

# **Tinian Solid Waste Management Campus Siting Criteria and Site Selection**

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## I. Purpose Statement:

The purpose or goal of this short report is to document and identify the events, studies, reports, assessments, logic, planning, designs, conversations, emails, and similar work that has influenced siting solid waste management facilities on the Municipality of Tinian and Aguigan particularly landfills. Additionally, this report has a purpose to show how Atgidon was selected as the site for a solid waste campus – and the particular 30–40-acre piece of ground that meets federal, state, and municipal siting criteria.

Please note that it is not the intention of this plan to purposely leave out or dismiss a key document, conversation, memo, meeting, etc. Over the last 20 years there have been many forms of communication that have collectively worked to influence solid waste management operations and solid waste management facilities on Tinian. The attached documents are only samples of documents that have helped not only identify possible ground for a solid waste campus but to evaluate that ground for suitability.

## II. Local Place Names and Associated Map(s):

Please see Attachment A (Tinian Map with Local Place Names).

- Atgidon Area
- Masalok Area
- Carolina Heights Area
- Pina Ridge Area
- Puntan Diablo Area
- San Jose

## III. Current Conditions:

Currently, the Puntan Diablo dump site is an open dump.

The CNMI Inter- Island Solid Waste Management Plan (Plan) is a 5-year plan developed in part via guidance on 40 CFR 256 (and CNMI Code X). This Plan is expected to be approved by USEPA by the Summer of 2024. This Plan is required by Federal law to describe the timeline for closure of open dumps (sometime within the 5-year planning cycle, or by the Summer of 2029).

As of October of 2023, the Atgidon area (which is in the military leaseback area) continues to be the selected ground for a solid waste management campus with landfill and waste wastewater treatment facilities. The new landfill at Atgidon would be a small community exempt landfill (SCEL). This property

is an undeveloped parcel and is expected to take 7-10 years to complete and to prepare it to receive waste. This timeline for the development of the Atgidon SCEL exceeds the 5-year solid waste planning cycle.

The DoD's Exclusive Military Use Area and the Leaseback Area creates for Tinian leadership unique considerations for future land development within the non-leased areas of the municipality. The land which is both suitable for development and controlled by the Municipality of Tinian and Aguigan is very limited. The military Leaseback Area and the Military Exclusive Use Area consist of 7,779 acres and 7,574 acres respectively. The entire island of Tinian is about thirty-nine square miles or 24,960 acres. The military has access to 15,353 total acres leaving the municipality with approximately 9,600 acres.

## IV. The Impact of External and Internal Events:

The leadership of Tinian has had a consistent vision for solid waste management in their municipality for approximately 20 years. This report documents discussions and policies for solid waste management facilities in the military Leaseback Area reaching back to 2005.

Individuals unfamiliar with events taking place on or influencing Tinian might see the “starts, stops, and re-starts” of solid waste infrastructure development being the result of “wishy washy” politicians or some other related conception.

Significant changes in US Federal policies such as Department of Defense land use, immigration and investment policy changes, super typhoons, and a global pandemic have all been outside of the municipality's control and have had a significant impact shaping the Tinian economy, the Tinian population, and Tinian solid waste management planning. Additionally, major economic development initiatives that are within the municipality's control have also impacted solid waste management planning and infrastructure.

As isolated variables, each one of the events would have been significant. But the timing (which was often overlapping), the duration, and the unique “compounded damage” from a series of events exacerbated the individual impacts. Solid waste planning and solid waste infrastructure development, particularly landfills are not the only areas within the Municipality of Tinian's purview impacted. (Some of these impactful events are listed in **Attachment B – Timeline.**)

As of October 2023, many of these impactful events are “in the rearview mirror”, although not entirely forgotten, and still maintaining influence on Tinian. Despite the various setbacks, the leadership of Tinian continues to pursue a vision for a solid waste management campus in the military Leaseback Area particularly in the Atgidon area.

## V.

## VI. Landfill Siting Criteria:

### **FEDERAL**

Federal requirements for landfills are found in 40 CFR Parts 257 and 258, solid waste planning is found in 40 CFR 256 (which is a requirement to receive grants from USEPA).

Part 257 involves Criteria for Classification of Solid Waste Disposal Facilities and Practices.

Part 258 involves criteria for solid waste landfills including a host of rules for operations, design criteria, monitoring, closure and post closure care, financial assurance, etc.

There are many other pieces of Federal code that are referenced with these three Subparts including other rules, definitions, and standards.

### **STATE**

CNMI rules at Chapter 65-80 (Solid Waste Management Regulations) adopt 40 CFR 257 and Part 258 in their entirety (see § 65-80-201 and § 65-80-301), this adoption of these Parts brings with it the cross references to other Parts in 40 CFR mentioned above.

### **MUNICIPAL**

Municipal regulations, land use designations, and policies can be more restrictive than State or Federal rules. These municipal rules and/or policies might affect how and where the community allows and/or permits solid waste management facilities. Municipal solid waste facility siting criteria will often require local (“micro-economic”) considerations that utilize local site characteristics and local site development plans.

## VII. An “Early” Mention of Using the Leaseback Area for Solid Waste

A Memorandum of Understanding between the CNMI government and DOD was signed on May 5, 2005. This MOU discussed, among other topics, a proposed partial termination of Tinian Leasehold Interest and release process. Included in the MOU content was co-locating wastewater treatment facility with a proposed landfill in the Leaseback Area. See Attachment C for a copy of the MOU describing terms of a lease amendment process and a map of the proposed solid waste management campus area in Atgidon. It appears this MOU was a result of negotiations and discussions that took place after the DoD lease expired on Tinian in 2004 (which was temporarily extended on a month-to-month basis).

[A July 2009 letter from Rear Admiral W. D. French to Governor. Fitial acknowledges that the 05/05 MOU was still in effect.]

## VIII. Exclusion of Possible Sites

The exclusion of parcels of land in Tinian as possible landfill sites is a combination of siting criteria as established at the federal, state, and municipal levels. Municipalities may use various policies, rules, agreements, zoning, plans, etc. to designate the use of land. Additionally, events such as pandemics, economic shifts, population shifts, and weather-related emergencies can impact solid waste management facility site selection too (as previously discussed). F

The following sections are not in temporal order (the oldest reports may not be listed first; and the more recent reports may not be listed last).

This Section entitled “Exclusion of Possible Sites” 4 Subsections:

- Why not Carolinas?
- Why not Pina?
- Why Atgidon?
- Why not Puntan Diablo?

Each of these Subsections have their own reports, studies, agreements, plans, etc.

Some reports like the 2014 ACOE Solid Waste Study have a scope of work that encompassed the entire island and is therefore a good starting point for this report. The Department of Public Land has Public Land use Plans which is also a good place to review early in this report.

*Please note that many reports are identified in the following sections, key reports are in this report as digital attachments as some of the attached documents are over nine hundred pages long.*

### **2014 ACOE Solid Waste Study**

The Commonwealth of the Northern Mariana Islands Joint Military Training Solid Waste Study was completed in August 2014 by the Department of the Navy Naval Facilities Engineering Command, Pacific (NAVFAC).

*As stated in Appendix B, “This Landfill Siting Study for a potential new MSWLF on Tinian was prepared under Naval Facilities Engineering Command Pacific contract N62742-11-D-1801, Task Order Number (No.) 0002, as a stand-alone appendix to the solid waste planning volume supporting the CNMI Joint Military Training (CJMT) proposed action for United States (U.S.) military activities on Tinian and Pagan.”*

The 2014 ACOE report body has an excellent executive summary containing helpful background information.

The 2014 ACOE study also has an excellent summary of the federal code specific to siting a landfill (see **Chapter 2 – Regulations and Guidance Documents**). Chapter 2 subsection 2.2 lists Other Pertinent Criteria as source water protection, tsunami inundation areas, and nuisance hazards.

***Subsection 2.2 of the 2014 ACOE study does not appear to address state and municipal ordinances, rules, and/or land use plans.***

The 2014 ACOE report provides clear maps of avoidance areas like the one below (see Figure 1 showing the required 200-foot buffer from fault lines).

Figure 2 is another example of the maps in the 2014 ACOE Study. Figure 2 shows the combined avoidance areas of federally recognized landfill siting criteria. At the time of this plan’s development in 2014, the military’s Leaseback Area was not available as a landfill location, therefore the Leaseback Area is colored red as an excluded geographic feature.

