

Attachment 1 – U.S. Guidelines: Development and Implementation of State Solid Waste Management Plans (RCRA § 256 Compliance)

§ 256.01(c)

This Plan establishes for any CNMI municipality which demonstrates that it has considered other public or private alternatives for solid waste management to comply with the prohibition on open dumping.

If the CNMI municipality is unable to utilize such alternatives they are to comply with the prohibition on open dumping, including providing BECQ a timetable or schedule of compliance including a schedule of remedial measures.

BECQ provides, as necessary, an enforceable sequence of actions or operations leading to compliance with the prohibition on open dumping of solid waste within a reasonable time (not to exceed five years from the date of publication of the inventory).

Please see Attachment 19 – Timeline for Open Dump Closure.

Please see Attachment 2 “BECQ Solid Waste Code”.

§ 256.02 Scope of the State Solid Waste Management Plan

§ 256.02 (a)

- 1) This CNMI Plan addresses the following solid wastes that pose potential adverse effects on health or the environment or provides opportunity for resource conservation or resource recovery in Section E of this report.
 - (i) Hazardous wastes management
 - (ii) Residential, commercial and institutional solid waste
 - (iii) Wastewater treatment sludge
 - (iv) Pollution control residuals
 - (v) Industrial wastes
 - (vi) Mining wastes
 - (vii) Agricultural wastes
 - (viii) Water treatment sludge
 - (ix) Septic tank pumpings

2) This CNMI Plan considers the following aspects of solid waste management in Section D of this report:

- (x) Resource Conservation
- (xi) (Source Separation
- (xii) Collection
- (xiii) Transportation
- (xiv) Storage
- (xv) Transfer
- (xvi) Processing (including resource recovery)
- (xvii) Treatment
- (xviii) Disposal

§ 256.02(b)

This Plan establishes and justifies priorities and timing for actions. These priorities are based on the current level of solid waste management planning and implementation within the CNMI, the extent of the solid waste management problem, the health, environmental and economic impacts of the problem, and the resources and management approaches available.

See Attachment 7 - Public Participation Work Plan.

§ 256.02(c)

This CNMI Plan sets forth an orderly and manageable process for achieving the objectives of the Act and meeting the requirements of the guidelines located in 40 CFR 256.

The process for achieving stated objectives, including activities to be undertaken and detailed schedules and milestones are located in Section D – Subsection XII.

These proposed schedules and milestones were discussed in Public meetings – see Section C – Public Participation Results and Attachment 7 - Public Participation Work Plan.

§ 256.02(d)

This CNMI Plan covers a minimum of a **five-year period** from the date submitted to EPA for approval.

This CNMI Plan is expected to initiate on Monday, April 15, 2024 (Earth Day).

§ 256.02(e)

The CNMI’s legal authority for solid waste management is in Attachment 3 – BECQ Regulatory Powers. This attachment and other CNMI regulations provide BECQ and the executive and

legislative branches of CNMI government a system to make modifications to regulations necessary to meet the requirements of these and future solid waste management rules/guidelines.

2 CMC § 3511, et seq. authorizes BECQ to prepare a comprehensive solid waste management plan and to establish rules and regulations to provide for collection, disposal, and management systems for solid waste that will protect the health, safety, and welfare of the public and the environment of the Commonwealth. BECQ's Solid Waste Management Regulations are found in Title 65, Chapter 80 of the Northern Mariana Islands Administrative code.

§ 256.03 CNMI Plan Submission, Adoption, and Revision

§ 256.03(a)

This CNMI Plan was not submitted to EPA within a reasonable time after final promulgation of these guidelines.

§ 256.03(b)

Prior to submission to EPA, this CNMI Plan was adopted by the CNMI pursuant to CNMI and OPD administrative procedures.

See Also Attachment 7 - Public Participation Work Plan.

§ 256.03(c)

This CNMI Plan was developed in accord with public participation procedures required by Subpart G of this part. See Attachment 7 - Public Participation Work Plan.

§ 256.03(d)

This CNMI Plan will be revised by the CNMI, after notice and public hearings, when the EPA Administrator, by regulation, or the State determines, that:

- (1) This CNMI Plan is not in compliance with the requirements of these guidelines;
- (2) Information has become available which demonstrates the inadequacy of the plan; or
- (3) Such revision is otherwise necessary.

