CHAPTER 65-140

WELL DRILLING AND WELL OPERATIONS REGULATION

Chapter Authority: 1 CMC §§ 2646-2649; 1 CMC § 2650; 2 CMC §§ 3101-3135; 2 CMC §§ 3311-3333.

Chapter History: Certified and Adopted 37 Com. Reg. 36619 (June 28, 2015); Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004); Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: For a complete history of the authority of the Division of Environmental Quality (DEQ), see the commission comment to NMIAC chapter 65-10.

The "Commonwealth Groundwater Management and Protection Act of 1988," PL 6-12 (effective Nov. 3, 1988), is codified at 2 CMC §§ 3311-3333. The act creates a permitting system to regulate the withdrawal and use of groundwater resources in the Commonwealth. 2 CMC § 3312. DEQ is authorized to promulgate rules and regulations to implement the act. 2 CMC § 3321.

Executive Order No. 2013-24, promulgated at 35 Com. Reg. 34596 (Nov. 28, 2013), established a new Bureau of Environmental and Coastal Quality. This Order reorganized the Division of Environmental Quality as a division of the Bureau of Environmental and Coastal Quality, and provided that "all rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Executive Order shall continue to be effective until revised, amended, repealed or terminated."

Part 001 - General Provisions

§ 65-140-001 Authority

The rules and regulations in this chapter have been promulgated by the Department of Public Health and Environmental Services, in accordance with Public Law 6-12 of the Commonwealth of the Northern Mariana Islands. These rules, regulations, technical provisions, and specifications, to be adopted by the Department of Public Health and Environmental Services as necessary, shall have the force and effect of law, and shall be

binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-005 Purpose

Whereas the Commonwealth is almost entirely dependant upon groundwater for its drinking water supplies; and whereas the unregulated use of the Commonwealth's groundwater resources threatens the quality and availability of this resource; and whereas the general welfare requires that groundwater resources be put to the highest beneficial use for which they are capable, the purpose of the regulations in this chapter is to:

(a) Promote the long-term ability of the Commonwealth to provide reliable and potable water to the public;

(b) Establish a water well permitting system designed to monitor and regulate the use of the Commonwealth's groundwater resources;

(c) Codify well drillers' licensing requirements;

(d) Promote the non-degradation and rational utilization of the Commonwealth's groundwater resources;

(e) Promote public awareness of the critical importance of protecting the Commonwealth's groundwater resources from contamination and degradation;

(f) Provide that groundwater resources be put to the highest beneficial use for which they are capable;

(g) Designate groundwater management zones; and

(h) Protect public health by protecting and enhancing the quality of existing and potential groundwater resources used for human consumptive purposes.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The 2004 amendments added a new subsection (g), redesignated subsection (h) and amended subsection (f).

§ 65-140-010 Definitions

(a) "Abandoned well" is a well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced. For the purposes of the regulations in this chapter, any well that has not reported production for two consecutive years shall be considered abandoned unless otherwise amended by the Chief (also referred to as plugging and abandonment).

(b) "Abutter" is a person that owns or leases land adjacent to or directly across a public right-of-way from a parcel of land in question.

(c) "The Act" means the Commonwealth Groundwater Management and Protection Act of 1988, also known as Public Law 6-12.

(d) "Active well" is an operating water well or an active monitoring well.

(e) "Annular space" is the space between the wall of the drilled hole and the outside diameter of the well casing.

(f) "Aquifer" is a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.

(g) "Aquifer test" is a test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition (see pumping test).

(h) "ASTM" is the American Society for Testing and Materials.

(i) "AWWA" is the American Water Works Association.

(j) "Basal groundwater lens" is groundwater floating on sea water.

(k) "Beneficial use" shall include the use of water reasonably required for domestic, agriculture, commercial, industrial, recreational, and other purposes on both public and private lands. The use of water for domestic purposes is defined as the highest beneficial use of water.

(l) "Bentonite" is a highly plastic colloidal clay composed largely of montmorillonite used as a drilling additive or as a sealant.

(m) "Casing" is a tubular retaining structure which is installed in the well bore to maintain the well opening.

(n) "Chief" means the Chief of the Division of Environmental Quality within the Department of Public Health and Environmental Services.

(o) "Commonwealth" means the Commonwealth of the Northern Mariana Islands (also CNMI).

(p) "Community water system" is a public water system serving at least 15 service connections or 25 of the same individuals year round.

(q) "Cone of depression" is a depression in the water table that is in the shape of an inverted cone and develops around a well which is being pumped. The outer edge of the cone of depression defines the radius of influence of the pumping well.

(r) "Confined aquifer" is groundwater under pressure, whose upper surface is the bottom of an impermeable bed.

(s) "Contamination" means the introduction of any physical, chemical, biological, or radiological substance into water which has the potential to pose a threat to human health or the environment or to impede the most beneficial use of water.

(t) "Department" means the Department of Public Health and Environmental Services, unless otherwise specified.

(u) "Degradation" is change in the quality of water which makes it less suitable for the highest beneficial use.

(v) "Director" means the Director of the Department of Public Health and Environmental Services, or his duly authorized representative, unless otherwise specified.

(w) "Division" means the Division of Environmental Quality (DEQ) unless otherwise specified.

(x) "Drilling fluid" or "driller's mud" is a fluid composed of water or water and clay used in the drilling operation.

(y) "Drinking water quality standards" as defined and established in the Commonwealth's Drinking Water Regulations [NMIAC, title 65, chapter 20], latest revision.

(z) "Duplex" means a building which is designed exclusively for the occupancy of one family in each of the two units which are attached to each other and separate from other buildings.

(aa) "EPA" is the United States Environmental Protection Agency.

(bb) "Groundwater" is that part of the subsurface water which is in the zone of saturation.

(cc) "Hazardous material" is any material because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly contained, stored, transported, processed, handled, manipulated, or otherwise accidentally released into the environment.

(dd) "Hazardous waste" is any waste because* of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or to the environment when improperly collected, contained, stored, transported, processed, recovered, treated, disposed, handled, manipulated, or otherwise accidentally released into the environment. This is inclusive of any waste described or identified as such under either EPA or DEQ regulations.

(ee) "Head" is the energy contained in a water mass, produced by elevation, pressure, or velocity.

(ff) "High level (perched) groundwater" is groundwater encountered above the general zone of phreatic water and is a more or less isolated body of groundwater whose position is controlled by structure or stratigraphy.

(gg) "Hydraulic conductivity" is the rate of flow of water in gallons per day through a cross section of one square foot under a unit hydraulic gradient (gpd/sq ft).

(hh) "Hydraulic gradient" is the rate of change in total head per unit of distance of flow in a given direction. For the purposes of these regulations, "upgradient" shall imply the direction from a reference point toward a higher hydraulic grade; and "downgradient" shall imply the direction from a reference point toward a lower hydraulic grade.

(ii) "Individual wastewater disposal system" means a system designed and installed to dispose of sewage from a single structure or group of structures using a disposal method other than discharge into a public sewer. Such a system may consist of a septic tank, together with a leaching field or seepage pit, or other treatment unit.

(jj) "Leaching field" means a buried system of perforated pipes, bedded in crushed rock or coral, through which treated or partially treated sewage effluent may seep or leach into the surrounding porous soil.

(kk) "Monitoring well" is a well constructed for the purposes of observing subsurface hydrologic conditions and collecting hydrologic or water quality data, and not for use in extracting water for a beneficial use.

(ll) "Non-community water system" is a public water system serving at least 25 individuals daily at least 60 days out of the year.

(mm) "Non-public water supply" means the source(s) of water for any water system not meeting the definition of a public water system.

(nn) "NWWA" is the National Water Well Association.

(oo) "Overpumping" means a groundwater withdrawal rate which causes saltwater intrusion and increases the chloride ion and total dissolved solids concentration in the well water discharge.

(pp) "Parabasal groundwater" is groundwater continuous with basal groundwater, but is not directly in contact with sea water; volcanic formations typically support parabasal groundwater.

(qq) "Permeability" is the capacity of a geologic material for transmitting fluid.

(rr) "Permit" as used in this chapter shall mean a well drilling or a well operations permit.

(ss) "Person" means any individual, firm, partnership, association, corporation, both public and private; and any entity or agency of the Commonwealth government or the United States of America.

(tt) "Potable water" means water that is of a quality that meets the requirements of the Commonwealth's Drinking Water Regulations [NMIAC, title 65, chapter 20], latest revision.

(uu) "Public water supply" means the source(s) of water for a public water system (see definition of public water system).

(vv) "Public water system" means a system for the provision to the public of water through a pipe or pipes, faucet(s), and/or valve(s) for human consumption, if such a system has at least fifteen service connections, or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. Human consumption includes such normal uses as drinking, cooking, bathing, showering, dishwashing, and/or oral hygiene.

(ww) "Pumping test" is a test that is conducted to determine aquifer or well characteristics (see aquifer test).

(xx) "Recharge well" or "injection well" means a well constructed for the purpose of introducing water or other liquid substances into the ground as a means of replenishing groundwater basins or repelling intrusion of sea water, or of disposing of a liquid waste stream. (See the Commonwealth's Underground Injection Control Regulations [NMIAC, title 65, chapter 90], latest revision, for a more complete definition of an underground injection well.)

(yy) "Saltwater intrusion" means the inland and upward movement of the fresh water - salt water boundary, usually caused by a disruption in the equilibrium of the two water bodies resulting from excessive withdrawal from the basal water lens.

(zz) "Seawater well" means a water well equipped with full well casing down to depth at least 150 feet below sea level. The well screen or open hole portion of the well shall begin at least 150 feet below sea level. "Seawater well" also means any water well with full well casing down to the well screen or open hole portion of the water well, with the screened or open hole portion located within groundwater having a chloride ion concentration of 10,000 ppm (1/2 isochlore) or a conductivity reading of 20,000 umoh's under static (non-pumping) conditions.

(aaa) "Screen" or "well screen" is a filtering device used to keep sediments from entering a water well or monitoring well.

(bbb) "Seepage pit" means a covered pit with open- jointed or perforated lining through which treated or partially treated sewage effluent may seep or leach into the surrounding soil.

(ccc) "Sewage" or "wastewater" means untreated or insufficiently treated human excreta; food wastes disposed of through sewers; wash water; or liquid wastes from residences, commercial buildings, agricultural operations, industrial establishments, or places of assembly.

(ddd) "Single family dwelling" means a building designed exclusively for the occupancy of one family which is detached from any other dwelling or commercial building.

(eee) "Significant well modification" means any change, replacement, or other alteration of any well, pump, or pumping equipment which involves drilling or redevelopment activities, changing the depth of water withdrawal, or changing the capacity of the well or equipment in order to withdraw more or less water.

(fff) "Specific capacity" is the rate of discharge of awater well per unit of drawdown, expressed in gpm/ft.

(ggg) "Sustainable yield" means the water supply that may normally be withdrawn from a water source at the maximum rate which will not unduly impair or degrade source utility or source quality, including yield from an undeveloped or partially developed source.

(hhh) "Test well" or "exploratory well" is a well constructed for geologic or hydrologic exploration and not intended for use as a water well (see part 1600).

(iii) "Transmissivity" is the rate at which water is transmitted through a unit width of an aquifer under a unit hydraulic gradient, given in gallons per minute through a vertical

section of an aquifer one foot wide and extending the full saturated height of the aquifer (gpd/ft).

(jjj) "Unconfined (free) groundwater" means groundwater that has a free groundwater table; i.e., water not confined under pressure.

(kkk) "Water supply" means the water withdrawn from a water source, or that might feasibly be withdrawn from an undeveloped or partially developed water source.

(lll) "Water well" is any hole drilled, dug, or bored at any angle, either cased or uncased, for the purpose of obtaining water.

(mmm) "Well" is any hole drilled, dug, or bored at any angle, either cased or uncased, and includes water wells, test wells, and monitoring wells.

(nnn) "Well seal" means an approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or the curbing of a well and the piping or equipment installed therein, the purpose of which is to prevent pollutants from entering the well.

(ooo) "Yield" is a quantitative term, expressed as a rate of volume over a unit of time, such as millions of gallons per day ("MGD").

(ppp) "Zone of contribution" is the land area which contributes recharge, and therefore potential contaminants, to an existing or proposed water well or well field.

* So in original.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The 1994 amendments amended subsection (dd).

With respect to the references to the Department of Public Health and Environmental Services, see Executive Order 94-3 (effective August 23, 1994) reorganizing the Commonwealth government executive branch, changing agency names and official titles and effecting numerous other revisions.

Part 100 - Well Driller's License Requirements

§ 65-140-101 Well Driller's License Application

Any person, public or private, who is engaged or intends to engage in the drilling of wells is required to apply for a well driller's license. Such licenses are required not only of those who make a regular business of well drilling, but all who may construct wells for their own purposes, for others as an incident to any lien of business activity, or for the exchange or barter of services. A copy of the well driller's license application form is

available from the Division. The application shall be submitted to the Chief on forms supplied by the Division, and shall include at a minimum the following information:

(a) Name and business address/telephone number of well drilling company;

(b) Name of duly authorized individual representing well drilling company;

(c) Commonwealth contractor and business license numbers;

(d) Documents detailing the applicant's bonding and financial capability, and insurance for comprehensive and general liability coverage;

(e) Evidence of the applicant's qualifications and experience in conducting well drilling activities in the CNMI;

(f) Signature of the applicant or authorized representative thereof indicating under penalty of perjury that the information provided in the application is true and accurate to the best of his or her knowledge.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 100.

