

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

September 9, 2025

Second Regular Session, 2025

H. B. *24-60*

A BILL FOR AN ACT

To safeguard the Commonwealth's landfill capacity, public health, and environment by restricting the acceptance and disposal of waste generated off-island unless certain health, safety, and environmental conditions are met.

**BE IT ENACTED BY THE 24TH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that contractors
2 for the United States Department of Defense have recently sought to dispose of
3 large quantities of construction and demolition debris from the Republic of the
4 Marshall Islands as well as pharmaceutical waste from Guam in the
5 Commonwealth's landfills.

6 Under current practice, when such requests are made, the waste originator
7 must provide laboratory analysis demonstrating that the material is not hazardous.
8 If confirmed as non-hazardous, existing Commonwealth law does not explicitly
9 prohibit acceptance of the material for disposal within the Commonwealth. While
10 such acceptance may be technically permissible under present statutory language,
11 the practice poses serious risks and costs to the CNMI.

1 First, landfill space in the CNMI is extremely limited, expensive to develop,
2 and intended to serve the disposal needs of residents and businesses in the Northern
3 Mariana Islands. Unrestricted importation of off-island waste would accelerate the
4 depletion of landfill capacity and increase long-term disposal costs for the local
5 community. The Legislature finds that waste disposal is typically a local
6 government function and that protecting remaining landfill capacity is crucial to
7 public welfare.

8 Second, even where initial testing indicates that imported waste is non-
9 hazardous, there remains a significant risk of contamination or hidden hazards in
10 the waste stream. Imported waste may contain invasive species or undisclosed
11 hazardous substances that could escape detection. Accepting such materials could
12 expose the CNMI to environmental harm and liability under federal law. The
13 Commonwealth lacks practical means to continuously monitor and verify the
14 composition of waste generated outside its jurisdiction to the same degree it
15 oversees locally generated waste. Thus, allowing solid waste from outside sources
16 into local facilities creates an undue risk to the Commonwealth's environment and
17 public health that cannot be adequately mitigated by ordinary inspection alone.

18 Third, the Legislature is concerned that accepting off-island waste without
19 the safeguards established by this Act would set a dangerous precedent, effectively
20 encouraging the Commonwealth to become a regional dumping ground. This would

1 undermine environmental protection efforts and public confidence in the
2 government's ability to manage waste responsibly.

3 At the same time, the Commonwealth may not adopt a categorical ban on
4 waste originating in other U.S. jurisdictions merely to reserve landfill capacity, as
5 such discrimination against interstate commerce likely violates the dormant
6 Commerce Clause of the United States Constitution. And while the Covenant to
7 Establish a Commonwealth of the Northern Mariana Islands in Political Union with
8 the United States of America affords the CNMI distinct authority with respect to
9 imports from outside the U.S. customs territory—subject to the United States'
10 international obligations—this Act advances legitimate health, safety, and capacity
11 objectives through even-handed standards that apply uniformly to all off-island
12 waste rather than origin-based prohibitions.

13 Accordingly, this Act is crafted to protect public health, safety, and the
14 environment by applying the Commonwealth's environmental safeguards to all
15 solid waste, while imposing additional, neutral conditions on imported waste to
16 address the unique risks of off-island disposal and the Commonwealth's limited
17 landfill capacity. These measures are carefully tailored to ensure that imported
18 waste is managed to at least the same standard as local waste, with further
19 safeguards justified by the distinct risks posed by the shipment and handling of
20 imported waste, uncertainties in its composition, and the added strain such disposal
21 places on the Commonwealth's finite landfill capacity. The Legislature further

1 finds that any incidental burden on interstate commerce that these requirements
2 may impose is not clearly excessive in relation to the substantial local benefits they
3 provide, and no reasonable non-discriminatory alternative can adequately protect
4 the Commonwealth's landfill capacity and fragile environment and ecosystem. In
5 other words, requirements imposed by this Act, such as practicable-alternative
6 analysis, financial assurance, and cost-based impact fees, are not protectionist
7 measures but are instead neutral safeguards tailored to both mitigate the specific
8 risks of accepting and disposing off-island waste and to ensure that the costs and
9 liabilities of such waste are not unfairly shifted onto the people of the Northern
10 Mariana Islands. In this regard, the Legislature's intent is to lawfully safeguard the
11 Commonwealth's environment and landfill capacity consistent with the Commerce
12 Clause of the United States Constitution.