§ 256.03(e)

This CNMI Plan will be reviewed by the Office of the Governor or his/her designated Agency/Office (such as the Office of Planning and Development) and, where necessary, be revised and readopted not less frequently than every three years.

§ 256.04 CNMI Plan Approval, Financial Assistance

§ 256.04(a)

The Administrator shall, within six months after a CNMI Plan has been submitted for approval, approve or disapprove the plan.

§ 256.05 Annual Work Program

§ 256.05(a)

The Annual Work Program submitted for financial assistance under section 4008(a)(1) and described in the grant regulations (40 CFR part 35) shall be reviewed by the Administrator in order to determine whether this CNMI Plan is being implemented by the CNMI. MN 35.104, 35.107.

§ 256.05(b)

The Administrator and the CNMI shall agree on the contents of the Annual Work Program. The Administrator will consider CNMI initiatives and priorities, in light of the goals of the Act, in determining annual work programs for each State. The annual work program represents a State's obligation incurred by acceptance of financial assistance.

§ 256.05(c)

Annual guidance for the development of the CNMI's work programs will be issued by EPA. While this guidance will establish annual national priorities, flexibility will be provided in order to accommodate differing State priorities.

§ 256.05(d)

The following documents developed under this CNMI Plan shall be included by reference in the annual work program:

- 1) Substate (CNMI municipality) solid waste management plans,
- 2) Plans for the development of facilities and services, including hazardous waste management facilities and services, and
- 3) Evidence of actions or steps taken to close or upgrade open dumps.

§ 256.05(e)

The annual work program shall allocate the distribution of Federal funds to agencies responsible for the development and implementation of this CNMI Plan.

Subpart B Identification of Responsibilities; Distribution of Funding

§ 256.10

§ 256.10 (a)

In accordance with sections 4003(1) and 4006 and the interim guidelines for identification of regions and agencies for solid waste management (40 CFR part 255), this CNMI Plan shall provide for:

- 1) The identification of the responsibilities of State and substate (municipal level) authorities in the development and implementation of this CNMI Plan;
- 2) The means of distribution of Federal funds to the authorities responsible for development and implementation of this CNMI Plan; and
- 3) The means for coordinating municipal-level planning and implementation.

§ 256.10(b)

Responsibilities in the CNMI shall be identified for the classification of disposal facilities for the inventory of open dumps.

(b) Title 65, Chapter 80 of the Northern Mariana Islands Administrative Code sets out requirements for solid waste disposal facilities. Any facilities that fail to satisfy these requirements are considered open dumps, and the use of open dumps is prohibited. NMIAC § 65-80-005. These regulations adopt the municipal solid waste landfill criteria from 40 CFR part 258 (1999) and the criteria for non-municipal non-hazardous waste disposal facilities that receive conditionally exempt small quantity generator (CESQG) waste from 40 CFR part 257 (1999).

§ 256.10(c)

Responsibilities shall be identified for development and implementation of the CNMI's regulatory program described in subpart C of this part.

Title 65, Chapter 80 of the Northern Mariana Islands Administrative Code contains the existing Solid Waste Management Regulations and are able to be amended by legislative act if regulatory changes are required.

§ 256.10(d)

Responsibilities shall be identified for the development and implementation of the CNMI's resource conservation and resource recovery program described in subpart D of this part.

2 CMC § 3511, et seq. authorizes BECQ to prepare a comprehensive solid waste management plan and to establish rules and regulations to provide for collection, disposal, and management systems for solid waste that will protect the health, safety, and welfare of the public and the environment of the Commonwealth. BECQ's Solid Waste Management Regulations are found in Title 65, Chapter 80 of the Northern Mariana Islands Administrative code.

§ 256.10(e)

State, substate and private sector responsibilities shall be identified for the planning and implementation of solid and hazardous waste management facilities and services.

§ 256.10(f)

Financial assistance under sections 4008(a) (1) and (2) shall be allocated by the CNMI to State and substate authorities carrying out development and implementation of this CNMI Plan. Such allocation shall be based on the responsibilities of the respective parties as determined under section 4006(b).

Subpart C Solid Waste Disposal Programs

§ 256.20

To comply with sections 4003 (2) and (3), this CNMI Plan assures that the State has adequate legal authority to prohibit the establishment of new open dumps and to close or upgrade existing open dumps. The prohibition of the establishment of new open dumps shall take effect no later than six months after the date of promulgation of the criteria or on the date of approval of this CNMI Plan, whichever is later.

Title 65, Chapter 80 of the Northern Mariana Islands Administrative Code sets out requirements for solid waste disposal facilities. Any facilities that fail to satisfy these requirements are considered open dumps, and the use of open dumps is prohibited. NMIAC § 65-80-005.

§ 256.21

§ 256.21(a-d)

To comply with section 4003(4), this CNMI Plan identifies State regulatory powers. Please see Attachment 3: BECQ Regulatory Powers.

These powers are adequate to enforce solid waste disposal standards which are equivalent to or more stringent than the criteria for classification of solid waste disposal facilities (40 CFR part 257). Such authority is as definitive as possible and clearly establish the means for compliance.

These powers include surveillance capabilities necessary to detect adverse environmental effects from solid waste disposal facilities. Such capabilities include access for inspection and monitoring by regulatory officials and the authority to establish operator monitoring and reporting requirements.

These powers make use of a permit program which ensures that the establishment of new open dumps is prohibited. Please see Attachment 2: BECQ Solid Waste Code.

These powers shall have administrative and judicial enforcement capabilities, including enforceable orders, fines or other administrative procedures, as necessary to ensure compliance.

BECQ

In accordance with the authority of the Commonwealth Solid Waste Management Act of Act, 1989, 2 CMC §§ 3511- 3521; the Commonwealth Environmental Protection Act (CEPA), 1982, 2 CMC §§ 3101-3134, and the Commonwealth Environmental Amendment Act (CEAA), 1999, PL 11-103 and Title 65-80, all new and existing solid waste activities and facilities failing to comply with the regulations and criteria in this title are prohibited. Facilities for the disposal of solid waste that fail to satisfy the requirements of this title are considered open dumps, and the use of open dumps is prohibited.

BECQ

Pursuant to § 65-80-138 Inspection (a) Representatives of DEQ, in accordance with the law, may enter and inspect a facility for the purpose of conducting inspection adequate to determine compliance with the solid waste management regulations including the terms of the permit.

(c) In accordance to § 65-80-005.

(d) In accordance to § 65-80-1001 Remedies for Violations.

§ 256.23

§ 256.23(a)

This CNMI Plan provides for the classification of existing solid waste disposal facilities according to the criteria. This classification shall be submitted to EPA, and facilities classified as open dumps shall be published in the inventory of open dumps. (a) In accordance to § 65-80-201 Municipal Solid Waste Landfill Criteria. All municipal solid waste landfill shall comply with the provisions of 40 CFR part 258 (1999).

§ 256.23(b)

This CNMI Plan provides for an orderly time-phasing of the disposal facility classifications described in paragraph (a) of this section. The determination of priorities for the classification of disposal facilities is based upon:

- (1) Based on § 3515 Department of Public Health and Environmental Services; Powers and Responsibilities,
- (2) 2 CMC 3131, authorizing enforcement actions,
- (3) Pursuant to Chapter 65-80, CNMI's Solid Waste Management Regulations and EPA's Notice of final determination of CNMI's RCRA Subtitle D program.

§ 256.23(c)

For each facility classified as an open dump the CNMI will take steps to close or upgrade the facility. Evidence of that action shall be incorporated by reference into the annual work program and be made publicly available. When the CNMI's actions concerning open dumps are modified, the changes shall be referenced in subsequent annual work programs. See Attachment 19 Timeline for Open Dump Closure.

§ 256.23(d)

In providing for the closure of open dumps the CNMI will take steps necessary to eliminate health hazards and minimize potential health hazards. These steps shall include requirements for long-term monitoring or contingency plans where necessary. See Attachment 19 Timeline – for Open Dump Closure.

§ 256.26

Requirement for schedules leading to compliance with the prohibition of open dumping.

In implementing the section 4005(c) prohibition on open dumping, this CNMI Plan provides that any entity which demonstrates that it has considered other public or private alternatives to comply with

the prohibition on open dumping and is unable to utilize such alternatives to so comply, may obtain a timetable or schedule for compliance which specifies a schedule of remedial measures, and an enforceable sequence of actions, leading to compliance within a reasonable time (not to exceed 5 years from the date of publication of the inventory).

Subpart D Resource Conservation and Resource Recovery Programs

§ 256.30

§ 256.30(a)

In order to comply with sections 4003(2) and (6) as they pertain to resource conservation and recovery, this CNMI Plan provides for a policy and strategy for encouragement of resource recovery and conservation activities. Please See Attachment 5 – CNMI Comprehensive Sustainable Development Plan and Section D – 5-year Integrated Solid Waste Action Plan.

§ 256.30(b)

In order to comply with section 4003(5), CNMI rules provide that no local government within the State is prohibited under State or local law from entering into long-term contracts for the supply of solid waste to resource recovery facilities.

Subpart E Facility Planning and Implementation

§ 256.40

In order to comply with section 4003(6), this CNMI Plan identifies current and future resource conservation, recovery, storage, treatment and disposal facilities and practices necessary to use or dispose of solid and hazardous waste in an environmentally sound manner. Please see Section D – 5-year Integrated Solid Waste Action Plan.

Subpart F Coordination with Other Programs

For another example of inter-agency coordination, please See Attachment 9 – CNMI “One Start” Commercial Permit Application”.

The One-Start Permit ensures proper coordination and collaboration between agencies Division of Coastal Resource Management, Division of Environmental Quality, Division of Fish and Wildlife, and the Historic Preservations Office. Prior to obtaining the One-Start Permit, an applicant must first get clearance or a permit from the Zoning Office. Through the One-Start process and based on the applicant's proposed activity, respective agencies will determine

general or specific conditions which will be added to a permit document. The One-Start process also help agencies achieve good and effective communication to ensure regulation compliance from clients while providing a quicker permitting process that result in client satisfaction. Once a permit is issued to a client, each agency will be responsible to ensure that their respective conditions on the permit are met; this is done through visual site inspections.

§ 256.50

§ 256.50(a)

Section 4003(1) requires the CNMI's Solid Waste Management Plan to identify means for coordinating regional planning and implementation under this CNMI Plan. Section 1006 requires the Administrator to integrate all provisions of this Act (including approval of CNMI Plans) with other Acts that grant regulatory authority to the Administrator in order to prevent duplication of administrative and enforcement efforts. In order to meet these requirements:

As detailed in the background information in the introduction of this plan, administratively, the CNMI is divided into four municipalities each with an elected Mayor:

- Saipan,
- Tinian with uninhabited Aguiguan,
- Rota, and
- The Northern Islands

The CNMI Department of Public Works (DPW) is directed by the Secretary of Public Works. The CNMI DPW has the regulatory authority to operate permitted solid waste management facilities on Saipan, Tinian, and Rota. The Mayors of Tinian and Rota appoint the Resident Director of Public Works in their municipalities.

The Office of Planning and Development (OPD) is the CNMI's main government office for guiding and coordinating regional planning. The 2021-2030 CNMI Comprehensive Sustainable Development Plan (CSDP) includes goals for solid waste management that include the creation of this plan and a target of diverting 50% of the CNMI's recyclables and compostables away from the CNMI's landfills and towards sustainable systems.

The CNMI Planning and Development Advisory Council (PDAC) is the guiding and decision-making body for OPD-facilitated review and adoption of plans, as well as an information sharing and coordination platform for projects, and initiatives. Its membership comprises of representatives from the CNMI's government offices that oversee areas of interest such as critical CNMI infrastructure, economic development, the environment, and the tourism industry,

among others. They review all plans in accordance with Public Law 20-20 to support incorporation of planning updates into the long-term CSDP.

The CNMI Inter-Island Solid Waste Management Taskforce (ISWMT) oversees the permitting, planning, implementation, and regulation of the CNMI's critical solid waste infrastructure investments and initiatives. Its members include representatives from the Bureau of Environmental and Coastal Quality, DPW, EPA, the Offices of the Mayors of the Northern Islands, Saipan, Tinian, and Rota, and OPD. Together this taskforce continues to support project identification and implementation.

§ 256.50(b)

The CNMI Solid Waste Management permitting program provides for coordination with programs under section 208 of the Clean Water Act, as amended (33 U.S.C. 1288). In identifying agencies for solid waste management planning and implementation, the CNMI reviews the solid waste management activities being conducted by water quality planning and management agencies designated under section 208 of the Clean Water Act. Where feasible, identification of such agencies should be considered during the identification of responsibilities under subpart B of this part. Where solid waste management and water quality agencies are separate entities, necessary coordination procedures shall be established.

The CNMI Department of Public Works (DPW) is directed by the Secretary of Public Works. The CNMI DPW has the regulatory authority to operate permitted solid waste management facilities on Saipan, Tinian, and Rota. The Mayors of Tinian and Rota appoint the Resident Director of Public Works in their municipalities.

Water quality and relevant standards under the Clean Water Act (CWA) are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ). BECQ is a regulatory agency providing environmental oversight and compliance within the CNMI.

Specific to CWA Section 208(i), which authorizes the Service to provide technical assistance to States in developing management practices as part of its water pollution control programs and to continue with the National Wetlands Inventory, coordination of wetland management planning efforts continues to be a priority of the CNMI's Department of Lands and Natural Resources, BECQ, OPD, and other relevant partners such as the Department of Public Lands, Office of Grants Management, and municipal representatives. These planning efforts are led by the Natural Resources Planning Taskforce of the OPD-facilitated PDAC. The PDAC and "All Planning Taskforces" meet at least quarterly and as needed to review plans and support and share information on management priorities.

§ 256.50(c)

The CNMI Solid Waste Management permitting program provides for coordination the National Pollutant Discharge Elimination System (NPDES) established under section 402 of the Clean Water Act, as amended (33 U.S.C. 1342). The issuance of State facility permits and actions taken to close or

upgrade open dumps shall be timed, where practicable, to coordinate closely with the issuance of a new or revised NPDES permit for such facility.

The CNMI Department of Public Works (DPW) is directed by the Secretary of Public Works. The CNMI DPW has the regulatory authority to operate permitted solid waste management facilities on Saipan, Tinian, and Rota. The Mayors of Tinian and Rota appoint the Resident Director of Public Works in their municipalities.

Water quality and relevant standards under the Clean Water Act (CWA) are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ). BECQ is a regulatory agency providing environmental oversight and compliance within the CNMI.

Through the Inter-Island Solid Waste Management Taskforce (ISWMT) close coordination between DPW and BECQ is ongoing.

§ 256.50(d)

The CNMI Solid Waste Management permitting program provides for coordination with activities for municipal sewage sludge disposal and utilization conducted under the authority of section 405 of the Clean Water Act, as amended (33 U.S.C. 1345), and with the program for construction grants for publicly owned treatment works under section 201 of the Clean Water Act, as amended (33 U.S.C. 1281).

The Commonwealth Utility Corporation (CUC) is an autonomous agency and has responsibility for providing electricity, water, and waste-water management in the CNMI. CUC operates two permitted wastewater treatment plants on the island of Saipan, Sadog Tasi (5.2 million gallons per day capacity) and Agingan (3.0 million gallons per day capacity).

Water quality and relevant standards under the Clean Water Act (CWA) are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ).

Regular meetings of the Inter-Island Solid Waste Management Taskforce (ISWMT) as well as the PDAC and Planning taskforces ensure close planning coordination.

§ 256.50(e)

The CNMI Solid Waste Management permitting program provides for coordination with State pretreatment activities under section 307 of the Clean Water Act, as amended (33 U.S.C. 1317).

Specifically, CWA Section 307(b) requires pretreatment standards for toxic pollutants discharge to publicly owned treatment works which pollutants are determined not to be susceptible to treatment or which interfere with the treatment works or sludge disposal. Water quality and relevant standards under the Clean Water Act (CWA) are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ).

The Commonwealth Utility Corporation (CUC) is an autonomous agency and has responsibility for providing electricity, water, and waste-water management in the CNMI. CUC operates two permitted wastewater treatment plants on the island of Saipan, Sadog Tasi (5.2 million gallons per day capacity) and Agingan (3.0 million gallons per day capacity).

Regular meetings of the Inter-Island Solid Waste Management Taskforce (ISWMT) as well as the PDAC and Planning taskforces ensure close planning coordination.

§ 256.50(f)

The CNMI Solid Waste Management permitting program provides for coordination with agencies conducting assessments of the impact of surface impoundments on underground sources of drinking water under the authority of section 1442(a)(8)(C) of the Safe Drinking Water Act (42 U.S.C. 300j-1).

Underground source water protection and relevant standards under the Safe Drinking Water Act (SDWA) are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ). Regular meetings of the Inter-Island Solid Waste Management Taskforce (ISWMT) as well as the PDAC and Planning taskforces ensure close planning coordination.

