity of the existing system; or (3) Obsolescence.

- 3.45 “Single Family Dwelling” means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.
- 3.46 “State Waters” shall be as defined in the CNMI Water Quality Standards [19 Com. Reg. 01, January 15, 1997, page 14918] to mean all natural waters, fresh, brackish, or marine including wetlands, around and within the Commonwealth and as further delineated and defined under the Marine Sovereignty Act of 1980 (P.L. 2-7).
- 3.47 “Storm water drainage system” means any privately or publicly owned structure or system of structures designed to collect, carry, and/or divert surface runoff. This term includes, but is not limited to, lined and unlined drainage ways, swales, ditches, culverts, drainpipes, catch basins, ponding basins, and infiltration beds.
- 3.48 “Water Supply” means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.
- 3.49 “Waters of the United States” or “waters of the U.S.” shall be as defined in the Code of Federal Regulations, Chapter 40, Part 122.2 (40 CFR 122.2).
- 3.50 “Wetlands” shall be as defined in the CNMI Water Quality Standards [19 Com. Reg. 01, January 15, 1997, page 14918] to mean an area which is inundated or saturated by surface or groundwater at a frequency and duration that is sufficient to support, and under normal circumstances does support, vegetation typically adapted for life in saturated soil conditions.
- 3.51 “Used Oil” means any oil that has been refined from crude oil, or synthetic oil, that has been used and as a result of such use may be contaminated by physical or chemical impurities.
- 3.52 “USDA-NRCS” means United States Department of Agriculture, Natural Resources Conservation Service.

#### SECTION 4. CONSTRUCTION AND OPERATION OF AN IWDS OR OWTS

- 4.1 Construction and operation of an IWDS is permissible under the following conditions:
- 4.1.1 For all new single family dwellings or duplexes provided: (1) There is no available public sewer; and (2) The siting and design parameters outlined in these regulations are met.

4.1.2. For all other new buildings and structures provided: (1) There is no available public sewer; (2) There is no discharge of oily, toxic, or hazardous wastes; and (3) The siting and design parameters outlined in these regulations are met.

4.1.3. In addition to the requirements outlined in 4.1.2. and 4.1.3. for the types of activities described in the respective sections, for all new buildings, construction and operation of the IWDS must:

- 1) be done in a manner that will not contaminate or degrade the groundwater of the CNMI;
- 2) be done in a manner that will not contaminate or degrade the waters of any bathing beach, shellfish breeding ground, or stream used for public or domestic water supply purposes or for recreational purposes;
- 3) be done in a manner that will not be accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;
- 4) be done in a manner that will not pose a health hazard by being accessible to children;
- 5) be done in a manner that will not create a public nuisance due to odor or unsightly appearance;
- 6) be done in a manner that will not violate any other local or federal laws or regulations governing water pollution or sewage disposal, or
- 7) not be operated when an IWDS Failure has occurred;
- 8) be done in a manner to prohibit the disposal of used oil into the system.

4.2 Construction and operation of an OWTS is permissible only under the following conditions:

4.2.1. For any new residential project serving 100 persons or more, provided: (1) There is no available public sewer; (2) The project owner(s) prove the technical and financial capability to meet the OWTS operational requirements specified in Section 19 of these regulations; (3) The siting and design parameters for an IWDS using a septic tank as outlined in these regulations cannot be met due to limitations of site, soil, topography, and/or lot size; and (4) The siting and design parameters for an OWTS

outlined in these regulations are met. Residential projects serving less than 100 persons shall not be permitted to construct and operate an OWTS unless otherwise provided for in Paragraphs 4.2.4 and 4.3 below. The number of persons served by a project shall be determined in accordance with Section 8 of these regulations.

- 4.2.2. For any non-residential commercial or industrial project with average daily sewage flows greater than 10,000 gallons a day, provided: (1) There is no available public sewer; (2) The project owner(s) prove the technical and financial capabilities to meet the OWTS operational requirements specified in Section 19 of these regulations; and (3) The siting and design parameters for OWTS outlined in these regulations are met. Non-residential or industrial projects with average daily sewage flows less than 10,000 gallons per day shall not be permitted to construct and operate an OWTS, unless otherwise provided for in Paragraphs 4.2.4 and 4.3 below.
- 4.2.3. For any confined animal facility containing any of the following number of head: (1) 15 or more pigs; (2) 20 or more goats; (3) 10 or more cattle; (4) 100 or more chickens; or (5) any confined animal facility which has been found by the Division to have caused, by evidence of direct or indirect discharge, violations of the CNMI Water Quality Standards or CNMI Drinking Water Regulations. Such facilities shall be required to construct and operate an OWTS meeting the requirements of Section 20.
- 4.2.4 The Director may allow, on a case-by-case basis, construction and use of an "Alternative" OWTS as described in Section 19.19 for any residential, commercial, or industrial project with an average daily sewage flow less than 10,000 gallons per day.
- 4.3 For projects located within a Class I aquifer recharge area (see Definitions, Section 3) with an average daily flow greater than 5,000 gallons per day, the Applicant must install and operate an OWTS meeting the siting, design, operations, and financial requirements of these regulations.
- 4.4 A building or structure will be considered new when originally constructed, or when remodeled or extended such that the floor area is increased by greater than twenty percent (20%).
- 4.5 All building and structures connected to an existing IWDS or OWTS shall be connected to a public sewer if and when required to do so by the Commonwealth Utilities Corporation's Sewer Use Regulations, as amended, or as directed by the Director.

4.6 Prohibitions:

- 4.6.1 Discharge of treated or untreated sewage directly or indirectly onto the ground surface or into State waters constitutes a public health hazard and is prohibited, unless otherwise authorized or permitted within these regulations.
- 4.6.2 Discharge of wastewater from a Confined Animal Facility, and discharge of runoff that has contacted animal wastes from a Confined Animal Facility of any size into State waters is prohibited, unless otherwise authorized or permitted within these regulations.
- 4.6.3 Discharge of cooling water, air conditioning water, water softener brine, Reverse Osmosis (“RO”) effluent and filter backwash, groundwater, oil, hazardous materials, roof drainage, or other aqueous or non-aqueous substances which are, in the judgment of the Director, detrimental to the performance of the system or to groundwater, shall not be discharged into any IWDS or OWTS.
- 4.6.4 Increased Flows Prohibited: Except where specifically allowed within these regulations, no person shall cause the total sewage flow to an IWDS or OWTS, as calculated in Section 8 of these regulations, to be increased beyond that allowed under the original permit through the connection an additional dwelling(s) or building(s); increased occupancy; change of a facility’s use (e.g., conversion of a single-family dwelling to a barracks); renovation; or construction of an addition; without first obtaining a permit for a new or modified IWDS or OWTS under these regulations.

**SECTION 5 APPLICABILITY OF REGULATIONS TO EXISTING AND NEW IWDS, OWTS, AND CONFINED ANIMAL FACILITIES**

- 5.1 All new IWDS shall be subject to the design and siting criteria set forth in these regulations. IWDS applications submitted to the Division after the effective date of these regulations shall be subject to the requirements set forth herein.
- 5.2 The Director may require modifications and repairs on any existing Individual Sewage Disposal System if the IWDS has failed.
- 5.3 All new OWTS shall be subject to the design, siting, financial, and operational criteria set forth in these regulations. OWTS applications submitted to the Division after the effective date of these regulations shall be subject to the requirements set forth herein.

- 5.4 Owners of all existing publicly owned OWTS (i.e., CUC) are not required to obtain a permit from the Division to reconstruct, modify, or operate an OWTS provided that the publicly owned OWTS is subject to the NPDES permitting process, administered by the EPA. Provisions of these regulations may be designated as “not applicable” by the Director for future publicly owned OWTS. The rationale for any such designation shall be based on sound engineering principles, with due consideration of all potential impacts to public health and the environment. Such rationale shall be clearly explained in the permit documentation and in any public notice that may be required as part of the NPDES permitting process.
- 5.5 All existing Confined Animal Facility OWTS shall be subject to the permitting, design, siting, and operational criteria set forth in these regulations within two (2) years of the effective date of these regulations, with the following exception:
- 5.5.1 Confined animal facilities that have been found by the Division to have caused, by evidence of direct or indirect discharge, violations of the CNMI Water Quality Standards or CNMI Drinking Water Regulations, may be required to comply with the provisions of these regulations within a shorter period of time as part of any order issued by the Director under Section 23 of these regulations.

## SECTION 6 IWDS AND OWTS PERMIT APPLICATION REQUIREMENTS

No IWDS or OWTS (together referred to as “waste treatment system”) may be constructed unless the owner of the land upon which the waste treatment system is to be constructed, or the Lessee of said land (together to be known herein after as the “applicant”), has obtained a IWDS or OWTS Permit from the Director. An IWDS/OWTS permit application shall be completed and submitted to the Director for all new waste treatment and disposal systems, repairs, or modifications and/or expansions to same. Before construction may commence on an IWDS or OWTS, a permit for construction must be issued by the Director.

The application may be filled out by the Applicant or by the Applicant's Authorized Representative. In either case, the Applicant shall sign and date the application, and shall be responsible for all statements and information contained therein.

Information required on the IWDS/OWTS permit application shall consist of the following:

- 6.1 Name, address, and telephone number of the Applicant. If the Applicant is not the owner of the land, the lease or other title document must be provided with the application to prove the applicant's legal right to use the property.
- 6.2 Type of application (new, revision, or renewal).



- 6.2.1. A new application is for those Applicants who seek to construct new IWDS or OWTS, or make significant modifications to existing IWDS or OWTS.
  - 6.2.2 A revised application is for those Applicants who seek to make a change to the scope of work after original submission of the application (i.e., upward or downward change in sewage flows, service population, or change in treatment system) and before start of construction. After construction begins, a new application must be submitted.
  - 6.2.3 A renewal application is for those Applicants whose proposed IWDS/OWTS construction activities has not commenced within 90 days from the date of issuing the original IWDS/OWTS construction permit.
- 6.3 IWDS/OWTS permit application fees shall be in accordance with the following fee schedule. Payment of application fee 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. All CNMI government agencies, and semi-autonomous agencies such as the Public School System, CUC, Mayors' Office, MPLA, and MVA shall be exempt from payment of application fees. However, no agency is exempt from the requirement of these regulations unless specifically stated in these regulations.

**IWDS/OWTS NEW PERMIT APPLICATION FEE TABLE**

<u>SYSTEM TYPE</u>	<u>SERVICE LEVEL</u>	<u>APPLICATION FEE</u>
IWDS	SINGLE FAMILY/DUPLEX	\$ 50.00
IWDS	ALL OTHERS	\$ 400.00
OWTS	CONFINED ANIMAL FACILITIES	\$ 250.00
OWTS	"LARGE" CONFINED ANIMAL FACILITIES <sup>1</sup>	\$ 500.00
OWTS	ALL OTHERS	\$ 0.20/gal. plant capacity

(1) The criteria determining what constitutes a "large" confined animal facility is contained in Section 20.3.

There is a \$ 50.00 fee for all revised applications, regardless of system type or level of service. For changes from IWDS to OWTS, there is an additional fee equal to the difference as calculated from the above table. There is no fee for a renewal application.

- 6.4 Percolation test and soil log report for all IWDS and OWTS systems proposing subsurface disposal of treated effluent, except as provided for in Section 10.10.
- 6.5 Calculations defining average loading to the wastewater treatment system (refer to Section 8).

- 6.6 Proposed construction start and completion dates.
- 6.7 Detailed plans and specifications of the proposed treatment system, with complete and concise design calculations, design references employed, and assumptions made.
- 6.8 Site Plan. The site plan must contain at a minimum all of the following:
  - 6.8.1 Delineation of property boundaries and lot number.
  - 6.8.2 Delineation of public right of way, easements and access roads, if applicable.
  - 6.8.3 Indication of all existing and proposed structures on the lot including their location with respect to the lot boundaries.
  - 6.8.4 Location of proposed disposal system in relation to property boundaries, water wells, public right of way, easements and access roads, existing structures and utilities, and the proposed building(s).
  - 6.8.5 Topography of the project site, showing contour lines drawn at 1-foot intervals, or other intervals approved by the Director, and floor elevation of the existing or proposed building(s) to be served by the proposed wastewater treatment system. Indicate reference elevation point (benchmark). THIS PROVISION IS NOT APPLICABLE TO SINGLE FAMILY/ DUPLEX IWDS APPLICATIONS.
  - 6.8.6 Vicinity Map showing adjacent streets with names and other landmarks that will allow DEQ personnel to locate the project site.
- 6.9 The proposed wastewater treatment system site shall be inspected by the Director or Division Staff member prior to issuance of a IWDS/OWTS permit. The Applicant or his/her authorized representative may be called upon to accompany DEQ on the initial site visit.
- 6.10 A fully completed permit application for an IWDS shall be submitted to the Director for review at least thirty (30) calendar days prior to the planned start of construction.
- 6.11 A fully completed permit application for an OWTS shall be submitted to the Director for review at least ninety (90) calendar days prior to the planned start of construction.
- 6.12 An IWDS/OWTS permit shall be void if the work authorized by said permit is not commenced within three (3) months after its issuance; or is suspended or abandoned for a

period of three (3) months at any time the work has commenced. Such a voided permit shall require submission of a new IWDS/OWTS permit application (under “renewal”).

6.13 Permit application certification requirements:

6.13.1 IWDS permit applications shall be certified (“stamped”) by a professional Civil Engineer licensed by the Board of Professional Licensing to practice in the CNMI who has proven a complete understanding of the requirements of IWDS design. IWDS systems that serve a single family home or duplex are exempt from the certification requirement unless otherwise required by the Board of Professional Licensing. Architects, unlicensed engineers, and unqualified licensed engineers shall not certify any IWDS or OWTS permit applications.

