

**SUBCHAPTER 140-20.6**  
**WATER AND ICE MANUFACTURING RULES AND REGULATIONS**

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Subchapter History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: PL 1-8, tit. 1, ch. 12, codified as amended at 1 CMC §§ 2601-2633, created the Department of Public Health and Environmental Services (DPHES) within the Commonwealth government. See 1 CMC § 2601. 1 CMC § 2603(a) grants the Department the power and duty to maintain and improve health and sanitary conditions in the CNMI. 1 CMC § 2605 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles, and effected numerous other revisions. According to Executive Order 94-3 § 105:

Section 105. Department of Public Health.

The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 12-48 (effective Apr. 26, 2001), the “Commonwealth Environmental Health and Sanitation Act of 2000,” codified at 3 CMC §§ 2121-2147, revised the Commonwealth statutes related to environmental health and sanitation. PL 12-48 § 3 repealed former 3 CMC §§ 2121-2126 and enacted new sanitation provisions. 3 CMC § 2122 requires a sanitary permit to operate enumerated establishments. 3 CMC § 2123 directs the Secretary of Public Health to promulgate rules and regulations required to ensure the sanitary operation of listed establishments.

Public Law 16-51 (effective Jan. 15, 2010), the “Commonwealth Healthcare Corporation Act of 2008,” codified at 3 CMC § 2801 et seq., established the Commonwealth Healthcare Corporation, which assumed the duties of the Department of Public Health as of January 15, 2011.

## **Part 001 - General Provisions**

### **§ 140-20.6-001 Definitions**

- (a) “Bottled Water” shall mean water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients except that it may contain safe and suitable anti-microbial agents.
- (b) “Bulk Tank Housing” shall mean the covers, boxes, and/or compartments commonly used by water manufacturers and/or suppliers to protect the bulk water tanks located at retail outlets.
- (c) “Bureau” shall mean the CNMI Bureau of Environmental Health.
- (d) “Contaminants” shall mean undesirable particles, agents, pathogens, bacteria, or other forms of microorganisms.
- (e) “Health Inspector” shall mean an individual duly authorized by the Secretary of the Department of Public Health to represent the Bureau of Environmental Health during a sanitary inspection, investigation, or other public environmental health related duty.

(f) “Identity Label” shall mean labels, as required in the regulations in this chapter, which are placed on primary containers, which identify the manufacturer’s name, address, and telephone numbers.

(g) “Packaged Ice” shall mean ice made solid from potable water and that is sealed in bags or other containers with no added ingredients except that it may contain safe and suitable anti-microbial agents.

(h) “Potable Water” shall mean water that is of a quality that meets the requirements of the CNMI Department of Environmental Quality Drinking Water Regulations [NMIAC chapter 65-20].

(i) “Potable Water Tanker Truck” shall mean tanker trucks used by a water or ice manufacturer for the transportation of bulk potable water.

(j) “Primary Containers” shall mean the containers used for the transport, dispensing or consuming of water or ice, such as but not limited to; bulk water tanker, retail bulk water tanks, plastic bottles, and/or plastic bags.

(k) “Product Water” shall mean processed water used by a water or ice manufacturer.

(l) “Retail Bulk Water Tank” shall mean the storage tanks located at retail stores that are used to dispense product water from the water or ice manufacturer to the general public.

(m) “Secretary” shall mean the Secretary of the CNMI Department of Public Health or his/her duly authorized representative.

(n) “Sanitized” or “Sanitization” shall mean the processes of eliminating or inactivating biological contaminants.

(o) “Testing” and/or “Monitoring” shall mean the methods used to analyze the bacteriological, chemical, and/or physical content of water and/or ice intended for human consumption.

(p) “Water and Ice Manufacturing” shall mean the processes of purifying water and the processes of converting such water into solid form of ice for human consumption.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission placed quotation marks around the defined terms, deleted periods and made “shall” lower case throughout this section. In subsection (f), the Commission changed “identifying” to “identify” to correct a manifest error. The Commission inserted commas after the words “bacteria” in subsection (d), “address” in subsection (f), and “bottles” in subsection (j) pursuant to 1 CMC § 3806(g).

