

Smart, Safe Growth for the CNMI

Importance of Regulations for SSG

Workshop Module 4
19 – 21 July 2022



**Nimbus
Environmental
Services**

Purpose

- Describe the Comprehensive Sustainable Development Plan (CSDP) and adoption of the *Guidance Manual for Smart, Safe Growth (SSG)*
- Describe support for regulations revisions in CSDP and the *Guidance Manual*
- Describe the importance of long-term planning to achieve SSG and sustainable development outcomes

Learning Objectives

- Understand how the CSDP and the *Guidance Manual* integrate
- Explore how to implement Best Management Practices (BMP) to foster SSG
- Locate and use the regulation reviews in the *Guidance Manual*
- Locate policy change recommendations in the CSDP
- Practice using the CSDP, *Guidance Manual*, and reviews to make recommendations for SSG implementation



Introduction

- **Pace and pattern of development**
- **Built environment resiliency**
- **Embed SSG Principles**
- **Require more resilient private development**
- **Regulation revision = more sustainable resilient communities**



COMPREHENSIVE SUSTAINABLE DEVELOPMENT PLAN



Prepared for the
Commonwealth of the Northern Mariana Islands
by the Office of Planning and Development under the Office of the Governor
with support from the Planning and Development Advisory Council

2021-2030



Comprehensive Sustainable Development Plan (CSDP)

- CSDP guides development sustainably
- Development guidelines shape CSDP implementation
- CSDP adopts SSG Principles
 - SSG = strategies/tools for BMP
 - SSG implementation is voluntary
 - Voluntary actions taken today yield benefits for tomorrow

Activity – SSG Best Management Practices

- **How can you implement BMP to incorporate SSG Principles into your work?**
 - Break into groups
 - Discuss and write down ideas (5 Minutes)
 - Elect a person in the group to share ideas
 - Share ideas from groups (10 Minute Group Discussion)

**Training Module 4 -
Regulation Review and Revision
Handout 1**

**How Can You Implement *SSG* Best Management Practices?
Activity Time: 10-15 Minutes**

Instructions: Break into groups. Discuss how each person in the group can implement Best Management Practices in their current job to mainstream SSG Principles and sustainable development. Write your group's ideas, elect a person to share your group's answers (5 minutes).

Answer:

Write down how others will implement BMPs to implement SSG Principles.

List answers:



CSDP – Regulations as Development Guidelines

- **Regulations = powerful tools to achieve CSDP vision and goals**
- **Revised regulations can support SSG and sustainable development**
- **Regulations reflect community values**
 - Guide how things are done and behaviors
 - Shape practices and expectations
 - Establish new expectations among community and developers

CSDP Section V- Policy and Planning Recommendations

- **CSDP recommends regulation review/update**
 - Support CNMI values and the planning process
 - Foster sustainable development and SSG
 - Provide consistency across sectors

Conduct a Comprehensive Review and Update Key Regulations

Upon initial review of enabling legislation and regulations relating to the planning elements identified in Public Law 20-20, it appears there may be numerous opportunities to update existing guidance with goals and objectives articulated in this CSDP. As such, OPD will continue to work with the PDAC to review existing laws and regulations and propose policies to foster and promote planning activities and sustainable development outcomes as directed by Public Law 20-20. OPD will continue to avail of support from the Attorney General through legal services requests and may further discuss the need for dedicated legal support services should extensive revisions or policy updates be proposed.

Source: CSDP, Page 95

CSDP Section V- Recommendation for Regulations

PLANNING AREA PUBLIC LAW 20-20 § 20176	RELEVANT PLANS AND STANDARDS	PLANNING AND POLICY RECOMMENDATIONS
(D) REGULATIONS	See SSG recommendations	<ul style="list-style-type: none">Line agencies include planning periods in ongoing regulation updates to solidify planning horizons and coordination with OPD and partners

Source: CSDP, Page 101

- **Guidance Manual** provides priorities and recommendations for revisions
- Agencies coordinate regulations revisions during ongoing planning periods
- Agencies should be familiar with recommendations in the **Guidance Manual**