In subsections (a), (b) and (c), the Commission changed the final period to a semi-colon to make the punctuation consistent.

§ 65-140-105 Application Fee

(a) A non-refundable fee of ten thousand dollars, payable to the Division, shall accompany each application for a new well driller's license. A non-refundable fee of one thousand dollars, payable to the Division, shall accompany each well driller's license renewal application.

(b) The fee may be waived for government agencies. However, the license for these agencies shall be limited to wells for government usage approved by DEQ. Failure to comply will result in the revocation of the license.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1994 amendments added new subsection (b).

§ 65-140-110 Drilling Without License Prohibited

No well drilling of any kind shall be performed except by those well drillers with a valid license. The well driller's license number shall be prominently displayed on the side of the drill rig.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-115 Required Information

(a) An applicant for a well driller's license must prove the following to the satisfaction of the Chief. The Chief shall have the discretion to require additional information as deemed necessary for a specific application.

(b) The applicant is in possession of the necessary equipment to properly perform well drilling work and related tasks.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The first paragraph was not designated. The Commission designated it subsection (a). The 1994 amendments deleted former subsection (b) and redesignated subsection (c) accordingly.

§ 65-140-120 Performance Bond

(a) An applicant for a well driller's license must obtain a performance bond in the amount of seventy-five thousand dollars, to remain in effect for the full period in which the well driller's license is to be valid. The bond shall be made payable to the Division, and the Chief shall use the proceeds from the bond to pay for any corrective action to any well(s) not located or constructed in accordance with the regulations in this chapter.

(b) The requirement may be waived for government agencies. However, the license for these agencies shall be limited to wells for government usage approved by DEQ. Failure to comply will result in the revocation of the license.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The 1994 amendments added a new subsection (b) and amended subsection (a).

§ 65-140-125 Field Crew Qualifications

An applicant's field crew chief(s) (those individuals with actual direct supervisory authority over well drilling activities in the field) must have the following qualifications:

(a) Have at least two years continuous work experience in well drilling and field testing techniques;

(b) Demonstrate knowledge of lithologic sampling methods; aquifer testing; pump testing; and water quality sampling through trial demonstration under the direct supervision of Division staff.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-130 Denial of Application

The Chief shall deny an application for a well driller's license or renewal thereof if the information submitted by the applicant does not demonstrate that the applicant satisfies the requirements pertinent to the license. The applicant may appeal the Chief's decision in accordance with the provisions of part 1300 of this chapter.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-135 Transfer of License

A well driller's license shall not, under any circumstances, be transferrable from one location to another, or from one person to another, without the approval of the Chief.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-140 Duration of License

The license shall be valid for a period of one year starting from the date of issuance.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-145 Timing of Application Submission

A fully completed well drilling license application shall be submitted to the Chief for review at least thirty calendar days prior to the scheduled start of any well drilling business activities.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-150 Renewal Application

Renewal application of a well driller's license shall be submitted at least thirty calendar days before expiration of such license.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-155 Failure to Renew within One Year

Failure to apply for renewal of a well driller's license within one year after its expiration will result in the requirement to apply for a new well driller's license, and to pay the new well driller's license fee.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-160 Reinstatement after Revocation

Reinstatement of any well driller's license which has been revoked by the Chief, as provided for under part 1400 of this chapter, requires the submission of a new well driller's license application, and payment of the new well driller's license fee.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-165 Minimum Requirements for Renewal

All current well driller's licenses shall remain valid until their stated expiration date, after which all currently licensed well drillers must apply for license renewal pursuant to this chapter. Current well driller's licensees failing to meet the minimum requirements set forth in this part shall not be granted renewal of their well drilling license. Individuals not employed by the well driller on a full-time basis (i.e., consultants) may not be used to satisfy the personnel qualifications requirements of this section.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-170 Temporary Licenses Prohibited

"Provisional" or "temporary" well driller's licenses shall not be issued by the Chief, with the exception of such licenses to local and federal agencies for studies as approved on a case by case basis by the Chief.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-175 Alteration, Falsification of License

No person shall deface, alter, forge, counterfeit, or falsify a well driller's license.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 200 - Well Drilling Permit Application Requirements

§ 65-140-201 General Requirements

(a) No well may be drilled unless the owner of the land upon which the well is to be drilled, or the lessee of said land (to be known hereinafter as "the applicant"), has obtained a well drilling permit from the Chief. It is the responsibility of the licensed well driller to confirm that a valid well drilling permit has been issued to the applicant by the Division. Administrative penalties may be imposed upon both the applicant and the well driller, as per part 1400 of this chapter, if any well is drilled without first obtaining a well drilling permit. A well drilling permit application shall be completed and submitted to the Chief for all new wells, or significant modification to any existing well(s). Water wells, test wells, and monitoring wells, provided they are on the same parcel of land, and will be constructed within 180 days, require submission of only a single well drilling permit application.

(b) Application for drilling an underground injection well shall be made in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC) [NMIAC, title 65, chapter 90], a copy of which can be obtained at the office of the Division.

(c) The well drilling permit covers well siting and design criteria, and well construction, testing, and development activities. The well drilling permit application shall be submitted to the Chief and shall include at a minimum the information covered in this part.

(d) The requirements of this part apply to all applicants that have not received a well drilling permit as of the date the regulations in this chapter become effective. A copy of the well drilling permit application form is available from the Division.

(e) The application may be filled out by the applicant or his authorized representative. In either case, the applicant shall sign and date the application, and shall be responsible for all statements made therein.

Modified, 1 CMC § 3806(c), (d), (f).

History: Certified and Adopted 37 Com. Reg. 36619 (June 28, 2015); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: This section was originally the first five paragraphs of part 200. See 14 Com. Reg. 9719 (Sept. 15, 1992). The Commission designated subsections (a) through (e). The Commission created the section titles in part 200.

In June, 2015, the Bureau of Environmental and Coastal Quality published a Notice of Certification and Adoption of Rule at 37 Com. Reg. 36619 (June 28, 2015) setting forth the following interpretive rule. This rule was adopted pursuant to 1 CMC § 9102 and not in accordance with 1 CMC § 9104. As such, the rule is published below and not codified as a numbered section:
:

When is a Well Drilling Permit Required?
Standard Operating Procedure – Interpretive Rule

Purpose: To clarify under which circumstances a well drilling permit is required.

Background: Holes are often drilled, dub or bored for construction projects or other purposes using the same or similar equipment used to drill, dig or bore wells. How does a regulator, driller or contractor know when a well drilling permit is required to drill, dig or bore a hole? This document provides guidance on whether or not a drilling permit is required to construct a hole.

Statutes and Regulations:

Well Drilling Permit:

- Commonwealth Code Title 2 § 3323(a) states "No *well* may be drilled by any person without a drilling permit issued by the [Administrator of BECQ]."

Definition of *well*:

- Commonwealth Code Title 2 § 3314(f) defines a "well" as "any hole drilled, dug, or bored at any angle, either cased or uncased, <u>for the purpose of obtaining water or knowledge of water bearing formations</u> or <u>for the disposal of surface water drainage of waste materials</u>

Discussion: Wells are often constructed using a drilling rig. Drilling rigs are also used to dig holes for soil borings, foundation pilings, or dewatering wells. These activities are not for the purpose of obtaining water or knowledge of water bearing formations. These activities are related to constructing facilities. Since soil borings, foundation pilings or dewatering wells are not constructed for the purpose of obtaining water or knowledge of water bearing formations a Drilling Permit is not required.

Procedure:

(1) Determine the purpose of the hole to be constructed.

(2) If the purpose of the hole is any of the following, then no Drilling Permit is required:

- To collect soild samples for road or foundation design (soil boring)
- To install or construct foundation pilings
- To dewater the soil at a construction site (dewatering well)

(3) If the purpose of the hole is any of the following, then a Drilling Permit is required:

- To obtain water (domestic, industrial, irrigation, etc.)
- To explore a water bearing formation (geologic or hydrogeologic investigation of water bearing formations).
- To monitor the groundwater for contaminants (monitoring well)
- To inject wastewater into the ground (underground injection well)

(4) If a Drilling Permit is required – see the Well Drilling Permit Process SOP for more guidance.

(5) When no Drilling Permit is required, and groundwater is encountered during the construction of the hole, the constructor should notify DEQ so that DEQ personnel can inspect the site to ensure that no contamination of the aquifer occurs.

Modified, 1 CMC § 3806(a), (b), (g).

The Commission changed "Statues" to "Statutes" in the heading of subsection (c) and removed two periods following "etc." under subsection (3) of "Procedure" to correct manifest errors. The italic, underline, and bold typefaces are so in the original.

§ 65-140-205 Information Required for Application

Information to be provided in the well drilling permit application form shall include:

(a) Name, address, and telephone number of the applicant. If the applicant is not the owner of the land, a lease or other title document must be provided with the application to prove the applicant's legal right to use the property.

(b) Type of application (new, revision, or renewal).
(1) A new application is for those applicants who seek to construct new well(s) or make significant modification to existing well(s).
(2) A revised application is for those applicants who seek to make a substantial change to the scope of work as described in the original permit application. Substantial changes to original scope include but are not limited to the number of wells, the discharge rate requested, the location of the well(s), or the intended use(s) of the proposed well(s).
(3) A renewal application is for those applicants whose well drilling, development, testing, and reporting activities are not completed within 180 days from the date of issuing the original well drilling permit.

(c) Well drilling permit application fees shall be in accordance with the following fee schedule. Payment of fees is required at the time of submitting each permit application, and is non-refundable. Fees shall be paid by check, and made payable to the Division. The Commonwealth Utilities Corporation is exempt from payment of permit application fees.

Well Drilling Permit Application Fee Table

Application Type	Total Well Discharge Capacity Requirement[1]	Application Fee[2,3]
Test & Monitoring		$50.00
New	less than 20 gpm	$50.00
	21 gpm to 100 gpm	$200.00
	101 gpm to 200 gpm	$1000.00
	201 gpm to 350 gpm	$2000.00
	351 gpm to 500 gpm	$4000.00
	over 500 gpm	$8000.00
Revised	If discharge capacity requirements changes, the final cost to the applicant shall be based upon the above. If well location changes, no adjustment in fees is necessary, but applicant is required to obtain DEQ written approval.	
Renewal	There is no well drilling permit renewal fee.	

Notes for fee table:

[1] See part 800 defining total well discharge capacity requirement.

[2] Fees for significantly modified wells shall be the incremental new application fee. For example, if a project is to be expanded, involving a well discharge capacity requirement increase from 80 gpm to 120 gpm, the fee is $800.00.

[3] Lab fees are not included in the above. If the applicant wishes to utilize the Division's laboratory services for certain water quality sampling and analysis, the appropriate laboratory fees shall be paid to the Division at the time of application. All lab fees must be paid in advance. Payment must be by separate check or money order from the well drilling and well operation fees. In the event that retesting or additional tests are required, the applicant shall be responsible for the additional fees in advance.

(d) Well driller's name, address, telephone number, and well driller's license number (with expiration date).

(e) Type of well drilling equipment and drilling method to be employed.

(f) Proposed well drilling start date (for reference only).

(g) Intended use for the proposed well.

(h) Schematic design of the proposed well construction.

(i) Calculated well production capacity requirement (see part 800 of this chapter for requirements of well production capacity for various intended uses).

(j)(1) A map drawn at a scale of not more than one inch equals one hundred feet showing the following data for both public and non-public water supplies:

(i) Location of property lines and survey monuments with ties to proposed well location.

(ii) Name of property owner upon which well is to be located, and name of abutters of said property.
(iii) A site location plan (no scale required) sufficiently accurate to allow Division staff to find the site.
(iv) Describe existing land use(s) and proposed land uses (must be to scale of no more than 1 inch equals 100 feet).
(v) Sketch of existing and/or proposed access to well site(s).
(vi) Ground surface topography, with contour intervals not to exceed ten feet, within 150 feet of proposed well location.
(vii) Location of all existing or proposed public sewer lines, sewer pump stations, and other sewerage facilities, individual waste disposal systems, intermittent or perennial streams, ponding basins, other wells (either active or abandoned), buildings, storm water drains, and wetlands within a 2500 foot radius of the proposed well location. In addition, the applicant is responsible for certifying that the proposed public water supply meets the minimum set-back requirements outlined in part 300 of this chapter.
(viii) Location and elevation of a temporary benchmark established by a registered land surveyor.
(ix) A statement as to whether the proposed well is to be constructed within the 100-year flood plain area.
(x) Location of pump test well water discharge.
(2) The map must be certified to be complete and accurate. In the event that items represented on the map as required in subsection (j)(1)(vi) or (vii) change, a revised map must be submitted to DEQ within thirty calendar days identifying the changes.

(k) The proposed well location shown on a United States Geological Survey map, scale 1:25,000. Indicate on the map the latitude and longitude (to the nearest second) of the proposed well site(s).

(l) If available at the time of submitting the well drilling permit application, provide other project information, including the following:
(1) A brief description of the project the well is a part of; i.e., project name, project scope (number of rooms, housing units, etc.).
(2) Other permits required, such as a coastal resources management permit (including major siting projects), an individual wastewater disposal system permit, an earth moving permit, and any federal permits. The applicant shall provide permit numbers, application dates, special permit conditions, and other permit information available at the time of applying for the well drilling permit.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: This section was originally the sixth paragraph of § 5 (part 200) and §§ 5.1 through 5.12. See 14 Com. Reg. at 9719-22 (Sept. 15, 1992).

