

P.L. 11-103



GOV. COMM.
(HOUSE)

11-554

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

Jesus R. Sablan
Lt. Governor

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The Honorable Diego T. Benavente
Speaker, House of Representatives
Eleventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

and

The Honorable Paul A. Manglona
President of the Senate
Eleventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

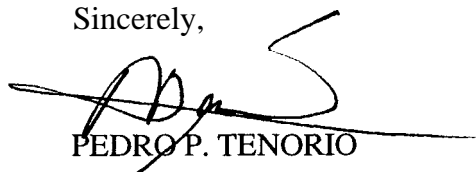
This is to inform you that I have signed into law House Bill No. 11-358, cited as the "Commonwealth Environmental Amendments Act of 1999," which was passed by the Eleventh Northern Marianas Commonwealth Legislature.

This legislation is necessary to be consistent and to bring the Commonwealth into compliance with federal environmental laws and regulations that apply in the CNMI. In addition, the modifications to our existing environmental laws contained in this measure will bring the Commonwealth closer to compliance with the actions required to be taken under the Administrative Order regarding the Puerto Rico Dump.

This measure also provides for an establishment of a special account in which certain funds are deposited, to be expended by the Director of the Division of Environmental Quality (DEQ) or his/her designee. For clarification purpose, such funds must still be specifically identified and appropriated through the process of an appropriation bill before they can be expended.

This bill becomes **Public Law No. 11- 103**. Copies bearing my signature are forwarded for your reference.

Sincerely,


PEDRO P. TENORIO

CC: Director, Division of Environmental Quality; Special Assistant for Programs & Legislative Review

HOUSE OF REPRESENTATIVES
ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO, 11-103
HOUSE BILL NO. 11-358

AN ACT

To amend 2 CMC, Division 3, Chapter 1, Article 3, 53131 by adding a new subsection (i) and amending §3131(c) and (h); Amend 2 CMC, Division 3, Chapter 1, Article 3, §3132(a); Amend 2 CMC, Division 3, Chapter 1, Article 3 by adding a new §3135; Amend 2 CMC, Division 3, Chapter 5, §3513 by adding a new subsection (m); Amend 2 CMC, Division 3, Chapter 5, §3515(b) and §3518(b); Amend 2 CMC, Division 3, Chapter 5, §3520; and for other purposes.

Offered by Representatives:
and Jesus T. Attao

Heinz S. Hofschneider

Date: January 15, 1999

HOUSE ACTION

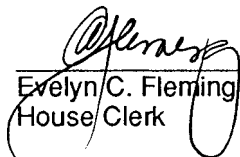
Standing Committee Report: None

First and Final Reading: January 15, 1999

SENATE ACTION

Standing Committee Report: None

Second and Final Reading: September 9, 1999



Evelyn C. Fleming
House Clerk

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 1999

PUBLIC LAW NO. 11-103

H. B. NO. 11-358

AN ACT

To amend 2 CMC, Division 3, Chapter 1, Article 3, §3131 by adding a new subsection (i) and amending §3131(c) and (h); Amend 2 CMC, Division 3, Chapter 1, Article 3, §3132(a); Amend 2 CMC, Division 3, Chapter 1, Article 3 by adding a new §3135; Amend 2 CMC, Division 3, Chapter 5, §3513 by adding a new subsection (m); Amend 2 CMC, Division 3, Chapter 5, §3515(b) and §3518(b); Amend 2 CMC, Division 3, Chapter 5, §3520; and for other purposes.

BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

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

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

7 Section 3. Amendments. 2 CMC, Division 3, Chapter 1, Article 3, §3131 is hereby
8 amended by adding a new subsection (i) and amending §3131(c) and (h) to read as follows:

9 "(i) After exhausting administrative appeals procedures, a person shall be
10 allowed under this Chapter, as a matter of right, to file a civil action within the limits
11 prescribed by law.