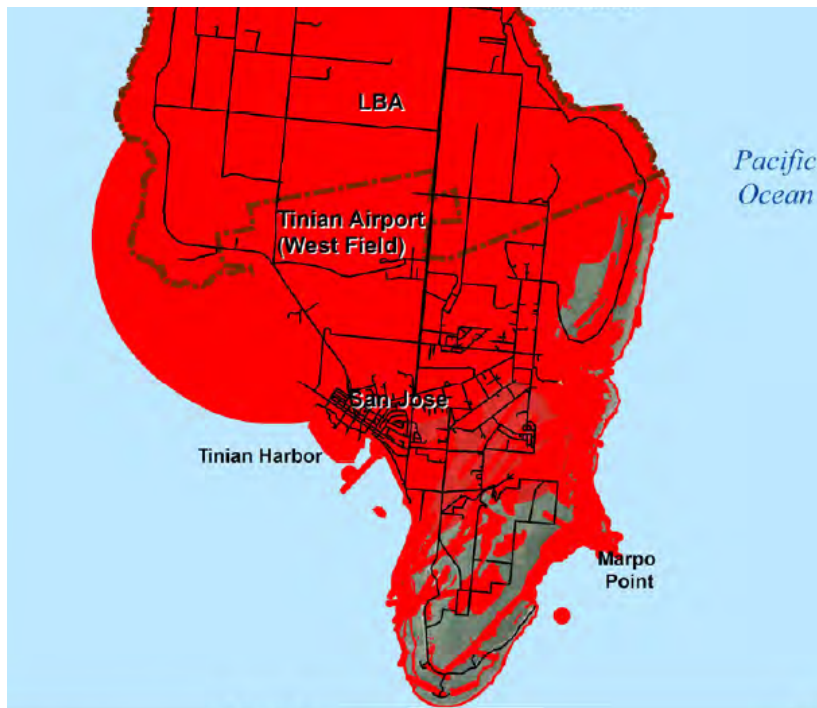
From Section 3.1 of the 2014 ACOE Study, *“The scope and purpose of this siting study include the consideration of sites that are not constrained by the proposed training ranges on Tinian. Therefore, all areas within the MLA (Figure 3.16-1) are excluded from siting the MSWLF.”* Using Figure 2, it is possible to identify Piña Ridge to the east and the Carolina Heights area to the south. *[These training ranges were modified in the second version of the Commonwealth Joint Military Training as “CJMT V2” presented to the public August 2023].*

This August 2014 NAVFAC study link is in Attachment D.

Figure 1: Screenshot of Map Showing 200-foot Buffer from Fault Lines



Figure 2: Screenshot of Map Showing All Combined Avoidance Areas



Chapter 5 “Next Steps” of the NAVFAC Study began with the following statement, “As a Next Steps *If* the two sites (**Carolinas and Piña**) are considered acceptable to the CNMI government, business interests, and the U.S. military, the next step would involve the following tasks:” The following tasks listed in section 5.1-5.4 of the NAVFAC study included:

- Preliminary Engineering Evaluation,
- Conceptual Schematics and Engineering Data Estimates,
- Planning-Level Cost Estimates, and Site Operation Cost Estimates.

The NAVFAC STUDY showed that engineering evaluations/assessments and conceptual designs would come before and set the stage to develop cost estimates.



## Why Not Carolinas Area (AKA Carolina and Carolinas Heights)?

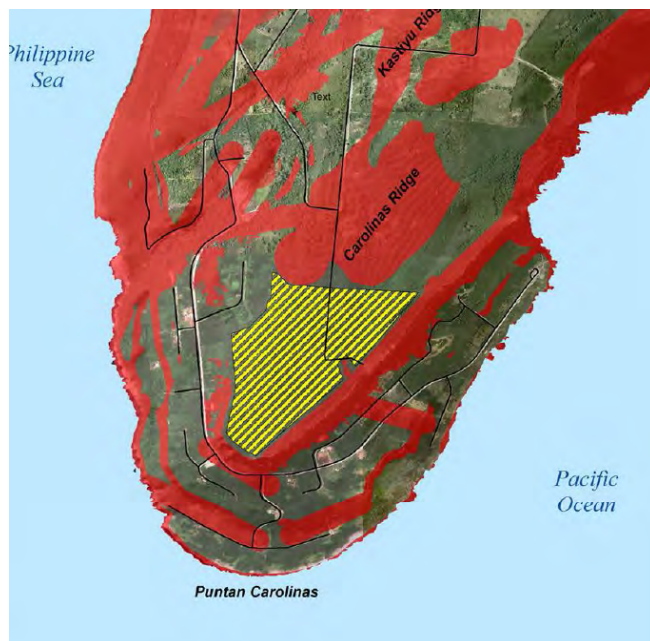
### 2014 ACOE Report

The 2014 ACOE report provided maps of possible Carolinas landfill areas near the Puntan Carolinas using the criteria described in Chapter 2.

The 2014 ACOE report also provided maps of possible Carolinas landfill areas near the Puntan Carolinas using a second tier of siting (more localized criteria) specifically land ownership, land designation, elevation change (mean slope), soil composition, and accessibility (see Figure 3).

As an additional tier of landfill siting, the 2014 ACOE report did not appear to review existing land designations such as local homestead sites, wildlife conservation areas, and commercial development potential. It was the location of homestead sites, proximity to wildlife refuge areas, and commercial development potential as local siting criteria/factors that played significant factors in the local identification of the Carolinas area as an unacceptable location for a solid waste management campus (landfill and wastewater treatment).

Figure 3: Screenshot of Map Showing Combined Avoidance Area with Possible Landfill Site in the Carolinas (2014 ACOE Report)



## Department of Public Lands

The following excerpt was taken from the ***CNMI Comprehensive Public Land Use Plan Update for Rota, Tinian, Saipan, and the Northern Islands***, prepared by the Department of Public Lands, Commonwealth of the Northern Mariana Islands, March 2019.

*“Senate Bill 14-44 was passed in 2004 to reserve areas of public lands on the island of Tinian that are suitable for village and/or agricultural homesteads, specifically the Kastiyu and [Carolinas areas](#); and for other purposes. This area has been identified on the Future Land Use Map. (See: Figure No. T-10).*

*Public Law 17-12 was passed in 2010 to designate public land on the island of Tinian for homestead purposes. Additionally Public Law 19-85 was passed in 2017 to establish a new public highway (Route 205) that would provide vehicular access to the future Kastiyu homestead area and provide multiple connections to the existing roadway network on Tinian.*

*In Tinian as of January 2019 the total deeded Agricultural homesteads were 384 lots and Village homesteads were 528. The total permitted Agricultural homesteads was 0 lots and Village homesteads was 0. Homestead lots that have been “permitted” must go through a two (2) year probation period before the lot is “deeded”. The size of a village homestead lot does not exceed 1,000 square meters and the agricultural homestead lot does not exceed 10,000 square meters (1 hectare).”*

Parcel level maps from the Department of Public Lands retrieved in late 2021 shows two additional/alternate sites for landfills in the Carolinas area (see Figure 4 and Figure 5 for DPL plat maps with zoomed insets).

Figure 4 shows DPL records with a potential landfill site as a shaded parcel in brown along the western shore of Carolinas .