6.13.2 All proposed septic tanks and seepage pits subject to traffic loads (i.e., those located in parking areas, driveways) MUST submit complete structural design drawings and calculations, certified by a licensed professional engineer. The plans must be in compliance with the Department of Public Works, Building Code requirements.

6.13.3 All OWTS permit applications must contain complete structural, hydraulic, and kinetic design calculations certified by a CNMI licensed professional engineer. The Director may allow exceptions from the certification requirement for Confined Animal Facility OWTS applications, depending on size, complexity, and potential impacts, and as consistent with the Board of Professional Licensing requirements. The rationale for any such exception shall be clearly explained in the permit documentation.

6.14 If an Applicant wishes to dispose of primary or secondary treated wastewater on another lot, duly recorded with the CNMI Registrar of Deeds, then that Applicant must request and obtain a written easement recorded on the deed of the lot designated for disposal of wastewater. The easement shall reflect the location of the septic tank and leaching field(s) or seepage pit(s), and further reflect the setbacks listed in Section 13 of these regulations (i.e., the easement must state that no building may be built within 10 feet of the septic tank, etc.). This requirement to record an IWDS easement shall apply even if the owner or lessee of the other lot is the Applicant for the IWDS.

## SECTION 7 IWDS GENERAL DESIGN PARAMETERS

7.1 The following general design provisions shall apply to all new IWDS:

- 7.1.1 Where permitted by Section 4 of these regulations, a building may be connected to an individual sewage disposal system which complies with other provisions set forth in these regulations. The type of system shall be determined on the basis of location, soil porosity, and groundwater level and shall be designed to receive all sanitary sewage from the property. The system, except as otherwise provided, shall consist of a septic tank with effluent discharge into a sub-surface leaching field or seepage pit.
- 7.1.2 All individual sewage disposal systems shall be so designed that additional subsurface drain fields, equivalent to at least 100% of the required original system, may be installed if the original system cannot absorb all the sewage.
- 7.1.3 No property shall be improved in excess of its capacity to properly absorb sewage effluent in the quantities and by the means provide in these regulations.
- 7.1.4 When there is insufficient lot area or improper soil conditions for adequate sewage disposal from a proposed building or proposed use of land as determined by application of the requirements of these regulations, the building or proposed use shall not be permitted.
- 7.1.5 Where public sewers may be installed at a future date, provision should be made in the household plumbing system for connection to such sewer, in the time frame specified by the Director.
- 7.1.6 Nothing contained in these regulations shall be construed to prevent the Director from requiring compliance with higher requirements than those contained herein where such higher requirements are essential to maintain a safe and sanitary condition.

**SECTION 8 IDENTIFY AVERAGE DAILY WASTEWATER FLOW RATE**

8.1 For the purpose of these regulations, the unit flow rates are found on TABLE 8.1 below:

**TABLE 8.1  
QUANTITIES OF SEWAGE FLOWS**

TYPE OF DEVELOPMENT	GALLONS PER UNIT PER DAY	NUMBER OF PERSONS
Airports – per passenger	5 per passenger	
Airports – per employee	15 per employee	
Apartments, without laundry	120 per bedroom	2 per bedroom
Apartments with laundry; Condominiums	150 per bedroom	2 per bedroom
Barracks/worker’s housing	60 per bed	1 per bed
Bars/lounges – per employee	15 per employee	
Bars/lounges – per seat	10 per seat	
Boarding Houses	50 per guest	
Bowling alleys	75 per lane	
Campgrounds – per tent or trailer site, central bathhouse	50	
Camps - construction	50	
Camps - luxury	100	
Camps – resort – night and day, with limited plumbing	50	
Car Wash	40 per vehicle served	
Clubs – country	100 per resident member	
Clubs – country	25 per non-res. member	
Dwellings – single family	150 PER BEDROOM	2 PER BEDROOM
Factories – (exclusive of industrial wastes, no showers)	25 per person, per shift	
Factories - add for showers	10 per person, per shift	
Hospitals	250+ per bed	
Hotels - Business	150 per room	2 per room
Hotels - Resort	225 per room	2 per room
Institutions – other than hospitals (nursing homes)	125 per resident/patient	
Laundromats	250 per washer	
Office Space	15 per 100 square feet	
Parks – picnic (toilet wastes only) – gallons per picnicker	5 per user	
Parks – picnic (with bathhouses, showers, and flush toilets)	10 per user	
Restaurants – (total)	40 per seat	
Restaurants – (kitchen wastes) per meal served	7 per meal served	(for grease traps)
Retail/commercial space/warehouse	10 per 100 square feet	
Schools - boarding	100 per student or faculty	
Schools – day (without cafeterias, gyms, or showers)	15 per student or faculty	
Schools – day (with cafeterias, but no gyms or showers)	20 per student or faculty	
Schools – day (with cafeterias, gyms, and showers)	25 per student or faculty	
Shopping Centers – (no food)	10 per 100 square feet	
Sports Stadiums	5 per seat	
Stores – per toilet room	400	
Swimming Pools and Bathhouses	10 per person	

Theaters – movie	5 per auditorium seat	
Trailer Parks	150 per trailer	

8.2 Please specify flow rates for all other uses. Unit flow rates employed for “other uses” are subject to modification by the Director if, in his/her judgment, such unit flow rates are unreasonable. The rationale for any such modification shall be clearly explained in writing to the applicant.

**SECTION 9. SEPTIC TANK DESIGN AND CONSTRUCTION**

All IWDS require a septic tank unless the system is an approved OWTS.

9.1 The net volume of a septic tank is measured from below the effluent pipe. The following shall apply for sizing septic tanks:

9.1.1. For average daily sewage flows 0 to 500 gallons per day (gpd), the septic tank net volume must be 750 gallons (100 cubic feet).

9.1.2. For average daily sewage flows between 501 to 1500 (gpd), the septic tank net volume must be 1.5 times the average daily sewage flow (1.5 days' storage capacity).

**VOL = Q x 1.5 , where Q is the average daily sewage flow.**

9.1.3. For average daily sewage flows greater than 1500 gpd, the septic tank net volume must be 1,125 + 0.75 times the average daily sewage flow.

**VOL = 1,125 + [ 0.75 x Q ]**

9.2 Septic tank design shall be such as to provide access for cleaning, adequate volume for settling, and for sludge and scum storage. The structural design shall provide for a sound durable tank which will sustain all loads and pressures and will resist corrosion.

9.3 The siting criteria specified in Section 13 of these regulations shall be met for all new septic tanks.

9.4 The liquid depth (as measured from the bottom of the tank outlet pipe to tank bottom) shall be at least five (5) feet and not more than six (6) feet deep. A liquid depth greater than six (6) feet shall not be considered in determining tank capacity.

- 9.5 No tank or compartment thereof shall have an inside horizontal dimension of less than four (4) feet for the initial compartment. A second compartment may be less if approved by the Director.

For all single compartment tanks the minimum dimensions of septic tank shall not be less than six (6) feet depth including the air space by four (4) feet width by six (6) feet length. Scum storage shall equal 15% of the total liquid depth and shall be measured from the liquid level to the vertical top of the inlet tee and outlet tee excluding the one (1) inch air space at the top of the tank.

The Director may approve other designs provided sufficient information is submitted demonstrating that the design will perform at least as effectively as the above referenced design. Information must include sufficient studies to demonstrate the treatment levels of the alternative design are equal to or greater than that of the above referenced standards. Such studies may be based either on settling capabilities or biochemical oxygen demand removal. Studies must be conducted using recognized practices and methods. The applicant for such alternate designs has the burden to prove to the Director's satisfaction that such a system will adequately treat the waste. A system may not be approved without such sufficient studies as described above.

9.5.1 i.e., for 5-foot liquid depth tanks, the distance from the bottom of the inlet pipe to the inside surface of the top of the septic tank shall be 10 inches.

9.5.2 i.e., for 6-foot liquid depth tanks, the distance from the bottom of the inlet pipe to the inside surface of the top of the septic tank shall be 12 inches.

- 9.6 The bottom of the septic tank inlet pipe shall be at least two (2) inches above the bottom of the septic tank outlet pipe(s). The septic tank outlet pipe(s) shall be at least the size of the septic tank inlet pipe (see figure 9.1).

- 9.7 The vertical leg of the outlet tee shall extend upward to within one (1) inch of the underside of the cover and downward to a point which is not less than 25% nor greater than 40% of the liquid depth below the liquid surface (see FIGURE 9.1).

- 9.8. When multi-compartment tanks are used, the volume of the first compartment shall be equal to or greater than that of the second compartment (see FIGURE 9.2).

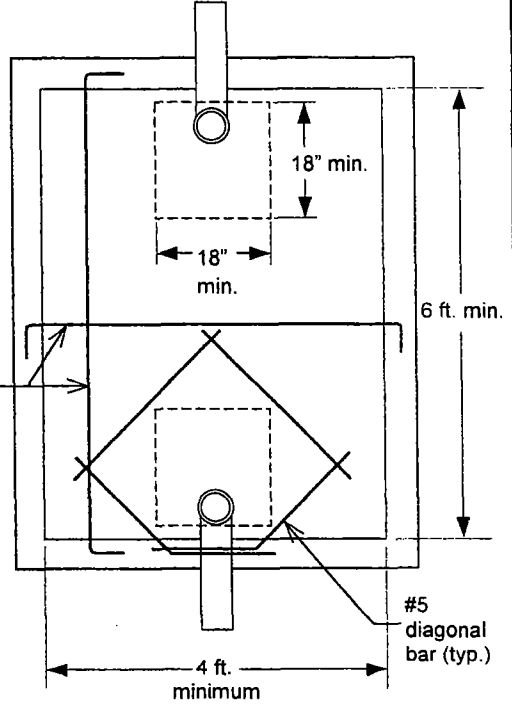
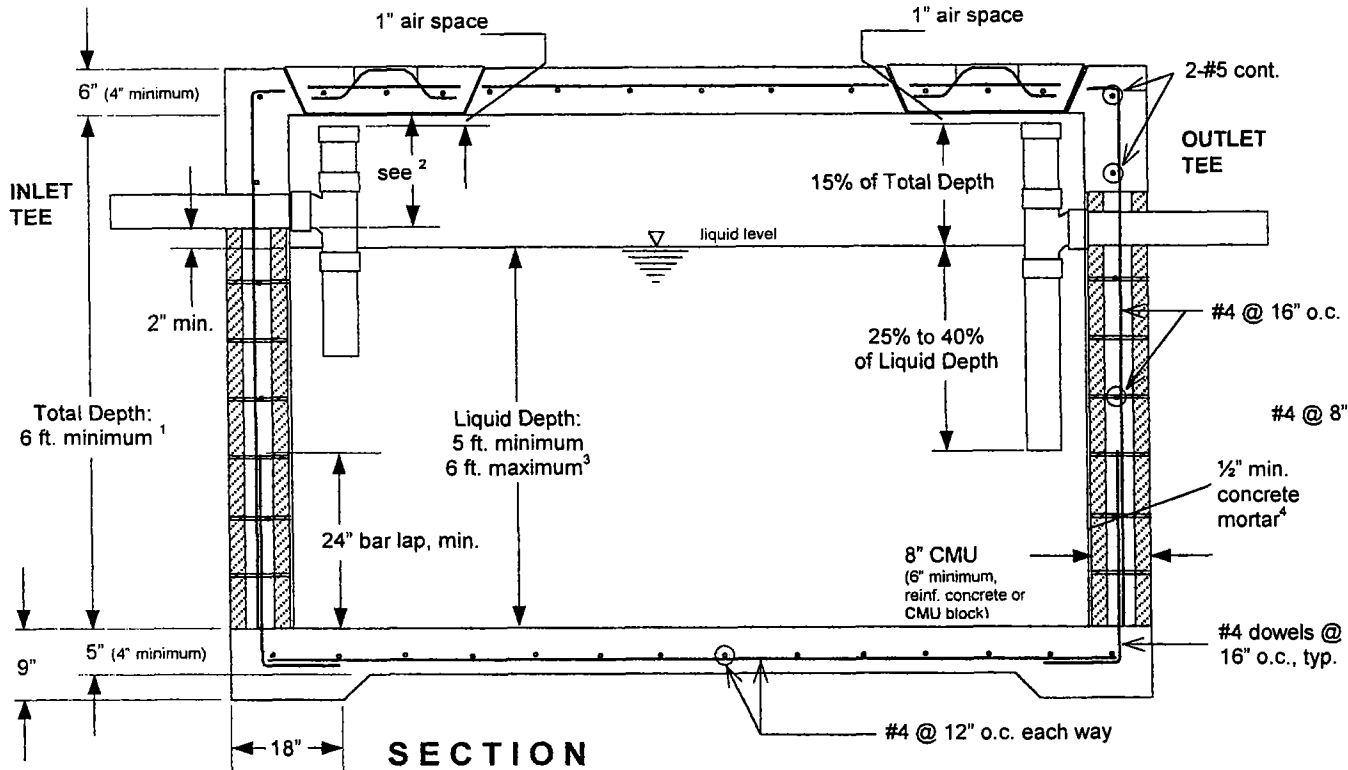
- 9.9 Access to each compartment of the tank shall be provided by a 18" x 18" inch minimum manhole or removable cover. The inlet and outlet tee connections shall also be accessible through properly placed manholes, or easily removed covers.

- 9.10 Where the top of the septic tank is below ground grade level, manholes shall be built up to ground grade level.

# SEPTIC TANK DESIGN REQUIREMENTS

FIGURE 9.1

**NOTE:**  
Structural details provided by Department of Public Works, Technical Services Division for single-family septic tank only. Larger tanks and tanks subject to vehicle traffic will require specific structural design.