Guidance Manual - Regulation Review

- **Comprehensive review of CNMI regulations**
- **Chapter 6.0 – Summary of SSG-relevant regulations**
- **Appendix B – Evaluation of CNMI regulations for conformance with SSG Principles**
 - Summarized in Table B1
 - Evaluation summaries

Guidance Manual - Regulation Review

Chapter 6.0 - Table 6.1

Chapter Title or Sub-chapter Title	CMC Title / Section(s)	Statute Title (Public Law #)	Summary
Bureau of Environmental Quality – Titles 15 and 65			
Coastal Resources Management Rules and Regulations 15-10	1 CMC §§ 2081-2082 2 CMC §§1501-1543	Coastal Resources Management Act of 1983 (PL 3-47)	The DCRM regulations are intended to balance wise use and conservation within the CNMI. The 1983 legislation articulated 23 policy goals for coastal resource management that range from planning, education, and inter-agency coordination of permitting and enforcement. The policies connect to SSG Principles by supporting habitat protection and enhancements as well as limiting development in high risk coastal hazard and shoreline areas.
Aboveground Storage Tank Regulations 65-5	1 CMC §§ 2646-2649 2 CMC §§ 3101-3134	Commonwealth Environmental Protection Act of 1982 (PL 3-23)	These DEQ regulations are intended to protect against pollution from AST spills. The regulations connect to SSG Principles by supporting location of critical facilities and protection of ecosystem services, and to water quality, via DCRM as well as under Section 307 of the Federal Coastal Zone Management Act of 1972.

Guidance Manual - Regulation Review

Appendix B - Table B.1

Chapter Title	Subchapter Title	CMC Title / Section(s)	Statute Title (Public Law #)	Conformance with SSG Principles ¹	
				Strengths	Deficiencies
Bureau of Environmental and Coastal Quality – Titles 15 and 65					
Coastal Resources Management Rules and Regulations 15-10	N/A	1 CMC §§ 2081-2082 2 CMC §§ 1501-1543	Coastal Resources Management Act of 1983 (PL 3-47)	P1, P2, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12	
Aboveground Storage Tank Regulations 65-5	N/A	1 CMC §§ 2646-2649 2 CMC §§ 3101-3134	Commonwealth Env. Protection Act of 1982 (PL 3-23)	P4	P1, P2, P3, P5, P6, P7, P8, P9, P10, P11, P12
Air Pollution Control Regulations 65-10	N/A	“	“	Not Applicable	Not Applicable
Drinking Water Regulations 65-20	N/A	“	“	P1, P2, P3, P4, P6, P9, P10, P11, P12	P5, P7, P8
Earthmoving and Erosion Control Regulations 65-30	N/A	“	“	P1, P2, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12	
Harmful Substance Clean Up Regulations 65-40	N/A	“	“	Not Applicable	Not Applicable

Guidance Manual - Regulation Review

Appendix B – Summary Evaluations

- Administrative Agency
- Regulation
- Description
- Strength vs. Deficiencies
- Synthesis
- Recommend Technical Revisions

REGULATION EVALUATION for CNMI SSG

Administrative Agency: BECQ, Division of Environmental Quality (DEQ)

Regulation: Title 65-100 Underground Storage Tank Regulations

Description: These regulations are intended to establish a system of control and enforcement over the permitting, installation, compliance, use and monitoring of all underground storage tanks (USTs) containing regulated substances, and prohibit the storage of hazardous substances or wastes in UST systems by persons within the CNMI as necessary to conserve the land and water resources of the CNMI, protect public health, and prevent environmental pollution, resource degradation, and public nuisances. 40 CFR Part 280 (2015) are adopted by reference. Permitting and acceptable locations requirements are provided. No tanks are allowed within tidal or storm water inundation areas.

Strengths and Deficiencies with Regard to SSG Principles (P1 – P12):

Strengths	Deficiencies
	P1 - Climate Change
	P2 - Retreat
	P3 - Retrofit
P4 - Critical Facilities Locations	P5 - Development Incentives
	P6 - Sustainable Development BMPs
	P7 - Ecosystem Services
	P8 - Green Infrastructure
	P9 - Development Decision Processes
	P10 - Early Collaboration
	P11 - SSG Knowledgeable Communities
	P12 - Adaptive Management

Synthesis: These regulations are well developed and comprehensive for the management of USTs and stored product. The SSG Principles P1 – P3 and P5 – P12 are not readily applicable. SSG Principle P4 is applicable to address changing future climate conditions.