**NOTE: This site on the western side of the Carolinas area does not appear to be vetted like sites in the 2014 ACOE report (Chapter 2 and 3). Chapter 2 and 3 specifically identified the review of geography through federally recognized landfill siting criteria such as fault lines, tsunami inundation area, known threatened species habitat). Chapter 2 and 3 also review more local criteria specifically elevation change (mean slope), soil composition, and accessibility. The 2014 ACOE report appears to have negated this western site shown in the DPL plat maps using Federal landfill siting criteria.**



Figure 4: Screenshot of DPL Plan Map (with Inset) Showing Parcel Level Data with a Proposed 16 hectare site in the Western Shore of the Carolina Area (DPL Records)

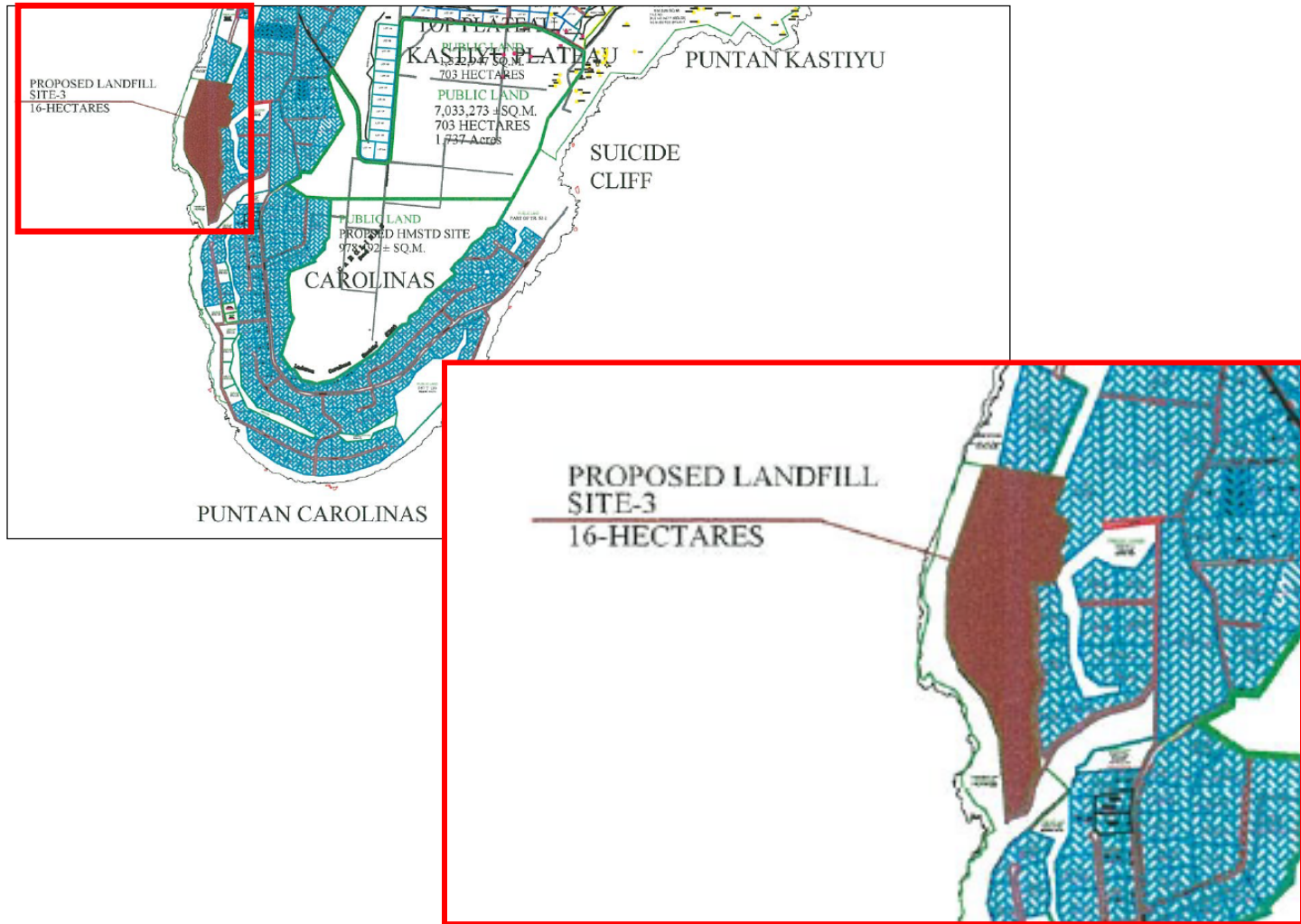
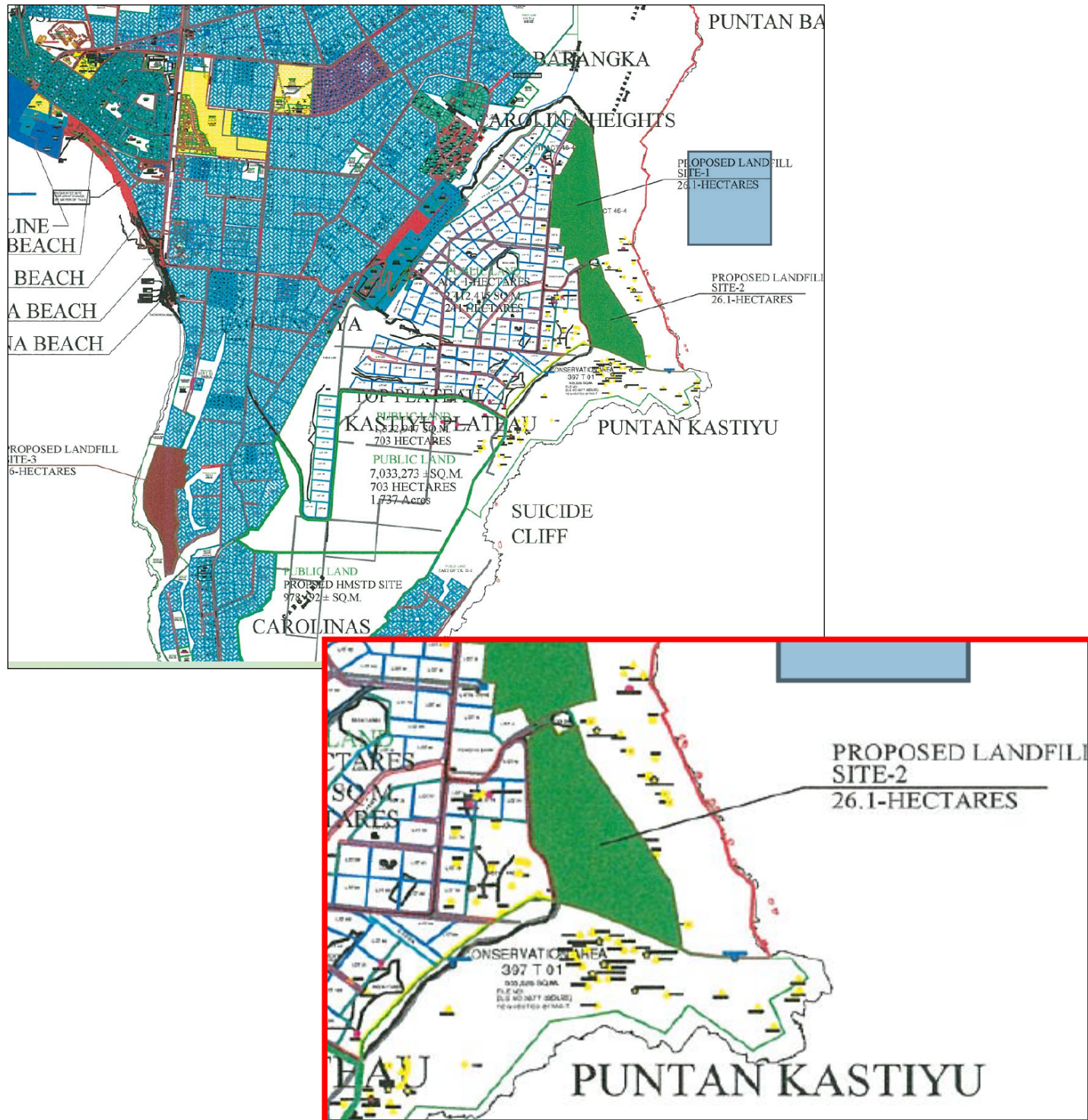


Figure 5: Screenshot of DPL Plan Map Showing Parcel Level Data with Two Proposed Sites in Eastern area of the Carolin Heights (DPL Records)



It is apparent that the two potential landfill sites shaded green in Figure 5 (along the eastern shore) are next to private lots and conservation areas.

**NOTE: These sites in Figure 5 do not appear to be vetted like sites in the 2014 ACOE report using federally recognized landfill siting criteria such as fault lines, potential landslide area, elevation change, or ecological and special status species zones nor more local criteria specifically elevation change (mean slope), soil composition, and accessibility. The 2014 ACOE report appears to have negated these sites using Federal landfill siting criteria.**

### Why Not Piña Ridge (Piña)?

The 2014 ACOE report provided maps of possible Piña solid waste management campus areas using federal criteria and a second tier of siting criteria specifically land ownership, land designation, elevation change (mean slope), soil composition, and accessibility (see Figure 6).

As an additional tier of landfill siting, the 2014 ACOE report *did not* review historical land use including WWII military revetments used for munitions of explosive concern. Piña is well known locally as an Army Air Corp ordnance storage facility area – the revetments are still visible using Google Earth.