## SECTION

## PLAN

<sup>1</sup>Total Depth (TD) can be calculated as follows, based on Liquid Depth (LD):

$$TD(\text{inches}) = \frac{LD(\text{inches}) + 1 \text{ inch}}{0.85}$$

Based on this: a 5 ft. LD tank will have a total depth of 72" (6 ft.)  
a 6 ft. LD tank will have a total depth of 86" (7 ft., 2 in.)

<sup>2</sup>The minimum distance from the bottom of the inlet pipe to the inside surface of the top of the tank can be calculated as follows:

$$.15TD - 1 \text{ inch}$$

this will measure 10 inches for a 5 ft. LD tank;  
12 inches for a 6 ft. LD tank

<sup>3</sup>Tanks can have a liquid depth greater than 6 ft.; however, the excess depth will not be considered for calculating tank capacity. A maximum depth of 6 ft. must be used in the volume calculations.

<sup>4</sup>Septic Tanks must be entirely water-tight to function properly. In addition to the required 1/2" plaster/mortar, concerned homeowners or engineers should also consider a bituminous sealant.

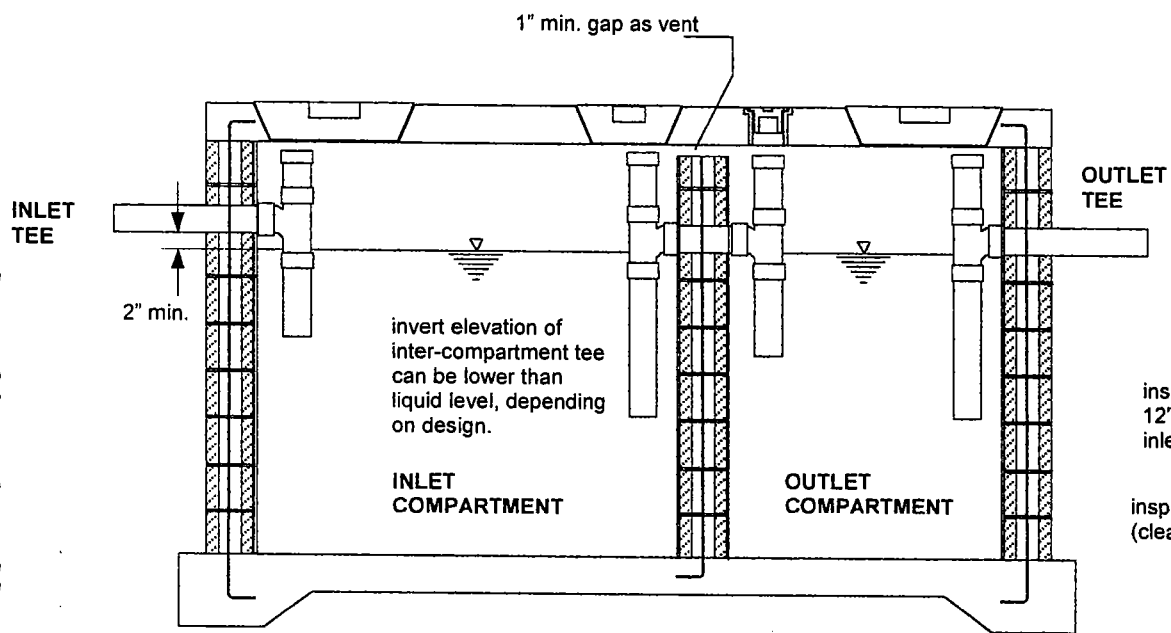
**STRUCTURAL REQUIREMENTS**

- Septic tank cover must be designed to support an earth load of not less than 300 pounds per square foot.
- All septic tank reinforcement must be inspected twice by the Department of Public Works, Technical Services Department: Once before pouring the floor slab; and again before pouring the top slab.
- If septic tank is to be located within a driveway or parking area, the entire structure must be designed to withstand H-20 loading (AASHTO Standard). The applicant must submit design calculations to DEQ for approval by the Department of Public Works, Building Safety Code Division.

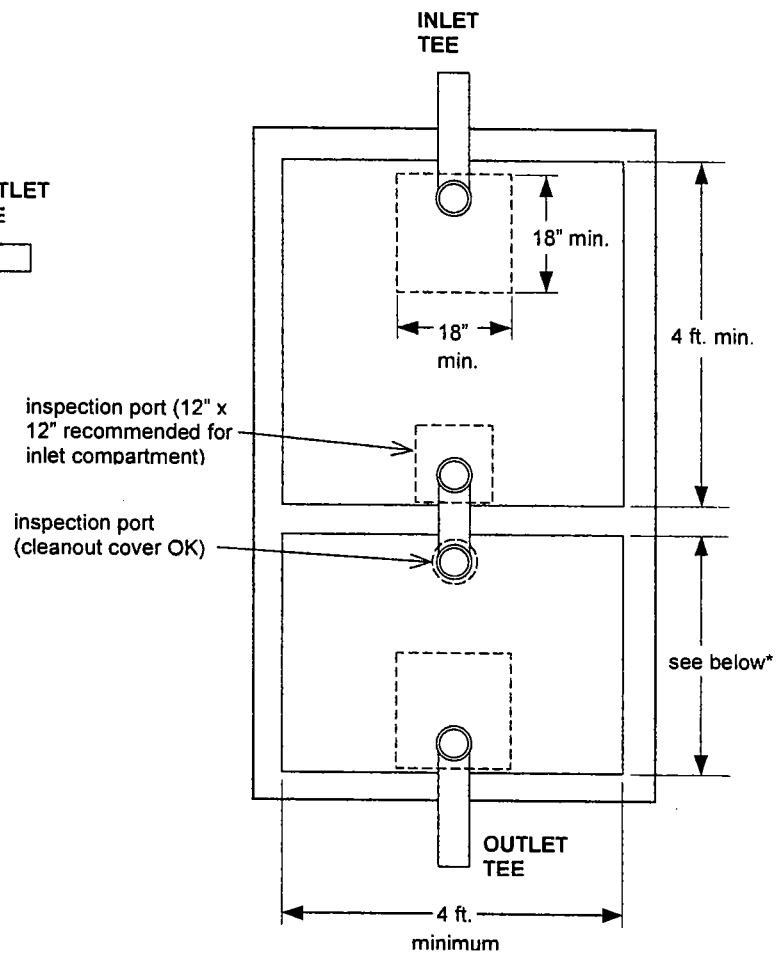


# DOUBLE COMPARTMENT SEPTIC TANK

FIGURE 9.2



**SECTION**



**PLAN**

\* Inlet compartment must be equal or greater in volume than the outlet compartment. The outlet compartment may be shorter in length than 4 ft., but no shorter than 2 ft.

- 9.11 The wall of the septic tank shall not be less than 6 inches thick reinforced concrete poured in place; or not less than 6 inches thick load bearing concrete hollow block reinforced at every 16 inches on center, and laid on a solid foundation with mortar joints well filled, and plastered with 1/2 inch concrete mortar in the inside of the tank or other impermeable lining material if approved in writing by DEQ prior to application. The tank covers and floor slabs shall be not less than 4 inch thick reinforced concrete. Septic tank covers may either be poured-in-place or pre-cast. The minimum compressive strength of any concrete septic tank wall, top and covers, or floor shall not be less than 2,500 psi (pound per square inch). Other materials may be approved by the Director on a case by case basis, provided the materials are is of comparable strength. The applicant must provide sufficient proof as the Director deems necessary to prove that a material is of comparable strength.
- 9.12 All septic tank covers shall be capable of supporting an earth load of not less than 300 pounds per square foot where the maximum coverage does not exceed three (3) feet. Where septic tanks may be subject to traffic and/or live loads of any nature (e.g., parking lot, driveway), the entire structure shall be designed to withstand H-20 loading (AASHTO standard). Placing of any part of an IWDS under a parking lot or driveway must meet all Department of Public Works, Building Code requirements.
- 9.13 After the completion of the septic tank and before it is put into use, the inside shall be cleaned and all forms removed.
- 9.14 Grease traps shall be installed for all buildings containing food processing facilities, including restaurants, schools, hospitals, factories, barracks, or other installations from which large quantities of grease related to food processing can be expected to be discharged. Grease traps shall be subject to the following minimum requirements:
- 9.14.1 Location - Grease traps should be installed on a separate building sewer serving that part of the plumbing system into which the grease shall be discharged. Toilet waste shall not be discharged to a grease trap. The discharge from the grease trap must flow to a septic tank meeting the requirements of these regulations.
- 9.14.2 Capacities - Grease traps shall have a minimum depth of 4 feet and a minimum capacity of 1,000 gallons, and shall have sufficient capacity to provide at least a 24 hour detention period for the kitchen flow.
- 9.14.3 Construction - Grease traps shall be water-tight and constructed of sound and durable materials not subject to excessive corrosion, decay, or to cracking or buckling due to settlement or backfilling. Tanks and covers shall be designed and constructed so as to withstand normal structural loading. A tank installed in groundwater shall be weighted to prevent the tank from floating when it is

emptied.

- 9.14.4 Depth of Tees - The inlet tee shall extend to the mid depth of the tank. The outlet tee shall extend to within 12 inches of the bottom of the tank. Tees shall be cast iron or Schedule 40 PVC and properly supported by a hanger, strap or other device.
  - 9.14.5 Baffles - Baffles may be provided as necessary to maximize the separation of grease from the sewage.
  - 9.14.6 Base - Grease traps shall be installed on a level stable base that will not settle.
  - 9.14.7 Materials - Grease traps may be constructed of poured reinforced concrete, precast reinforced concrete, or prefabricated material acceptable to the Director.
  - 9.14.8 Access Manholes - Grease traps shall be provided with a minimum 24 inch diameter manhole frame and a cover to grade over the inlet and outlet.
  - 9.14.9 Accessibility - Grease traps shall be located on the lot so as to be accessible for servicing and cleaning.
  - 9.14.10 Invert Elevation - The invert elevation of the inlet of a grease trap shall be at least 2 inches above the invert elevation of the outlet. Inlet and outlet shall be located at opposite ends of the tank to maximize separation, and at least 12 inches above the maximum groundwater elevation.
  - 9.14.11 Backfill - Backfill around the grease trap shall be placed in such a manner as to prevent damage to the tank.
- 9.15 The outlet of all septic tanks serving IWDS and OWTS with total design flows greater than 1,000 gallons per day shall be equipped with an effluent filter. The effluent filter shall be an Orenco Systems "Biotube" Effluent Filter, or other similar manufacture, subject to approval by the Director. The filter size shall be selected and installed according to manufacturer's recommendations to maximize the time between cleanings.

## SECTION 10. PERCOLATION TESTING PROCEDURES

- 10.1 Dig or bore hole(s) with horizontal dimensions from 4 to 12 inches and vertical sides to the depth of the bottom of the proposed absorption area. Holes can be bored with a 4-inch to 12-inch diameter hand-held auger.

A portion of the test hole shall be dug to a depth at least four (4) feet below the bottom of the proposed absorption area.

- 10.2 Roughen or scratch the bottom and sides of the test hole(s) to provide a natural surface. Remove all loose materials from the hole. Place about two (2) inches of coarse sand or fine gravel in the bottom of the hole to prevent bottom scouring.
- 10.3 Fill the hole with clear water to a minimum depth of 12 inches over the gravel. By refilling, or by supplying a surplus reservoir of water (i.e., automatic siphon), keep water in the hole for at least eight (8) hours, and preferably overnight. In granular soils, the percolation test can be made after the water from one (1) filling has seeped away.
- 10.4 Percolation rate measurements should be made on the day following the saturation process, except in sandy soils (conducted same day).
- 10.5 If water remains in the test hole on overnight saturation, adjust the depth of water to six (6) inches over the gravel. From a fixed reference point, measure the drop in water level at approximately 30-minute intervals over a 4-hour period. The drop which occurs during the final 30-minute period is used to calculate the percolation rate. If a soil or site is determined to be poorly drained with an accompanying high water table, it is unsuitable regardless of percolation test data.
- 10.6 If no water remains in the hole after overnight saturation, add clear water to a depth of six (6) inches over the gravel. From a fixed reference point, measure the height of the water surface at approximately 30-minute intervals over a four (4) hour period, refilling the hole to a depth of six (6) inches when the percolation rate indicates the hole will run dry before the next reading is made. The drop which occurs during the final 30-minute period is used to calculate the percolation rate.  
  
If a hole must be refilled to obtain a final 30-minute reading, determine from the previous reading the water level drop during that interval and add water until the level above the bottom equals this figure plus one-half inch. Continue the test, measuring the drop during the final 30-minute period.
- 10.7 In sandy soils, or other soils in which the first 6-inches of water seep away in less than 30 minutes, the time interval between measurements can be taken as 10-minutes, and the test run over a period of one (1) hour. The drop which occurs in the final 10-minute period is used to calculate the percolation rate.
- 10.8 Percolation tests shall be required in support of all multi-residential, commercial, and industrial IWDS applications.

- 10.9 Percolation tests shall be required in support of all multi-residential, commercial, and industrial OWTS applications where the Applicant proposes subsurface disposal of the treated wastewater effluent.
- 10.10 Percolation tests shall be required in support of all single family and duplex IWDS application EXCEPT where data from IWDS percolation tests conducted in accordance with these regulations and conducted within 250 feet of the proposed IWDS site, and in similar soils and geological conditions are submitted by the Applicant and can be verified by the Division.