13 Therefore, the purpose of this Act is to explicitly restrict the acceptance of
14 solid waste originating outside the Commonwealth unless specified health, safety,
15 and environmental conditions are met. Narrow exceptions are provided for waste
16 streams that the Commonwealth is required to accept under federal law, for
17 materials imported solely for recycling or resource recovery (with no landfilling of
18 such materials), and for emergency situations declared by the Governor when no
19 reasonable alternative exists to protect public health or safety. In all other cases,
20 off-island waste may not be disposed of in Commonwealth landfills unless it has
21 been processed or handled to comply with the CNMI's environmental standards

1 and its acceptance will not harm the public interest. By closing the gap in current
2 law that has allowed importation of supposedly “non-hazardous” waste without
3 sufficient safeguards, this Act ensures that all solid waste—regardless of origin—
4 is managed under a framework that protects the Commonwealth’s environment,
5 preserves scarce landfill capacity, and affirms the people’s right to a clean and
6 healthful environment as guaranteed by Article I, Section 9 of the Constitution of
7 the Northern Mariana Islands.

8 **Section 2. Amendment.** Section 3518 of Article 1, Chapter 5, Division 3,
9 Title 2 of the Commonwealth Code is hereby amended to read as follows:

10 **“§ 3518. Prohibited Activities.**

11 (a) It is unlawful for any person to:

12 (a)(1) Violate any provision of this chapter or any rule or regulation
13 established by authority of this chapter;

14 (b)(2) Own, operate, or use debris staging areas for disposal of solid
15 waste without an emergency permit issued pursuant to this
16 chapter. The use of open dumps for disposal of solid waste is
17 strictly prohibited;

18 (c)(3) Place, or allow to be placed, any solid waste on the roads or on
19 any public or private property contrary to the provisions of law;

20 (d)(4) Own or manage a solid waste management facility without a
21 disposal permit issued pursuant to this chapter;

- 1 ~~(e)~~(5) Operate a business the purpose of which is to collect or transport
2 solid waste without a collection permit issued pursuant to this
3 chapter;
- 4 ~~(f)~~(6) Collect, transport, process, or dispose of solid waste or hazardous
5 waste in such a manner as to degrade the environment, create a
6 public nuisance, create a health or safety hazard, or in a manner
7 otherwise contrary to this chapter;
- 8 ~~(g)~~(7) Transport solid waste on any road unless adequate precautions
9 are taken to contain and prevent the solid waste from falling off
10 the vehicle;
- 11 ~~(h)~~(8) Destroy, or attempt to destroy, by burning, except in an
12 incinerator approved by the chief, any solid waste that will give
13 off offensive odors or that is within one mile of any village or
14 other residential or urban area. Burning of trees, bush, grass, or
15 other organic detritus of land clearing or landscaping is
16 permissible as permitted by law; or
- 17 ~~(i)~~(9) Dispose of any hazardous waste without a hazardous waste
18 management permit issued pursuant to 2 CMC § 3122(c)(2).
- 19 (10) Import or accept for disposal within the Commonwealth any solid
20 waste that was not generated in the Commonwealth, except as
21 expressly authorized under 2 CMC § 3522.

1 (b) Any person who violates this Section; any special permit, condition,
2 order, or requirement issued under 2 CMC § 3522; or any regulation
3 adopted under this Chapter; is subject to the penalties provided in
4 2 CMC § 3519. Special permits issued under 2 CMC § 3522 may be
5 suspended or revoked for cause, in addition to other remedies.”