The original paragraphs of subsection (j) were not designated. The Commission designated subsections (j)(1) and (j)(2).

The 1994 amendments amended the table in subsection (c), deleted former subsection (c) footnote (3), redesignated and amended former footnote (4), added subsection (j)(2) and amended subsection (j)(1).

In subsection (c) footnote 2, the Commission inserted the final period.

§ 65-140-210 Inspection

The proposed well site shall be inspected by the Chief or Division staff member prior to issuance of a well drilling permit. The applicant shall provide a physical marking (i.e., stake with flagging) prior to field inspection by the Division. The applicant or his authorized representative shall accompany the Division Chief or staff member during the field inspection.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-215 Timing of Well Drilling Permit Application Submission

A fully completed well drilling permit application shall be submitted to the Chief for review at least thirty calendar days prior to the scheduled start of any well drilling activities.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-220 Duration of Permit

A well drilling permit shall remain valid for a period of 180 calendar days from the date of issuance. All well drilling, development, testing, and reporting activities must be completed within the 180 calendar day period.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-225 Permit Renewal

If the original permit expires prior to completion of all well drilling, testing, and reporting activities, the applicant may apply for a renewal of a well drilling permit. An application for renewal shall include all data required for a new permit, and shall be submitted at least thirty calendar days prior to expiration of the original permit. A permit that expires without renewal shall require re-submission of a new permit application and application fees.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-230 Data Submission Requirements

As a condition to all well drilling permits, the well driller and permittee are responsible for supplying to DEQ legible copies of drilling logs, pump test results, and other data as required by DEQ. Based on this information and any additional information required by DEQ, a determination shall be made on the pumping capacity of the well. There is no right to the operation of a well. Well operation shall be determined based on intended use and the well's possible degradation of groundwater quality.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: The Commission changed "wells" to "well's" to correct a manifest error.

Part 300 - Well Siting Criteria

§ 65-140-301 General Requirements

All new public and non-public water supply wells shall be setback a distance from potential sources of contamination. The setback distances shall define a wellhead protection area. There shall be an established wellhead protection area around each new public and non-public groundwater supply. The wellhead protection area is defined by a downgradient and side dimensions from the well, and upgradient dimension from the well normally equal to twice the downgradient dimension. Section 65-140-305 shall be used in siting a new public water supply well.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 300.

§ 65-140-305 Public Water Supply Wellhead Protection

(a) Public water supply wellhead protection area requirements are:

Existing Land Use	**Minimum Down/Upgradient Dimensions of Wellhead Protection Area**
Above/Below Grade Structures	10/10
Road Drainage Course/Roadside	50/100
Surface Water Body	150/150
Public/Private Sewer Line[1]	100/200
Sewage Pump Station	150/300
Seepage Pit, Outhouse, Cesspool, Leach field, Wastewater Treatment Facility	150/300
Underground Fuel Storage Tank	500/500
Auto, Heavy Equipment, Engine Repair Facility	250/500

Underground Injection Well	250/500
IWDS Effluent Disposal (³ 5,000 gpd)	500/500
Above Ground Fuel Storage Facility (< 2,000 gal)[2]	250/500
Above Ground Fuel Storage Facility (> 2,000 gal)[3]	1000/2000
Above Ground Fuel Storage Facility[4]	500/500
Above Ground Fuel Storage Facility[5]	200/400
Landfill or Hazardous Waste Storage/Treatment Facility	1000/2000
Unsewered Industrial Process	1000/2000

Notes:

[1] This distance may be reduced to 50 feet provided monitoring and additional safety measures as prescribed by DEQ are put into place and maintained. Tests will typically include increase nitrate monitoring and increase monitoring of sewer line.

[2] This requirement pertains to existing tanks, constructed prior to the revision of the regulations in this chapter. Depending on the terrain and site characteristics the Chief may impose additional measures to protect the groundwater. In the event that DEQ promulgates aboveground storage tank regulations, they shall supersede these requirements.

[3] This requirement pertains to existing tanks, constructed prior to the revision of the regulations in this chapter. Depending on the terrain and site characteristics the Chief may impose additional measures to protect the groundwater. In the event that DEQ promulgates above ground storage tank regulations, they shall supersede these requirements.

[4] All existing and new tanks must be suitable as confirmed by the manufacturer for aboveground use for the storage of the product to be stored. Tank and ancillary equipment must be of materials industry recognized and compatible with the product to be stored. Plastic or fiberglass shall not be permitted for flammable or combustible liquids. Tanks must have secondary containment as approved by DEQ. Corrosion protection must be provided for the entire system. Piping shall be double walled, piping below grade shall be equipped with automatic leak detection. Adequate collision protection must be provided. Depending on the terrain and site characteristics the Chief may impose additional measures to protect the groundwater. In the event that DEQ promulgates above ground storage tank regulations, they shall supersede these requirements.

[5] In addition to the requirements in note 3 above, only double walled tanks shall be installed. All tanks shall be precision/ strength tested. Each tank shall be surrounded by a secondary containment berm that provides a containment volume of at least 110% of the AST storage volume plus four inch freeboard. All double walled piping shall be placed in a below-grade vault to capture any leaks that may occur. Depending on the terrain and site characteristics the Chief may impose additional measures to protect the groundwater. In the event that DEQ promulgates aboveground storage tank regulations, they shall supersede these requirements.

(b) These setbacks shall not apply to monitoring wells. Setbacks for monitoring wells shall be as prescribed by the Chief of DEQ. In the event that a well is in existence, the

above criteria shall limit the distance the above items may be constructed from the well head.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1994 amendments amended the table in subsection (a), added footnotes (1) through (5) to the table in subsection (a), and added new subsection (b).

§ 65-140-310 Non-public Water Supply Wellhead Protection

Non-public water supply wellhead protection area requirements are:

Road Drainage Course	25/50
Surface Water Body	75/75
Public/Private Sewer Line	75/150
Sewage Pump Station	75/150
Seepage Pit, Outhouse, Cesspool, Leach field	75/150

All other set back distances shall be as listed in § 65-140-305 above.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-315 Additional Setback Requirements

In addition to the above, wells shall be setback a minimum of 25 feet from property lines, and a minimum of 25 feet from overhead power lines. Well drillers are encouraged to contact the local telephone, water, sewer, and power authorities to determine the presence of buried utilities in the area of any proposed drilling activities. All damages sustained to property as a result of well drilling activities shall be the responsibility of the well driller performing the work.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-320 Hydrogeologic Investigation

The Chief may order an applicant to conduct a comprehensive hydrogeologic investigation if any of the above listed land uses pose a threat to a proposed public water supply, even if the potential contamination source is located outside the designated wellhead protection area. Refer to part 1700 of this chapter regarding such an investigation.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-325 Groundwater Monitoring

For water supply wells located downgradient of a known or potential source of contamination, or whose zone of contribution is occupied by a known or potential source of contamination, the Chief may require the installation of one or more monitoring wells, and require the establishment of a groundwater monitoring program. The cost of all groundwater monitoring related costs shall be borne by the applicant. See part 1700 of this chapter for information pertaining to the requirements for monitoring wells and hydrogeologic investigations.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-330 Other Setback Distances

Set back distances from other possible sources of contamination will be established on a case by case basis.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-335 Greater Setback Distances If Required

For all known or potential sources of contamination the Chief may require greater set-back distances than those listed in § 65-140-305, should the prevailing hydrogeology of the proposed well site (such as within geologic formations known to have very high transmissivity values) warrant such measures.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-340 Well Location Upgradient of Contamination

Wherever possible, wells shall be located upgradient (upstream of the area's prevailing groundwater flow pattern) of any known or potential source of contamination.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-345 Estimation of Gradient

If the groundwater gradient cannot be reasonable estimated, then the wellhead protection area shall be a circle with the well at its center, and with a radius equal to the average of the downgradient and upgradient dimensions listed above.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-350 Casing Termination Above Flooding

The top of the casing shall terminate a minimum of 12 inches above any known conditions of flooding by drainage or runoff from the surrounding land.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-355 Compliance with UIC Regulations

The siting of underground injection wells shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC) [NMIAC, title 65, chapter 90], latest revision, a copy of which can be obtained at the office of the Division.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-360 Exemptions

See parts 1100 and 1200 of this chapter for allowed exemptions from the above requirements.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-365 CUC's Water Distribution System

Applicants for new public or non-public groundwater supplies proposed within 250 feet of the CUC water distribution system must submit a letter or statement from the CUC Water Division Chief with the well drilling permit application, stating that CUC is not capable of providing water service at the applicant's property. No well drilling permit shall be issued for projects located within 250 feet of a CUC distribution main unless a denial letter from CUC Water Division is submitted.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 400 - Well Construction Criteria

§ 65-140-401 Sealing of Annular Space

The annular space on all wells shall be sealed to protect the well and/or the aquifer from entrance of surface or shallow contaminants. The minimum distance for sealing off the annular space shall be 50 feet, unless otherwise provided for below.

(a) For wells constructed in very shallow aquifers (less than 50 feet deep to the water table), the applicant may seal the annular space to a lesser depth provided the applicant can demonstrate to the Chief that the well construction will provide protection from entrance of surface or shallow contaminants. In no instance shall the annular seal be constructed to a depth less than 25 feet. The annular seal shall not be placed until Division personnel perform a site inspection.

(b) For wells constructed in unconsolidated material, prone to collapsing, a conductor casing shall be installed to the depth of the seal specified above. The 2-inch (min) space between the conductor casing and production (well) casing shall be filled with sealing material.

(c) The sealing material shall conform to the latest revision of the NWWA specification for well sealants, or shall be made up of cement grout – 2½ parts by volume of sand to one part by volume of cement, with 5 to 7 gallons of water per bag.

(d) High sulfate resistant cement (Type V Portland Cement) shall be used for sealing mixtures, due to its corrosive resistant properties.
(e) The sealant shall be allowed to "set" in-place at least 24-hours before well construction operations may resume.

(f) Before placing sealant material, the annular space shall be flushed.

(g) An approved filter pack of rounded pea gravel or sand sized for screen shall be installed between the bore hole and the well casing wherever grout is not placed.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in §§ 65-140-401 through 65-140-455, and §§ 65-140-470 and 65-140-475.

§ 65-140-405 Well Casing

Openings into the well seal shall be protected from entrance of surface waters or foreign matter. Well casing air vents shall be equipped with stainless steel insect screen and shall have downturned "U" bend.

(a) A 1.0-inch diameter PVC schedule 40 pipe (sounding tube) shall extend from a point at least 6-inches above the top of the well down to the bottom of the well in order to facilitate water level measurements. If the sounding tube is installed on the inside of the well casing, then each time the well undergoes significant modification, the sounding tube shall be properly reconstructed before the well is put back into service.

(b) Each well equipped with a submersible pump shall have a properly constructed well cap and gasket installed (sanitary seal).

(c) Each well equipped with a turbine pump shall have its pump head base plate properly gasketed to the well casing top flange.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-410 Concrete Pedestal around Well Head

Each well shall have a reinforced concrete pedestal constructed around the well head. The pedestal shall be a minimum of 6-inches thick, 3 feet by 3 feet in dimension, constructed continuous with the grout seal, and set into the ground several inches, sloping gently away from the well cap. The ground around the concrete pedestal shall be sloped away from the well.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-415 Required Equipment

All water wells shall be equipped with the following:

(a) Sounding tube

(b) Well casing air vent (bent downward, screened)

(c) Check valve

(d) Pressure gauge

(e) Gate valve

(f) Sample tap (If well is equipped with a chlorination system, the sample tap shall be located upstream of the chlorine injection point.)

(g) Flow meter

(h) Pressure relief valve, if well is made part of a hydropneumatic system.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (h).

§ 65-140-420 Required Dimensions

(a) Minimum inside diameters for well casing shall be based on the required installed capacity of the well, as defined in part 800 of this chapter, and shall be in accordance with the table below:

Capacity of Well (gal/min)	Min Inside Diameter of Well (inches)
less than 30	5
30 to 100	6
100 to 199	8
200 to 349	8
350 to 650	10
Above 650	As directed by Chief

(b) Minimum wall thickness for steel well casing and conductor casing shall be 1/4 inches. Steel casing joints shall be screwed type with external sleeves, or welded. Steel casing shall conform to ASTM A-53 or A-120. Use of steel well casing is discouraged, due to the highly corrosive nature of much of the Commonwealth's groundwaters.

(c) Minimum wall thickness for PVC well casing shall be schedule 40 for wells with depths up to 75 feet, and schedule 80 for wells with depths from 75 feet to 350 feet. PVC may not be used for well casing in wells deeper than 350 feet, or for conductor casing, or under conditions requiring driven well casing unless certification by the manufacturer is given for the specific application. PVC well casing shall conform to ASTM F-480.

(d) Reinforced fiberglass casing may be suitable for casing depths of up to 500 feet, provided the manufacturer certifies that the casing has the required strength.

(e) No casing material other than steel, stainless steel, PVC, or fiberglass shall be permitted unless granted special approval by the Chief.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The first paragraph was not designated. The Commission designated it subsection (a).