Recommended Technical Revisions: §65-100-310 and §65-100-315. The regulated locations and setback standards and requirements for USTs will become increasingly critical under conditions of progressively changing climate. Revisions to these sections are recommended to enhance regulatory criteria for USTs as shorelines change in the future, and loss of land area create increased density of populations and commercial facilities.

Support for SSG via regulations revision = support for increased sustainable development outcomes

Activity - Regulations Revision Priorities

- **Break into groups**
- **Review Table 6.1 in activity handout**
- **Discuss with your group 1-2 regulations to recommend for revision to mainstream / fast-track SSG implementation**
- **Be prepared to share your prioritized list with other groups**

Training Module 4 – Regulations Review and Revision

Handout 2

Regulation Revision Priorities

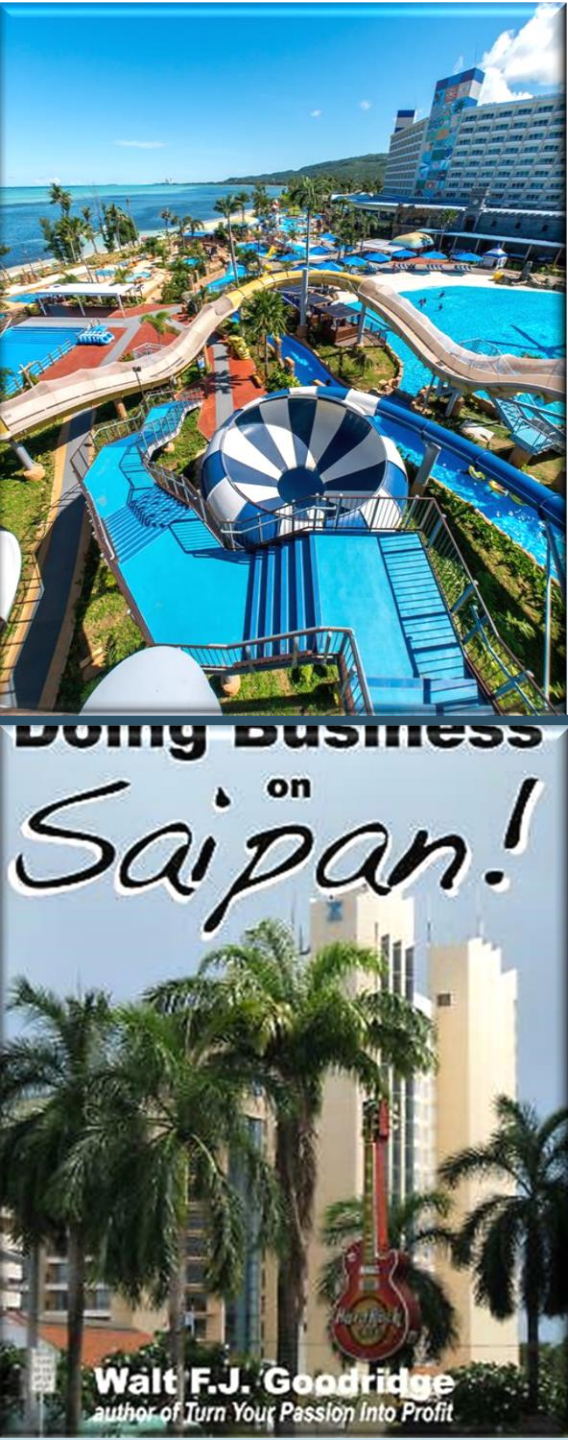
Activity Time: 10 Minutes

Instructions: Break into groups of 3-4 people. Review Table 6.1 from the *Guidance Manual* and generate a list of the top 1-2 regulations for revision to work toward SSG and sustainable development goals. Write down your answers and be prepared to share with the other groups.

Following the discussion, write down the top 3 priorities generated by the whole group.