Because MEC is known locally as a concern in this area, several studies were completed in the Piña area to see if a solid waste management campus could be sited. These are some of the reports:

- **November 2008 AMPRO Unexploded Ordnance Survey for proposed landfill site**
- **June 2017 APEC Phase II Environmental Site Assessment and UXO Survey Report; Piña Ridge, Former Munitions Storage Depot, Tinian**
- **2016 and 2017 Phase I and II ESAs performed for the Site by EA Engineering, Science, and Technology, Inc.**

The work in Piña studies culminated with the **April 2023 Toereck/Tetra Tech Phase II Environmental Site Assessment, Piña-Proposed Landfill Site (Contract No. 68HERH19D0018; Task Order No. 68HE0920F0007)**. See Figure 7 for a screen shot of an example map showing Magnetometer Digital Geophysical Mapping Survey Results taken from the April 2023 Toereck report.

This 900-page Phase II report included clean-up cost estimates by Toereck. Prices just for MEC-related clean up (not landfill design or landfill construction) ranged in prices from \$65.5 million to \$216.7 million.

It is generally considered to be a very expensive site to prepare for a solid waste management campus. And it is generally agreed that develop of Piña would likely take much longer to develop than a solid waste management campus in the Military Leaseback Area.

Figure 6: Screenshot of Map Showing Possible Piña Solid Waste Management Campus

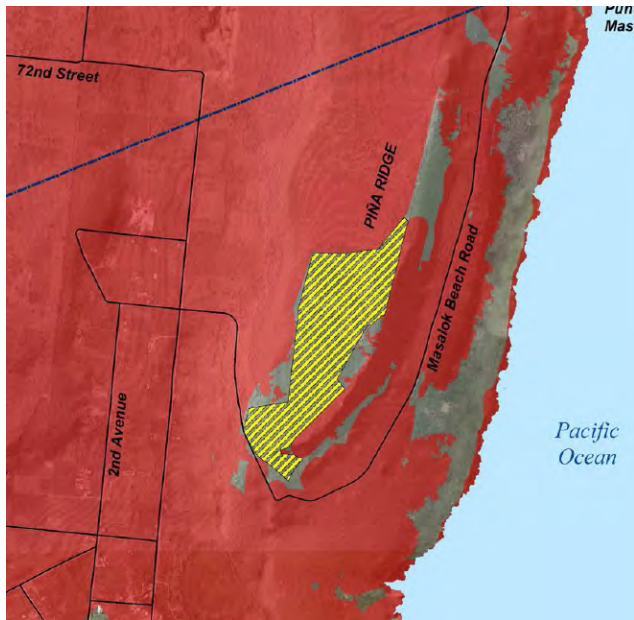
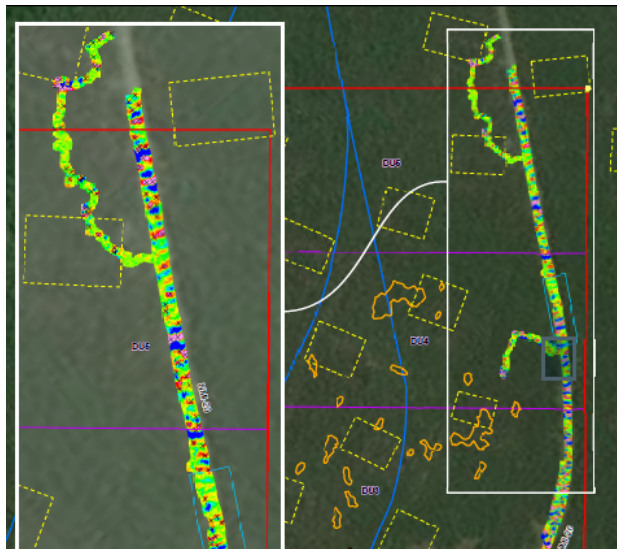


Figure 7: Screenshot of Map Showing Magnetometer Digital Geophysical Mapping Survey Results (North) at Piña



## Why Atgidon? (What Ground is Left for a Landfill Campus?)

### Siting Criteria

***U.S Army Corps of Engineers Comprehensive Study of Tinian Landfill February 5, 2004 (Task Order Number 0068, U.S. Army Engineer District, Honolulu Contract Number DACA83-00-D-0012)*** was Prepared by Wil Chee in March 2005 (see Attachment E).

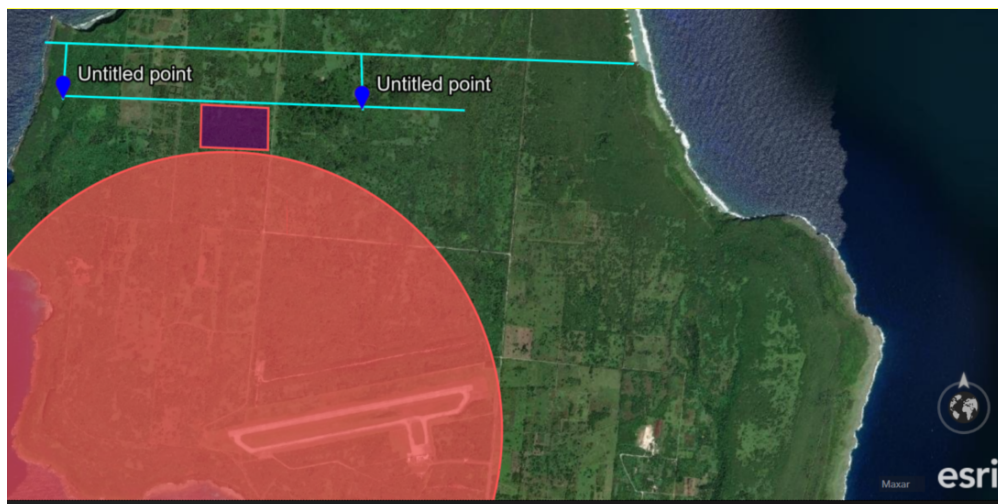
This report identified many details concerning the Island of Tinian's existing dump site and a proposed landfill west of Broadway and south of the Exclusive Military Use Area. Broadway is the road running north and south as seen running just east and northeast of the airport runway in Figure 8. Tinian leadership does not want to develop a landfill campus east of Broadway which is close to Long Beach. This report also mentions an agreement between the CNMI and the U.S. Navy not to construct any permanent facilities within a 2,000 ft buffer from the Exclusive Military Use Area line into the leaseback area (these are blue horizontal lines in Figures 8 and 9. This report does identify specifically the Federal requirements for constructing and operating landfills near airports.

Figure 8 is a screenshot showing a 10,000 feet radius from the end of runway (red semicircle), and 2,000 feet from the military exclusive zone boundary (both in light blue lines). At the narrowest point between the airport 10,000 ft limit and the 2,000 ft set-back area a purple square was drawn showing an area of eighty acres just for reference.

Figure 9 is a screenshot showing radius circles from the east end of runway and the west end of runway. To the east of the 80-acre purple area, in a yellow shape is a wildlife mitigation area specifically for the Tinian Monarch. The 80-acre purple square is more than twice the size projected for a solid waste management campus. The purple square is simply used as a reference shape.

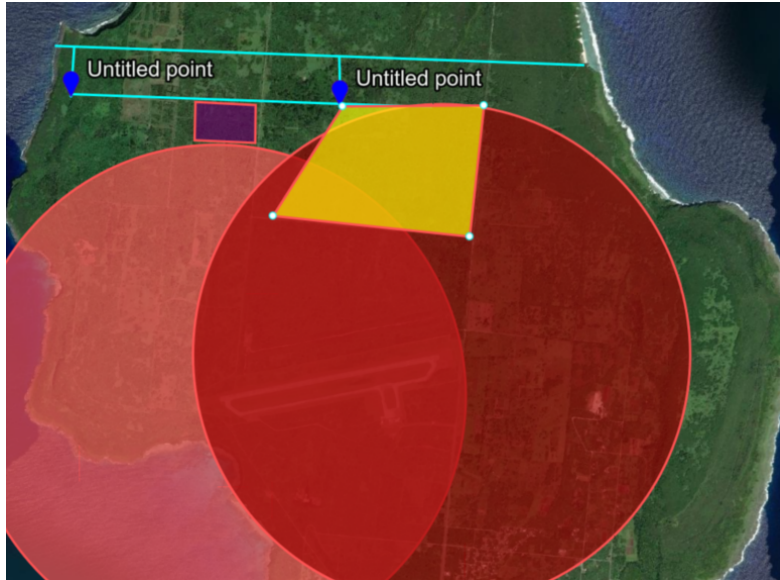
Figure 9 also shows the 10,000 ft radius from the east end of runway leaving about 650 feet from the beaches to the east. This eastern sliver of land (Masalok area) is considered too close to a widely used beach and tsunami inundation avoidance areas. Further along the eastern border of this 10,000 ft. radius and to the south the land has slopes which are normally too steep for landfill development and this area was widely used in WWII for ordnance storage.