12 §3131(c). If any person fails to comply with any provision of this chapter, or
13 any regulation or order issued under this chapter, or any term of a permit granted
14 pursuant to this chapter, after notice of failure and the expiration of any reasonable
15 period allowed for corrective action, the person is liable for a civil or criminal penalty
16 of not more than \$25,000 for each day of the continuance of the violation. A person is
17 liable for an additional penalty for any amount expended by any agency of the
18 Commonwealth in taking any necessary action to reverse or reduce any

1 significant adverse effect of the violation when the person is unwilling or unable to do
2 so. If appropriate, any permit granted to a person pursuant to this chapter may be
3 revoked, suspended, or modified. The director may assess, collect, and compromise
4 any penalty. No penalty shall be assessed until the person charged with a violation has
5 been given an opportunity for a hearing before the Director or a person designated by
6 the Director for that purpose; provided, in emergencies the Director may summarily
7 suspend a permit pending proceeding under this subsection.

8 §3131(h). Any penalty or fine collected pursuant to this section and any permit
9 fee collected pursuant to regulations issued under the authority of 2 CMC §3121 shall
10 be deposited in the special Division of Environmental Quality fund account established
11 by the Secretary of Finance."

12 Section 4. Amendment. 2 CMC, Division 3, Chapter 1, Article 3, Section 3132(a) is
13 hereby amended to read as follows:

14 "(a) The Director or his authorized representative shall have access to any
15 facility or records, subject to the regulations under this Act, for the purpose of
16 inspecting the premises and appropriate documents to determine compliance with
17 applicable regulations and/or the terms of any permit. The inspection may be made
18 with or without advance notice to any organization if done for a good purpose, at the
19 discretion of the Director, but shall be made at reasonable times unless an emergency
20 dictates otherwise."

21 Section 5. Amendments. 2 CMC, Division 3, Chapter 1, Article 3 is hereby amended
22 by adding a new §3135 to read as follows:

23 "§3135. Division of Environmental Quality Special Fund Account. The
24 Secretary of Finance shall establish a special fund account called the Division of
25 Environmental Quality Special Fund Account. All penalties and fines collected
26 pursuant to this section and any permit fee collected pursuant to regulations issued
27 under the authority of 2 CMC §3121 shall be deposited in this account. Such funds
28 shall not be subject to fiscal year limitation. The Director, or his or her designee, shall
29 be the expenditure authority for the funds deposited and shall be expended solely for
30 the administration of the Division of Environmental Quality."

31 Section 6. Amendments. 2 CMC, Division 3, Chapter 5, §3513 is hereby amended by
32 adding a new subsection (m) to read as follows:

1 "(m) "debris staging areas" means storage of rubble, wreckage and vegetation
2 remains from typhoons, storms or other destructive events of an emergency nature as
3 determined by the Director."

4 Section 7. Amendments. 2 CMC, Division 3, Chapter 5, §3515(b) is hereby amended
5 to read as follows:

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

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

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

12 Section 8. Amendments. 2 CMC, Division 3, Chapter 5, §3518(b) is hereby amended
13 to read as follows:

14 "(b) Own, operate, or use debris staging areas for disposal of solid waste
15 without an emergency permit issued pursuant to this chapter. The use of open dumps
16 for disposal of solid waste is strictly prohibited."

17 Section 9. Amendments. 2 CMC, Division 3, Chapter 5, §3520 is hereby amended to
18 read as follows:

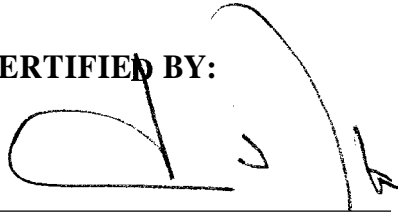
19 "§3520. Deposits. All monies, including fees and civil fines, collected by the
20 Director of the Division of Environmental Quality under the provisions of this chapter
21 shall be deposited to the Division of Environmental Quality Special Fund Account."

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

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

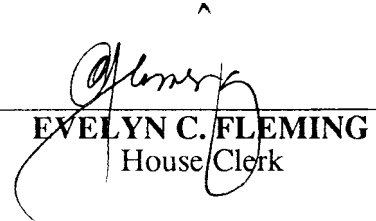
- 1 Section 12. Effective Date. This Act shall take effect upon its approval by the
2 Governor or upon its becoming law without such approval.

CERTIFIED BY:



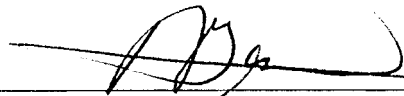
JESUS T. ATTAO
Acting Speaker
House of Representatives

ATTESTED BY:



EVELYN C. FLEMING
House Clerk

Approved this 29th day of September, 1999



PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands