

§ 65-80-010 Definitions

(a) Definitions from federal regulations incorporated by reference are included in the appendices to this chapter.

(b) The following are additional definitions included for clarity as they pertain to the CNMI Solid Waste Management Regulations, codified in this chapter:

(1) "Acts" mean the CEPA, SWMA, and the CEAA unless otherwise stated.

(2) "Bioconversion" means the processing of the organic fraction of the waste stream through biological or chemical means to perform composting or to generate products, including, but not limited to, fertilizers, feeds, methane, alcohols, tars, and other products. This term includes, but is not limited to, biogasification, acid hydrolysis, pyrolysis, and fermentation. This term does not include any form of incineration or methane gas extraction from a MSWLF.

(3) "CEAA" means Commonwealth Environmental Amendments Act, 1999, PL 11-103.

(4) "CEPA" means Commonwealth Environmental Protection Act, 1982, 2 CMC §§ 3101 to 3134.

(5) "CESQG wastes" means hazardous wastes from a conditionally exempt small quantity generator as defined in 40 CFR 261.5 (~~1999~~2021).

(6) "CFR" means the United States Code of Federal Regulations, ~~1999~~2021.

(7) "Closure" means those actions taken by the owner or operator of a solid waste management facility to cease disposal operations and to ensure that closure is in conformance with applicable requirements as described in part 200.

(8) "CNMI" or "Commonwealth" means the Commonwealth of the Northern Mariana Islands.

(9) "Collection" means the removal of solid waste from a generation or transfer point and the subsequent transport of the solid waste to a site/facility for further processing, additional transfer, or disposal.

(10) "Composting" means a process in which organic solid wastes, such as biosolids (sewage sludge), vegetative waste materials, manures, and non-treated wood chips and shavings, are biologically decomposed and stabilized under controlled conditions to produce a stable humus-like mulch or soil amendment. This term includes the processing of organic and non-treated wood waste materials for the generation of wood chips or other materials that can be used as soil amendment, planting mixes, mulches for horticultural and agricultural applications, landfill cover, and land reclamation.

(11) "Construction and demolition waste" means concrete, rock, brick, bituminous concrete, and masonry resulting from the demolition or razing of buildings or other structures. Construction and demolition waste does not include wood, composition roofing and roofing paper, steel, plaster, copper and other metals, friable asbestos, hazardous substances, or materials contaminated with waste paints, solvents, sealers, adhesives, or similar materials.

~~(11)~~ (12) "Convenience center" means waste handling facilities performing limited transfer station operations and receiving less than five tons per day of exclusively household/residential waste.

~~(12)~~ (13) "Cover material" means soil or other suitable material that has been approved by the Director of DEQ for use as cover material for solid waste at a MSWLF.

~~(13)~~ (14) "DEQ" means the CNMI Division of Environmental Quality.

~~(14)~~—(15) “Director” means the Director of the CNMI Division of Environmental Quality or person designated to act by the Director unless otherwise specified.

~~(15)~~—(16) “DPW” means the CNMI Department of Public Works unless otherwise specified.

~~(16)~~—(17) “Hazardous waste” means any waste defined as “hazardous waste” under 40 CFR ~~part 261.3~~ (19992021).

~~(17)~~—(18) “Incineration” means the destruction of solid waste by combustion in a furnace designed for such purposes where solid waste essentially is reduced to ash, carbon dioxide and water vapor.

~~(18)~~—(19) “Nuisance” means an act or an omission of an act which annoys, injures, or endangers the comfort, health, or safety of others, offends decency, or unlawfully interferes with, or obstructs or tends to obstruct, any public park, square, street, or highway, or in any way renders other persons insecure in life, or in the use of property.

~~(19)~~—(20) “Permit” means any authorization, license, or equivalent control document issued under the authority of DEQ that regulates the management of solid waste including location, design, construction, operation, groundwater monitoring, corrective action, closure, post-closure care, and financial assurance elements applicable to solid waste management activities and SWMFs.

~~(20)~~—(21) “Permit by rule” means an abbreviated procedure by which those solid waste management facilities considered by the Director of DEQ to have limited impact to the community and the environment may begin operations in accordance with § 65-80-108 of this chapter.

~~(21)~~—(22) “Person” means an individual, firm association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~(22)~~—(23) “Post-closure” means the requirements placed upon landfill disposal sites after closure to enable their environmental safety for a thirty-year period.

~~(23)~~—(24) “Premises” means tract or parcel of land with or without buildings.

~~(24)~~—(25) “Processing” means an operation to convert solid waste or recyclable materials into a useful product or prepare such materials for disposal.

~~(25)~~—(26) “Pyrolysis” means the process in which solid waste is heated in an enclosed device in the absence of oxygen to vaporize the waste, producing a hydrocarbon-rich gas capable of being burned for recovery or energy.

~~(26)~~—(27) “RCRA” means the federal Resource Conservation and Recovery Act, 1976, as amended to ~~1999~~2021, 42 USC §§ 6901 to 6992.

(28) “Recoverable materials” means materials that can be diverted from disposal for recycling or bioconversion. This term does not include batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans subject to regulation as “universal waste” under 40 CFR Part 273 (2021).

(29) “Recycling” means the collection, separation, processing, recovery, and sale or reuse of recoverable materials that would otherwise be disposed of as solid waste, including but not limited to cardboard, newspaper, office paper, glass, aluminum containers, plastics, tires, and metal scraps, and is an integral part of a manufacturing process aimed at producing a marketable product made of postconsumer material.

(30) “Recycling drop-off facility” means a manned or unmanned structure or site for collection, manual segregation, and temporary storage of recoverable materials.

(31) “Recycling processing or materials recovery facility” means a structure or site that performs any or all of the activities required to process or recover recoverable materials for recycling, including collection, manual segregation, separation, sorting, baling, shredding, crushing, melting, temporary storage, and/or transportation of recoverable materials.

~~(27) “Refuse” means anything putrescible or non-putrescible that is discarded or rejected as waste.~~

~~(28)~~ (32) “Reserved” means a section having no requirements and which is set aside for future possible rulemaking as a note to the regulated community.

~~(29)~~ (33) “Salvage” means the incidental removal of solid waste for reuse under the control of the facility owner or operator.

(34) “Solid waste” means any waste defined as “solid waste” under 40 CFR 261.2 (2021).

(35) “Solid waste disposal facility” means any facility which receives solid waste for ultimate disposal through landfilling or incineration. This term does not include recycling drop-off facilities, recycling processing or materials recovery facilities, or bioconversion facilities.

~~(30)~~ (36) “Solid waste management activity” means any activity that provides for the systematic administration of the collection, source separation, storage, transportation, transfer, transformation, processing, treatment, and disposal of solid waste.

~~(31)~~ (37) “Solid waste management facility” (SWMF) means any site at which solid wastes are aggregated for storage, transfer, transformation, processing, or disposal, including but not limited to municipal solid waste landfills (MSWLFs), (as defined under 40 CFR part 258 ~~(1999)~~ 2021) adopted by reference under part 200 of this chapter), non-municipal, nonhazardous waste disposal units that receive conditionally exempt small quantity generator (CESQG) waste (as defined under 40 CFR part 257 ~~(1999)~~ 2021) adopted by reference under part 300 of this chapter), transfer stations, recycling operations, or incinerators, but not including sites where a single person has collected his/her own solid wastes for a brief period prior to removal to a solid waste management facility, unless such person has created thereby a public nuisance or health hazard.

~~(32)~~ (38) “Solid waste management permit” means a permit issued by DEQ to a public or private entity that is involved in the collection and disposal of solid waste.

~~(33)~~ (39) “Source separation” means separation of solid waste into some or all of its component parts at the point of generation of the solid waste.

~~(34)~~ (40) “Storage” means the holding of solid waste materials for any temporary period.

~~(35)~~ (41) “Stream” means the point at which any confined freshwater body of surface water reaches a mean annual flow rate of twenty feet per cubic second.

~~(36)~~ (42) “Surface water” means all lakes, rivers, ponds, streams, inland waters, salt waters and water courses within the jurisdiction of the CNMI.

~~(37)~~ (43) “SWMA” means Solid Waste Management Act, 1986, 2 CMC §§ 3511 to 3521.

~~(38)~~ (44) “Transfer station” means a site to which solid wastes are brought from their point of generation or previous transfer and where such wastes are temporarily stored prior to transfer to a site of additional transfer or separation, recycling, storage, processing, or disposal.

~~(39)~~ (45) "Treatment" means the physical, chemical or biological processing of solid waste to make such solid waste safer for storage or disposal, amenable for energy or material source recovery, or reduced in volume.

~~(40)~~ (46) "Used oil transporter" means a person licensed or certified under local, state, or federal requirements to transport used oil.

(47) "White goods" means electrical and mechanical appliances made primarily of metal parts such as refrigerators, clothes washers and dryers, microwaves, and televisions.

§ 65-80-106 Fees

~~(Reserved)~~ (a) Every applicant for a permit shall pay a permit application fee in accordance with the following fee schedule:

Recycling Drop-Off Facility — \$250

Automotive, Scrap Metal, and White Goods Salvage Facilities — \$250

Recycling Processing or Recovery Facility — \$500

Transfer Station — \$500

Bioconversion Facility — \$500

Construction and Demolition Waste Landfill — \$1000

Solid Waste Disposal Facility — \$1000

(b) Permit application fees shall be paid by check made payable to the CNMI Treasury.

(c) Government agencies applying for a permit are exempt from the requirement to pay an application fee.

(d) Payment of the permit application fee is due upon submission of an initial application and for each renewal application.

§ 65-80-108 Permit by Rule

~~(Reserved)~~ (a) Notwithstanding any other provision of these rules, the following types of facilities shall be deemed to have a permit if all applicable conditions are met:

(1) Recycling drop-off facilities that store less than one ton of recoverable materials at any one time.

(2) Composting facilities that store less than one ton of organic solid wastes at any one time.

(3) Automobile salvage facilities that store fewer than 10 automobiles at any one time.

(4) White goods salvage facilities that store fewer than 10 white goods at any one time.

(b) General Conditions.

(1) At least thirty (30) days prior to commencing the activities covered under a permit by rule, written notification of such activity must be made to DEQ. The notification shall be accompanied by a \$50 administrative fee. Persons failing to notify DEQ of such activities shall be deemed to be operating without a permit.

(2) No regulated hazardous waste in accordance with 40 C.F.R. Part 261 may be collected, transported, or disposed at any of the facilities.

(3) Suitable means shall be employed to prevent solid wastes from scattering and to control litter, odors, and vectors such as rodents and insects.

(4) Suitable means shall be employed to prevent and control fires, including an emergency response plan when appropriate.

(5) It is the responsibility of the facility owner and/or operator to comply with all the local rules, regulations, and ordinances, and DEQ may add additional conditions deemed appropriate.

(6) Each facility shall be supervised, secured, and have a permanent sign identifying the facility, hours and days of operation, materials accepted or not accepted, the name and contact information for the facility owner and/or operator, and other pertinent information.

(c) Conditions for Recycling Drop-Off Facilities.

(1) Scavenging at the facility by the general public is prohibited.

(2) An annual report shall be prepared and submitted to DEQ reporting the weights and types of recoverable materials received and distributed (including all materials sold, disposed, or otherwise shipped offsite) between July 1-June 30. The report is due on July 31 of each year.

(d) Conditions for Composting Facilities.

(1) The finished compost must be sufficiently stable that it can be stored or applied on land without producing a nuisance.

(2) An annual report shall be prepared and submitted to DEQ reporting the tonnage between July 1-June 30 of solid waste accepted, composted tonnage produced, and disposed (including all waste removed from the facility for disposal). The report is due on July 31 of each year.