## SECTION 11. LEACHING FIELD DESIGN AND CONSTRUCTION

An applicant for an IWDS, or an OWTS proposing subsurface disposal of treated wastewater effluent, may employ a leaching field (also known as a “absorption field”, “absorption bed”, or “leaching bed”) to dispose of primary or secondary treated effluent. This section of the regulations describes the design and construction requirements associated with uses of a leaching field.

- 11.1 Where percolation rates and soil characteristics and site conditions meet the requirements of these regulations, a leaching field may be installed.
- 11.2 The area of a leaching bed shall depend on: (1) The tested or assumed percolation rate (see Section 10 for Percolation Testing Procedures), and (2) The average daily sewage flow rate (see Section 8 for Quantifying Average Daily Sewage Flow Rate).
- 11.3 A leaching field may be constructed if ALL of the following criteria are met:
  - 11.3.1 The leaching field is to be located in an area which is well drained (no storm water flooding), and to which no storm water is diverted for percolation or sedimentation.
  - 11.3.2 The leaching field is to be located in an area which has a ground slope no greater than 15 percent.
  - 11.3.3 The leaching field is to be located in an area which has safe access, and is not subject to severe erosion.
  - 11.3.4 The leaching field can be constructed in the required size while maintaining the set back requirements specified in Section 13 of these regulations.

- 11.3.5 The leaching field does not exceed the dimensional limitations specified in this section.
  - 11.3.6 The percolation test indicates a percolation rate between 0.67 inches per hour and 30 inches per hour.
  - 11.3.7 The soil test pit did not reveal groundwater within six (6) feet of the existing ground surface.
  - 11.3.8 The soil test pit did not reveal groundwater within three (3) feet of the bottom of the proposed leaching bed.
- 11.4 The total needed absorption area of a leaching field shall be determined by Table 11.1 (Section 19 gives leaching field sizing criteria when used in connection with an OWTS). The Applicant shall determine the required soil absorption factor from the results of the percolation test, and multiply the required soil absorption factor by the average daily sewage flow rate determined through the use of TABLE 8.1.

**TABLE 11.1**  
**LEACHING FIELD DESIGN**

<u>FINAL SOIL PERCOLATION RATE</u>	<u>REQUIRED SOIL ABSORPTION FACTOR</u>
18 inches to 30 inches per hour.	2.5 gallons/sq. ft./ day
12 inches to 17.99 inches per hour.	2.2 gallons/sq. ft./day
6 inches to 11.99 inches per hour.	1.6 gallons/sq. ft./day
4 inches to 5.99 inches per hour.	1.3 gallons/sq. ft./day
2 inches to 3.99 inches per hour.	0.9 gallons/sq. ft./day
1.33 inches to 1.99 inches per hour.	0.8 gallons/sq. ft./day
1 to 1.32 inches per hour.	0.6 gallons/sq. ft./day
0.67 to 0.99 inches per hour.	0.5 gallons/sq. ft./day

- 11.5 All leaching field construction shall conform to the dimensional limitations and requirements shown on Table 11.2. (See FIGURE 11.1)

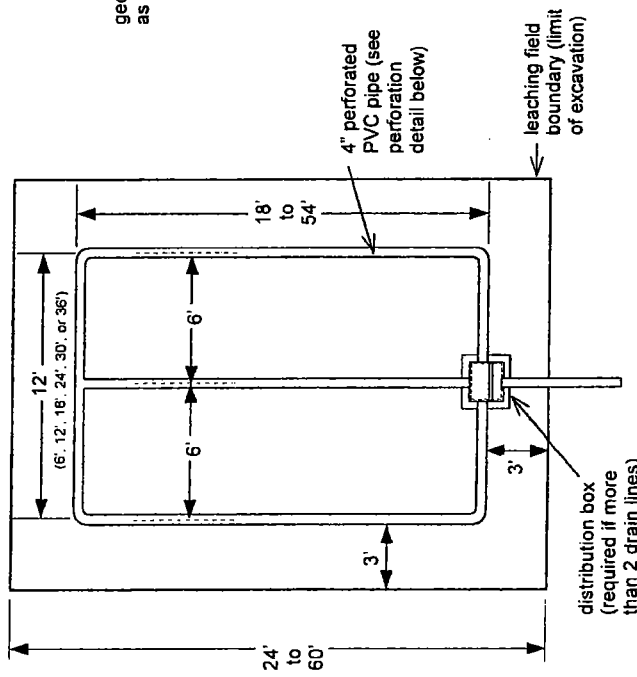
**TABLE 11.2**  
**LEACHING FIELD CONSTRUCTION**

<u>DESIGN PARAMETER</u>	<u>MAX VALUE</u>	<u>MIN VALUE</u>
Number of drain lines	7 lines	2 lines
Diameter of drain lines	4 inches	4 inches
Length of drain lines	54 feet	18 feet
Width of drain lines	36 feet	6 feet
Length of leaching field	60 feet	24 feet
Width of leaching field	42 feet	12 feet

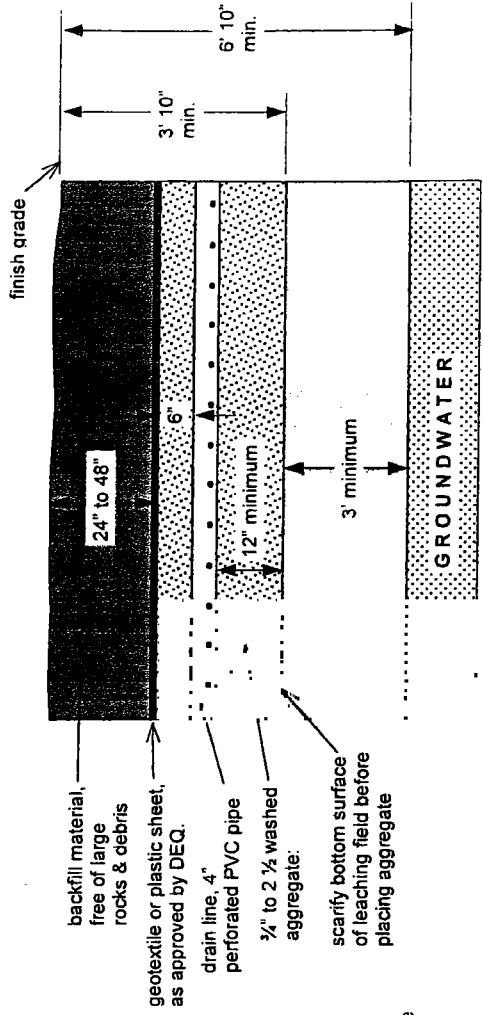
# LEACHING FIELD DESIGN REQUIREMENTS

FIGURE 11.1

## PLAN



## SECTION

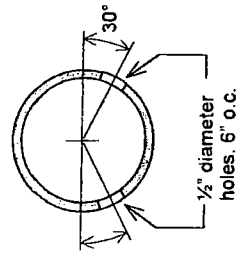


## ALLOWABLE LEACHING FIELD DIMENSIONS

no. drain lines:	2	3	4	5	6	7
width of field:	12'	18'	24'	30'	36'	42'

24' to 60' length allowed for any width field

## PERFORATION DETAIL



Drain pipe shall be 4" PVC, Schedule 40. Schedule 80 pipe shall be used if any portion of the leaching field is to be installed beneath driveways or other areas subject to vehicle traffic.

Spacing of drain lines center to center	6 feet	6 feet
Distance from drain line to edge of field	3 feet	3 feet
Depth of final cover (total) over drain lines	48 inches	24 inches
Depth of gravel fill material under drain lines	no maximum	12 inches
Depth of gravel fill material over drain lines	12 inches	6 inches
Size of gravel fill	2 1/2 inch	3/4 inch
Depth from bottom of gravel fill to water table	no maximum	3 feet

11.6 Construction of leaching field in filled ground is permitted only if the bottom of the leaching bed (bottom of gravel fill material below drain lines) extends continuously beneath the drain lines to a depth of at least 24 inches below the original ground surface.

11.7 Distribution drain lines shall be:

11.7.1 Constructed of perforated PVC pipes. Perforations shall be 1/2-inch diameter, spaced at 6-inches on center on both sides of the pipe, drilled 30 degrees below the horizontal center axis (transverse) of the pipe. (See FIGURE 11.1)

11.7.2 Laid with a slope ranging from flat to 0.001 foot/foot, as measured along the length of the drain line. The ends of the drain lines shall be capped or looped to other drain lines.

11.7.3 Schedule 80 if the leaching field is placed in an area subject to heavy loads, such as from cars and other vehicles.

11.8 A distribution box containing a separate outlet for each distribution line shall be installed for all leaching field disposal systems whenever there are more than two (2) drain lines. Outlet pipes from the distribution box shall have exactly the same bottom of pipe elevation. (SEE FIGURE 11.2)

11.9 If two or more separate leaching fields are proposed, each field shall have applied a proportionate daily volume of sewage. Leaching fields must be separated by at least a 10-foot clear buffer between the outside edges of each field. Separate leaching fields constructed at different elevations (drain pipe, bottom of bed) shall be separated by the following formula:

$$\text{Distance} = 10 \text{ feet} + [4 \times \text{difference in elevation (ft)}]$$

11.10 Before placing gravel filter material or drain lines in a prepared excavation, all smeared or compacted surfaces shall be removed from the leaching bed area by raking to a depth of 1-inch and the loose material removed. Clean stone, gravel, free from fines, soils, dust or debris varying in sizes from 3/4 inch to 2-1/2 inches shall be placed in the trench above and below the drain lines to a depth required in TABLE 11.2.

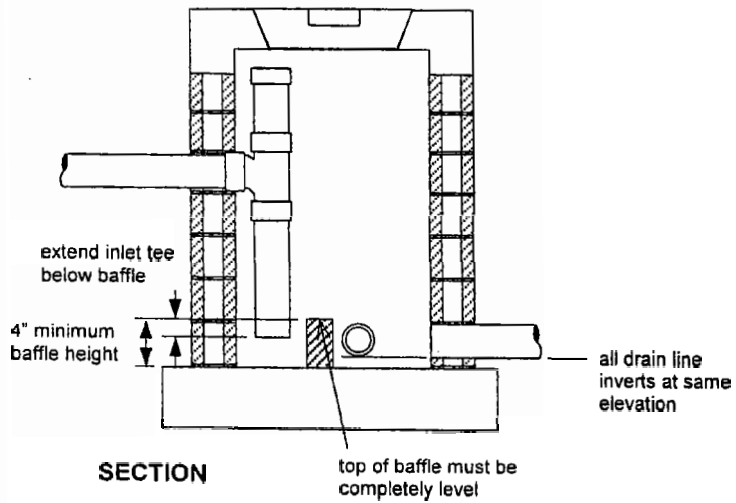
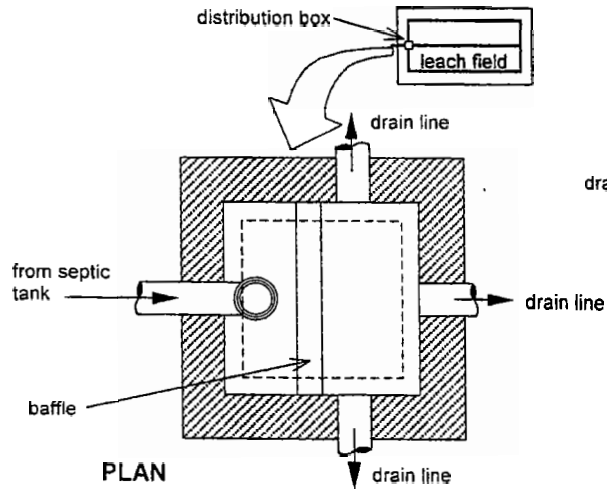


# DISTRIBUTION BOXES

(Examples) FIGURE 11.2

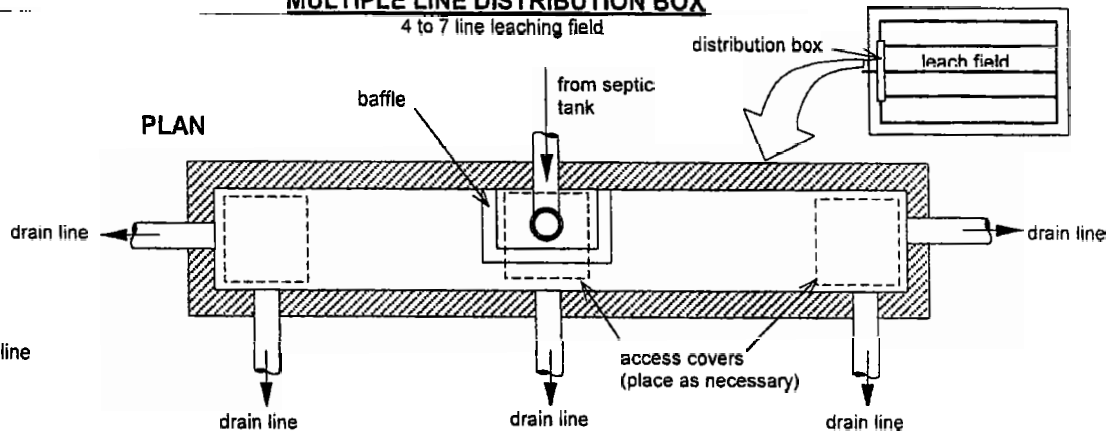
## 3-LINE DISTRIBUTION BOX

3 line leach fields, multiple leach field systems



## MULTIPLE LINE DISTRIBUTION BOX

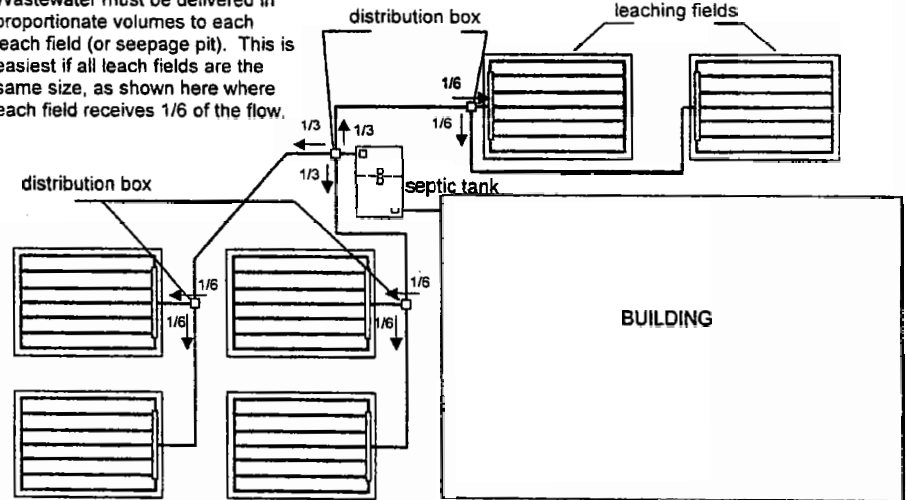
4 to 7 line leaching field



## DISTRIBUTION OF WASTEWATER

for multiple leach field systems

Wastewater must be delivered in proportionate volumes to each leach field (or seepage pit). This is easiest if all leach fields are the same size, as shown here where each field receives 1/6 of the flow.