6 **Section 3. Enactment.** Section 3522 of Article 1, Chapter 5, Division 3,
7 Title 2 of the Commonwealth Code is hereby enacted to read as follows:

8 **“§ 3522. Off-Island Solid Waste: Special Permit, Standards, Fees, and**
9 **Procedures.**

10 (a) The Bureau of Environmental and Coastal Quality (BECQ), in
11 consultation with the Department of Public Works (DPW), may issue
12 a special permit authorizing the importation and disposal of solid waste
13 generated outside the Commonwealth only as provided for in this
14 Section and in accordance with regulations adopted pursuant to 2 CMC
15 § 3523.

16 (b) The prohibition in 2 CMC § 3518(a)(10) does not apply to:

17 (1) Waste streams the Commonwealth is required to accept under
18 federal law or binding international treaty obligations; or

19 (2) Materials brought into the Commonwealth solely for recycling or
20 resource recovery, where no portion is disposed of in a
21 Commonwealth landfill, and where prior written approval is

- 1 obtained from BECQ and DPW.
- 2 (c) All solid waste disposed of in the Commonwealth—whether locally
3 generated or authorized under a permit issued pursuant to this
4 Section—must meet the same composition, segregation, and
5 environmental protection standards established by Commonwealth law
6 and regulation. For off-island waste, the permit applicant bears the
7 burden of demonstrating compliance through testing, chain-of-custody
8 documentation, and other verifications required by BECQ.
- 9 (d) BECQ shall deny a permit if acceptance of the proposed waste would
10 unreasonably burden landfill capacity needed for local waste, which
11 shall be determined by applying objective, uniform capacity thresholds
12 and forecasting methodologies established by regulation.
- 13 (e) The applicant must demonstrate to BECQ’s satisfaction that no
14 practicable, environmentally protective alternative disposal option is
15 available that would entail equal or lower overall risk and impacts
16 considering transport distance, safety, environmental protection, and
17 cost.
- 18 (f) As a condition of any permit, the applicant shall pay a cost-based impact
19 fee reasonably calculated to recover the incremental costs uniquely
20 associated with authorizing off-island waste under this Section,
21 including port inspection/handling, transportation risk, additional

- 1 monitoring and testing, administrative oversight, capacity reservation
2 and long-term stewardship, and potential contingent liabilities. Fees
3 shall be applied uniformly to all waste accepted under this Section and
4 deposited into the Solid Waste Management Revolving Fund. The fee
5 schedule and supporting cost study shall be established by regulation.
- 6 (g) The applicant shall provide financial assurance, such as bonds,
7 insurance, letters of credit, or other mechanisms acceptable to BECQ,
8 in an amount commensurate with potential remediation, removal, or
9 liability costs under Commonwealth or federal law and consistent with
10 criteria established by regulation.
- 11 (h) Proposed permits shall be subject to public notice and hearing. BECQ
12 shall issue written findings addressing compliance with this Section
13 and any regulation established by law.
- 14 (i) All testing protocols and documentation requirements, capacity-
15 threshold methodologies, fee schedules and supporting cost studies,
16 financial-assurance criteria, and application, notice, hearing, and
17 decision procedures required to implement this Section shall be
18 established by regulation and are incorporated by reference as
19 conditions of any permit issued under this Section. In the event of a
20 conflict, the substantive requirements of this Section control.
- 21 (j) Nothing in this Section shall be construed to compel the Commonwealth

1 or any public landfill to accept off-island waste where acceptance
2 would conflict with Commonwealth law or valid permit conditions, or
3 would otherwise unreasonably burden landfill capacity needed for
4 local waste.

5 (k) This Section shall be applied consistent with federal law, including any
6 requirement that federal agencies comply with state and local solid and
7 hazardous waste management requirements to the same extent as any
8 person, subject to any applicable federal exemptions.”