§ 65-140-425 Use of Certain Wells for Drinking Water

Dug wells and driven wells are prohibited for use as drinking water supplies (public or non-public), unless otherwise granted special permission by the Chief.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-430 Underground Injection Wells

The construction of underground injection wells shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC)

[NMIAC, title 65, chapter 90], a copy of which can be obtained at the office of the Division.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-435 Drilling Fluids

Only clean, potable water shall be used in drilling fluids whether employed alone or in combination with drilling additives. Only high grade clays or commercial chemicals, proposed by the applicant and given prior approval by the Chief, shall be used in make-up of any drilling fluid.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-440 Interruption in Work

Whenever there is an interruption in work on the well, such as an overnight shutdown, during inclement weather, or period between testing, etc., the well opening shall be closed and secured (by tack welding or other approved means) with a cover designed to insure the public safety, prevent damage to the well, and prevent the introduction of unwanted materials into the well.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-445 Lead and Mercury Prohibited

Lead, all alloys/materials containing lead, and paints and coatings containing lead or mercury shall be strictly prohibited from introduction into any new or existing water well.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-450 Plumbness

All wells should be constructed both straight and plumb. Plumbness should provide for the proper installation of equipment.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-455 Well Screens

For wells constructed in unconsolidated or incompetent geologic structures, well screens will likely be required. Well screens shall have the following properties:

(a) Constructed with slot openings continuous around the circumference of the screen, allowing for efficient well development and operation.

(b) Constructed with slot openings spaced to provide maximum open area consistent with strength requirements and well packing (or native earth) grain size distribution. Slot openings should be V-shaped and widen inward.

(c) Constructed of a single, corrosion resistant metal.

(d) Screen design shall be submitted to the Chief for review and approval prior to installation.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-460 Monitoring Wells

Monitoring wells shall be designed and installed in conformance with EPA manual Handbook of Suggested Practices for the Design and Installation of Ground-Water Monitoring Wells, EPA/600/4-89/034, March 1991, or latest revision. The design and installation of the monitoring well must be approved by DEQ prior to installation.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: The 1994 amendments misnumbered new sections 7.1.3 through 7.1.5. Section 7.1 already existed and is codified at § 65-140-401. The correct numbering is §§ 7.13 through 7.15, and the Commission codified the provisions accordingly at §§ 65-140-460 through 65-140-470.

§ 65-140-465 Materials for Construction

Materials associated with the well and appurtenances for all wells (monitoring, water, and seawater) shall be described in the application. Construction materials shall be consistent with the environmental conditions in the CNMI and approved by DEQ.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: The Commission corrected the spelling of "appurtenances."

§ 65-140-470 Well Construction Report for Water Wells

The following is for water wells only.

(a) Within thirty days of the completion of well construction and prior to the application for a pump test, the applicant shall submit to the agency for review and approval a well construction report. The well construction report shall include the following information:
(1) Name of driller, geologist and other personnel on the site during drilling;

(2) Date/time to start and finish the well;
(3) Location of the well (include diagram of site in accordance with § 65-140-205(j));
(4) Elevation of ground surface;
(5) Type of drilling equipment;
(6) Diameter of boring hole;
(7) Depth to water encountered during drilling;
(8) Depth to standing water;
(9) Well boring log that shows soil/rock classification and description;
(10) Total well depth;
(11) Well completion information to include:
(i) A description of the well casing (include type of material, casing diameter, total length of casing, depth below ground surface, how sections are joined, and if an end cap was provided),
(ii) A description of the well screen (include the type of screen material, screen diameter, slot size and length, and the depth to the top and bottom of the screen),
(iii) A description of the filter pack (include the type/size of pack material, volume of material used, the depth to the top of the filter pack, and the method of placement),
(iv) A description of grout and/or sealant (include material composition, method of placement, volume placed, and the depth (top and bottom) of the grout interval in the well),
(v) A description of the backfill material (include the type of material, and the depth (top and bottom) of the backfilled interval),
(vi) A description of the surface seal (include the type of seal, and the dimensions of the seal).

(b) This information is not required for exploratory pump tests. The Chief may require on a case by case basis that additional information be obtained and submitted for review and approval. Soil samples are required to be collected every ten feet, labeled stated depth sample was obtained, and put in clean containers (plastic bags are acceptable) so that they can be inspected by DEQ.

Modified, 1 CMC § 3806(c), (e), (f), (g).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: In the opening paragraph, the Commission inserted the final period, and in subsection (a)(11)(i), the Commission inserted the final comma to ensure consistent punctuation.

§ 65-140-475 Collision Protection

Wells located near areas of traffic must be provided with appropriate collision protection to ensure the security of the well-head.

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Part 500 - Well Development and Disinfection

§ 65-140-501 Care in Developing, Redeveloping

Developing, redeveloping, or conditioning of a well shall be done with care and by methods which will not cause damage to the well or its casing or cause adverse subsurface conditions that may destroy or damage barriers to the vertical movement of water between aquifers.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 500.

§ 65-140-505 Removal of Chemical Agents

Where chemical agents have been introduced into the well or surrounding area in the course of well construction, development, and/or redevelopment, the well shall be pumped until these agents have been removed. Sampling may be required to verify removal.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-510 Disinfection

Upon completion of well development and flushing, but before the start of the pump test, the well driller shall disinfect the well and discharge piping. Disinfection shall be accomplished by maintenance of a free chlorine residual of at least 100 parts per million (ppm) for a period of at least 24 hours. See the following table for guidance in determining the necessary chlorine dose to achieve a chlorine concentration of 100 ppm in the well water. After first application of chlorine into the well, the well driller shall momentarily operate the test pump in order to mix the chlorine solution in the well water and to introduce chlorine into the discharge piping. A chlorine solution shall be applied to the interior of the well casing above the water level.

Chlorine Compound Required to Produce a 100 mg/l Solution per 100 Feet of Water-filled Casing

Well Casing Diameter	65% HTH dry wt.(l)	5.25% Commercial Bleach liquid measure
6 inch	4.0 oz.	40 oz.
8 inch	6.0 oz.	64 oz. (½ gallon)
10 inch	8.0 oz.	112 oz.
12 inch	12.0 oz.	160 oz.
16 inch	22.0 oz.	256 oz. (2 gallons)
20 inch	34.0 oz.	428 oz.

Notes:

(1) Where a dry chemical is used, it should be mixed with water to form a chlorine solution before putting it into the well.
(2) All other chemical additives applied in and around the well require approval by the Chief prior to use.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 600 - Pump Testing and Water Quality Sampling Requirements

§ 65-140-601 Objective of Pump Tests

The objective of the pump test is to prove that groundwater exists in sufficient quantities to meet the long-term water needs of the project, and that the maximum monthly well production allocation as defined in part 800 of this chapter will not result in degradation of groundwater quality or potability. The Commonwealth is committed to a policy of non-degradation of its groundwater resources.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 600.

§ 65-140-605 Duration of Pump Test

(a) At a minimum, a 36-hour pump test (24-hours for non-public water supplies), or "sustained yield test," shall be required on all water wells. The Chief may require a longer test duration, if the hydrogeologic characteristics of the site and the water requirements of the project warrant it. The pump test shall be conducted only after the well has been developed, flushed, and disinfected.

(b) The driller has the option of conducting a preliminary pump test ("exploratory pump test") to determine if sufficient yield is available from the well in question, provided the bore hole is stable and that all drilling fluid and materials can be recovered. If the driller chooses this option a final pump test must be conducted after well construction and development to determine well capacity.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1994 amendments added new subsection (b).

In subsection (a), the Commission moved the comma after "test" inside of the closing quotation mark to correct a manifest error. In subsection (b), the Commission deleted the repeated phrase "of conducting."

§ 65-140-610 Supervision of Pump Tests

For projects with a total well discharge capacity requirement of more than 200 gpm (see part 800 of this chapter for determination of the total well discharge capacity requirement), a qualified hydrogeologist or groundwater engineer shall supervise the pump test process and report to the Division on the results of the test in accordance with the requirements of this chapter.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-615 Scheduling Pump Test

The start of pump test must be scheduled with the Division at least two working days in advance. Tests must begin and conclude during DEQ's normal working hours whenever possible.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-620 Equipment Test

The well driller shall test the pump, generator, and discharge piping, valves, meters, and gauges as necessary to assure their proper adjustment and good operating condition at least 24-hours in advance of the scheduled start of the well pump test. In the event pump testing equipment is not operational, the well driller will promptly notify the Division.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-625 Procedure for Pump Test

The sustained yield pump test shall be continuous, and shall monitor water level, rate of discharge, and water quality in accordance with the following schedule:

(a) Water level measurements are to be recorded to the nearest one-one hundredth of a foot (0.01 feet), using an electronic depth sounder, a "data logger," or a steel tape (with chalk) properly calibrated.

Duration	**Interval (minutes)**
0 to 10 min	every minute
12 to 30 min	every 2 minutes
40 min to 1 hour	every 10 minutes

90 min to 8 hours	every 30 minutes
9 hours to 24 hours	every 1 hour
26 hours to 36 hours	every 2 hours (for PWS only)

(b) An aquifer recovery test shall be conducted immediately upon the completion of the pump test. Water levels shall be measured every 1 minute for 60 minutes, or every one minute until such time as the water level recovers to within 95 percent of its pre-pumping level, which ever occurs first (i.e.; if the total pump test drawdown is 100 feet, then measurements shall be made until such time as the aquifer recovers to within 5 feet of its original pumping level). If the aquifer takes more than one hour to recover, measurements shall be made every 10 minutes until such time as the aquifer recovers to 95 percent of its pre-pumping level.

(c) Flow rates shall be measured through a mechanical flow meter, and recorded at least once every 30 minutes for the first 8 hours of the pump test, and every hour thereafter. Other methods of flow measurement must be given prior approval by the Chief.

(d) After installation of the permanent pumping and piping equipment, but before the well is put into service, the well and equipment shall be disinfected in accordance with the procedures outlined in § 65-140-510.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The final paragraph was not designated. The Commission designated it subsection (d).

In subsection (a), the Commission moved the comma after "logger" inside of the closing quotation mark.

§ 65-140-630 Discharge Water

Water pumped from the well in the course of the pump test shall discharge a minimum of 100 feet downgradient of the well. Discharge water shall not impact surrounding property, nor shall it create a public nuisance. Discharge water shall not be permitted to pond or collect, but shall drain freely in the direction away from the well(s) being tested.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-635 Multiple Well Pump Tests

In the event 2 or more wells are constructed for the same project, the Chief may require simultaneous pump tests. For all multiple well pump tests, the applicant shall submit a pump test plan indicating sampling scheduling, pumping rates, and water level measurement to the Chief prior to performing the test.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-640 Clean Well Site

The well site shall be relatively clean, free of excessive mud and debris, prior to the start of the pump test.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-645 Underground Injection Well Tests

Injectivity tests, geophysical logging, and mechanical integrity testing for underground injection wells shall be conducted in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC) [NMIAC, title 65, chapter 90], latest revision, a copy of which can be obtained at the office of the Division.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-650 Water Quality Analysis

(a) Routine water quality analysis shall be conducted during the course of pump test. Analysis can be performed at the Division's water quality laboratory or other EPA certified laboratory. Routine water quality analysis includes sampling for the following parameters.
(1) Chloride
(2) Total hardness
(3) Nitrate
(4) pH
(5) Total dissolved solids (TDS)
(6) Conductivity
(7) Total coliform.

(b) For public water supplies: Chloride, hardness, pH, conductivity, and TDS shall be taken at hour 0 (start of pump test), and at hours 2, 4, 6, 8, 12, 16, 24, 30, and 36. Clean, clear 500 ml plastic bottles shall be used. Bottles shall be labeled by project name, time and date of sampling, sample number, and person responsible for taking the sample.

(c) For non-public water supplies: Chloride, hardness, pH, conductivity, and TDS shall be taken at hour 0 (start of pump test), and at hours 2, 4, 6, 8, 12, 16, and 24. Clean, clear 500 ml plastic bottles shall be used. Bottles shall be labeled by project name, time and date of sampling, sample number, and person responsible for taking the sample.

(d) For all water wells: Nitrate and total coliform shall be taken at the end of the pump test, placed in specially prepared bottles given by the analyzing laboratory, and delivered to the lab in accordance with the lab's instructions. Bottles shall be labeled by project name, constituent to be analyzed, time and date of sampling, sample number, and person responsible for taking the sample.

(e) At the conclusion of the pump test, sampling will be conducted for other non-routine water quality parameters (i.e., VOCs) as may be required by the Chief.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e).

In subsection (e), the Commission changed "VOC's" to "VOCs" to correct a manifest error. In subsection (a)(7), the Commission inserted the final period.

§ 65-140-655 Cost of Water Quality Analysis; Results

The cost of water quality analysis is not included in the well drilling permit application fee. The applicant should inquire into the cost of the required routine and non-routine laboratory analysis prior to submitting a well drilling application. If the Division laboratory is used, water quality sampling results will be mailed to the applicant. No operations permit will be issued if the results of this water quality analysis exceeds the CNMI Drinking Water Standards [NMIAC, title 65, chapter 20], latest revision, unless the water supply is to undergo appropriate treatment. Regardless of any treatment process proposed, all water wells must undergo routine water quality analysis.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-660 Forms Provided in Application

The well operations permit application includes copies of the forms to be used in reporting the results of the pump test and routine water quality analysis.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-665 Division Laboratory Procedures

Applicants submitting water samples to the Division's laboratory shall comply with all Division lab sampling procedures and sample submission policies. A copy of the "Division Lab Water Sampling Procedures and Sample Submission Policies" is available at the office of the Division.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 700 - Well Drilling Activity Reporting for Well Operations Permit Application

§ 65-140-701 Geologic Logs

The applicant shall submit copies of geologic (lithologic) logs to the Division. Geologic samples shall be taken every 10 feet and duly logged on forms provided by the Division, unless otherwise waived by the Chief in writing prior to the start of well drilling.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 700.