§ 256.50(g)

The CNMI Solid Waste Management permitting program provides for coordination with State underground injection control programs (40 CFR Parts 122, 123, 124, and 146) carried out under the authority of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and with the designation of sole source aquifers under section 1424 of that Act.

Underground injection control and relevant standards under the Safe Drinking Water Act (SDWA) are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ). Regular meetings of the Inter-Island Solid Waste Management Taskforce (ISWMT) as well as the PDAC and Planning taskforces ensure close planning coordination.

§ 256.50(h)

The CNMI Solid Waste Management permitting program provides for coordination with State implementation plans developed under the Clean Air Act (42 U.S.C. 7401 et seq.; incineration and open burning limitations; and, State implementation plan requirements impacting resource recovery systems).

Air quality regulations and relevant standards under the Clean Air Act are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental

Quality (DEQ). Regular meetings of the Inter-Island Solid Waste Management Taskforce (ISWMT) as well as the PDAC and Planning taskforces ensure close planning coordination.

§ 256.50(i)

The CNMI Solid Waste Management permitting program provides for coordination with the Army Corps of Engineers (USACE) permit program (or authorized State program) under section 404 of the Clean Water Act, as amended (33 U.S.C. 1344) for dredge and fill activities in waters of the United States.

Permitting coordination with the USACE under Section 404 of the Clean Water Act for dredge and fill activities in waters of the US is coordinated through BECQ-DEQ for water quality certification.

§ 256.50(j)

The CNMI Solid Waste Management permitting program provides for coordination with the Office of Endangered Species, Department of the Interior, to ensure that solid waste management activities, especially the siting of disposal facilities, do not jeopardize the continued existence of an endangered or threatened species nor result in the destruction or adverse modification of a critical habitat. Permitting coordination regarding impacts to endangered or threatened species or critical habitat is led by the CNMI's Department of Lands and Natural Resources (DLNR). The DLNR's Division of Fish and Wildlife reviews all development permits including for solid waste management facility siting.

§ 256.50(k)

The CNMI Solid Waste Management permitting program provides for coordination, where practicable, with programs under:

- 1) The Toxic Substances Control Act (15 U.S.C. 2601 et seq.; disposal of chemical substances and mixtures).

Regulations and relevant standards under the Toxic Substances Control Act are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ).

- 2) The Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 1362 et seq.; disposal and storage of pesticides and pesticide containers).

Regulations and relevant standards under the Federal Insecticide, Fungicide and Rodenticide Act are overseen at the state level by the CNMI Bureau of Environmental and Coastal Quality's (BECQ) Division of Environmental Quality (DEQ).

- 3) The Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1420 et seq.; disposal in ocean waters).

Regulations and relevant standards specific to disposal in ocean waters under the Marine Protection, Research and Sanctuaries Act are overseen as applicable at the state level by the CNMI Bureau of Environmental and Coastal Quality (BECQ).

§ 256.50(l)

The CNMI Solid Waste Management permitting program participants are encouraged to coordinate, where practicable, with programs of other Federal agencies, including:

- 1) Department of the Interior.
 - (i) Fish and Wildlife Service (wetlands),
 - (ii) Bureau of Mines and Office of Surface Mining (mining waste disposal and use of sludge in reclamation), and
 - (iii) U.S. Geological Survey (wetlands, floodplains, ground water);
- 2) Department of Commerce, National Oceanic and Atmospheric Administration (coastal zone management plans);
- 3) Water Resources Council (floodplains, surface and ground waters);
- 4) Department of Agriculture, including Soil Conservation Service (land spreading solid waste on food chain croplands);
- 5) Federal Aviation Administration (locating disposal facilities on or near airport property);
- 6) Department of Housing and Urban Development (701 comprehensive planning program, flood plains mapping);
- 7) Department of Defense (development and implementation of State and sub-CNMI Plans with regard to resource recovery and solid waste disposal programs at various installations);
- 8) Department of Energy (State energy conservation plans under the Energy Policy and Conservation Act (42 U.S.C. 6321)); and
- 9) Other programs.

§ 256.50(m)

This CNMI Plan provides for training, where practicable, with other organizations' solid waste management teams in neighboring territories.

The ISWT meets monthly to discuss planning and implementation needs as well as share lessons learned and training opportunities. In 2023, a regional listserv was created to support additional information sharing, as detailed further in the "community outreach" section of this plan.