9 **Section 4. Enactment.** Section 3523 of Article 1, Chapter 5, Division 3,
10 Title 2 of the Commonwealth Code is hereby enacted to read as follows

11 “§ 3523. **Off-Island Solid Waste Regulations; Capacity Thresholds;**
12 **Fees; Financial Assurance; Procedures.**

13 (a) The Bureau of Environmental and Coastal Quality (BECQ), in
14 consultation with the Department of Public Works (DPW), shall
15 promulgate regulations to implement and administer 2 CMC § 3522.

16 (b) Regulations adopted under this Section shall:

17 (1) Operationalize the substantive requirements of 2 CMC § 3522;

18 (2) Establish objective landfill capacity thresholds and methodologies,
19 including life-of-site projections, to determine when accepting
20 additional off-island waste would unreasonably burden capacity
21 needed for local waste;

- 1 (3) Adopt a cost-based impact fee schedule supported by a written cost
2 study documenting the incremental costs and risks associated with
3 authorizing off-island waste under 2 CMC § 3522;
4 (i) Fees shall be applied uniformly to all waste accepted under 2
5 CMC § 3522 and deposited into the Solid Waste Management
6 Revolving Fund.
7 (4) Specify acceptable financial-assurance instruments and amounts
8 commensurate with potential remediation and liability exposure;
9 (5) Prescribe testing protocols, acceptable laboratories, sampling
10 frequency, chain-of-custody, and documentation sufficient to
11 verify compliance with Commonwealth standards for waste
12 composition and management; and
13 (6) Set application completeness standards, public notice and hearing
14 procedures, timelines for decisions, written-finding requirements,
15 permit terms, renewal, modification, suspension, and revocation
16 processes.
17 (c) No special permit under 2 CMC § 3522 may be issued until regulations
18 adopted under this Section take effect. A permit issued in contravention
19 of this subsection is void.”

1 **Section 5. Implementation; Deadline; Interim Guidance; Construction;**
2 **Fee Severability; APA Applicability.**

3 (a) Within 180 days after enactment, the Bureau of Environmental and
4 Coastal Quality, in consultation with the Department of Public Works,
5 shall promulgate regulations pursuant to 2 CMC § 3523.

6 (c) Regulations promulgated pursuant to 2 CMC § 3523 may implement but
7 may not diminish or expand the substantive prohibitions, standards, or
8 exceptions set forth in 2 CMC § 3518(a)(10) or 2 CMC § 3522.

9 (d) If any fee provision adopted under 2 CMC § 3523 is held invalid, the
10 remainder of the regulations shall remain in effect; however, no special
11 permit under 2 CMC § 3522 may be issued unless a valid fee schedule
12 is in force.

13 (e) Regulations shall be promulgated in accordance with the Commonwealth
14 Administrative Procedure Act, 1 CMC §§ 9101 et seq., and applied
15 consistent with CNMI and federal law.

16 **Section 6. Severability.** If any provisions of this Act or the application of
17 any such provision to any person or circumstance should be held invalid by a court
18 of competent jurisdiction, the remainder of this Act or the application of its
19 provisions to persons or circumstances other than those to which it is held invalid
20 shall not be affected thereby.

1 **Section 7. Savings Clause.** This Act and any repealer contained herein
2 shall not be construed as affecting any existing right acquired under contract or
3 acquired under statutes repealed or under any rule, regulation, or order adopted
4 under the statutes. Repealers contained in this Act shall not affect any proceeding
5 instituted under or pursuant to prior law. The enactment of the Act shall not have
6 the effect of terminating, or in any way modifying, any liability, civil or criminal,
7 which shall already be in existence on the date this Act becomes effective.

8 **Section 8. Effective Date.** This Act shall take effect upon its approval by
9 the Governor, or it becoming law without such approval.

Prefiled: 9/9/2025

Date: _____

Introduced by: _____

Rep. Jon Paul Palacios Sablan

Reviewed for legal sufficiency by:

[Signature]
House Legal Counsel

Date: September 9, 2025

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]