§ 65-140-705 Other Required Information

The applicant shall submit actual "as-built" well construction sections and material specifications, hydrogeologic data (static water level based on USGS datum), drawdown, and pump test flow rate. Forms for submission of this information are included in the well operations permit application.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-710 Water Quality Sampling Results

The applicant shall submit all water quality sampling results as specified in part 600 of this chapter.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-715 Hydrogeologic Report

The applicant shall submit a site specific hydrogeologic report, if made a condition of the applicant's well drilling permit issued by the Chief. The general requirements for a hydrogeologic investigation are given in part 1700 of this chapter.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-720 Information Required for Permit

A well operations permit will not be issued without submission of the above information.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-725 Degradation of Groundwater

Should the well construction, pump test, and analytical data indicate that long-term degradation of groundwater quality may occur as a result of withdrawing water at the

depth and rate as requested by the applicant, the Chief may require subsequent pump test(s) at reduced flow rate(s) and at different depth(s), etc. until such time as it can be shown that no degradation of the groundwater will occur as a result of the applicant's withdrawal of his permitted maximum monthly well production allocation. The purpose of this provision is, in part, to minimize the possibility of saltwater intrusion which can occur due to overpumping wells.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 800 - Water Supply Capacity Guidelines

§ 65-140-801 Average Daily Water Supply Requirement

Water supply capacity guidelines are given in table 800-1. The total of all uses constitutes the estimated average daily water supply requirement. The applicant shall provide a detailed summary, by class of use, of the project's total average daily water supply requirement, on forms provided by the Division.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-805 Average Daily Well Withdrawal Requirement

For those projects proposing no form of water treatment, the average daily well withdrawal requirement is equal to the average daily water supply requirement identified in § 65-140-801 above. For those projects proposing water treatment as part of their water supply facilities, the average daily well withdrawal requirement shall be equal to the average daily water supply requirement established in § 65-140-801 above, divided by the stated efficiency (expressed in its decimal form) of the proposed treatment system.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-810 Maximum Monthly Well Production Allocation

The project's maximum monthly well production allocation shall be equal to no more than 150 percent of the flow, expressed in gallons per month, of the average daily well withdrawal requirement as identified in § 65-140-805 above.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-815 Limitations

The well pump test flow rate shall be set at the maximum monthly well production allocation, expressed in gallons per minute, identified in § 65-140-810 above. Well pump tests shall be conducted in accordance with the requirements of part 600 of this chapter. Actual maximum monthly well withdrawal allocation for individual wells shall be subject to the following limitations:

(a) If degradation in the ambient groundwater quality is measured in the course of the pump test, the applicant will be required to reduce the water supply requirement of the project; install additional wells to provide for a reduced rate of withdrawal from each production well; or both, until subsequent pump tests confirm there is no degradation in groundwater quality as a result of the applicant's withdrawal of the permitted maximum monthly well production allocation.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original regulation created subsection (a), but did not create any other subsections.

§ 65-140-820 Total Well Discharge Capacity Requirement

The project's total well discharge capacity requirement shall be equal to 200 percent of the average daily well withdrawal requirement identified in § 65-140-805 above, expressed in gallons per minute. This flow rate will dictate well construction parameters and selection and design of pumping systems. This provision is to assure that:

(a) There is an adequate water supply during short-term periods of peak use;

(b) An allowance is made for declining well yield and pump performance over time;

(c) The water supply facilities for large projects (with more than one well in production) will be capable of producing all of, or a significant portion of, the average daily water supply requirement with one well out of service.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Table 800-1
Water Supply Capacity Guidelines

Type of Development	Unit of Measurement	Gallons per Unit per Day
Single family home	Bedroom	150
Duplex	Bedroom	150
Multiple family (apt)	Bedroom	120
Condominium	Bedroom	120

Business hotels/motels	Bedroom	120
Resort hotels	Bedroom	225
Barracks/worker's housing	Bed	60
Hospitals	Bed	250
Restaurants	Seat	40
Lounge	Seat	10
Schools with cafeteria	Student/faculty	25
Schools without cafeteria	Student/faculty	15
Boarding school	Student/faculty	100
Office space	100 sf gross area	15
Retail commercial space	100 sf gross area	10
Garment factory	Worker shift	15
Airport	Passenger	5
Self-service laundry fac	Washer	250
Car wash	vehicle	40
Service station	Employee	150
Swimming pool/bath house	Person	10
Theater/Auditorium	Seat	5

Notes:
(1) The Division may modify the above standards for a specific project if the applicant provides historical metered water use data for other like projects indicating a more appropriate gallons per unit water requirement.
(2) For a type of development not listed above, the applicant shall provide a detailed summary of projected water use for review by the Division. The Chief reserves the right to modify water use projections made by an applicant for a given type of development not listed above.
(3) For some resorts, hotels, apartments, condominiums, and motels, other ancillary water uses may have to be factored into the total water supply requirement. These uses may include swimming pools, health clubs, gardening/irrigation, on-site staff housing, and air conditioning.
(4) Seasonal water use needs, such as golf course irrigation supply, shall be determined on the basis of a dry year dry season irrigation requirement.
(5) For the purpose of this chapter, the water use figures listed above shall take precedence over other water use figures used by Coastal Resources Management Office and CUC.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: In footnote 3, the Commission inserted the word "be" before "factored" to correct a manifest error.

§ 65-140-825 Excessive Well Discharge

If the total well discharge requirement established in § 65-140-820 above exceeds 200 gallons per minute, then the applicant shall be required to install at least two water supply wells to serve the project, whose combined discharge capacity is equal to or greater than the flow rate established in § 65-140-825 above.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-830 Treatment Plant Rated Capacity

For systems proposing water treatment, the treatment plant rated capacity shall be equal to or greater than the total well discharge capacity requirement.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-835 Maximum Monthly Well Production Allocation

The Chief will establish the total well discharge capacity requirement based upon the water supply needs of the project, and shall establish the maximum monthly well production allocation for each well on the basis of well pump test data, well drilling data, and water quality analytical data.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-840 Atmospheric Storage

The applicant shall provide atmospheric storage equal to at least two days, of the average daily water supply requirement as determined in § 65-140-801 above.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-845 Example

(a) Given: The proposed "Jewel of Micronesia" resort project has a calculated total average daily water supply requirement of 201,600 gallons per day (gpd), based upon the proposed number of resort bedrooms, condominium bedrooms, restaurant seating capacity, on-site staff housing, etc. Table 800-1 was used as a reference in determining the above daily requirement. The developers of the resort propose to use a reverse osmosis treatment system with a stated efficiency of 40 percent.

(b) Solution:

Average daily water supply requirement is 201,600 gpd = 140 gpm

Average daily well withdrawal requirement is

$$\frac{140\text{gpm}}{.40\ (\text{treatment plant efficiency})} = 350\text{gpm}$$

Total well discharge capacity requirement is
350 gpm x 200 percent = 700 gpm

Maximum monthly permitted withdrawal for all wells is therefore:
350 gpm x 150 percent = 525 gpm, or
22.8 million gallons per month

(c) Because the total well discharge capacity requirement is greater than 200 gpm, at least two wells are required. The developer proposes to install four wells, each with an installed production capacity of 25 percent of the total requirement, or 175 gpm each.

(d) Because the total well discharge capacity requirement is divided equally among the four proposed wells, each well shall be allocated a maximum monthly production of 130 gpm (one-quarter of the total), or 5.7 million gallons per month.

(e) Because the proposed production wells do not have a discharge capacity requirement greater than 350 gpm (each), there is no need for installing test wells to determine the limits of the wells' radius of influence (see part 1600 for requirements related to determination of a well's radius of influence).

(f) The proposed production wells must undergo a 36-hour pump test (this is a public water system, as defined in § 65-140-010, served by non-seawater well). The pump test flow rate for each well in this example will be set at 130 gpm. Since the project has a total well discharge capacity requirement greater than 200 gpm, a qualified hydrogeologist or groundwater engineer is required to supervise the pump test(s). In this example, the Chief determined that the four wells must be pump tested at the same time.

(g) In this particular example, water quality sampling results reveal there was no degradation of the groundwater during the pump test. Therefore, the applicant is granted the maximum monthly well production allocation as requested. There is no need to reduce the pump test discharge rate, install additional wells, pump from a different depth, and/or re-perform the pump test and sampling.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (g).

Part 900 - Well Operations Permit Application Requirements

§ 65-140-901 General Requirements

(a) No person may operate a well or withdraw groundwater without a valid well operations permit issued by the Chief. Upon satisfying all of the well drilling permit requirements, and prior to placing any new or significantly modified well into service (including monitoring wells), the applicant must submit a new well operations permit application to the Division. Underground injection wells are exempted from the requirements of this part. Application for operating an underground injection well shall be in accordance with the regulations established by the Division, entitled "Underground Injection Control" (UIC) [NMIAC, title 65, chapter 90], a copy of which can be obtained at the office of the Division.

(b) The well operations permit covers as-constructed well location, construction, testing, and development data for all new or significantly modified wells. The well operations permit application shall be submitted to the Chief, and shall include at a minimum the information covered in this part.

(c) The requirements of this part apply to all applicants that have not received a well drilling permit as of the date the regulations in this chapter become effective. A copy of the well operations permit application form is available from the Division. See part 1500 for applicable requirements for wells in operation as of the date the regulations in this chapter become effective.

(d) The application may be filled out by the applicant or his authorized representative. In either case, the applicant shall sign and date the application, and shall be responsible for all statements made therein.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: This section was originally the first four paragraphs of § 12, codified at part 900. See 14 Com. Reg. at 9741 (Sept. 15, 1992). The Commission designated subsections (a) through (d).

The Commission created the section titles in part 900.

§ 65-140-905 Information Required for Applications

Information to be provided in the well operations permit application form shall include:

(a) Name, address, and telephone number of the applicant. If the owner of the well and the operator of the well are not the same, a notarized statement from the owner of the well granting permission for the operation and maintenance of the well must accompany the application.

(b) Type of application (new, revision, or renewal).
(1) New applications are for all new wells, for change of use from one type of well to another, and for wells which have undergone significant modification.
(2) Revised applications are for those applicants who seek to make a substantial change to the scope of work as described, in the original permit application. Substantial

changes to original scope include the number of wells, the discharge rate requested, the location of the well(s), the intended use(s) of the proposed well(s), change in ownership or maintenance responsibility of the well(s), etc.

(3) Renewal applications are for wells whose operations permits have expired. All well operations permits expire on September 30 of the year following issuance of a permit, and are renewable each September 30 thereafter.

(c) Well operation permit application fees shall be in accordance with the following fee schedule. Payment of fees is required at the time of submitting each permit application, and is non-refundable. Fees shall be paid by check, and made payable to the Division. The Commonwealth Utilities Corporation is exempt from payment of permit application or renewal fees.

Well Operations Permit Application Fee Table

Application Type	**Total Well Discharge Capacity Requirement(1)**	**Application Fee**
New	less than 20 gpm	$25.00
	21 gpm to 100 gpm	$100.00
	101 gpm to 200 gpm	$500.00
	201 gpm to 350 gpm	$1000.00
	351 gpm to 500 gpm	$2000.00
	over 500 gpm	$4000.00
Revised	If discharge capacity requirements change, fee to be based upon the above. If well location changes, no adjustment in fees is necessary.	
Annual Renewal	Calculated based upon 50% of fees paid in accordance with the above schedule. Projects with a total well discharge capacity requirement less than 20 gpm (such as a single family home or a duplex) are exempt from the requirement of renewal of permit, and therefore are exempt from payment of renewal fees.	

Notes for fee table:

(1) See part 800 of this chapter for determination of a project's total well discharge capacity requirement.

(2) There are no application fees for test wells and monitoring wells.

(d)(1) Semi-annual routine water quality sampling is required as a condition of the well operations permit process for all projects except those with a total well discharge capacity requirement less than 20 gpm. See part 1000 of this chapter for the routine semi-annual water quality sampling requirements.

(2) The Chief has the authority to require any applicant to sample for other "non-routine" water quality parameters as part of the original well operations permit application or as part of renewing a well operations permit. These non-routine parameters may be any of the regulated contaminants listed in the Commonwealth's Drinking Water Regulations [NMIAC, title 65, chapter 20]. Laboratory fees for all water well water quality sampling are not included in the above fee schedule.

(e) Use of the well.

(f) For new or significantly modified wells serving non-public water supply systems, submit a cross-section of the well as constructed.