- 11.11 After placement of all gravel fill material, but before backfilling with earth over the leaching field, the entire leaching field area shall be covered with a geotextile or other material acceptable to the Division. The geotextile shall be Geomat 100, Mirafi 140, Terra Tex GS, or other similar manufacture. After placement of the geotextile, but before earthen backfilling, Division staff shall be afforded the opportunity to inspect the leaching field construction to assure compliance with these regulations.

## SECTION 12. SEEPAGE PIT DESIGN AND CONSTRUCTION

An applicant for an IWDS, or an OWTS proposing subsurface disposal of treated wastewater effluent, may employ a seepage pit to dispose of primary or secondary treated effluent. This section of the regulations describes the design and construction requirements associated with use of a seepage pit(s).

- 12.1 Where percolation rates and soil characteristics and site conditions meet the requirements of these regulations, a seepage pit may be installed.
- 12.2 The absorption area of a seepage pit is the wall area below the bottom of the inlet pipe. The outside dimensions of the gravel backfill around the seepage pit shall not be used in calculation of absorption area.
- 12.3 The required absorption area of a seepage pit shall depend on: (1) The tested or assumed percolation rate (see Section 10 for Percolation Testing Procedures), and (2) The average daily sewage flow rate (see Section 8 for Quantifying Average Daily Sewage Flow Rates).
- 12.4 A seepage pit may be constructed if ALL of the following criteria are met:
- 12.4.1 The seepage pit is to be located in an area which is well drained (no storm water flooding), and to which no storm water is diverted for percolation or sedimentation.
  - 12.4.2 The seepage pit is to be located in an area which has a ground slope no greater than 15% percent.
  - 12.4.3 The seepage pit is to be located in an area which has safe access, and is not subject to severe erosion.
  - 12.4.4 The seepage pit can be constructed in the required size and configuration specified in this section, while maintaining the setback requirements specified in Section 13 of these regulations.

- 12.4.5 The percolation test indicates a percolation rate in the range of 0.67 inches per hour to 30 inches per hour.
- 12.4.6 The soil test pit did not reveal groundwater within twelve (12) feet of the existing ground surface.
- 12.4.7 The soil test pit did not reveal groundwater within five (5) feet from the bottom of the seepage pit.

The total required absorption area of a seepage pit shall be determined by TABLE 12.1 (Section 19 gives seepage pit sizing criteria when used in connection with an OWTS). The required soil absorption area equals the required soil absorption factor (from Table 12.1) multiplied by the average daily sewage flow rate (from Table 8.1).

**TABLE 12.1**  
**SEEPAGE PIT DESIGN**

<b><u>FINAL SOIL PERCOLATION RATE</u></b>	<b><u>REQUIRED SOIL ABSORPTION FACTOR</u></b>
18 inches to 30 inches per hour.	2.5 gallons/sq. ft./day
12 inches to 17.99 inches per hour.	2.2 gallons/sq. ft./day
6 inches to 11.99 inches per hour.	1.6 gallons/sq. ft./day
4 inches to 5.99 inches per hour.	1.3 gallons/sq. ft./day
2 inches to 3.99 inches per hour.	0.9 gallons/sq. ft./day
1.33 to 1.99 inches per hour.	0.8 gallons/sq. ft./day
1 to 1.32 inches per hour.	0.6 gallons/sq. ft./day
0.67 to 0.99 inches per hour.	0.5 gallons/sq. ft./day

- 12.5 All seepage pit construction shall conform to the dimensional limitations and requirements shown on Table 12.2.

**TABLE 12.2**  
**SEEPAGE PIT CONSTRUCTION**

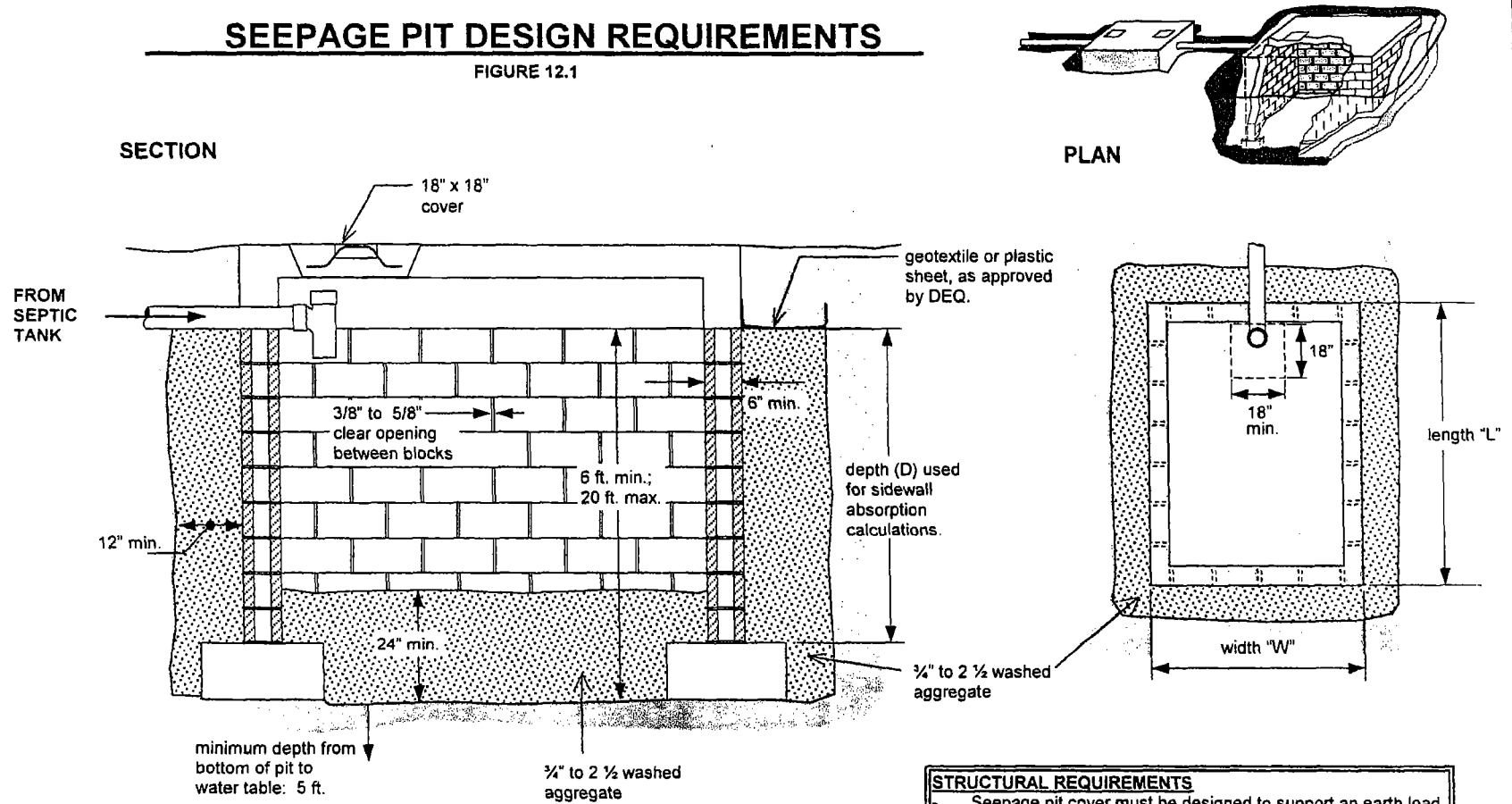
<b><u>DESIGN PARAMETER</u></b>	<b><u>MAX VALUE</u></b>	<b><u>MIN VALUE</u></b>
Length/width ratio	4 : 1	1 : 1
Total inside depth	20 feet	6 feet
Percentage openings in wall	4 %	2 %
Depth of gravel fill below pit floor	no maximum	24 inches
Thickness of gravel fill around pit	no maximum	12 inches
Depth below gravel fill to water table	no maximum	3 feet
Size of gravel fill	2-1/2 inches	3/4 inch
Earthen cover over top of pit	24 inches	no minimum

- 12.6 When more than one seepage pit is used, the following criteria must be met:
  - 12.6.1 Installation shall be made in parallel.

- 12.6.2 Each seepage pit shall be the same size.
- 12.6.3 A distribution box shall be used to assure that each seepage pit is given an equal daily sewage flow.
- 12.6.4 The pits shall be separated by at least two (2) times the inside pit diameter (if pits are circular), or at least two (2) times the average of the length and width of the pits (if the pits are rectangular).
- 12.7 PVC pipes with tight joints shall be used in connecting the septic tank to the seepage pit.
- 12.8 Access to the seepage pit shall be provided by a 18" x 18" inch manhole or removable cover. The inlet connection(s) shall also be accessible through properly placed manholes, lifting rings or by easily removed covers.
- 12.9 Where the top of the seepage pit is below grade level, manholes shall be built up to finished grade level.
- 12.10 For a rectangular seepage pit:
- 12.10.1 The walls shall not be less than 6 inches thick reinforced concrete poured in place, laid on a solid foundation, provided that a minimum of 2% percent of the wall area evenly distributed below the bottom of the inlet pipe is open to the surrounding soil, OR
- 12.10.2 The walls shall not be less than 6" inches thick load bearing concrete hollow block reinforced at every 16" inches on center, and laid on a solid foundation and placed with horizontal mortared joints. The vertical joints shall not be mortared, and shall have a clear opening of 3/8" to 5/8" inches between each block. (See FIGURE 12.1)
- 12.11 Circular seepage pits are acceptable, provided that the wall area has the required minimum two (2%) percent openings to the surrounding soil.
- 12.12 All seepage pit covers shall be capable of supporting earth load of not less than 300 pounds per square foot where the maximum coverage does not exceed three (3) feet. Where seepage pits may be subject to traffic loads (e.g., parking lot, driveway), the entire structure shall be designed to withstand H-20 loading (AASHTO Standard).
- 12.13 After the completion of the seepage pit and before it is put into use, the inside shall be cleaned and all forms removed.

# SEEPAGE PIT DESIGN REQUIREMENTS

FIGURE 12.1



The total absorption area of a seepage pit is the area of the sidewalls only, measured from below the bottom of the inlet pipe. It is calculated as follows:

$$\text{Area} = D(2W + 2L)$$

The length/width ratio of rectangular pits must not exceed 4:1.

Circular seepage pits & walls constructed of reinforced concrete may be used, but the total area of the wall openings must be equal to 2% to 4% of the total sidewall area.

**STRUCTURAL REQUIREMENTS**

- Seepage pit cover must be designed to support an earth load of not less than 300 pounds per square foot.
- All seepage pit reinforcement must be inspected twice by the Department of Public Works, Technical Services Department: Once before pouring the floor slab; and again before pouring the top slab.
- If seepage pit is to be located within a driveway or parking area, the entire structure must be designed to withstand H-20 loading (AASHTO Standard). The applicant must submit design calculations to DEQ for approval by the Department of Public Works, Building Safety Code Division.

- 12.14 The space between the seepage pit lining and the earth shall be filled with clean 3/4" to 2-1/2" crushed rock or gravel, free from fines, soils, dust and debris from a depth of at least three (3) feet below the bottom of the pit up to the bottom of the inlet pipe.
- 12.15 After placement of all gravel fill material, but before backfilling with earth over the gravel fill material around the seepage pit, the gravel area shall be covered with a geotextile. The geotextile shall be Geomat 100, Mirafi 140, Terra Tex GS, or other similar manufacture. After placement of the geotextile, but before earthen backfilling, Division staff shall be afforded the opportunity to inspect the seepage pit construction to assure compliance with these regulations.

**SECTION 13. IWDS AND OWTS SITING CRITERIA**

13.1 All IWDS components are subject to the set back distances specified in Table 13.1. If an OWTS proposes disposal of the treated wastewater effluent through either a leaching field or seepage pit system, then the set back requirements for these shall be as listed below.