Subpart G Public Participation

§ 256.60

§ 256.60(a)

The CNMI planning agencies will:

- 1) Maintain a current list of agencies, organizations, and individuals affected by or interested in the plan, which shall include any parties that request to be on the list, the owner or operator of each facility classified as an open dump and any other parties which the State determines to be affected by or interested in the plan;
 - a. Please see Attachment 7 – "Public Participation Work Plan"
- 2) Provide depositories of relevant information in one or more convenient locations; and
 - a. Please see Attachment 7 – "Public Participation Work Plan"
- 3) Prepare a responsiveness summary, in accord with 40 CFR 25.8, where required by this subpart or by an approved public participation work plan, which describes matters on which the public was consulted, summarizes the public's views, and sets forth the agency's response to the public input.
 - a. Please see Attachment 7 – "Public Participation Work Plan"

§ 256.60(b)

CNMI planning agencies will provide information and consult with the public on plan development and implementation. Provision of information and consultation shall occur both early in the planning process (including the preparation and distribution of a summary of the proposed plan) and on major policy decisions made during the course of plan development, revision and implementation. To meet this requirement, planning agencies shall:

- 1) Publicize information in news media having broad audiences in the geographic area;
- 2) Place information in depositories maintained under paragraph (a)(2) of this section;

- 3) Send information directly to agencies, organizations and individuals on the list maintained under paragraph (a)(1) of this section; and
- 4) Prepare and make available to the public a responsiveness summary in accord with 40 CFR 25.8.

Please see Attachment 7 – “Public Participation Work Plan”

§ 256.60(c)

CNMI Planning agencies will conduct public hearings (and public meetings, where the agency determines there is sufficient interest) in accord with 40 CFR 25.5 and 25.6. The purpose of the hearings and meetings is to solicit reactions and recommendations from interested or affected parties and to explain major issues within the proposed plan. Following the public hearings, a responsiveness summary shall be prepared and made available to the public in accord with 40 CFR 25.8.

Please see Attachment 7 – “Public Participation Work Plan”

[§ 256.61](#)

§ 256.61(a)

A public participation work plan in accord with 40 CFR 25.11 shall be included in the annual CNMI Work Plan.

Please see Attachment 7 – “Public Participation Work Plan”

§ 256.61(b)

The CNMI will consult with the public in the development of the annual work program. One month prior to submission of the draft work program to the Regional Administrator, as required by 40 CFR part 35, the draft work program will be made available to the public at the State information depositories maintained under § 256.60(a)(2). The public will be notified of the availability of the draft work program, and a public meeting will be held if the planning agency determines there is sufficient interest.

Please see Attachment 7 – “Public Participation Work Plan”

§ 256.61(c)

The CNMI will attempt to comply with the requirements of Office of Management and Budget Circular No. A-95. (NOTE: OMB Circular A-95 was revoked in compliance with Executive Order 12372. - <https://www.govinfo.gov/content/pkg/FR-1996-02-20/pdf/96-3221.pdf>).

§ 256.61(d)

Copies of the final work program will be placed in the State information depositories maintained under § 256.60(a)(2).

All approved plans and reports will be posted at OPD's resources library at opd.gov.mp. Copies will be maintained by DPW and the Mayors Offices for reference and regular review and revision as needed.

§ 256.63

§ 256.63(a) & (b)

Before approving a permit application (or renewal of a permit) for a resource recovery or solid waste disposal facility the CNMI shall hold a public hearing to solicit public reaction and recommendations on the proposed permit application if the State determines there is a significant degree of public interest in the proposed permit. This hearing shall be held in accord with 40 CFR 25.5.

See BECQ permit requirements/CNMI Code

§ 256.64

§ 256.64(a)

The CNMI will provide an opportunity for public participation prior to submission of any classification of a facility as an open dump to the Federal Government. The CNMI shall accomplish this by providing notice as specified in § 256.64(b) or by using other administrative procedures which provide equivalent public participation.

§ 256.64(b)

The CNMI may satisfy the requirement of § 256.64(a) by providing written notice of the availability of the results of its classifications to all parties on the list required under § 256.60(a)(1) at least 30 days before initial submission of these classifications to the Federal Government. For those parties on the list required under § 256.60(a)(1) who are owners or operators of facilities classified as open dumps, such notice shall indicate that the facility has been so classified.