Regulation Revision Process

- Agency authorization to issue regulations
 - 1 CMC §9102 and §9115
- Procedures for Promulgation
 - Administrative Code Title 5 Chapter 5-10, Part 100



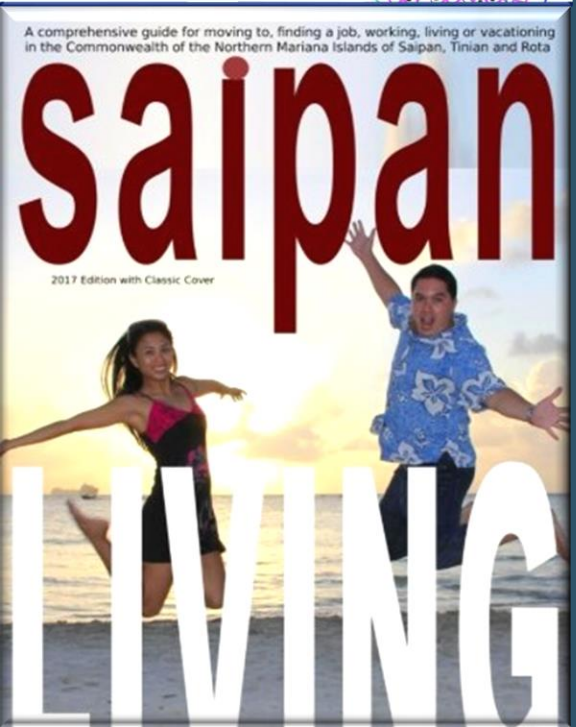
Regulation Revision Process

- **Chronological Order of Actions**
 - Notice of Intention
 - Public Hearings
 - Consider comments
 - Adoption
 - Requests for Justification



Conclusion

- Consistent application of regulations
- Improved resiliency of the built environment = positive outcomes
- SSG integral framework for sustainable development
- Regulations can support compliance with SSG principles.



Activity – Check Learning Goals

- Revisit learning goals written during Module 1
- Reflect if you met your goals

Activity – Regulations Support for SDGs

- Break into groups
- Review CSDP SDG #6
- Focus on stormwater targets and indicators
- Explore the connection to existing CNMI plans and permit processes
- Review CNMI Regulation 15-10
- Determine the adequacy of the regulation to achieve SSG conformance
- Provide recommendations

Training Module 4 – Regulations Review and Revision
Handout 3
Determine Adequacy of a Regulation to
Achieve SSG Conformance
Activity Time: 60 minutes

Introduction

This exercise is intended to familiarize participants with the CSDP, general sustainable development goals (SDGs), and CNMI-specific SDGs. Participant will learn where to locate CNMI-specific targets (indicators) that will be used to evaluate progress toward the SDGs and the 3-5 year objectives associated with the 10-year goal.

We will also explore how the CSDP incorporates *Smart, Safe Growth (SSG)* and relevant CNMI regulations as development guidelines. We will explore a case study with impaired CNMI waterbodies to step through the CSDP, the *Guidance Manual for SSG*, and CNMI Regulations. Participants will review information and use resources to make recommendations to incorporate SSG principles or to strengthen current regulations. This exercise is primarily to introduce participants to how to use these resources together. Answers to the questions may have no bearing on planned or ongoing revisions to any documents/regulations used in this exercise.

Stormwater runoff from the built environment is a principal contributor to water quality impairment of fresh and marine waterbodies. The Clean Water Act sets standards for surface waters and regulates and permits discharges to them. Currently in the CNMI 79% of wetlands and 42% of shorelines are impaired.

Clean water is essential to healthy communities, thriving economies, and resilient ecosystems. To this end SDG #6 aims to sustain clean water and sanitation for everyone. This general SDG was further refined for CNMI to address specific local concerns including improving impaired water bodies.

Activity Instructions: Break into groups. Review the resources provided and answer the questions. Be prepared to share your finding with the group.

1. Review SDG # 6 for Clean Water and Sanitation for everyone. Review the associated 10-year goal selected from the CUC Action Plan.