**Figure 8: Screenshot of Various Setbacks and Avoidance Areas**





**Figure 9: Screenshot of Various Setbacks and Avoidance Areas with Masalok Area (Eastern Beaches) and Piña Ridge**

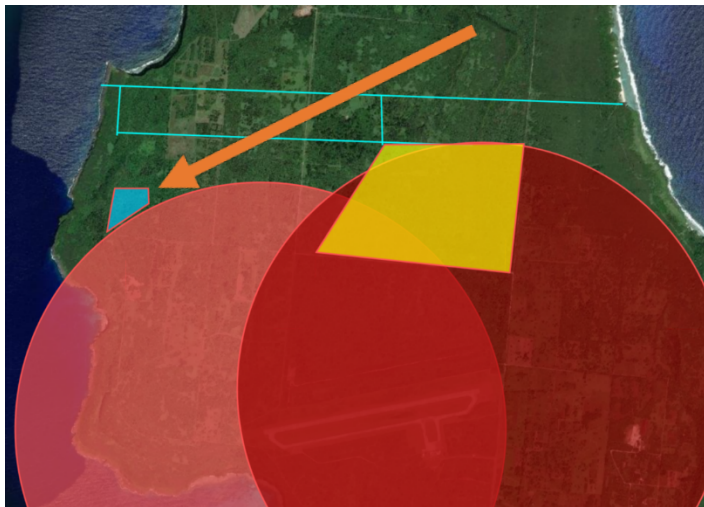


The 2014 ACOE report identified the Atgidon Landfill site as a red circle which avoids the various siting criteria (see Figure 10). Figure 11 is the same Atgidon Landfill site but placed outside the 10,000 ft. end of runway line and set at approximately 40 acres (see the light blue colored shape). This light blue shape is not the exact spot of the future Atgidon Landfill but is an attempt to convert the circle in Figure 10 into a 40-acre plot that is outside the 10,000 ft. airport boundary.

**Figure 10: Screenshot of 2014 ACOE report with Atgidon Solid Waste Campus Site Circled/Identified**



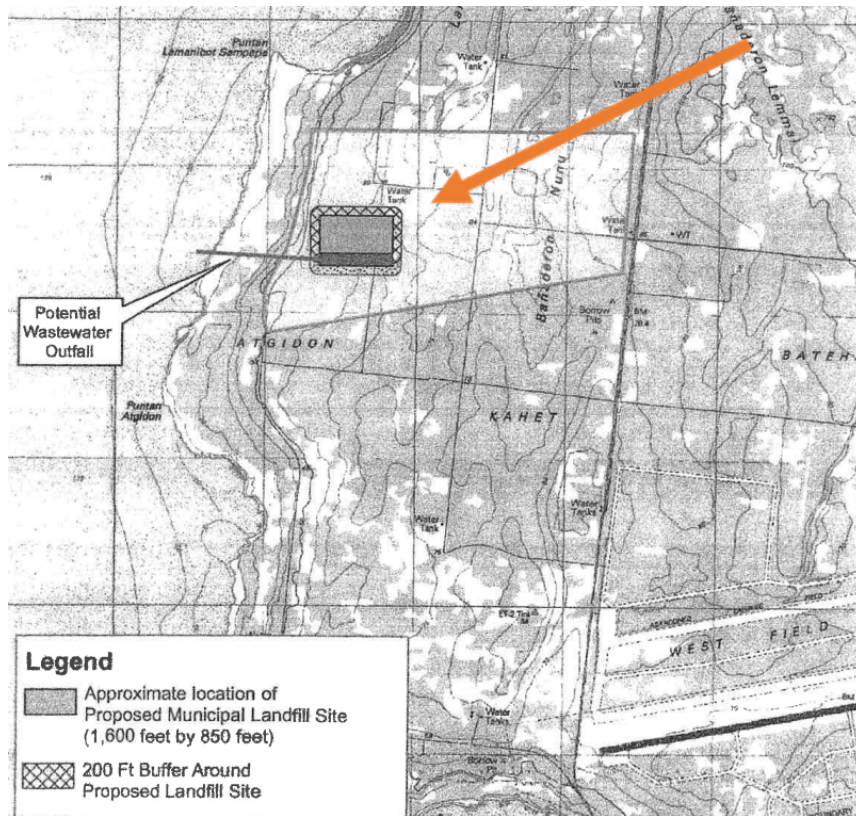
**Figure 11: Screenshot Showing Potential 40-acre Solid Waste Management Campus (Light Blue Shaded Shape) and Airport Setback (Red Shaded Circles).**



### **FONSI @ ATGIDON**

The US Army Corps of Engineers and Wil Chee – Planning, Inc. performed an environmental assessment (EA) for the CNMI and the U.S. Department of the Interior - Office of Insular Affairs at the Atgidon solid waste management campus site dated September 2008 (See Attachment F). See Figure 12 for a map of the Atgidon site used in this 2008 report.

**Figure 12: Screenshot Showing Atgidon Area with Wastewater Outfall – 2008 ACOE/Wil Chee Phase II ESA Report**

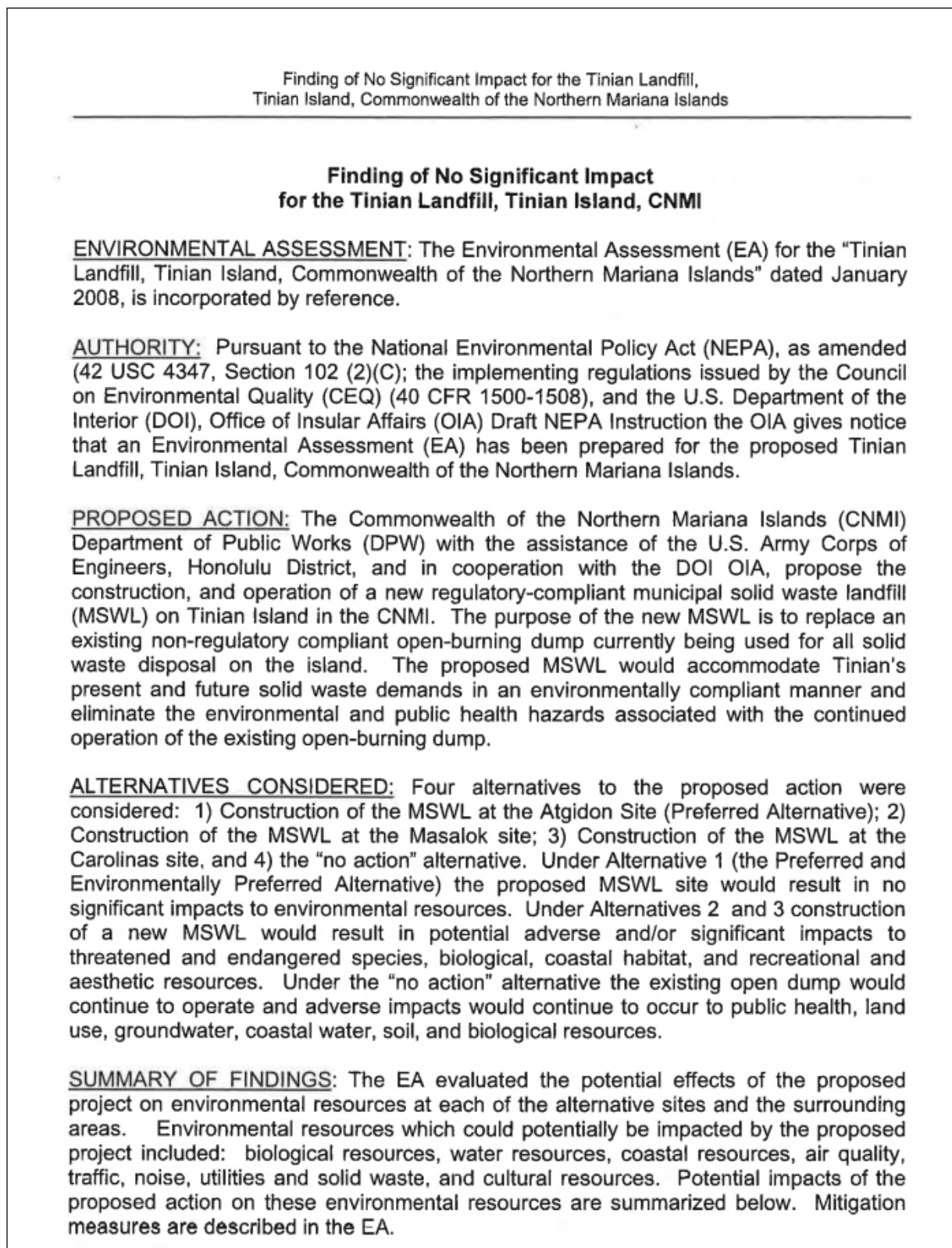


Section 3.3 of ACOE and Wil Chee report (page 8-9) describes the property they reviewed as the Atgidon landfill site (i.e. “Proposed Project”).