(3) No used cooking oil, treated lumber, stained or painted wood, or biosolids (sewage sludge) may be accepted or processed for composting.

Part 600 - Recycling and Materials Recovery Facilities

~~Reserved~~ § 65-80-601 Applicability

(a) This Part regulates the construction and operation of recycling processing or materials recovery facilities.

(b) The following facilities are exempt from regulation under this Part:

(1) Recycling drop-off facilities permitted by rule; and

(2) Transfer stations and solid waste disposal facilities already permitted by DEQ, provided that the recycling processing or materials recovery operations are addressed by the facility's permit.

§ 65-80-605 Permit Required

(a) A permit is required to construct and operate a recycling processing or materials recovery facility.

(b) Recycling processing or materials recovery facilities that are in operation as of the effective date of this regulation shall submit a complete application for a permit within one year after the effective date of this regulation.

§ 65-80-610 Application for Permit

The permit application shall be completed on forms furnished by DEQ and shall include, but not be limited to, the following:

(a) Land rights. Proof of valid legal interest in the real property such as a land title or lease agreement shall be submitted.

(b) Site analysis. A site analysis shall be submitted and shall include at least a site plan, a process flow diagram, and a description of siting of equipment, machinery, public access, and turnaround areas. The site analysis shall identify any flood hazards, wetland areas, potable water supply wells, and fault areas. The site analysis shall include surrounding land uses and, where determined necessary by DEQ, describe mitigating measures taken to reduce the impact of the facility upon neighboring properties.

(c) Design requirements.

(1) Drainage. Each recycling processing or materials recovery facility shall be designed provide adequate drainage to prevent standing water and to control "run-on" and "run-off" of rainwater.

(2) Nuisance, health, and safety control. Each recycling processing or materials recovery facility shall be designed to include methods to control litter, insects, odors, and vectors.

(3) Leachate. Waste or material storage areas and the active processing areas must be located on surfaces capable of minimizing leachate release into the groundwater under the site and the surrounding land surface.

(d) Operations plan. An operations plan shall be submitted to DEQ detailing the following:

(1) A description of the recoverable material proposed to be processed or recovered at the facility including the current management of the recoverable materials;

(2) A means of weighing or measuring all materials accepted at the facility as well as all residue, waste, and recovered materials;

(3) A plan for disposal of all residues and wastes, including intended disposal measures and capacities for temporary storage of residue and waste generated during processing or recovery; and

(4) A plan to prevent and minimize fire hazards.

(e) Closure plan. A closure plan shall be submitted to DEQ detailing what steps the facility will take upon facility closure to ensure no adverse environmental impacts.

§ 65-80-615 Operating Conditions

The recycling processing or materials recovery facility must be operated in accordance with the approved operating plan.

§ 65-80-620 Recordkeeping and Reporting Requirement

(a) The facility shall maintain daily operating records including:

(1) The type and quantity, by weight or volume of recoverable material received by the facility;

- (2) The quantity, by weight or volume, of recyclable materials recovered, and of residue or waste disposed (including all waste removed from the facility for disposal); and
- (3) A summary of all monitoring performed at the facility.
- (4) Any major deviations from the operating plan.
- (b) An annual report shall be prepared and submitted to DEQ summarizing for the period from July 1-June 30 the information reflected in the daily operating records. The report is due on July 31 of each year.

§ 65-80-701 Registration Required

It shall be unlawful for any person to initiate or continue the commercial collection of municipal solid waste without first registering the waste hauling vehicle with the DEQ. The annual registration fee for each vehicle shall be ~~\$25 initially~~ \$50, and may be revised, in writing, by the Director of DEQ.