## **Part 100 - General Sanitary Requirement**

### **§ 140-20.6-101 General**

All equipment, buildings, and facilities used in operation of water or ice manufacturing shall be maintained by means of sanitization and in good repair. Any equipment, buildings, and/or facilities not used in connection with the operation shall be removed.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “buildings” pursuant to 1 CMC § 3806(g).

#### **§ 140-20.6-105 Structures**

- (a) The building and its facilities and its surrounding premises shall be clean and orderly.
- (b) All rooms, space, or facilities of all buildings shall be adequately ventilated and lighted in compliance with the requirements of the CNMI Building Safety Code [NMIAC chapter 155-10.1].
- (c) The building must be properly constructed as to be of safe and sound condition and in compliance with the requirements of the CNMI’s Building Safety Code [NMIAC chapter 155-10.1].

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “space” in subsection (b) pursuant to 1 CMC § 3806(g).

#### **§ 140-20.6-110 Waste**

- (a) All litter, trash, or garbage generated through water or ice manufacturing must be disposed of in compliance with the CNMI Litter Control Act, the CNMI Solid Waste Management Act, and all regulations which implement those acts. Adequate disposal sites and confinements shall be maintained in order to prevent overflowing and scattering of waste. All confinements must have tight fitting lids to prevent nuisance emission and vermin infestation.
- (b) Raw sewage and wastewater shall be disposed in a CNMI Division of Environmental Quality approved waste disposal system or be transported to a public sewer system using an appropriately designed connection.

Modified, 1 CMC § 3806(f).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “trash” in subsection (a) pursuant to 1 CMC § 3806(g).

#### **§ 140-20.6-115 Storage and Handling**

- (a) All equipment, water bottles, devices, or instruments including their accessories or parts shall be sanitized prior to use and shall be stored in a place protected from dust, insects, or rodents.

(b) All persons handling water or ice, where the possibility of contamination exists, must wear disposable hand gloves and hair restraint (e.g. hairnets, caps, etc.).

(c) Bottled water and/or packaged ice at retail outlets must not be stored or come into contact with potentially hazardous foods (e.g., eggs, meat, fish, or other un-processed and/or unpackaged foods) or substances that may contain toxins.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission inserted commas after the words “insects” in subsection (a) and “fish” in subsection (c) pursuant to 1 CMC § 3806(g).

## **§ 140-20.6-120            Transportation**

(a) All potable water tanker trucks shall be labeled on the sides of the tanks “Potable Water Only” in bright and legible print not less than 6 inches in height. Labeling will aid workers to avoid cross-contamination. The transportation of potable water shall be in compliance with the CNMI Bureau of Environmental Health Food Transportation Regulations.

(b) Tanks, hoses and appurtenances that are outfitted on potable water tanker trucks must conform to the standards for materials that come in contact with drinking water described in CNMI Division of Environmental Quality Drinking Water Regulations [NMIAC chapter 65-20]. Tanker trucks shall be maintained in a sanitary manner. Potable water tanker trucks may not be used for any other purpose than to deliver potable water.

(c) Processed water and/or packed ice must be protected from contamination during delivery.

(d) Upon delivery, bottled water must be stored in a clean place. Packed ice must be stored immediately in a freezer. Bottled water and/or ice must not be stored directly on a floor surface. The conveyance used to transport processed water and/or packed ice must be free of filth or dust.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “hoses” in subsection (b) pursuant to 1 CMC § 3806(g).

## **Part 200 -            Production and Process Controls**

### **§ 140-20.6-201            General**

The product water contact surfaces of all equipment, devices, and instruments used in the manufacturing of water or ice shall be washed and sterilized, at a minimum, every eight hours of operation. The quality of processed water and ice intended for human consumption shall meet or exceed the drinking water standards described in the CNMI Division of Environmental Quality Drinking Water Regulations [NMIAC chapter 65-20].