**TABLE 13.1**  
**IWDS AND OWTS SITING CRITERIA**

<u>IWDS COMPONENT</u>	<u>FEATURES</u>	<u>MINIMUM REQUIRED SET BACK DISTANCE</u>
<b>Septic tank -</b>	State waters	100 feet
	Buildings	10 feet
	Leaching fields	5 feet
	Seepage pit	0 feet
	Property lines	10 feet
	Water wells	50 feet
	Underground water tanks	50 feet
	Water lines	10 feet
	Storm water drainage systems <sup>4</sup>	50 feet <sup>5</sup>
<b>Leaching fields &amp; Confined Animal Facilities -</b>	State waters	150 feet
	Buildings <sup>1</sup>	15 feet
	Septic tank	5 feet
	Property lines	5 feet
	Water wells <sup>2</sup>	see Table 13.2
	Underground water tanks	50 feet
	Water lines	25 feet

**Seepage pits**

Cliff/Steep embankments <sup>3</sup>	25 feet
Storm water drainage systems <sup>4</sup>	50 feet <sup>5</sup>
	150 feet
Buildings <sup>1</sup>	15 feet
Septic tank	0 feet
Property lines	10 feet
Water wells <sup>2</sup>	see Table 13.3
Underground water tanks	50 feet
Water lines	25 feet
Cliff/steep embankments <sup>3</sup>	25 feet
Storm water drainage systems <sup>4</sup>	50 feet <sup>5</sup>

- NOTES:
- (1) Minimum distance. The Building Safety Code may require greater distances. Includes above ground water tank.
  - (2) Includes springs.
  - (3) Greater than 10 foot vertical drops having 50% slope.
  - (4) This applies only to storm water drainage systems that the Director determines to be reasonably susceptible to contamination from an IWDS or OWTS. In considering whether a storm water drainage system is reasonably susceptible to contamination, the Director shall consider the following factors:
    - a. The size of the proposed IWDS or OWTS;
    - b. The location and depth of the IWDS or OWTS relative to the storm water drainage system;
    - c. The design, construction, and discharge location of the storm water drainage system;
    - d. The soils, slopes, depth, and other factors affecting the likelihood or frequency of discharge to the storm water drainage system;
    - e. Other relevant factors.
  - (5) . This setback distance may be increased to 100 feet for septic tanks and 150 feet for leaching fields, seepage pits, and confined animal facilities for storm water drainage systems that discharge to a "State water", if determined to be reasonably susceptible to contamination as outlined above.

**TABLE 13.2**  
**LEACHING FIELD AND WATER WELL MINIMUM SETBACK DISTANCES**

<u>NUMBER OF PERSONS SERVED BY WELL</u>	<u>LEACHING FIELD OR UPGRADIENT FROM WELL</u>	<u>LEACHING FIELD IS DOWNGRADIENT FROM WELL</u>
Less than 25	150 feet	75 feet
25 or more	300 feet	150 feet

**TABLE 13.3**  
**SEEPAGE PIT AND WATER WELL MINIMUM SET BACK DISTANCES**

<b><u>NUMBER OF PERSONS SERVED BY WELL</u></b>	<b><u>SEEPAGE PIT IS UPGRADIENT FROM WELL</u></b>	<b><u>SEEPAGE PIT IS DOWNGRADIENT FROM WELL</u></b>
Less than 25	150 feet	75 feet
25 or more	300 feet	150 feet

**TABLE 13.4**  
**CONFINED ANIMAL FACILITY AND WATER WELL MINIMUM SETBACK DISTANCES**

<b><u>NUMBER OF PERSONS SERVED BY WELL</u></b>	<b><u>CONFINED ANIMAL FACILITY IS UPGRADIENT FROM WELL</u></b>	<b><u>CONFINED ANIMAL FACILITY IS DOWNGRADIENT FROM WELL</u></b>
Less than 25	150 feet	75 feet
25 or more	300 feet	150 feet

- 13.2 The Director has the authority to make final determination of upgradient and downgradient directions for the purpose of applying set back standards.
- 13.3 The Director may increase the set back distances specified above if, in his/her judgment, the volume of sewage discharge, the hydrogeologic conditions, and/or the size of the water well service population warrants further protective measures. The rationale for any decision to increase setback distances shall be clearly explained in the permit documentation.
- 13.4 The minimum set back distance from the existing water well to a proposed leaching field or seepage pit may be decreased by up to 2/3, but in no case to less than 50' feet, provided ALL of the following conditions are met:
- 13.4.1 If water produced from the water well(s) in question undergoes reverse osmosis (RO) treatment with membranes having a molecular weight cut-off of 300 or less.
  - 13.4.2 The RO treatment process provides post-treatment disinfection, capable of maintaining a residual chlorine concentration of at least 0.2 mg/l 30 minutes after treatment.
  - 13.4.3 The depth to the groundwater is at least 250 feet.



- 13.4.4 The existing water well(s) located within the set back distances specified above have been constructed in accordance with the CNMI's Well Drilling and Well Operations regulations.
- 13.4.5 The Applicant submits evidence that existing water well(s) located within the set back distances specified above currently undergo RO treatment.
- 13.4.6 The existing water well(s) is owned by the Applicant. If the water well(s) is owned by another person, that persons consent must be submitted with the permit application. All of the other requirements listed above must still be met if the well is owned by another person.

**SECTION 14. HOLDING TANKS**

Where site limitations of lot size and/or soil type are such that methods of on-site wastewater disposal described herein cannot be utilized, the possibility of storing a dwelling's or small commercial operation's wastewater in water-tight tanks (holding tanks), with periodic pumping by licensed Hauler (see Section 18) may be permitted in very limited circumstances. The purpose of permitting holding tanks is to provide land owners with some economic beneficial use of the land without compromising environmental quality or public health.

Holding tanks are not seen as viable long-term solutions to on-site treatment and disposal of wastewater, because of: (1) Continuing costs; (2) Potential for illicit connections to drains, ditches, or surface water; and (3) Lack of regulatory management resources to assure proper system maintenance and operation.

**HOLDING TANK SYSTEMS MUST BE APPROVED BY DEQ PRIOR TO CONSTRUCTION OF THE DWELLING OF COMMERCIAL ESTABLISHMENT INTENDED TO BE SERVED BY SUCH SYSTEM.**

- 14.1 New holding tanks, designed for the purpose of containing wastewater without the release to the surrounding soil, shall be permitted ONLY if ALL of the following conditions are met:
  - 14.1.1 There is no available sewer.
  - 14.1.2 The holding tank system serves residential or commercial uses with average daily wastewater flows less than 1,000 gpd, as determined by Table 8.1 of these regulations.
  - 14.1.3 The holding tank is designed and constructed with a storage capacity equal to at least five (5) days of average day wastewater flow.

- 14.1.4 The holding tank system is provided with a septic tank sized in accordance with Section 9 of these regulations.
- 14.1.5 The holding tank meets the setback requirements for septic tanks, as listed in Section 13 of these regulations.
- 14.1.6 The owner of the holding tank system submits a copy of a written contract for wastewater pumping service. The contract must be made with a licensed Hauler, and must include a commitment to pump the holding tank daily, in an amount equal to at least the average daily sewage flow for the project. The term of the agreement must be for at least 90 days. Copies of all subsequent Hauler's contract(s) must be submitted to the Division prior to expiration of current contract. All holding tank owners must have contracts with a licensed Hauler.
- 14.1.7 Submission of a five (5) year economic analysis, comparing the total costs associated with the holding tank/hauling system verses the following alternatives: (1) Connection to the public sewer; (2) Purchase/lease of additional land necessary to construct an IWDS in accordance with these regulations; and (3) Change of use of the building to a non-water consuming ("dry") use, such as warehousing. In addition, the source(s) of revenue necessary to cover costs of the holding tank/hauling system must be identified.
- 14.1.8 All holding tanks shall be monitored with a water level device suitably designed for wastewater service. The water level device shall be connected to an audible alarm. The alarm setting shall be made between 66% and 75% of the holding tank's liquid capacity. The alarm shall not be disarmed by the holding tank owner, Hauler, or any other individual, without first obtaining approval from the Director.
- 14.2 Holding tanks may be permitted for dwellings and commercial establishments occupied and in use at the time these regulations become effective ONLY if ALL of the following conditions are met:
- 14.2.1 The need for a holding tank is brought about by the failure of the existing septic system. A holding tank shall not be permitted for existing buildings or uses seeking expansion.
- 14.2.2 There is no available sewer.

- 14.2.3 The holding tank system serve residential or commercial uses with average daily wastewater flows less than 2,500 gpd.
- 14.2.4 The holding tank is designed and constructed with storage capacity equal to at least five (5) days of average day wastewater flow.
- 14.2.5 The holding tank system is provided with a septic tank sized in accordance with Section 9 of these regulations.
- 14.2.6 The holding tank meets the setback requirements for septic tanks, as listed in Section 13 of these regulations.
- 14.2.7 The owner of the holding tank system submits a copy of a written contract for wastewater pumping service. The contract must be made with a licensed Hauler, and must include a commitment to pump the holding tank daily, in an amount equal to at least the average daily sewage flow for the project. The term of the agreement must be for at least 90 days. Copies of all subsequent Hauler's contract(s) must be submitted to the Division prior to expiration of current contract. All holding tank owners must have contracts with a licensed Hauler.
- 14.2.8 Submission of a five (5) year economic analysis, comparing the total costs associated with the holding tank/hauling system versus the following alternatives; (1) Connection to the public sewer; (2) Purchase/lease of additional land necessary to construct an IWDS in accordance with these regulations; (3) Change of use of the building to a non-water consuming ("dry") use, such as warehousing. In addition, the source(s) of revenue necessary to cover costs of the holding tank/hauling system must be identified.
- 14.2.9 All holding tanks shall be monitored with a water level device suitably designed for wastewater service. The water level device shall be connected to an audible alarm. The alarm setting shall be made between 66% and 75% of the holding tank's liquid capacity. The alarm shall not be disarmed by the holding tank owner, Hauler, or any other individual, without first obtaining approval from the Director.
- 14.3 As of the effective date of these regulations, holding tanks shall not be permitted for projects that have not first obtained permission to operate a holding tank/hauling system.

## SECTION 15. INSPECTION OF WORK IN PROGRESS

- 15.1 The project shall be inspected on a regular basis by Division staff to assure that construction of IWDS or OWTS components (i.e., septic tanks, seepage pits, leaching fields, packaged treatment plants, etc.) are in compliance with approved plans and specifications, and in accordance with these and other CMNI and federal regulations.
- 15.2 Notification of concrete pouring must be made twenty-four (24) hours (one working day) in advance to Division staff.
- 15.3 All construction work shall be inspected by Division staff prior to covering or concealment. Notification shall be made at least twenty-four (24) hours (one working day) in advance of scheduled covering.
- 15.4.1 Failure to comply with the above requirement may result in unnecessary delays to the project, a suspension of work, denial of a Certification for Use, and/or an order to remove portions or all of the offending structures.
- 15.5 After completion of the project, final inspection by Division staff shall be conducted on IWDS or OWTS components to assure that the work has been accomplished in accordance with the approved plans and specifications and that CNMI requirements are met.

#### **SECTION 16. IWDS CERTIFICATION FOR USE**

- 16.1 After final inspection of an IWDS indicates that the work performed was done in accordance with approved plans and specifications, and that the system is in compliance with the requirements of these regulations and any permit conditions issued under these regulations, the Director or his authorized representative shall issue an IWDS Certification for Use. A Certification for Use must be granted to the Applicant prior to the disposal of wastes into an IWDS.
- 16.2 For OWTS in addition to the Certification for Use:
  - 16.2.1 The applicant must have an operation and maintenance (O&M) manual approved by the Director. The O&M manual must be revised on a bi-annual basis for the Director's review and approval. In addition the OWTS will be issued a permit with specific requirements of operation and monitoring. The permit will be valid for a period not to exceed three (3) years. The permittee must apply for a renewal three (3) months prior to the permit expiration. Provided that the permittee applies for the renewal permit in the time period specified, the existing permit shall be considered valid until revised or revoked in writing by the Director. Other requirements as specified in Section 19 will also apply.

SECTION 17. **IWDS MAINTENANCE**

- 17.1 Maintenance of septic tanks, seepage pits, and leaching fields shall be the responsibility of the owner.
- 17.2 Owners of septic tanks or seepage pits shall have them emptied and cleaned as necessary by a licensed IWDS Cleaning and Hauling Contractor (referred to herein after as “hauler”), and the contents disposed of in accordance with local and federal laws. For Saipan, disposal shall be through the public sewer system, and the disposal points shall be designated by CUC (Commonwealth Utilities Corporation). For other islands, disposal shall be at a seepage disposal site approved by the Division.
- 17.3 Septic tanks should be inspected by the owner at intervals of not more than three (3) years, to determine the rates of scum and sludge accumulation. The inlet and outlet structures and key joints should be inspected for damage after each pump-out.
- 17.4 A septic tank should be cleaned whenever:
  - 17.4.1 The bottom of the scum layer is within three (3) inches of the bottom of the outlet device.
  - 17.4.2 The sludge levels is within eight (8) inches of the bottom of the outlet device.
- 17.5 Septic tank and temporary toilet sludge shall be disposed of only by licensed Haulers and only at pre-approved points as described above in Section 17.2..
- 17.6 Septic system cleaning agents (i.e. degreasers) shall be approved by the EPA for such use.

SECTION 18. **CLEANING WASTEWATER SYSTEMS, DISPOSAL OF WASTEWATER REQUIREMENTS AND PROCEDURES**

- 18.1 All persons engaged in the business of cleaning individual sewage disposal systems or disposing of the wastes there from (“Hauler”) shall comply with appropriate business licensing under CNMI law and, in addition, shall apply for sanitary waste handling registration from the Director. Such businesses shall be conducted in conformity with the following requirements and in accordance with these regulations.
  - 18.1.1 The name of the company using a vehicle for cleaning purposes, and the word “WASTEWATER” shall be legibly lettered on both sides of each such vehicle.