This 300-page final report by ACOE and Wil Chee reported a Finding of No Significant Impact (FONSI) at the Atgidon site.

ACOE and Wil Chee made recommendations for the Atgidon site after reviewing other potential sites – see Figure 13 - Screen shot of the 2008 EA report by ACOE and Wil Chee (Page 1). Specifically, the Atgidon site was recommended over three other alternative sites: current dump site, Carolinas, and Masalok (see special emphasis on potential adverse and/or significant impact to recreational and aesthetic resources).

Figure 13 - Screen Shot of the 2008 EA by ACOE and Wil Chee (Page 1)



## Puntan Diablo Dumps Site (Tinian Dump Site, Tinian Landfill)

### Why Not Puntan Diablo?

As mentioned previously, Tinian municipality has 9,607 acres of the island. Some of the 9,607 acres are in a brownfield(s) due to legacy MEX/UXO contamination from WWII. 9,607 acres is 38.5% of 24,960 (not counting uninhabited Aguijan island which has no known or accessible freshwater sources).

The leadership of Tinian desires to develop Tinian and improve the lives of its residents. This includes preserving access to natural areas like beaches and developing parcels of land for job creation and economic activity including resorts with casinos and golf courses. Resorts anchored with casinos and golf courses represent a model used on Saipan and other tourist destinations and is a known model attractive to potential tourists. Even more than landfills, resorts require similar siting criteria including land ownership, land designation, sites with low elevation change (mean slope), accessibility to utilities, etc. Additionally, building on or over MEC and UXO is often identified as a least desirable option for resorts.

The people of Tinian overwhelmingly approved an initiative to legalize casino gaming on November 2, 1989.

After this approval, the CNMI Department of Public Works contracted the joint consulting team of Dames and Morre, Juan C. Tenorio & Associates, and Ausin Hansen International (Dames and Moore) to prepare a Master Plan Study to guide the anticipated casino resort development. This master Plan was finished about April 1992.

The Dames and Moore favored approach was one called the “dispersed location concept”.

Tinian Dynasty Casino located in the southerly area of the island just south of San Jose began operations of a 412-room hotel and casino in 1998. The casino closed on or about September 2015.

The Puntan Diablo area was recognized early as a unique piece of property as it is relatively flat with ocean/beach access. Much of Tinian’s coastline is relatively rugged with steep cliffs/dropping off into rough shoreline waves. The Puntan Diablo site does contain the municipalities dump site; therefore, the dump site cannot be a long-term disposal option for the municipality as it would detract from the entire property. A low profile closed landfill is not seen to be a long-term hurdle or a major detriment to development.

The Municipality of Tinian and Aguijan signed a 25-year land lease with Alter City on or near October 2014 that included approximately three hundred acres. This land lease was for a resort anchored by a casino and golf course. The land lease included the Puntan Diablo dump site.

An Environmental Impact Assessment & DCRM Major Siting Permit Application was completed by Hofschneider Engineering Group in May 2015 for Alter City Group International. This EIA included a Phase I Tinian Dump Perimeter Determination Report.

The plan was to close Puntan Diablo dump and develop a new solid waste management campus with landfill and wastewater treatment site at Atgidon.

The Land Lease was vacated by Alter City and the land returned to the Department of Public Land in 2023.

This vacated lease will assist the Municipality of Tinian develop and permit a 10-year SCEL over the dump site (some acreage may be required to be permanently covered and closed). See Attachment B for a timeline summary of recent key events.

## IX. Moving Ahead.

In the last two years Tinian has permitted a recycling center and green waste processing center to support recycling efforts in the municipality. Additional plans for facilities, equipment, outreach, and training are discussed in the 2023 Inter- Island Solid Waste Management Plan.

The Mayor of Tinian and his staff and other elected officials have decided to pursue the assessment, design, and construction of a small community exempt landfill (SCEL) at Puntan Diablo (existing dump site) while waiting for the Atgidon site to develop. This Puntan Diablo SCEL would be a permitted landfill with a 10-year lifespan; remaining open until the proposed Atgidon Landfill on Tinian is available to receive waste. This permitting work at Puntan Diablo should be complete before the summer of 2029.

Note: A SCEL is expected to cost significantly less than a non-SCEL landfill. A SCEL landfill option only became an official option in the CNMI (Tinian and Rota specifically) in July 2022. The Tinian Puntan Diablo site “passed” the required water quality parameters in 2023.

Atgidon would be built for a minimum of 30 years. ***The location of the Atgidon landfill campus would be the same location as the site described in the 2008 ACOE/ Wil Chee Phase II ESA Report.***

Tasks for the development of Puntan Diablo SCEL and Atgidon SCEL will occur concurrently. Like the approach developed by the August 2014 NAVFAC study, the Office of Planning Development have identified the need for a development path at Puntan Diablo which could include:

- **Environmental Site Assessment (ESA).**
- **Preliminary Engineering Evaluation (AKA an “Assessment” of the site for use as a landfill).**
- **Conceptual Schematics and Engineering Data Estimates (AKA “Design”).**
- **Planning-Level Cost Estimates.**
- **Site Operation Cost Estimates.**
- **Final Design and Construction.**

Tasks for the development of the Atgidon SCEL could include:

- **Development of one GIS map/file with Federal, State, and Local siting criteria layers in area of the landfill campus site described in the 2008 ACOE/ Wil Chee Phase II ESA Report.**
- **Agreement by Involved Parties on the 40-acre Property Location.**
- **Formal Property Survey.**
- **Update of the 2008 Phase II ESA on the Property.**

## ATTACHMENT A - MAP WITH LOCAL PLACE LABELS

Atgidon Area

Tinian Island, CNMI



Atgidon Area

Masalok Area

Piña Ridge Area

Puntan  
Diablo Area

San Jose

Carolinas Heights Area



## ATTACHMENT B - TIMELINE

**Tinian Solid Waste Timeline**  
**Primary Reports /Actions/ Activities Only**

(Not a complete list – hundreds of other meetings, phone calls, etc. have taken place)