Part 800 - Miscellaneous Facilities/Activities

~~[Reserved.]~~ **§65-80-801 Applicability**

- (a) This Part regulates the construction and operation of the following types of facilities:
 - (1) Facilities that perform any or all of the activities required for composting, including chipping, chopping, mixing, blending, spraying, spreading, curing and/or other processing;
 - (2) Construction and demolition waste landfills; and
 - (3) Salvage facilities, including but not limited to automotive salvage facilities (including automobile dismantlers and junkyards), scrap metal salvage facilities, and white goods salvage facilities.
- (b) The following facilities are exempt from regulation under this Part:
 - (1) Facilities permitted by rule; and
 - (2) Transfer stations and solid waste disposal facilities already permitted by DEQ, provided that the composting, construction and demolition waste landfill, and salvage operations are addressed by the facility's permit.

§65-80-805 Permit Required

- (a) A permit is required to construct and operate a facility subject to §65-80-801.
- (b) Such facilities that are in operation as of the effective date of this regulation shall submit a complete application for a permit within one year after the effective date of this regulation.

§ 65-80-810 Application for Permit – General Requirements

The permit application shall be completed on forms furnished by DEQ and shall include, but not be limited to, the following:

- (a) Land rights. Proof of valid legal interest in the real property such as land title or lease agreement shall be submitted.

(iii) The enclosed vessel composting method, in which the mixture must be placed in an enclosed vessel and maintained at a temperature of not less than fifty-five degrees Celsius or greater throughout the mixture for at least three consecutive days; and

(iv) Other methods approved by DEQ on a case-by-case basis;

(3) A monitoring plan, including the location of monitoring points and frequency of monitoring, to ensure that the composting facility has sufficient temperature monitoring to ensure that the pathogen reduction criteria are met. For a windrow and aerated static pile process, this may include monitoring six to eight inches below the pile surface; for an aerated static pile process, this may include monitoring six to eight inches from the outlet of the aeration pipe; and for an enclosed vessel system, this may include monitoring six to eight inches inside the vessel wall and six to eight inches from the aeration piping (when operating in the positive aeration mode). Temperature monitoring must occur, at a minimum, on a daily basis; and

(4) A plan to ensure that the finished compost from composting operations shall be nonpathogenic, free of offensive odors, biologically and chemically stable, free of injurious components or particles, and able to sustain plant growth, together with a description of the ultimate use for the finished compost and the method of removal from the site.

(b) Construction and demolition solid waste landfills

(1) A waste exclusion plan to ensure that the landfill will not accept hazardous waste: electrical transformers with oil or polychlorinated biphenyls (PCB) or when generated from other than demolition projects; pesticide containers, unless they meet applicable requirements for household waste; liquids; or friable asbestos containing material, unless it complies with 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants;

(2) A groundwater monitoring plan including

(i) The location of monitoring wells (with a minimum of one upgradient and one downgradient monitoring wells, plus any additional wells required by DEQ) and a detailed description of the monitoring well construction;

(ii) A sampling plan including tests to be performed, methods to be used, and frequency of sampling (including sampling and testing of the monitoring wells prior to starting operations to establish baseline data), for the following chemicals: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, chemical oxygen demand, total organic carbon, total petroleum hydrocarbon, and cyanide; and

(iii) Corrective action requirements should the results of testing show exceedances of water quality standards and/or elevated concentrations above baseline.

(c) No additional application requirements apply for salvage facilities.

§ 65-80-820 Operating Conditions

(a) Each facility subject to this Part 800 must be operated in accordance with the approved operating plan.

(b) The owner and/or operator of each facility subject to this Part 800 must notify any potential purchaser of the property that the property has been used for regulated solid waste management activity.

§ 65-80-830 Recordkeeping and Reporting Requirement

- (a) The facility shall maintain daily operating records including:
- (1) The type and quantity, by weight or volume of waste received by the facility;
 - (2) The quantity, by weight or volume, of compost produced and/or material salvaged, as applicable, and of residue or waste disposed (including all waste removed from the facility for disposal);
 - (3) A summary of all monitoring performed at the facility; and
 - (4) Any major deviations from the operating plan.
- (b) An annual report shall be prepared and submitted to DEQ summarizing for the period from July 1-June 30 the information reflected in the daily operating records. The report is due on July 31 of each year.