- 18.1.2 Every vehicle used for cleaning purposes shall be equipped with a watertight tank or body and maintained in a clean and sanitary condition. Sewage waste shall not be transported in an open body vehicle.
  - 18.1.3 All portable receptacles used for transporting liquid or solid waste shall be factory-built for the purpose of hauling wastewater, shall be watertight, equipped with tight-fitting lids, and shall be cleaned daily.
  - 18.1.4 All pumps and hose lines shall be properly maintained so as to prevent leakage.
  - 18.1.5 The hose or any similar device used for discharging waste must be inserted into the earmarked manhole to a depth of approximately two (2) feet to prevent any spray or spillage into the surrounding area.
  - 18.1.6 Every precaution must be taken to prevent any public nuisance or health hazard which may be caused by their service.
- 18.2 Registration shall be issued to any person properly making application therefore, who is not less than twenty-one (21) years of age, has successfully demonstrated the ability to handle the equipment and the knowledge of where the liquid wastes may be legally disposed of. Registration forms are available from the Division. The registration fee is \$150.00 per registered vehicle, non-refundable, and must be paid at the time of applying for registration, or renewal thereof.
- 18.3 Registration issued pursuant to these Regulations is not transferable and shall expire on December 30th of each year. A registration may be renewed for ensuing year by making application for renewal of the registration, which shall be issued upon determination of the applicant's observance of sanitary laws, ordinance, and directions. Such applications shall have the effect of extending the validity of the current registration until a new registration is received or the Applicant is notified by the Director that the renewal of the registration has been refused.
- 18.4 All haulers shall keep a daily log of service, identifying name, address, date, and volume of sewage removed. Upon request by the Director, all haulers shall file with the Director a statement giving the name and the address of the owner of each and every one of the premises cleaned by said hauler. In addition, upon request by the Director, all haulers shall make the daily logs available for review and reproduction by the Director or persons designated by the Director.
- 18.5 Non-compliance of the requirements of these regulations may result in the revocation or suspension of a Hauler's registration.

18.5.1 The Director shall issue a notice of intent to suspend registration to the Hauler informing him/her of the facts warranting suspension, and providing the Hauler with the opportunity to avoid suspension by showing compliance with all requirements for the retention of registration within seven (7) calendar days of receipt of the notice.

18.5.2 If the Hauler fails to show compliance within the specified time period, the suspension shall become effective, and Director shall notify the Hauler of the reasons for the suspension and that he/she must correct all discrepancies noted in the suspension within thirty (30) calendar days, otherwise his or her registration may be revoked. The Director shall also notify the Hauler of the opportunity to request a hearing as provided in Section 23.3 and 23.4. The Hauler must request a hearing within seven (7) calendar days of receipt of the notice of suspension.

18.5.3 If the Hauler fails to correct all discrepancies within the thirty (30) calendar day time period, the revocation shall become effective and the Director shall notify the Hauler of the reasons for the revocation and the opportunity to request a hearing as provided in Section 23.3 and 23.4. The Hauler must request a hearing within seven (7) calendar days of receipt of the notice of suspension

18.6 Registration under these regulations shall not be construed as impairing in any manner, the powers and duties established by law or regulation of any other authorized government entity in the CNMI.

18.7 Disposal of sewage to any location other than the location(s) specified by CUC and/or approved by the Division is illegal, and shall be subject to administrative, civil and/or criminal penalty.

SECTION 19. **OWTS DESIGN AND CONSTRUCTION, AND TREATED WASTEWATER EFFLUENT RE-USE**

19.1 Except as provided for below in Section 19.9 for "Alternative" treatment systems, and in Section 20 for Animal Waste Management, the design and construction of all OWTS shall follow the criteria and recommended practices outlined in the "Recommended Standards for Wastewater Facilities", a report by the Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers, latest edition. Copies of the "Recommended Standards for Wastewater Facilities" may be obtained for \$8.00 per copy (plus shipping) through the Health Research Inc. Health Education Services Division, Publisher, at P.O. Box 7126, Albany, NY 12224, telephone number (518) 439-7286, fax number (518) 439-7022, or on the world wide web at <http://www.hes.org/HES/ten.html>. In addition, OWTS design, construction, operation

practices and financial requirements shall meet with any specified criteria as may be set forth by the Director for any particular project.

19.2 OWTS, except as specifically provided for in Sections 19.19 and 20, shall be designed and operated to produce, at a minimum, a secondary treated effluent. A secondary treated effluent may be disposed of in the following ways, subject to the approval of the Director and other local and federal government agencies:

19.2.1 Through a subsurface disposal system, such as a seepage pit or a leaching field system, subject to the requirements of these regulations. The Director may permit up to 50% reduction in soil absorption area for secondary treated effluent. No subsurface disposal systems for OWTS secondary treated effluent shall be permitted in a Class I aquifer recharge area, except in very limited circumstances to allow public projects providing essential public services in isolated areas not served by public sewer. In such cases the burden of proof will be upon the applicant to show that no other reasonable alternative to the proposed project site is available. The design of such systems shall assure that total effluent loading does not exceed 2,250 gallons per acre (the equivalent of five three-bedroom homes) across the entire project site.

19.2.2 Through an underground injection well, subject to CNMI's Underground Injection Well regulations and CNMI's Well Drilling and Well Operations regulation. No underground injection disposal systems for OWTS secondary treated effluent shall be permitted in a Class I aquifer recharge area.

19.2.3 Through direct discharge to State waters or waters of the U.S., subject to the CNMI's Water Quality Standards, EPA NPDES permitting requirements, and Section 404 Department of the Army permitting requirements.

19.2.4 Through land application, subject to the requirements of this section of the regulations.

19.3 Treated wastewater may be land applied only if it meets the secondary treated effluent standards stated in Section 3 of these regulations, and only if the treated effluent is first discharged directly to a ponding basin which has the equivalent of 30-days' storage of treated effluent. The ponding basin must be lined with a high density polyethylene (60 mil minimum) membrane which inhibits downward percolation of effluent into the groundwater. The membrane shall be installed with at least 6-inches of sand below and 12-inches of sand above the membrane. From this ponding basin, secondary treated effluent may be land applied provided ALL of the following criteria are met:



- 19.3.1 The treated effluent is not used for the irrigation of food crops.
  - 19.3.2 The treated effluent is not used for the irrigation of parks, playgrounds, school yards, residential/commercial garden landscaping, or for use in fountains.
  - 19.3.3 The treated effluent is applied at a rate not to exceed 2.0 inches per week (10,000 gallons per hectare per day), and never applied at such a rate that the effluent has the opportunity to pond or puddle before being absorbed into the upper soil horizon.
  - 19.3.4 The area undergoing irrigation with treated effluent is marked with signs in such number and location that members of the public subject to exposure could be reasonably expected to encounter such a sign. The signs shall be written in Chamorro, Carolinian, and English (Japanese, Chinese, and Korean at the discretion of the Director), stating: "CAUTION: This area is irrigated with treated domestic wastewater and may contain harmful human pathogens."
- 19.4 OWTS design for treated effluent land application must be designed by an experienced licensed professional engineer in the field of wastewater treatment. At a minimum, the OWTS design shall provide for the following:
- 19.4.1 A contingency plan which assures that no untreated or partially treated wastewater will be delivered to the final use area.
  - 19.4.2 Back-up power facilities, activated by an automatic transfer switch.
  - 19.4.3 Laboratory, or access to laboratory services, which are capable of measuring BOD(S), TSS, pH, and fecal coliform.
  - 19.4.4 Standby replacement equipment for vital mechanical and electrical components of the plant.
  - 19.4.5 The capacity to treat to secondary effluent standards at least 1.5 times the estimated average daily sewage flow calculated for the project.
  - 19.4.6 Disinfection, with the ability to maintain a monthly average of not more than 23 colony forming units (cfu)/100 ml of fecal coliform in the treated effluent stream, and to maintain and monitor a chlorine residual of 0.1 mg/l before discharge to the ponding basin.

- 19.4.7 Continuous measurement of influent and effluent flow rates, with flow totalizing.
  - 19.4.8 Critical components of the treatment process shall be monitored by alarms, indicating a condition which threatens the finished effluent quality.
  - 19.4.9 A complete operations and maintenance manual for all aspects of the plant.
  - 19.4.10 Application of corrosion resistant materials and typhoon resistant construction practices wherever possible.
  - 19.4.11 Irrigation plan, defining means of irrigation, locations to be irrigated, times of day for irrigation, etc..
  - 19.4.12 Establishment and maintenance of an adequate supply of spare parts.
  - 19.4.13 A complete sludge handling and disposal plan.
  - 19.4.14 An odor control plan.
- 19.5 All OWTS shall be under the direct supervision (i.e. on-site) of a licensed wastewater treatment plant operator, holding a valid license from any U.S. jurisdiction, and holding the appropriate operator certification level for the size and type of plant proposed. There shall be no exceptions to this standard.
- 19.6 The Director shall specify the reporting requirements for each specific OWTS permitted under these regulations. At a minimum, reporting shall be made monthly, and include influent and effluent total and average daily flow, influent and effluent water quality data, and a description of plant maintenance performed.
- 19.7 The Applicant for an OWTS must submit the following data:
- 19.7.1 Estimated construction cost for the OWTS (provide information in support of the estimate).
  - 19.7.2 Estimated annual operations and maintenance (O&M) cost (provide firm cost basis).
  - 19.7.3 The source of revenue to cover the annual (O&M) cost identified above, plus a minimum allocation to a contingency fund of at least 15 percent of the estimated annual O&M costs.

- 19.8 Failure to comply with the requirements of this and other sections of these regulations pertaining to OWTS may result in suspension or revocation of the OWTS permit. No OWTS may operate without a valid OWTS permit issued by the Director.
- 19.9 “Alternative” OWTS – The Director may approve wastewater treatment system designs or individual components not covered under Section 19.1 on a case-by-case basis. Alternative designs will only be considered for approval if proof of acceptance for general use by another state permitting agency or the EPA is submitted. For the purposes of these regulations, proof of acceptance, at a minimum, shall consist of the existence of an EPA design manual, or the inclusion of the system or component on another state’s list of approved products or technologies. The burden of proof for demonstrating new processes, treatment systems, and technologies that the Division is unfamiliar with, lies with the applicant.
- 19.9.1 “Alternative” OWTS may be excluded from the supervision, monitoring, reporting, and financial requirements of sections 19.5, 19.6, and 19.7 by the Director on a case-by-case basis for small systems (less than 5,000 gallons per day) and designs which do not rely on mechanical or electrical components. The Director shall ensure that exclusion from any of the requirements of this section does not create an unreasonable threat to public health and the environment. “Alternative” OWTS are not excluded from the provisions of sections 19.2 (except as noted), 19.3, and 19.4, nor are “Alternative” OWTS excluded from the setback criteria specified in these regulations.

## SECTION 20. ANIMAL WASTE MANAGEMENT

- 20.1 Confined Animal Facilities – Facilities containing any of the following number of head: (1) 15 or more pigs; (2) 20 or more goats; (3) 10 or more cattle; (4) 100 or more chickens; or (5) any confined animal facility which has been found by the Division to have caused, by evidence of direct or indirect discharge, violations of the CNMI Water Quality Standards or CNMI Drinking Water Regulations, are required to construct and operate an OWTS.
- 20.2 Confined Animal Facility OWTS, except for systems meeting the specifications for “large” confined animal facilities under Section 20.3, are excluded from the OWTS land application, design, supervision, monitoring, reporting, and financial requirements of sections 19.3, 19.4, 19.5, 19.6, and 19.7. Confined Animal Facility OWTS shall be designed to prevent direct and indirect discharge of untreated animal waste to State waters and groundwater, through the utilization, as appropriate, of components and practices such as septic tanks and leach fields, waste storage ponds, waste storage structures, application of manure or runoff water to agricultural land, waste utilization,

composting, burial, or any other method determined to provide adequate protection of public health and the environment by the Director. Systems designed and certified by the USDA-NRCS under an EQUIP cost-share grant shall be considered to meet the requirements of this section.

- 20.3 OWTS for “large” confined animal facilities, which for the purpose of these regulations are facilities containing more than 100 head of pigs, 1000 chickens, or 50 cattle, may be required to meet more stringent requirements, determined by the Director on a case-by-case basis.
- 20.4 Confined Animal Facility OWTS are required to meet the siting criteria specified in Section 13 of these regulations. Facilities that are required to obtain an OWTS permit because of violations of the CNMI Water Quality Standards or the CNMI Drinking Water Standards, and which violate the siting criteria, will be required to re-locate to meet the siting criteria, unless the facility can be re-designed to reasonably prevent discharge and further violations, and such re-design is certified by a professional engineer and approved by the Director as part of the OWTS permit. Facilities that cannot re-locate to meet the siting criteria, and from which discharge cannot be reasonably prevented by facility re-design, shall not be permitted.
- 20.5 Owners of Confined Animal Facility OWTS are required to continuously operate and maintain their systems in accordance with the instructions given by the system designer. Failure to do so may result in suspension or revocation of the OWTS permit.
- 20.6 Grazing units are not considered Confined Animal Facilities for the purposes of these regulations, and are not required to construct or operate an OWTS. However, all owners and operators of grazing units shall employ the following practices, at a minimum, to prevent the direct or indirect discharge of animal waste to State waters:
  - 20.6.1 Owners and operators of grazing units shall confine livestock within the grazing unit through properly constructed and maintained fences.
  - 20.6.2 Owners and operators of grazing units shall exclude livestock from within 20 feet of any State water through the use of properly constructed and maintained fences. Stream crossings are allowed where necessary.
  - 20.6.3 If the Director has evidence that suggests runoff from a grazing unit has caused or contributed to violations of the CNMI Water Quality Standards or CNMI Safe Drinking Water Regulations, the Director may require the owner or operator of the grazing unit to implement the range and pastureland components of a Resource Management System (RMS) as defined in the Field Office Technical Guide of the USDA-NRCS.