(g) For new or significantly modified wells serving public water supply systems, submit a cross-section of the well as constructed, and include the following:
(1) Elevation of static water level in well (USGS datum);
(2) Elevation of water level at end of the pump test (24-hour test for non-public water supplies, and 36-hour test for all public water supplies) at the requested well discharge rate;
(3) Elevation of pump;
(4) Pump type, horsepower, manufacturer, material of construction, and pump curve information;
(5) Hydraulic calculations supporting size of pumping equipment;
(6) Master flow meter type, size, manufacturer, and material of construction;
(7) Elevation of top and bottom of well screen. In an unconfined basal or parabasal aquifer, the Division strongly recommends that the well screen or open hole section of the well be installed such that the well draws from as close to the top of the aquifer as possible after pumping equilibrium is reached;
(8) Elevation of limits of the annular seal;
(9) Expected well head discharge pressure at permitted flow rate.

(h) The as-constructed well location, project name, and project scope shall be exactly as indicated in the well drilling permit application. Any changes from the information provided in the well drilling permit application must be reported to the Division immediately.

(i) All information identified in part 700 of this chapter.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: This section was originally the fifth paragraph of § 12, codified at part 900, and §§ 12.1 through 12.8. The Commission designated subsection (d). The Commission corrected the punctuation at the ends of subsections (g)(1) through (g)(8) to semicolons pursuant to 1 CMC § 3806(g).

§ 65-140-910 Well Inspection

The well shall be inspected by the Chief or Division staff member prior to issuance of a well operations permit (for new or significantly modified wells, or application renewal).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-915 Timing of Application Submission

A fully completed well operations permit application shall be submitted to the Chief for review at least thirty calendar days prior to the scheduled start of any well production activities.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-920 Renewal Application

The well owner shall apply for a renewal of a well operations permit at least thirty days prior to expiration of the existing well operations permit. Failure to maintain a valid well operations permit for an active water well may result in fines and other administrative penalties as provided for in this chapter.

Modified, 1 CMC § 3806(d), (e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1000 - Well Operations Permit Obligations

§ 65-140-1001 Routine Water Quality Analysis

All owners of projects with a total well discharge capacity requirement greater than 20 gpm shall, on a semi-annual basis, perform routine water quality analysis on the water from each well. Samples shall be taken from a point prior to any chemical addition or form of treatment. Routine analysis includes sampling for the following parameters. Such analysis may be performed at the Division's laboratory or other EPA certified laboratory.

(a) Chloride.

(b) Total hardness.

(c) Nitrate.

(d) pH.

(e) Total dissolved solids.

(f) Conductivity.

(g) Total Coliform (if a public water supply).

Modified, 1 CMC § 3806(f), (g).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (g).

The Commission created the section titles in part 1000.

In subsections (a) through (g), the Commission inserted the final period.

§ 65-140-1005 Non-routine Water Quality Analysis

Other non-routine water quality analysis may be required by the Chief, in accordance with the vulnerability of the drinking water supply to source(s) of contamination. Such non-routine analysis may be for any of the regulated drinking water contaminants listed in the Commonwealth's Drinking Water Regulations [NMIAC, title 65, chapter 20]. Samples shall be taken from a point prior to any chemical addition or form of treatment. Non-routine analysis shall be performed by an EPA certified laboratory. The cost of all such analysis shall be borne by the applicant.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1010 Public Water Systems

All owners of public water systems (community and non-community water systems) shall also sample their water supplies in accordance with the requirements of the Commonwealth's Drinking Water Regulations [NMIAC, title 65, chapter 20], latest revision.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1015 Record of Total Well Production

All owners of active water wells subject to the requirements of § 65-140-1001 shall, on a monthly basis, record total well production (in gallons).

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1020 Required Data Submitted with Renewal Application

The data requirements specified in §§ 65-140-1001 through 65-140-1015 shall be submitted with each well operations permit renewal application. Failure to provide this data will result in an incomplete renewal application. See part 1400 of this chapter regarding the penalties associated with submission of an incomplete well operations renewal application.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1025 Reporting of Excessive Withdrawal Rate

Pumpage of any well in any month which exceeds 110 percent of the permitted maximum monthly withdrawal rate must be reported to the Division within seven working days after the end of the month in question. Failure to do so will result in violation of this chapter, with fines imposed for each continued day of violation until such time as the applicant files a report with the Chief explaining the circumstances leading up to exceeding the permitted pumpage rate, and a plan to avoid recurrence of exceeding the maximum monthly withdrawal rate. See part 1400 of this chapter regarding the imposition of fines and other penalties.

Modified, 1 CMC § 3806(c), (d), (e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1030 Maintenance and Security of Wells

Permittee is responsible for proper maintenance and security of the well-head at all wells including exploratory. In the case of an exploratory well, after completion of the pump test, the well must be sealed (capped) and secured with a temporary fence of no less than six feet in height. The temporary fence must have adequate visual warnings to prevent destruction by vehicles such as earthmoving devices.

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

§ 65-140-1035 Hazardous Materials/Wastes

Permittee is responsible for groundwater clean-up if hazardous materials/waste are placed down the well.

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

§ 65-140-1040 Damage Report

Permittee is responsible to report any damage to the well-head to DEQ in writing within 24 hours. With the damage report the permittee must submit a schedule for the repair.

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Part 1100 - Exemptions for Seawater Wells

§ 65-140-1101 General

(a) In recognition of the limited public value of salty groundwater as a vital public resource, the regulations in this chapter provide for certain exemptions for wells to be

developed within saltwater groundwater. Except for the specific exemptions listed below, all other provisions of this chapter shall apply to seawater wells (see § 65-140-010 for the definition of "seawater well"). Verification of the analysis proving chloride or conductivity of well water shall be made by the Division.

(b) All seawater wells must undergo reverse osmosis treatment plus post-treatment chlorination if the exemptions of this part are to apply. Because this treatment process requires the application of sophisticated technology, the Division requires that supervision, operation, and maintenance of the water treatment facilities be performed by qualified, experienced personnel. Use of the reverse osmosis treatment process requires safe disposal of the treatment waste stream, in a manner that will not impact human health or the environment.

(c) All well drilling permit applications for seawater wells must include a complete water treatment waste stream disposal plan. This plan must prove that no degradation of the groundwater will occur as a result of discharging the water treatment waste stream, and must prove that the CNMI Water Quality Standards [NMIAC, title 65, chapter 130] will not be violated.

(d) Under all conditions and circumstances, public water supplies shall meet the requirements of the CNMI's Drinking Water Regulations [NMIAC, title 65, chapter 20], regardless of the exemptions provided for in this part.

(e) For all seawater wells, the following exemptions from this chapter are provided.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: This section was originally the introduction to former § 14, codified at part 1100. The Commission designated subsections (a) through (e) and created the section title.

§ 65-140-1105 Well Siting Criteria

Down gradient and upgradient wellhead protection dimensions for seawater wells may be reduced at the Chief's discretion by up to 66 percent for existing land uses listed in § 65-140-305 and § 65-140-310, down to no less than 50 feet, provided the well is constructed with at least 100 feet of solid casing. Seawater wells are exempted from the provisions of § 65-140-315. After the effective date of the revision of this chapter, 2/25/94, the reduction shall be limited to no more than 50 percent.

Modified, 1 CMC § 3806(c), (d).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1110 Well Development and Disinfection

Seawater wells are exempted from the provisions of § 65-140-510.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1115 Pump Testing Requirements

Seawater wells are exempted from the provisions of §§ 65-140-610, 65-140-625, and § 65-140-650. The pump test requirements for seawater wells shall be 24-hour duration, with chemical analysis and water level measurements taken at hour 0 (start of pump test), hour 4, 8, 16, and 24. Routine chemical analysis shall include chloride, total hardness, pH, TDS, and conductivity. The Chief may order tests for other parameters.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1120 Water Supply Capacity Guidelines

Seawater wells are exempted from the provisions of §§ 65-140-810, 65-140-815, and 65-140-835.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1125 Well Operations Permit Application Requirements

Seawater wells are exempted from the provisions of payment for well operations permit renewal fees (included in § 65-140-905(c)).

Modified, 1 CMC § 3806(c), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1130 Well Operations Permit Obligations

Seawater wells are exempted from the provisions of §§ 65-140-1001, 65-140-1005, 65-140-1010, and 65-140-1025.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1135 Action on Applications

Seawater wells are exempted from the provisions of § 60-140-1325.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1140 Monitoring Wells and Comprehensive Hydrogeologic Investigations

Seawater wells are exempted from the provisions of §§ 65-140-1705 through 65-140-1720.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1200 - Exemptions for Wells Pre-determined to Undergo Reverse Osmosis Treatment

§ 65-140-1201 General

(a) In recognition of the effective removal of contaminants provided by reverse osmosis, exemptions from certain provisions of the regulations in this chapter are warranted for non-seawater wells pre-determined to undergo reverse osmosis treatment. Except for the specific exemptions listed below, all other provisions of this chapter shall apply to wells pre-determined to undergo reverse osmosis water treatment. The reverse osmosis membrane must have a molecular weight cut off (MWCO) value no greater than 300. The treatment process must include post-membrane chlorination.

(b) All well drilling permit applications for wells pre- determined to undergo reverse osmosis treatment must include a complete water treatment waste stream disposal plan. This plan must prove that no degradation of the groundwater will occur as a result of discharging the water treatment waste stream, and must prove that the CNMI Water Quality Standards [NMIAC, title 65, chapter 130] will not be violated.

(c) Under all conditions and circumstances, public water supplies shall meet the requirements of the CNMI's Drinking Water Regulations [NMIAC, title 65, chapter 20], regardless of the exemptions provided for in this part.

(d) For all wells pre-determined to undergo treatment by reverse osmosis, the following exemptions from this chapter are provided.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: This section was originally the introduction to former § 15, codified at part 1200. The Commission designated subsections (a) through (d) and created the section title.

§ 65-140-1205 Well Siting Criteria

Down gradient and upgradient wellhead protection dimensions for wells pre-determined to undergo reverse osmosis treatment may be reduced at the Chief's discretion by up to 66 percent for existing land uses listed in §§ 65-140-305 and 65-140-310, down to no less than 50 feet, provided the well is constructed with at least 100 feet of solid casing. Wells pre-determined to undergo reverse osmosis water treatment are exempted from the provisions of § 65-140-315. This section shall not apply if a reduction is requested under § 65-140-1105 for all wells constructed after the effective date of the revision of this chapter 2/25/94. After the effective date of the revision of this chapter 2/25/94, the reduction shall be limited to no more than 50 percent.

Modified, 1 CMC § 3806(c), (d).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1210 Well Development and Disinfection

Wells pre-determined to be treated by reverse osmosis are exempted from the provisions of § 65-140-510.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1300 - Action on Applications

§ 65-140-1301 Additional Information

The Chief may require the applicant to furnish additional information, plans, or specifications before acting on an application for any license or permit.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 1300.

§ 65-140-1305 Determination of Completeness

Each applicant for license or permit shall be issued a notice, sent by the Chief, as to whether or not the Division finds the application complete within ten calendar days of receipt of the application. The Chief shall review and act on any permit application and license within thirty calendar days of determining the application complete.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1310 Decision on Application

The Chief shall notify the applicant in writing of his or her decision regarding the application for a well drilling license, or well drilling or well operations permit (original or renewal). The Chief shall inform the applicant of sufficient facts and reasons upon which a disapproval or conditional approval was based. The applicant shall be afforded the opportunity to file a written appeal of the Chief's decision. Request* for appeal shall be served upon the Division within seven calendar days from receipt of the disapproval or conditional approval. Failure to file this appeal within seven calendar days shall constitute a waiver of the applicant's rights to any future appeal of the Chief's decision.

* So in original.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1315 Transfer of Permits

A well drilling permit or a well operations permit issued pursuant to this chapter shall not be transferred from one location to another, or from one person to another, without the written approval of the Chief.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1320 Commonwealth Utilities Corporation

The Commonwealth Utilities Corporation shall receive priority in the issuance of all well drilling and well operations permits.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1325 Degradation of Groundwater

The Chief may order a reduction in the maximum monthly discharge allocation at the time of well operations permit renewal if subsequent hydrogeologic data, water quality analytical data, etc. warrants such change in order to protect the Commonwealth's groundwater resources from degradation.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1400 - Penalties, Fines, Suspension, Revocation, and Other Orders

§ 65-140-1401 Order for Compliance

The Chief may issue any order to enforce compliance with the Act, or any regulations adopted pursuant to the Act, and any permit or license issued pursuant to the Act and

such regulations. Such orders may include but not be limited to a payment of a civil fine, taking corrective action, cease and desist order, or administrative order.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the sections titles in part 1400.

§ 65-140-1405 Civil Fine

The Chief may order any person to pay a civil fine of not more than $1,000.00 for each violation of the Act, regulations adopted pursuant to the Act, or any permit or license issued pursuant to the Act and such regulations. No prior notification of violation is necessary before imposition of a civil fine. Each day of continued violation after issuance of written notice is a separate offense.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1410 Suspension, Revocation, Modification

The Chief may suspend, revoke, or modify any permit or license issued by the Division for violation of the Act, any regulations adopted pursuant to the Act, any permit or license issued pursuant to the Act and such regulations.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1415 Suspension or Revocation; Well Operations Permit

The Chief may suspend or revoke a well operations permit under the following conditions:

(a) The well is not being maintained or operated in accordance with this chapter or any permit or license conditions; or

(b) The continued operation of the well threatens to contaminate the groundwater resources of the Commonwealth or threatens public health or the environment, as determined by the Chief; or

(c) The well operations permittee has made material misrepresentation or misstatement concerning the quality or quantity of water produced by the subject well; or

(d) Reporting requirements have not been met.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1420 Suspension of Well Operations Permit for a Public Water Supply

A well operations permit for a public water supply that does not undergo an appropriate form of treatment may be suspended under the conditions specified in § 65-140-1415 or under the following conditions:

(a) The water produced from such well fails to meet the Commonwealth's Drinking Water Quality Standards [NMIAC, title 65, chapter 20]; or

(b) The Division's or any other person's investigation and sampling of the well's production provides evidence of contamination. Under this provision, suspension of the operations permit shall remain in effect until laboratory analysis confirms that no contamination exceeding the Commonwealth's Drinking Water Regulations [NMIAC, title 65, chapter 20] are present.