- By 2030, CUC's Master Plan for drinking water will ensure access to healthy, palatable, affordable, and sustainable drinking water for all communities of the CNMI
- By 2030, comprehensive land management results in water source and quality protection and improvement that supports freshwater quality goals to provide potable, palatable, and sustainable drinking water availability for all communities in the CNMI
- By 2030, the CNMI will improve water quality and reduce the risk of combined sewer over flows by implementing environmentally compliant point and nonpoint source pollution control programs for existing discharge systems and support the implementation of SSG to implement nature-based solutions and other cost-efficient interventions identified in the 2025 storm water management plan
- By 2030, implementation of CUC's Master Plan for wastewater, with support from planning partners, will result in at least a 30% reduction in unsewered households

2. Review the SDG target (indicator) for the 10-year goal. This target provides a measurable metric to assess if CNMI is on track to meet the 10-year goal and make progress toward the SDG.

GOAL 6 - CLEAN WATER AND SANITATION

SDG #6 - Ensure availability and sustainable management of water and sanitation for all

Current Status	Targets
<ul style="list-style-type: none"> - 94.3% inside flush toilet - 81.6% 24-hr water service 	(a) - By 2030, 100% population is using environmentally compliant wastewater systems and there is 100% 24/hr service of potable on Saipan, Tinian, Rota, and the Northern Islands, supported by disaster risk reducing development and retrofits and economical mitigation measures.
<ul style="list-style-type: none"> - 79% of assessed wetlands impaired - 42% of shorelines impaired for at least one use 	(b) - By 2030, impairment of water bodies is reduced to less than 50% for wetlands and less than 25% for shorelines

3. Identify the 3-5 year objectives for the 10-year goal. The objectives originate from the DPW Action Plan.

Led by DPW and supported by the Built Environment Taskforce, (i) by 2023, DPW will implement updated guidelines for the MS4 stormwater permit to ensure environmentally compliant and sustainable management of nonpoint source pollution conveyed by stormwater infrastructure; (ii) by 2025 DPW will draft a stormwater management plan with interagency support that considers "Smart, Safe, Growth" principles including projected changes to precipitation patterns and sea level rise to further enable these efforts.

4. Next, review the Coastal Management Regulation 15-10 for stormwater management.
 - Storm water management is described as a BMP on page 7.
 - Storm water management plans are only required when a CRM permit is required – Temporary, Area of Particular Concern (APC), and Major Siting.
 - Project Plan must have storm water control.
 - CRM permit incorporates MS4 permit requirements.
5. Next review the CRM Required Permit Conditions (Part 600)
 - a. Temporary Permit (Emergencies)
 - b. APC Permits
 - c. Major Siting Permit
 - d. These permits must conform to CNMI NPDES MS4 permit
 - i. NPDES MS4 permits require municipalities to reduce the discharge of pollutants in stormwater to the maximum extent practicable through the implementation of 6 programmatic control measures:
 - public education and outreach,
 - public participation and involvement,
 - illicit discharge detection and elimination,
 - construction site runoff control,
 - post-construction runoff control, and
 - pollution prevention and good housekeeping

The 10-year goal is to reduce impaired CNMI waterbodies. The action items to work toward this goal are to (i) revise the municipal sewer system (MS4) permit guidelines by 2023 and (ii) revise the CNMI Stormwater Management Plan by 2025 to incorporate SSG Principles to address Climate Change, specifically changes in precipitation patterns and sea level rise.

Answer the following questions

1. Do the current CRM/MS4 permit guidelines have sufficient language to ensure projects incorporate SSG Principles?

- a. Identify 2 ways to improve conformance with SSG principles for the anticipated revision of the MS4 guideline to ensure environmentally compliant and sustainable nonpoint source pollution conveyed by stormwater infrastructure.
2. Does Regulation 15-10 have sufficient language to ensure development project proposals consider future precipitation patterns and sea level rise?
 - a. If yes, what specific language in the Regulation supports your conclusion.
 - b. If no, what language can be developed to required consideration of these factors in future plans?
3. DPW is tasked with drafting a stormwater management plan, review Chapter 7.0 of the *Guidance Manual for SSG* to offer 3-5 specific tools, actions, or resources to incorporate SSG into the plan.