1. 03/05 ACOE and Wil Chee complete Comprehensive Study – main topics include closing the dump (Puntan Diablo) and building a new landfill on a new site on Tinian. Report states a golf course near Puntan Diablo dump was already a consideration. Report mentions 2,000-foot buffer from Exclusive Military Use Zone (7,574 acres) into Leaseback Area (7,779 acres) (another landfill siting criteria). *Note: General Agreement for Tariffs and Trade by the World Trade Organization garment quotas end in 2005.*
  2. 05/05 Memorandum of Understanding (CNMI government and DOD) regarding a proposed partial termination of Tinian Leasehold Interest and release process; included in MOU content was co-locating wastewater treatment facility with proposed landfill.
  3. 02/08 Gov. Begnino Fitial Correspondence to DOD – continuing meetings from previous Babauta administration to developed lease back area culminating in signed Process MOU for new landfill in leaseback area and new wastewater treatment plant.
  4. 09/08 ***FONSI issued at Atgidon*** as part of Environmental Assessment report performed by USACE and Wil Chee.
  5. 11/08 AMPRO completes UXO survey of areas on Piña Ridge.
  6. 07/09 Rear Admiral W. D. French letter to Gov. Fitial acknowledging 05/05 MOU as still in effect.
  7. 11/10 BECQ issues Administrative Order requires Puntan Diablo to comply with subsections of 40 CFR 258.20 (Subpart C).
  8. 10/12 **Tetra Tech** has a 60% complete Basis of Design complete for Atgidon landfill site.
  9. 08/14 NAVFAC CJMT Solid Waste Study completed with mapped landfill siting exclusion zones.
  10. 09/14 **EA Engineering**, Science, and Tech. Inc. completes a conceptual layout for Puntan Diablo. (EA Project No. 62834.01).
  11. 10/14 Alter City land lease approved for 25 years – Puntan Diablo dump site impacted.
  12. 04/15 APEC completes Dump Investigation (Puntan Diablo) for Casino as part of EIA Hofschneider Engineering completed.
  13. 04/15 **DOD issues CJMT Version 4.**
- 
14. 08/15 *Typhoon Soudelor.*
  15. 12/15 Coastal Permit for Transfer Station construction issued.
  16. 05/17 NTP for Transfer Station construction issued. Waste to be transferred to Atgidon.
  17. 06/17 Phase II with UXO survey by APEC – Piña.
  18. 10/18 *Typhoon Yutu.*
  19. 11/18 Typhoon Yutu debris piles created – receiving waste for 3+ years.
  20. 11/18 Transfer Station is built but no BECQ Solid Waste Management Facility Permit issued.
  21. 01/20 *Covid-19 - International Arrivals restricted in CNMI due to global pandemic.*
- 
22. 12/21 **Major Hashimoto letter to Mayor of Tinian “supporting” Atgidon (December 22).**
  23. 02/22 DoD groundbreaking ceremony at U.S. Airforce divert airfield (Divert Activities and Exercise area).
  24. 06/22 BECQ Letter supporting Small Community Exempt Landfills on Tinian and Rota (June 5).
  25. 06/22 Transfer station permitted as Recycling Center.
  26. 06/22 Green Waste Processing Site Permitted.
  27. 06/22 Yutu Debris Pile burns.
  28. 04/23 Toereck/TetraTech complete 2<sup>nd</sup> Phase II with clean-up cost estimate for Piña. Piña was assessed as a future landfill site. Clean-up prices ranged in four options from \$65,500,000 to \$216,700,000.
  29. 07/23 Letter from BECQ accepting Tinian Puntan Diablo groundwater samples (July 26) – finding of no contamination. {Last Small Community Exempt Landfill Status hurdle for Tinian}.
  30. 07/23 Letter from DPL to Navy regarding the selection of Atgidon as landfill site – July 27, 2023.

31. 08/23 CJMT V2 presented to the public August 2023, EA for the entire CJMT V2 training area will be done in Fall of 2024 and finalized in the Fall of 2025. CJMT V2 does not have live fire range near proposed Atgidon landfill site.
32. 09/23 Alter City land lease terminated.
33. 09/23 Letter from Tinian leadership in asking for CIP/OIA assistance to assess, design, and construct the Puntan Diablo site as a SCEL until Atgidon landfill site is available for waste (approximately 10 years).
34. 09/23 Land designation request from Mayor of Tinian to DPL for Puntan Diablo dump site and quarry.
35. 10/23 Draft of Inter- Island Comprehensive Solid Waste Plan goes to PDAC leadership, public meetings in November 2023. EPA Zero Waste staff receives Draft Plan for early review and comments.
36. 12/23 Yutu Debris Clean-up project completed.

### **Tinian Solid Waste Timeline**

Misc. activities that affected wastes via tourism and gambling-related tourism

- |              |  |
|--------------|--|
| <i>11/89</i> | <i>Tinian Casino Gaming Control Act of 1989 passes.</i>  |
| <i>06/15</i> | <i>FinCEN fines Tinian Dynasty \$75M.</i>  |
| <i>08/15</i> | <i>Typhoon Soudelor.</i>   |
| <i>03/17</i> | <i>OSHA investigation due to death of worker at IPI Casino (Saipan).</i>   |
| <i>05/17</i> | <i>OSHA fine \$193,750.</i>  |
| <i>10/18</i> | <i>Typhoon Yutu.</i>   |
| <i>03/19</i> | <i>FinCEN files report looking at data from 2016 – IPI Casino must address report.</i>   |
| <i>10/19</i> | <i>Visa Waiver Changes – Russians need visas and Chinese can have 14 days but have vigorous controls. Macau can come (investor/owners) but the Chinese mainland folks have new restrictions.</i> |
| <i>11/19</i> | <i>FBI raids Governor and IPI offices.</i>   |
| <i>11/19</i> | <i>EB-5 (immigrant investor visa program) change.</i>  |
| <i>12/19</i> | <i>Covid-19 addressed in China.</i>  |
| <i>06/21</i> | <i>EB-5 visa expired June 30, 2021, no approval as of Sept 30, 2021.</i>   |

## ATTACHMENT C – 2005 MOU (CNMI and DOD)

MEMORANDUM OF UNDERSTANDING PROPOSED PARTIAL TERMINATION OF  
TINIAN LEASEHOLD INTEREST AND RELEASE PROCESS

THIS MEMORANDUM OF UNDERSTANDING is entered into this 5th day of May, 2005, by and between the UNITED STATES OF AMERICA, Department of the Navy, represented by the United States Defense Representative Commonwealth of the Northern Mariana Islands, hereinafter referred to as "United States", and the COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, hereinafter referred to as the "Commonwealth"

WITNESSED, that

WHEREAS, acting in accordance with Article VIII of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263), and the implementing provisions of a separate Technical Agreement Regarding Use of Land to be Leased by the United States in the Northern Mariana Islands executed simultaneously with said Covenant, the Commonwealth and the United States entered into a Lease Agreement on January 6, 1983, in which the Commonwealth leased to the United States effective on January 1, 1983, certain lands located in the Commonwealth of the Northern Mariana Islands that were needed for defense-related and other federal purposes for an initial term of fifty (50) years with a right in favor of the United States to renew the lease for an additional term of fifty (50) years at the end of the initial term; and

WHEREAS, acting in accordance with Article VIII of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263), the Commonwealth and the United States entered into a Leaseback and Disposal Agreement on August 8, 1994, in which the United States leased back to the Commonwealth its leasehold interest in certain lands located on Tinian, Commonwealth of the Northern Mariana Islands, for an initial period of ten (10) years with a right in favor of the Commonwealth, subject to the prior approval of the United States, to renew the lease back for successive additional periods of ten (10) years; and

WHEREAS, Article 10.f (Disposal) of the Lease Agreement of January 6, 1983, provides that should any portion of the leased premises not be required for the needs or the discharge of the responsibilities of the United States, or otherwise become surplus property under United States law, the Commonwealth will be given the first opportunity to acquire the interest of the United States in such property in accordance with United States law; and

WHEREAS, previously certain partial leasehold interests of the United States in the leasehold lands were terminated and released through certain agreements entered into by and between the United States and the Commonwealth in accordance with the above referenced authorities; and

WHEREAS, the Commonwealth has presently indicated a desire to acquire the leasehold interest of the United States in and to the lands within the Lease area on Tinian for the purpose of construction of economic development projects, and the United States is willing to consider the Commonwealth's request for said acquisition of leasehold interest; and

WHEREAS, the United States desires that certain terms contained in the Partial Release of Leasehold Interest, of September 23, 1999, (by and between the United States and the Commonwealth) be amended for purposes of clarification and consistency with federal law.

NOW, THEREFORE, the parties desiring to set forth what must be accomplished in order to facilitate a termination of leasehold interest and release, as well as to identify their respective responsibilities, hereby mutually understand and agree as follows:

1. Purpose of Memorandum of Understanding.

The Parties understand and agree that the intended purpose of this MOU is to set forth the intent, framework, and procedure to facilitate a possible termination, in whole or in part, of leasehold interest and release concerning those certain lands as shown on the attached Exhibit "A" maps. The Parties further understand that the procedures as set forth herein are not intended to be definitive nor final, and that additional procedures may be required as determined by cognizant authorities.

2. Determination of Surplus Property.

The United States will undertake the required reviews and screenings to determine any continuing requirement for United States defense or other federal uses of the leasehold lands subject to this MOU. In the event it is determined by the United States that certain of the leasehold lands are no longer required for defense or other federal purposes and may be declared surplus to the needs of the United States in accordance with law, the United States shall declare the property as surplus except for the reservation of any certain rights and interests; and in accordance with Article 10.f. of the Lease Agreement, the United States shall provide the Commonwealth an opportunity to acquire certain interests of the United States in the subject property.