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

## **§ 140-20.6-205            Containers**

Single-service and/or multi-service primary containers shall be cleaned, sanitized, and inspected just prior to being filled, capped, and sealed. Containers found to be unsanitary or defective by the inspection shall be reprocessed or discarded. All single-service and/or multi-service primary containers shall be washed, rinsed, and sanitized by mechanical washers or by immersion in a three compartment sink so as to wash, rinse, sanitize and air dry. Mechanical washers shall be inspected as often as is necessary to assure adequate performance.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

## **§ 140-20.6-210            Cleaning and Sanitizing Solutions**

Cleaning and sanitizing solutions utilized by the water and/or ice manufacturer shall be sampled and tested as often as necessary to assure adequate performance in the cleaning and sanitizing operation and shall be disposed of prior to the prescribed expiration date. Records of these tests shall be maintained by the water or ice manufacturer.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

## **§ 140-20.6-215            Sanitizing Operations**

Sanitizing operations including those performed by chemical means or by any other means, such as circulation of live steam or hot water, shall be adequate to disinfect the intended product water or ice contact surfaces and any other critical area. The manufacturer shall maintain a record of the concentration and/or efficacy of the sanitizing agent and the time duration that the agent is in contact with the surface being sanitized. The following contact time and/or concentration shall be the minimum required to sanitize bottles and other contact surfaces:

- (a) Steam in an enclosed system: At least 170° Fahrenheit for at least 15 minutes or at least 200° Fahrenheit for at least 5 minutes; or
- (b) Hot water in an enclosed system: At least 170° Fahrenheit for at least 15 minutes or at least 200° Fahrenheit for at least 5 minutes; or
- (c) Chemical sanitizer equivalent in strength to the bactericidal action of 50 parts per million free chlorine over 2 minute exposure at 57° Fahrenheit when used as an immersion or circulating solution. Chemical sanitizers applied as a spray or fog shall be equivalent 100 parts per million free chlorine at 57° Fahrenheit for 5 minutes or its equivalent in bactericidal action. When using a chemical sanitizer, a final rinse, prior to filling the primary container with product water or ice, shall be performed using a disinfected water rinse free of pathogenic bacteria. The final rinsing of the primary container interior surfaces shall remove any residues of the chemical sanitizer; or
- (d) Cleaning agent with a concentration of not less than 0.35% active alkalinity at a minimum temperature of 130° Fahrenheit for not less than 1 minute where high velocity jets are used, or for not less than 3 minutes where three sink compartment washers are used, followed by a rinse of at least 1 minute of 25 parts per million chlorine solution. When using a cleaning agent, a final rinse,

prior to filling the primary container with product water or ice, shall be performed using a disinfected water rinse free of pathogenic bacteria. The final rinsing of the primary container interior surfaces shall remove any residues of cleaning agent or chlorine.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

#### **§ 140-20.6-220            Filling, Capping, or Sealing**

During the process of filling, capping, or sealing either single-service or multi-service primary containers, the performance of the filler, sapper or sealer, shall be monitored and the filled containers visually or electronically inspected to assure they are sound, and properly capped or sealed, and free of foreign matter. Containers that are visually inspected shall be viewed in a well-lighted area to assure adequate inspection. Containers that are not properly capped or sealed, or contain any type of foreign matter, shall be rejected or re-processed. Only non-toxic containers or covers shall be used.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “capping” pursuant to 1 CMC § 3806(g).

#### **§ 140-20.6-225            Labeling**

All packaged ice containers, potable water tanker trucks, primary containers, and retail bulk water tanks shall have an identity label identifying the manufacturer’s name, address, and telephone number. LIM All identity labels on primary containers shall clearly indicate the date and time on which the container was sealed. Retail bulk water tanks shall clearly indicate the date and time on which potable water was delivered to the tank.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

#### **§ 140-20.6-230            Testing and Monitoring**

To assure that the production of water and/or ice maintains standards necessary to prevent the spread of disease and does not pose an adverse health effect (via toxin or other harmful chemicals), manufacturers of water or ice shall perform testing and monitoring of production samples as required by the Division of Environmental Quality or as directed by the Secretary of the Department of Public Health. Testing and monitoring shall also be in conformance with CNMI Division of Environmental Quality Drinking Water Regulations [NMIAC chapter 65-20].