Modified, 1 CMC § 3806(c), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1425 Misrepresentation of Water Quality or Quantity

The Chief may fine any well operations permittee for any material misrepresentation or misstatement of the quality or quantity of water produced by the subject well.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1430 Tampering with Well

The Chief may fine any well operations permittee for tampering with or rendering inoperable any well or appurtenant facility (such as meter, sample tap) necessary for the determination of compliance with the conditions of the well operations permit.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1435 Revocation of License or Permit

The Chief may revoke a well driller's license or well drilling permit for any material misstatement or misrepresentation made by the licensee or permittee made for the purposes of obtaining or retaining such license or permit. The Chief may suspend or revoke a well driller's license or well drilling permit for violation of the Act, regulations, license, or permit.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1440 Additional Penalties

A person shall be liable for an additional penalty for any amount expended by any agency of the Commonwealth in taking any action necessary to mitigate or reduce any significant

adverse effect caused by the person's failure to comply with the Act, regulations, permit, license, or any order issued thereunder.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1445 Application after Revocation

No application for a well driller's license or well drilling permit may be made within one year after revocation of such license or permit by the Chief for the reasons identified in § 65-140-1435 above.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1450 Knowing, Willful Violations

Any person who knowingly and willfully commits any act in violation of the Act, regulations, permit, or license, and who is found guilty by a court of competent jurisdiction may be punished by a fine or not more than $50,000.00 or by imprisonment for not more than one year, or both. Any other penalties or remedies provided by this chapter and ordered by the Chief shall also remain in effect.

Modified, 1 CMC § 3806(d), (e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1455 Appeal of Order

Any person who is subject to civil penalties, revocation, or suspension pursuant to part 1400 may be served with an administrative order and notice of violation and may upon written request seek an appeal hearing before the Chief or his/her designee. Request for appeal may be served upon the Division within seven calendar days from receipt of the administrative order. Failure to request an appeal within seven calendar days shall result in the person's waiving the right to any appeal or hearing. The Chief may compromise any penalty.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1460 Conditional Extension of Well Operations Permit

Any well operations permittee who does not or cannot meet the data submission requirements for a well operations permit renewal may be issued a conditional extension of the original operations permit for a period not to exceed 90 calendar days, during which time the permittee must submit a minimum of two sets of routine water quality samples (see § 65-140-1001) to the Division's laboratory, and submit monthly well production meter readings. If the permittee fails to accomplish these tasks during the

conditional extension, the Chief may revoke the well operations permit. The permittee shall also remain subject to the provisions of § 65-140-1405.

Modified, 1 CMC § 3806(c).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1465 Answer to Allegations

The written request for a hearing shall serve as the answer to the complaint. The request for a hearing or "answer" shall clearly and directly admit, deny, or explain each of the factual allegations contained in the complaint with regard to which the alleged violator ("respondent") has any knowledge. Where respondent has no knowledge of a particular factual allegation and so state*

*So in original.

(a) The circumstances or arguments which are alleged to constitute the grounds of defense,

(b) The facts which respondent intends to place at issue, and

(c) Whether a hearing is requested.

(d) Failure to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegations.

Modified, 1 CMC § 3806(f).
History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The final paragraph was not designated. The Commission designated it subsection (d).

§ 65-140-1470 Informal Settlement Conference

The respondent may also request an informal settlement conference. An informal settlement conference shall not affect the respondent's obligation to file a timely request for hearing. If a settlement is reached the parties shall forward a proposed consent order for the approval of both the Chief and the Director.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1475 Hearing Procedure

If a hearing is conducted, the Chief or his/her designee will preside over the hearing. The Chief shall control the taking of testimony and evidence and shall cause to be made an audio, audio-video, or stenographic record of the hearing. The evidence presented at such hearing need not conform with the prescribed rule of evidence, but may be limited by the

Chief in any manner he/she reasonably determines to be just and efficient and promote the ends of justice. The Chief shall issue a written decision within fifteen working days of the close of the enforcement hearing. The decision shall include written findings of fact and conclusions of law. The standard of proof for such a hearing and decisions shall be the preponderance of the evidence.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission changed "reside" to "preside" to correct a manifest error.

§ 65-140-1480 Review of Decision

Upon issuance of the written decision, the respondent may seek a discretionary review of the decision by the Director. The request for the discretionary review must be filed within ten working days of the date of the issuance of the decision. The request must concisely state the specific objections to the decision. There is no right to a hearing before the Director. A copy of the request of review must be filed with the Chief on the same day it is filed with the Director. The Director may elect to review the case and issue a written decision within thirty calendar days.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1485 Appeal to Superior Court

The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty calendar days following service of the final agency decision.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1490 Counting Days

For filing deadline purposes counting of the days shall start on the day after issuance or receipt (whichever is specified) of any administrative order, notice of violation, cease and desist, or order for payment of a civil fine. If any filing date falls on a Saturday, Sunday, or Commonwealth holiday, the filing date shall be extended to the next working day.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1500 -Existing Wells

§ 65-140-1501 Information Required

Every owner or user of any well existing at the time the regulations in this chapter go into effect shall, upon written request from the Chief, disclose the location and all other facts and information within the owner's/user's knowledge relating to such well. The owner/user shall include a statement of the manner in which the well is being used or operated, the volume of water being drawn or flowing therefrom, and the methods and means of control thereof.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 1500.

§ 65-140-1505 Owners Without Well Operations Permits

Owners of wells in existence at the time the regulations in this chapter go into effect that do not have valid well operations permits shall be required to submit a complete well operations permit application by August 30 of the year following the effective date of the regulations in this chapter. All of the submission requirements for obtaining a well operations permit specified in this chapter shall apply.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1510 Owners with Well Operations Permits

Owners of wells in existence at the time the regulations in this chapter go into effect that do have valid well operations permits shall be required to submit a complete well operations permit renewal application by August 30 of the year following the effective date of the regulations in this chapter. All of the submission requirements for obtaining a renewed well operations permit specified in this chapter shall apply. All well operations permits in effect as of the effective date of the regulations in this chapter shall expire on September 30 of the year following the effective date of these regulations.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1515 Assessing Fees

For the purpose of assessing annual well operations permit and permit renewal fees for existing wells in operation on the effective date of the regulations in this chapter, well operations permit and permit renewal applicants must submit calculations defining the total well discharge capacity requirement. Failure of the applicant to submit this information may result in the Chief assigning a total well discharge capacity requirement.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1520 Other Requirements

Within 180 days of the effective date of the regulations in this chapter, owners of all wells in operation, whether or not in possession of a well operations permit, must comply with the requirements of §§ 65-140-405, 65-140-410, 65-140-415, 65-140-445, 65-140-1001, and 65-140-1015.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1600 -Test Wells

§ 65-140-1601 When Required

For all water wells with a well capacity requirement greater than 350 gallons per minute, the Chief may require that test wells be installed in order to determine the limits of the well's radius of influence.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 1600.

§ 65-140-1605 Test Wells Subject to Permit Requirements

Test wells shall be treated like other wells, subject to permit requirements, except that a group of test wells located on a single property may be considered under one permit.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1610 Destruction of Test Wells

Test wells, unless developed into water producing wells, monitoring wells, or underground injection wells, must be properly destroyed in accordance with pertinent paragraphs of part 1900 of this chapter.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1615 Conversion of Test Well

A well originally permitted as a test well may be converted to a water well provided the applicant applies for and receives a well drilling permit for a water well prior to conversion.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1700 -Monitoring Wells and Comprehensive Hydrogeologic Investigations

§ 65-140-1701 General

The Chief may require the installation of permanent groundwater monitoring wells in order to monitor the effects of groundwater withdrawal facilities or potential sources of contamination on the quality of the Commonwealth's groundwater resources, and to determine whether or not such facilities or potential sources of contamination are preventing the highest beneficial use for which these resources are capable.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: This section was originally the introduction to § 20, codified at part 1700. The Commission created the section titles in part 1700.

§ 65-140-1705 Comprehensive Hydrogeologic Investigation

Monitoring wells shall be constructed under the direct supervision of a qualified hydrogeologist or groundwater engineer, in accordance with best engineering practices (BEP), and shall be designed and sited in such a way as to assess any changes to groundwater quality that may be occurring. Determination of the number of monitoring wells, the contaminant parameters for which these wells will be sampled, and the frequency of sampling shall be made by a qualified hydrogeologist familiar with the general hydrogeology of the Commonwealth and the specific threats to groundwater quality posed. Such determinations shall be made as a part of a comprehensive hydrogeologic investigation (CHI) of the project area. Other hydrogeologic investigative tools, such as installation of test wells, ground penetrating radar (GPR), specific conductance surveys, review of existing geologic data, etc., will likely be required to properly conduct such an investigation. The hydrogeologist shall submit to the Chief a scope of work prior to beginning the CHI for review and comment. Upon completion of the CHI, the hydrogeologist shall summarize the means and methods of the investigation, summarize all findings, and propose a groundwater monitoring plan. The Chief shall review the plan, and may require modifications to it prior to its approval and implementation.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1710 Projects Requiring CHI

A CHI may be ordered by the Chief for any project, either currently in operation or proposed which by their nature constitutes a potential threat to the groundwater resources of the Commonwealth and specifically to groundwater used for drinking water supplies, including but not limited to:

(a) Underground fuel storage facilities;

(b) Solid waste disposal facilities;

(c) Hazardous waste storage or disposal facilities;

(d) Hazardous materials manufacturing, storage, or disposal facilities;

(e) Large scale groundwater withdrawal projects (projects with total well discharge capacity requirements greater than 0.5 million gallons per day);

(f) Golf courses and other agro-commercial land uses which are regular users of pesticides, fungicides, or fertilizers;

(g) Wastewater treatment and disposal facilities discharging directly or indirectly to the groundwater serving projects with an average daily wastewater generation rate of 10,000 gallons per day or more. These facilities may be either an approved IWDS or a wastewater treatment facility.

(h) Any underground injection well (see the Division's Underground Injection Control Regulations [NMIAC, title 65, chapter 90] for a definition of an underground injection well).

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1715 Contingency Plan

The CHI shall include a contingency plan in the event contamination of the groundwater is detected.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1720 Cost

The cost to conduct a CHI, and the cost of all groundwater monitoring and laboratory analysis shall be borne by the owner of the facility.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1800 - Discontinued Use of Wells

§ 65-140-1801 Abandoned Wells

A well shall be considered abandoned if the well is not being used in compliance with or maintained under a valid operation permit or the well has not been used for a period of 24 consecutive months.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Commission Comment: The Commission created the section titles in part 1800.

§ 65-140-1805 Monitoring Wells

Monitoring wells used in the investigation or management of groundwater basins are not considered abandoned so long as they are maintained for this purpose.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1810 Inactive Wells

Owners of a well that is to be made inactive shall notify the Chief, in advance and in writing, of the expected period of inactivation and the reasons for inactivating the well.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 1900 -Requirements for Destruction of Abandoned Wells

§ 65-140-1901 Destruction of Abandoned Wells

All abandoned wells, including test wells, shall be destroyed by a licensed well driller in such a way that they will not produce water or act as a channel for the interchange of waters between aquifers. The owners of or those with a leasehold interest in the property upon which an abandoned well exists shall be responsible for all costs associated with abandonment, unless otherwise provided for by law.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1905 Proposal for Filling Abandon Well

Before the hole is filled, the well shall be inspected by a licensed well driller to determine its condition, details of construction, and whether there are any obstructions that will interfere with the process of filling and sealing. The well driller shall propose in writing the means and methods for filling the abandoned well to the Chief for review and approval prior to start of well filling work. All work shall be performed in accordance with applicable NWWA and AWWA standards.

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-1910 Notification to Division

The well driller shall notify the Division in writing at least three working days in advance of scheduled well filling operations.

Modified, 1 CMC § 3806(e).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

Part 2000 - Groundwater Management Zones

§ 65-140-2001 Applicability

(a) This part establishes groundwater management zones (GMZs) for the island of Saipan only. Specific requirements for activities in GMZs are not being promulgated at this time. Part 2200 of this chapter is reserved for future addition of requirements for certain activities in GMZs. Some existing requirements for activities in designated GMZs are found in other CNMI regulations (e.g., Underground Storage Tank Regulations, Water Quality Standards, Wastewater Treatment and Disposal Regulations) for which the GMZs are applicable.

(b) Requirements for wellhead protection, such as those under part 300 of this chapter, apply regardless of GMZ classification. Where GMZ requirements are adopted that are more stringent than specific wellhead protection requirements, the more stringent GMZ requirement shall apply.