3. Negotiation of Terms of Conveyance.

In the event property subject to this MOU is determined surplus to the United States except for the reservation of any certain rights and interests, the United States and the Commonwealth shall enter into good faith negotiations regarding the specific terms and conditions of a termination, in whole or in part, of leasehold interest and release, including but not limited to types of consideration and manner of payment for the remaining value of the United State's leasehold interest and any additional benefits conveyed, reservation of rights and interests in favor of the United States, assumptions of liability, indemnifications, releases, restoration, restrictions on future use and development, and certain amendments to the terms of the Partial Release of Leasehold Interest, of September 23, 1999, (by and between the United States and the Commonwealth) as may be desired by the United States. All such mutually agreed to terms and conditions shall be memorialized in a Termination Agreement, as prepared by the United States, which shall facilitate the proposed conveyance of real property interests and be a legally binding agreement in all respects.

4. Authorities.

In the event the United States and the Commonwealth successfully negotiate mutually acceptable terms for a termination of leasehold interest and release, each shall attempt in good faith to obtain their respective required higher approvals and authorities in order to proceed with the proposed conveyance of interests.

5. Required Studies and Documentation.

A. Property Descriptions.

The Commonwealth shall at its own cost and expense provide to the United States property descriptions in a form satisfactory to the United States to facilitate a review and determination of surplus. Additionally, the Commonwealth at its own cost and expense shall prepare such additional property descriptions in the proper form to be used in the property conveyance documents as may be required. The United States shall provide the Commonwealth information concerning property description information requirements. The United States shall be the final required review and approval authority for the completed documentation.

B. Additional Documentation.

In the event it is determined that additional studies or documentation is required to support the proposed transaction, including but not limited to appraisals of valuation, the Commonwealth and the United States shall negotiate the responsibility for preparation of the documentation. The United States shall provide the Commonwealth information concerning documentation requirements. The United States shall be the final required review and approval authority for all documentation.

6. NO ANTI-DEFICIENCY ACT VIOLATION.

The United States and the Commonwealth understand and agree that no federal funds are obligated by this MOU. Furthermore, no provision herein shall be interpreted to require obligation of funds by the Navy in violation of the Anti-Deficiency Act, 31 U.S.C. Sections 1301, 1341, 1342, and 1517.

7. TERMINATION AND SUPERSEDURE.

This MOU shall be considered fully executed and so shall terminate if and when the United States and the Commonwealth have fully completed their respective actions as provided herein, and the Termination Agreement, as proposed herein, has been executed by both parties.

8. RIGHT OF TERMINATION.

The United States and the Commonwealth shall each have the right to terminate this MOU at any time by giving written notice to the other party.

IN WITNESS WHEREOF, the United States and the Commonwealth, through their appropriate and authorized representatives, do hereby execute this MOU on this 5th day of May 2005.

FOR THE COMMONWEALTH:



JEAN N. BABAUTA  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS

FOR THE UNITED STATES:



UNITED STATES DEFENSE  
REPRESENTATIVE  
COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS

Approved as to Form:



Steven M. Newman  
Governor's Legal Counsel

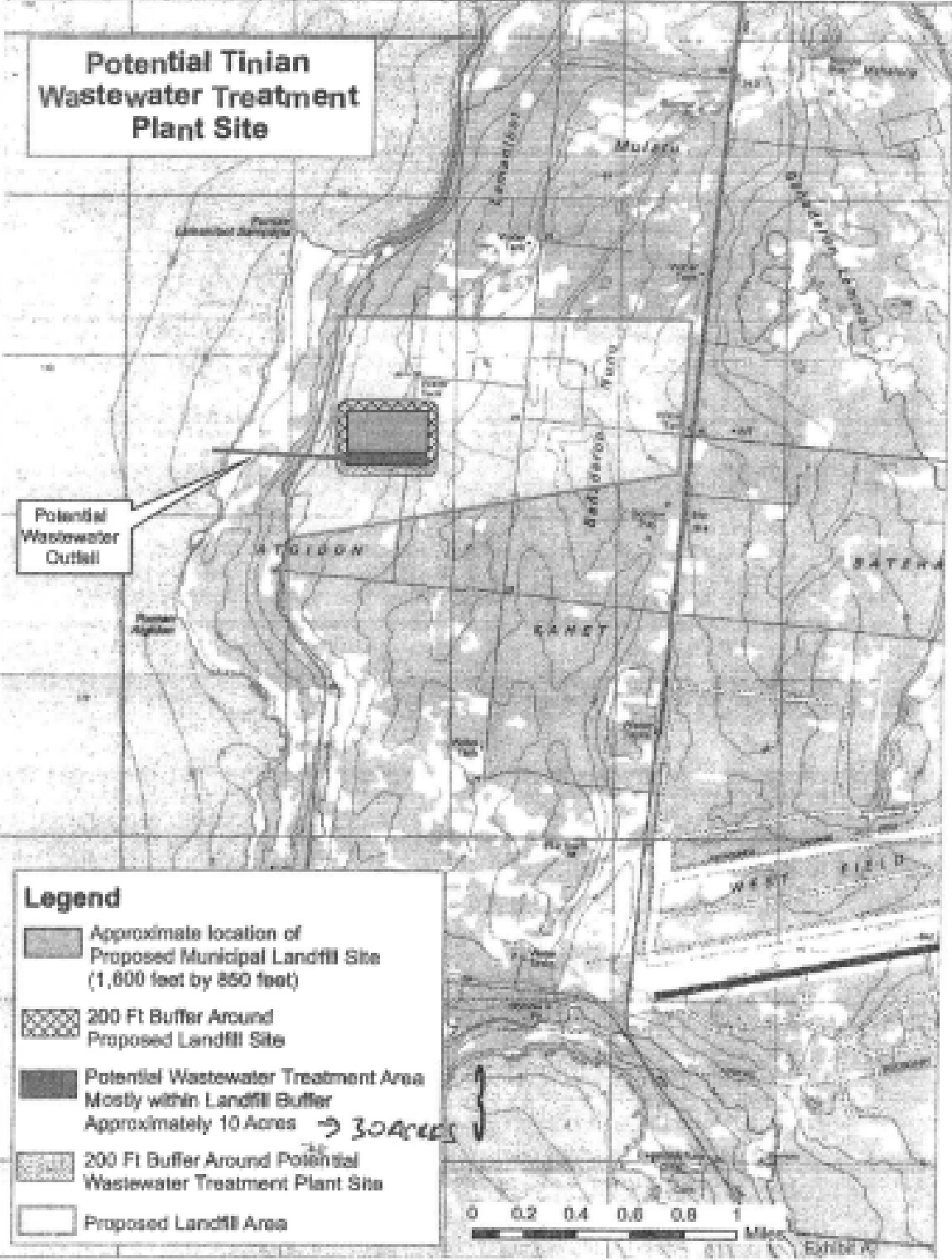
Approved as to Form:








PAUL M. FISHER  
GENERAL COUNSEL, COMMANDER NAVY REGION MARIANAS



# Potential Tinian Wastewater Treatment Plant Site



## Legend

-  Approximate location of Proposed Municipal Landfill Site (1,600 feet by 850 feet)
-  200 Ft Buffer Around Proposed Landfill Site
-  Potential Wastewater Treatment Area Mostly within Landfill Buffer Approximately 10 Acres → 30 Acres
-  200 Ft Buffer Around Potential Wastewater Treatment Plant Site
-  Proposed Landfill Area

# ATTACHMENT D – 2014 ACOE/NAVFAC CJMT SOLID WASTE STUDY

<https://opd.gov.mp/assets/navfac-sw-study-2014.pdf>

# ATTACHMENT E – 2005 COMPREHENSIVE STUDY ON TINIAN LANDFILL BY ACOE

<https://opd.gov.mp/library/etc/sw-plan-docs/a13-comprehensive-study-report-tinian-landfill-usace-2005.pdf>

ATTACHMENT F – 2008 ENVIRONMENTAL ASSESSMENT BY  
USACE and WIL CHEE

<https://opd.gov.mp/library/etc/sw-plan-docs/a14-ea-for-tinian-landfill-2008.pdf>