**SECTION 21. TEMPORARY TOILETS FACILITIES (TTF)**

21.1 Temporary Toilet Facilities (TTF) shall be provided for:

21.1.1 Any construction job-site where working toilets connected to a sanitary sewer system are not readily available for the needs of the employees. The minimum number of TTF required for a construction site shall be consistent with TABLE 20.1.

21.1.2 Any carnival, fair, sporting event, outdoor concert or large public gathering requiring any CNMI Government permit (e.g., a Coastal Resources Management Office "Minor Development Permit"), hereafter, collectively referred to as a "special event", where adequate working toilet facilities connected to a sanitary sewer do not exist. The number of TTF required shall be calculated as follows:

$$\text{TTF} = 1 + [\text{No. of persons expected} \times \text{hours of event}] / 2,000$$

EXAMPLE:  $\text{TTF} = 1 + [3,000 \text{ people} \times 4 \text{ hours}] / 2,000 = 7 \text{ TTF}$

21.2 Temporary Toilet Facilities may be portable toilet type, chemical, recirculating or combustion providing they comply with existing CNMI Codes.

21.3 Any construction site or special event requiring DEQ approval for permitting will provide proof that the minimum required number of toilet facilities are available or will be available for the period of time that the permits are valid.

21.4 Any construction site not complying with the minimum number of TTF will be given a written warning and given 48 hours to comply. Failure to comply within the given period will result in a Cease and Desist Order issued by the Director and the revocation of the Division's approval required for any permit(s) associated with the project, and/or civil fines as provided for in Section 23.

**TABLE 21.1**  
**NUMBER OF TTF REQUIRED FOR CONSTRUCTION SITES**

<b><u>NUMBER OF EMPLOYEES</u></b>	<b><u>MINIMUM OF TTF REQUIRED</u></b>
1 to 15	1
16 to 30	2
31 to 50	3
over 50	Additional 1 unit per 20

persons of fraction thereof.

## SECTION 22. ACTION ON APPLICATIONS

- 22.1 The Director may require the applicant to furnish additional information, plans, or specifications before acting on an application for any registration or permit.
- 22.2 Each application for Hauler's registration, OWTS or IWDS permit shall be reviewed for completeness. The Division shall review and act on any application for registration or OWTS or IWDS permit within twenty one (21) calendar days of the date the application is deemed complete.
- 22.3 For all applications found to be incomplete, the Division will notify the Applicant via a short written statement, describing the deficiencies found within fourteen (14) calendar days of the date the application is received. Corrective and/or follow-up action, design, field test, etc., is the responsibility of the Applicant. The Division is not responsible, nor will Division personnel undertake, completion or correction of an incomplete or incorrect permit or license application.
- 22.4 The Director shall notify the Applicant in writing of his or her decision regarding any application for registration or permit. The Director shall inform the Applicant of sufficient facts and reasons upon which a disapproval or conditional approval of a complete application was based. The Applicant shall be afforded the opportunity to file a written request for reconsideration of the Director's decision and shall include justification for the request. The request for reconsideration shall be served upon the Division within seven (7) calendar days from receipt of the disapproval or conditional approval. Failure to file this request within seven (7) calendar days shall constitute a waiver of the Applicant's rights to any future reconsideration by the Director. In the event no request for reconsideration is filed within the time specified, the Director's decision shall be considered final agency action for purposes of judicial review under the Administrative Procedures Act, 1 CMC § 9101, et seq.
- 22.5 A permit or registration issued pursuant to these regulations shall not be transferred from one location to another, or from one person to another, without the written approval from the Director.

## SECTION 23. PENALTIES, FINES, SUSPENSION, REVOCATION, AND OTHER ORDERS

- 23.1 In accordance with 2 CMC § 3131(a), if the Director has reason to believe a violation of the provisions of the Act, these regulations, and/or the terms of any permit issued pursuant to the Act and these regulations has occurred or is occurring, the Director may

issue any necessary order to enforce the aforementioned provisions and permit conditions. Such order shall be in the form of a written warning, Notice of Violation, Cease and Desist Order, or Administrative Order signed by the Director or his authorized representative and shall provide notice of the facts constituting the violation, penalties that may be imposed, and, where appropriate, provide a reasonable timeframe in which to take corrective action.

- 23.2 If any person subject to an order issued pursuant to 23.1 fails to comply with the order, the Director may issue an Administrative Order or other such Order imposing penalties as provided by 2 CMC § 3131(c). The Order shall state the facts constituting the violation, the particular sections of the Act, regulations or permit involved, the proposed penalty including any proposed permit suspension, revocation, or modification, and monetary penalties including any penalty for cost of corrective action taken by the Division, and the opportunity to request a hearing. Such Order shall be personally served or served by certified mail, return receipt, on persons subject to the penalties in the Order.
- 23.3 Any person subject to an Order imposing penalties pursuant to 23.2, may request, in writing, a hearing before the Director or his/her designee. Request for a hearing shall be served upon the Division within seven (7) calendar days from receipt of the Order. Failure to request a hearing within seven (7) calendar days shall constitute a waiver of the right to a hearing and the Division may take the necessary action to enforce the Order.
- 23.4 Procedures for hearings shall be conducted in accordance with the Administrative Procedures Act (APA), 1 CMC § 9101, et seq., and as follows:
- 23.4.1 The Director shall serve notice of the hearing in accordance with APA § 9109(a) at least ten (10) calendar days before the scheduled hearing date.
- 23.4.2 The alleged violator or "respondent" shall submit a written response to the Order at least five (5) calendar days before the hearing. The written request for a hearing may serve as the response to the Order. The request for hearing or "response" shall clearly and directly admit, deny, or explain all the factual allegations contained in the Order with regard to which the respondent has knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The response shall also state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, and (2) the facts which respondent intends to place at issue. Failure to admit, deny, or explain any material factual allegation contained in the Order may be deemed an admission of the allegation.
- 23.4.3 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 the Director.

23.4.4 The Director or designee will preside over the hearing. The Presiding Officer 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 at the discretion of the Presiding Officer. Evidence presented at the hearing need not conform with the prescribed rules of evidence, but may be limited by the Presiding Officer in any manner she/he reasonably determines to be just and efficient and promote the ends of justice. The Presiding Officer shall issue a written decision within twenty one (21) calendar 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.

23.4.5 The decision of the Director or Presiding Officer shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following issuance of the final agency decision.

23.5 Emergency Suspension of Permits. If the Director determines that a violation of a permit issued pursuant to the Act and these regulations has resulted in an imminent threat to public health, safety or welfare, the Director may summarily suspend a permit. A hearing for revocation or other action shall be promptly instituted and determined pursuant to the procedures in 23.4.

23.6 Revocation of Hauler's Registration. In addition to the provisions in Section 18.5, the Director may revoke a Hauler's registration for any material misstatement or misrepresentation made by the licensee made for the purposes of obtaining or retaining such registration. The Director shall notify the Hauler in writing of the facts warranting revocation. The Hauler shall have seven (7) calendar days from the date of receipt of the revocation notice to provide a written response addressing the facts in the notice and showing compliance with all lawful requirements for retention of the registration. Failure to timely request a hearing or to provide reasonable explanation for the alleged misstatements or misrepresentations shall result in revocation of the registration. The Director shall notify the Hauler of the revocation and the opportunity to request a hearing within seven (7) calendar days of receipt of the notice. Any hearing will be conducted pursuant to 23.4.

23.6.1 No application for a Hauler's license may be made within one (1) year after revocation of such registration by the Director for the reasons identified above.



23.7 Criminal Penalties. Any person who knowingly and willfully commits any act in violation of the Act, regulations, or permit, may be subject to criminal penalties as set forth in 2 CMC § 3131(d).

SECTION 24. **RIGHT OF ENTRY**

24.1 In accordance with 2 CMC § 3132, the Director or his authorized representative may inspect any facility or records subject to the provisions of the Act and these regulations. The inspection may be conducted with or without advance notice, as authorized by § 3132.

SECTION 25. **SEVERABILITY**

25.1 If any rule, section, sentence, clause, or phrase of these regulations or its application to any person or circumstances 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.

**NOTICE OF EMERGENCY REGULATIONS AND NOTICE OF  
INTENT TO ADOPT AMENDMENTS TO SECTION 2300 RULES  
AND REGULATIONS FOR THE OPERATION OF POKER  
MACHINES**

**Emergency:** The Secretary of Finance for the Commonwealth of the Northern Mariana Islands finds that, pursuant to Title 1 CMC, Division 9, Chapter 1, and specifically under 1 CMC § 9104 (b), the public interest requires the adoption, on an emergency basis, of amendments to the “Rules and Regulations for the Operation of Poker Machines” in the Commonwealth of the Northern Mariana Islands (Poker Machine Rules), Department of Finance Regulation 2300 et seq. These Poker Machine Rules were originally published in the Commonwealth Register Vol. 17, No. 04, on April 15, 1995, beginning at page 13218, amended and adopted in Commonwealth Register Vol. 17, No. 6, on June 15, 1995 at page 13539. These Poker Machine Rules were further amended by emergency regulation on November 22, 1995, published in the Commonwealth Register Vol. 17, No. 12, at pages 13850-55 on December 15, 1995, and adopted in Commonwealth Register Vol. 18, No. 2, at pages 14031-32 on February 15, 1996.

The Secretary of Finance further finds that the public interest mandates adoption of these amendments to the Poker Machine Rules upon fewer than thirty (30) days notice, and that these amendments to the Poker Machine Rules shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrence of the Governor and shall remain effective for a period of 120 days, unless sooner adopted as permanent regulations.

**Reasons for the Emergency:** The Secretary of Finance finds that there is currently no law, rule or regulation in effect to limit the hours of operation of poker machines. Consequently, most, if not all, establishments that operate poker machines are open 24 hours a day. These around the clock operations have made these establishments particularly vulnerable to crime. In 2001 and 2002, over 65% of all reported criminal offenses occurring on the premises of poker machine establishments were reported to the Department

of Public Safety between the hours of 10:00 p.m. and 10:00 a.m. Enforcement efforts with respect to the operation of poker machines by the Department of Finance are seriously hampered by the 24 hour operation of these establishments. The public interest therefore requires that reasonable limitations be placed on the hours of operation of poker machine establishments in order to safeguard the safety of the public and also to enhance the ability of the Department of Finance to enforce the Poker Machine Rules.

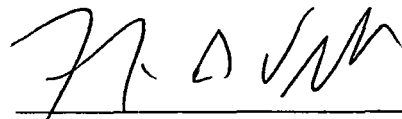
**Contents:** The adoption of these amendments to the Poker Machine Rules will limit the hours of operation of poker machines in all establishments in the Commonwealth of the Northern Mariana Islands, other than licensed casinos, to the hours of 10 a.m. to 10 p.m.

**Notice of Intent to Permanently Adopt:** It is the intention of the Secretary of Finance to adopt these emergency amendments as permanent amendments to the Poker Machine Rules with such adoption pursuant to 1 CMC §§ 9104 (a) (1) and (2). Therefore, publication in the Commonwealth Register of these amendments to the Poker Machine Rules, this Notice, and an opportunity for public comment pursuant to the requirements of the CNMI Administrative Procedure Act are hereby provided. Comments on these amendments to the Poker Machine Rules may be sent to: Frank B. Villanueva, Secretary of Finance, P.O. Box 5234 CHRB, Saipan, MP 969950, or delivered in person to the Office of the Secretary of Finance in the building immediately adjacent to the CHRB Post Office.

**Authority:**

The Secretary of Finance is authorized to publish these amendments to the Poker Machine Rules pursuant to one or more of the following: 1 CMC § 2553 (a); 1 CMC § 2557; 4 CMC § 1507; the CNMI Administrative Procedure Act, 1 CMC § 9109 et seq.; and other applicable Commonwealth law.

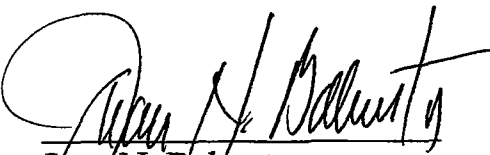
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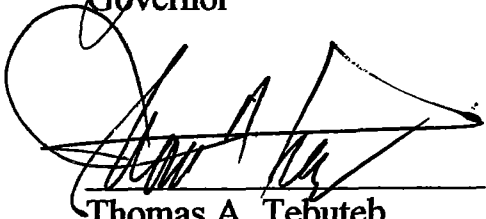
Frank B. Villanueva  
Secretary of Finance

11-21-02

Date

Concurred by:   
Juan N. Babauta  
Governor

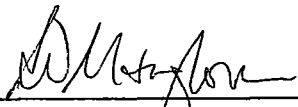
11/27/02  
Date

Received by:   
Thomas A. Tebuteb  
Special Assistant for Administration

11/27/02  
Date


**Attorney General Review**

Pursuant to 1 CMC § 2153 (g), the emergency regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

  
Ramona V. Manglona  
Attorney General

11/22/02  
Date

Filed and Recorded by:

  
Soledad B. Sasamoto  
Registrar of Corporations

11/27/02  
Date

AMENDMENT TO PART XV, SECTION 2300 RULES AND REGULATIONS FOR  
THE OPERATION OF POKER MACHINES

Section 2300.21 (formerly "Reserved") is hereby amended to read as follows:

"Section 2300.21. Hours of Operation. The operation of poker machines in the Commonwealth shall be limited to the hours between 10:00 a.m. to 10 p.m. Provided, however, that this limitation shall not apply to poker machines which are operated by and on the premises of a licensed casino.