(c) In the event that the precise location of a GMZ boundary is called into question for any activity, where such activity lies within 300 feet of a delineated GMZ boundary, the Director shall determine, on a case-by-case basis, which GMZ the proposed activity lies within. In making such determination, the overriding principal shall be protection of groundwater resources. Any decision to designate a lower classification of GMZ protection shall only be made on the basis of hydrogeologic evidence clearly demonstrating that the groundwater underlying the activity in question does not warrant the higher level of GMZ protection. Provision of such evidence shall be the responsibility of the proposing party, in the form of a report prepared and certified by a registered geologist. The burden of proof shall rest with the proposer to demonstrate a basis for delineation of a less stringent GMZ. In the absence of such evidence, the higher GMZ protection classification shall be presumed to apply.

Modified, 1 CMC § 3806(b), (c), (d).

History: Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004); Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: The 1994 amendments added a new reserved § 25, entitled "Groundwater Management Zones." To maintain the flow of this chapter, the Commission moved § 25, codified at part 2000, before the previously promulgated §§ 23 and 24, codified at part 2400.

The 2004 amendments promulgated regulations in part 2000.

§ 65-140-2005 Designation of Groundwater Management Zones

Groundwater management zone ("GMZ") classifications have been designated on the basis of groundwater quality, availability of recharge, susceptibility to degradation, and present and future land use. For the purposes of the regulations in this part, chloride concentrations (milligrams per liter, or mg/l) shall be used as an indicator of water quality to delineate GMZs.

(a) Class I Groundwater Management Zones

Class I GMZs are established as critical groundwater protection areas capable of supplying high quality fresh water, and shall receive the highest level of environmental protection. Class I GMZs represent the most important groundwater resources and are considered vital for current and future water supplies. Because of the value of the resource and the permeable nature of the overlying geologic formations typical to the CNMI's geology, class I GMZs are considered particularly vulnerable to degradation and contamination. Class I GMZs have been delineated to include the following:

(1) All existing and potential areas of high-level (perched) groundwater. Groundwater that is encountered in high-level aquifer systems is of a near-pristine quality because it overlies low-permeability volcanic formations and is therefore not in direct contact with seawater. In the CNMI, such high level aquifers occur primarily beneath permeable limestone formations, and are highly susceptible to degradation and contamination.

(2) Municipal well fields. Degradation of public water well fields clearly poses a severe threat to CNMI municipal water supplies, and thus these areas, as mapped by the USGS with the cooperation of the Commonwealth Utilities Corporation (CUC), have been included under the class I GMZ designation.

(3) Watersheds contributing surface infiltration to springs and fresh surface water systems. Several springs in the CNMI have been developed as important public water supplies, and several other springs and surface water streams (e.g. Talofofo) are planned for future development. Such springs and streams are largely fed by recharge through shallow soil and weathered rock systems overlying the parent volcanic rock, and are highly susceptible to contamination.

(b) Class II Groundwater Management Zones

Class II GMZs are established as important protection areas considered capable of supplying good quality groundwater, but generally of lower quality (e.g. higher chloride concentration) than class I GMZs. Class II GMZs include relatively high quality basal groundwater lens resources with chloride concentrations less than roughly 500 mg/l. The 1-ft. contour line for the elevation of basal lens aquifers roughly corresponds to a basal groundwater lens thickness of 40 feet, and is generally considered to be the limit, seaward of which it becomes rapidly more difficult to obtain useable quantities of water with a chlorides concentration of less than 500 mg/l.

(c) Class III Groundwater Management Zones

Class III GMZs are areas providing recharge to primarily brackish aquifers, having some intrinsic value as a resource to supply desalination plants, but primarily of lower value than groundwater found in class I and II GMZs. Class III GMZs include the groundwater resources with chloride concentrations in excess of 500 mg/l, as delineated by the 1 ft. groundwater surface elevation described above under "class II GMZs." The class III GMZs are primarily coastal groundwater that has been significantly impacted by saltwater intrusion or mixing with salty groundwater.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004).

§ 65-140-2010 Saipan Groundwater Management Zones

Basis for GMZ Designation. Groundwater management zones for the island of Saipan are designated as shown in figure 2000.1. GMZs for Saipan are based on: maps published by the United States Geological Survey (USGS) in their report *Ground-Water Resources of Saipan, Commonwealth of the Northern Mariana Islands*, by Robert L. Carruth, USGS Water Resources Investigations Report 03-4178, 2003; and topographic information published on the *Topographic Map of the Island of Saipan, Commonwealth of the Northern Mariana Islands*, USGS, 1999. In the event that there is a discrepancy between the narrative description and the mapped GMZs, the attached regulatory map (figure 2000.1) depicting the GMZs shall govern and shall supersede all narrative descriptions of GMZ boundaries.

(a) Class I GMZs for the island of Saipan have been delineated using the USGS maps showing municipal well fields, low permeability volcanic rocks at or above sea level (indicating the potential for high-level aquifers), and topography delineating the watershed boundaries of springs and fresh surface water systems. In some areas, roads have been used for clarity as boundaries where a boundary approaches the coastline.

(b) Class II GMZs for Saipan have been delineated as lying between the class I boundaries and the 1 ft. water-table contour as mapped by USGS. In some areas, roads have been used for clarity as boundaries where a boundary approaches the coastline.

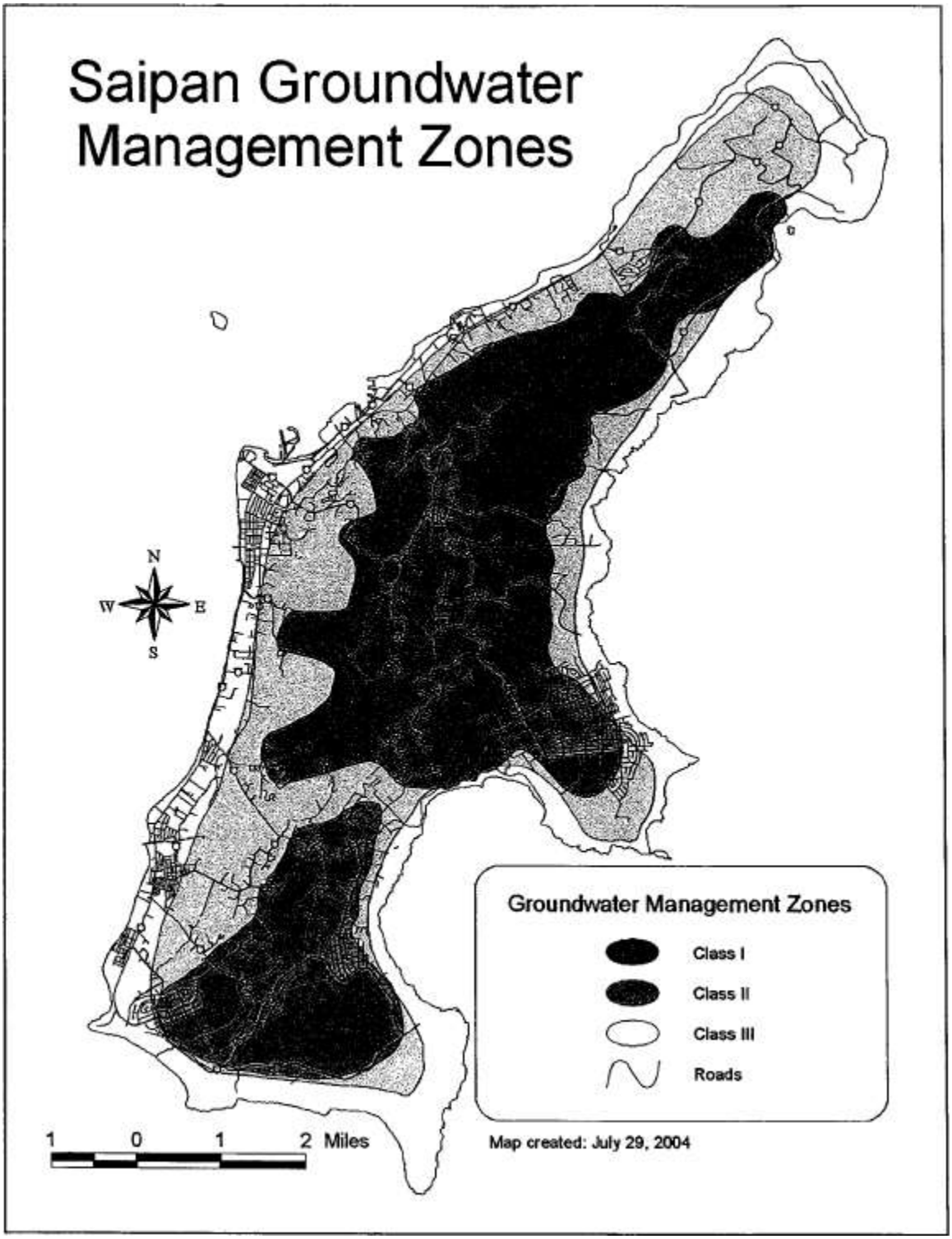
(c) Class III GMZs for Saipan have been delineated as lying between the 1 ft. water-table contour as mapped by USGS, and the coastline. In some areas, roads have been used for clarity as boundaries where a boundary approaches the coastline.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004).

Commission Comment: The Commission amended underlined titles of publications to italics pursuant to 1 CMC § 3806(g).

Figure 2000.1
Groundwater Management Zones
Island of Saipan



History: Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Proposed 26 Com. Reg. 22996 (Oct. 26, 2004).

§ 65-140-2015 Tinian Groundwater Management Zones

[Reserved.]

History: Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004).

§ 65-140-2020 Rota Groundwater Management Zones

[Reserved.]

History: Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004).

§ 65-140-2025 GMZ Maps

DEQ shall maintain the GMZ map(s) described in this part in electronic form, as data layers in a Geographic Information System (GIS) format. DEQ shall provide access to the GIS maps and shall provide GMZ determinations upon request. In the event that there is a discrepancy between the narrative description and the mapped GMZs, the attached regulatory map (figure 2000.1) depicting the GMZs shall govern and shall supersede all narrative descriptions of GMZ boundaries.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 26 Com. Reg. 23759 (Dec. 17, 2004); Amdts Proposed 26 Com. Reg. 22996 (Oct. 26, 2004).

Part 2100 - Water Shortage Declaration

§ 65-140-2101 Water Shortage Declaration

The Chief, after consultation with the Commonwealth Utilities Corporation, may declare a water shortage and impose restrictions on permits to protect the public health, safety, and welfare.

Modified, 1 CMC § 3806(b).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: The 1994 amendments added new § 26, entitled "Water Shortage Declaration." To maintain the flow of this chapter, the Commission moved § 26, codified as part 2100, before the previously promulgated §§ 23 and 24.

§ 65-140-2105 Publication of Notice

When a water shortage is declared, the Chief shall cause notice thereof to be published in a prominent place within a newspaper of general circulation or otherwise through the

media in the Commonwealth. Such notice shall be published each day for the first week of the shortage and once a week thereafter until the declaration is rescinded. Publication of notice shall serve as notice to all permittees in the area of a water shortage and any restrictions on their permits.

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Part 2200 - Groundwater Protection

§ 65-140-2201 Groundwater Protection Measures

In addition to the other groundwater protection measures within this chapter and the Act, to adequately protect the groundwater from contamination, measures shall include but not be limited to:

(a) Prohibition of disposal or spill of any hazardous wastes onto the ground or in any manner which has the possibility of contaminating groundwater.

(b) Prohibition of storing of any hazardous wastes or materials in such a manner which has the possibility of contaminating groundwater.

(c) Prohibition of storing or spilling hazardous materials/ substances as defined by EPA, U.S. Department of Transportation, or DEQ in such a manner which has the possibility of contaminating groundwater.

(d) Storage shall be done in a manner to prevent possible contamination to groundwater. The Chief may require more prevention measures as determined necessary by the Chief.

Modified, 1 CMC § 3806(b), (d), (f), (g).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: The final paragraph was not designated. The Commission designated it subsection (d).

The 1994 amendments added new § 27, entitled "Groundwater Protection." To maintain the flow of this chapter, the Commission moved § 27, codified as part 2200, before the previously promulgated §§ 23 and 24. The Commission created the section title.

In the opening paragraph, the Commission changed the period after "contamination" to a comma to correct a manifest error.

Part 2300 - [Reserved.]

Modified, 1 CMC § 3806(b).

History: Amdts Adopted 16 Com. Reg. 11704 (Feb. 15, 1994); Amdts Proposed 15 Com. Reg. 11151 (Dec. 15, 1993).

Commission Comment: The 1994 amendments added a new reserved § 28. To maintain the flow of this chapter, the Commission moved § 28, codified as part 2300, before the previously promulgated §§ 23 and 24.

Part 2400 - Miscellaneous Provisions

§ 65-140-2401 Access to Wells

Any duly authorized officer, employee, or representative of the Division may enter and inspect any property where a well is being constructed, operated, or filled, for the purpose of ascertaining the state of compliance with the regulations in this chapter. No person shall refuse entry to an authorized representative of the Division and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such inspection.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

§ 65-140-2405 Severability

If any rule, section, sentence, clause, or phrase of the regulations in this chapter or its application to any person or circumstance or property is held to be unconstitutional or invalid, the remaining portions of these regulations or the application of these regulations to other persons or circumstances or property shall not be affected.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992); Adopted 14 Com. Reg. 9704 (Sept. 15, 1992); Proposed 14 Com. Reg. 9421 (July 15, 1992).

