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**ENERGY POLICY ACT IMPLEMENTATION**  
**Status of the CNMI's Compliance (2014)**

**1. DELIVERY PROHIBITION**

Delivery prohibition programs prohibit product delivery to underground storage tanks that have one or more compliance violations, as determined by a state or territory.

- The CNMI Division of Environmental Quality currently does not have a Red Tag or Green Tag Program in place to determine eligibility or ineligibility to receive product. However, DEQ has determined that it has statutory authority for this provision should the situation require a UST to be ineligible to receive product. It should be noted that the USTs in the CNMI do not have a history of serious violations and have been able to correct any deficiency observed by the UST inspector within a reasonable time.

**2. FEDERAL FACILITIES REPORT**

Section 1528 of the Energy Policy Act of 2005 requires a compliance report from each federal agency that owns or operates one or more underground storage tanks, or manages land on which one or more underground storage tanks are located.

- There are no federal facilities in the CNMI with USTs.

**3. FINANCIAL RESPONSIBILITY AND INSTALLER CERTIFICATION**

Section 1530 of the Energy Policy Act of 2005 requires states receiving federal funds under Subtitle I of the Solid Waste Disposal Act to require either evidence of financial responsibility and installer certification or secondary containment and under dispenser containment for new and replaced underground storage tank systems.

- The CNMI Division of Environmental Quality opted for secondary containment and under-dispenser containment for new and replaced underground storage tank systems.
- There has not been any new or replacement USTs in the CNMI since August 2005.

**4. INSPECTING USTs**

Section 1523 of the Energy Policy Act of 2005 states that EPA or a state receiving funding under Subtitle I of the Solid Waste Disposal Act shall conduct on-site inspections to determine compliance within two years for all tanks not inspected since December 22, 1998. After completion of these inspections, EPA or a state receiving funding under Subtitle I shall conduct an on-site inspection of each underground storage tank regulated under Subtitle I at least once every three years.

- The CNMI Division of Environmental Quality inspected all USTs within the two years as required.
- The CNMI Division of Environmental Quality continues to inspect all its UST facilities annually prior to the permit to operate renewals.

## 5. OPERATOR TRAINING

Section 1524 of the Energy Policy Act of 2005 states that EPA, in coordination with states, must develop training guidelines for three distinct classes of operators who operate and maintain federally regulated underground storage tank systems. States receiving funding under Subtitle I shall develop state-specific training requirements consistent with EPA's guidelines. The state-specific training requirements must: Be developed in cooperation with tank owners and operators; Take into consideration training programs implemented by owners and operators; and Be appropriately communicated to tank owners and operators.

- In July 2012, CNMI DEQ provided training to forty one (41) Class A and B operators. These operators trained their employees, Class C. The certification for this training expires July 2014. DEQ has advised the Class A & B operators to seek retraining via independent training organization. As of today, all UST operators have obtained their Class A and/or B operator training.
- DEQ has issued a request for Proposal to conduct a final face-to-face, classroom training for its UST operators, slated for July 2014.
- CNMI UST Regulations are being updated to require that all owners and operators must have designated Class A, Class B, and Class C operators at all UST systems. Proposed regulations will require Class A and Class B operators to be retrained if DEQ determines that the UST system that they operate is out-of-compliance and training must be completed no later than 30 days from the date DEQ determines noncompliance.

## 6. PUBLIC RECORD

Section 1526 of the Energy Policy Act of 2005 requires states receiving federal funds under Subtitle I of the Solid Waste Disposal Act to maintain, update at least annually, and make available to the public a record of underground storage tanks regulated under this subtitle. The public record shall include (to the maximum extent practicable, for each year) the number, sources, and causes of underground storage tank releases, the record of compliance by underground storage tanks in the state with Subtitle I or approved state program, and data on equipment failures.

- Each year DEQ publishes its Underground Storage Tank public record, as required. The current public record is available online at <http://deq.gov.mp/sec.asp?secID=39>

## 7. SECONDARY CONTAINMENT

Section 1530 of the Energy Policy Act of 2005 requires states receiving federal funds under Subtitle I of the Solid Waste Disposal Act to require either secondary containment or under-dispenser containment for new and replaced underground storage tank systems or evidence of financial responsibility and installer certification. Secondary containment requires that new or replaced tanks and piping within 1,000 feet of an existing community water system or an existing potable drinking water well must be secondarily contained (this includes interstitial monitoring). New dispenser systems within 1,000 feet of an existing community water system or an existing potable drinking water well must have under-dispenser spill containment. This requirement does not apply to repairs meant to restore a tank, pipe, or dispenser to operating condition.

- There has not been any new or replacement USTs in the CNMI since August 2005.

## 8. STATE COMPLIANCE REPORTS ON GOVERNMENT USTs

Section 1526 of the Energy Policy Act of 2005 requires each state to submit a report regarding each noncompliant underground storage tank located in its jurisdiction that is owned or operated by the federal, state, or local government. A copy of the report is to be submitted to EPA's Administrator by August 8, 2007.

- Each year DEQ publishes this report as required. The current report is available online at <http://deq.gov.mp/sec.asp?secID=39>



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4/1/14  
Date