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

#### **§ 140-20.6-235            Record Retention**

(a) All inspections, testing, or monitoring required in the regulations in this subchapter and required by the CNMI Division of Environmental Quality shall be maintained by the water or ice manufacturer for a minimum of 5 years from the date of inspections, testing, or monitoring. Records shall be kept that track the operation and maintenance of all equipment used to produce water and/or ice. Such records shall include, but are not limited to:

- (1) Weekly volumes of water produced; and
- (2) Logs that display the date of equipment and/or equipment component replacement.

(b) Equipment components include such items as filter cartridges and media, UV bulbs, etc., and records should include equipment manufacturer and product names.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). In subsection (a)(1), the Commission inserted the semi-colon to correct a manifest error. The Commission inserted a comma after the word “testing” in subsection (a) pursuant to 1 CMC § 3806(g).

## **Part 300 - Compliance Procedures**

### **§ 140-20.6-301 Sanitary Permits and Food Handlers’ Certificates**

No person shall operate a water or ice manufacturer who does not have a valid sanitary permit issued to him/her by the CNMI Bureau of Environmental Health. Only a person who complies with the requirements of the regulations in this subchapter shall be entitled to receive or retain such a sanitary permit. Sanitary permits are not transferable. A valid sanitary permit shall be posted in public view in every water or ice manufacturing facility.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission changed “Food Handler’s Certificates” to “Food Handlers’ Certificates” in the title of this section.

### **§ 140-20.6-305 Issuance of a Sanitary Permit**

(a) Any person desiring to operate a water or ice manufacturer shall submit a written application for a sanitary permit on forms provided by the Bureau. Such application shall include the name and address of each applicant, the location and type of the proposed water or ice manufacturer, and the signature of each applicant.

(b) The applicant shall submit the standard operating procedures that personnel shall use in the water and ice manufacturing facility’s sanitizing operations. Standard operating procedures shall include descriptions of all sanitizing chemicals, which shall be from approved sources, and instructions on proper mixtures. Health inspectors shall review the standard operating procedures prior to inspection.

(c) Prior to approval of an applicant for a sanitary permit, the Bureau shall inspect the proposed water or ice manufacturer to determine compliance with the requirements of the regulations in this subchapter.

(d) The Bureau shall issue a sanitary permit to the applicant if its inspection reveals that the proposed water or ice manufacturer complies with the requirements of the Commonwealth Environmental Health and Sanitation Act and the regulations in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: The Commission inserted a comma after the word “manufacturer” in subsection (a) pursuant to 1 CMC § 3806(g).

### **§ 140-20.6-310            Suspension of a Sanitary Permit**

(a) The Secretary may, without prior hearing, suspend any sanitary permit to operate a water or ice manufacturer if the operation of the water or ice manufacturer otherwise constitutes an imminent hazard to public health.

(1) Suspension is effective immediately upon written notice to the sanitary permit holder or person in charge of the establishment. When a sanitary permit is suspended, ice and water manufacturing operations shall immediately cease.

(2) Hearings requested following the immediate suspension of a sanitary permit must be scheduled as soon as possible, but not later than five business days from the date of closure.

(b)(1) The Secretary may suspend any sanitary permit to operate a water or ice manufacturer if the holder of the sanitary permit does not comply with the requirements of the Commonwealth Environmental Health and Sanitation Act or the regulations in this subchapter, or if the establishment fails to pay fees assessed against it for violations of the Commonwealth Environmental Health and Sanitation Act or these regulations. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violations, in which case, the suspension shall not exceed six months.

(2) Written notice of intent to suspend a sanitary permit shall be delivered to the sanitary permit holder. The sanitary permit holder shall have ten calendar days to request a hearing.

(c) Whenever a sanitary permit is suspended, the holder of the permit, or the person in charge, shall be notified in writing of the sections of this subchapter that were determined to be in non-compliance. Upon compliance, the person-in-charge or permit holder shall contact the Bureau for re-inspection. A sanitary permit may be re-issued if in compliance, but if rectification has not been fulfilled, extension of suspension and extension for compliance shall be issued in writing.

Modified, 1 CMC § 3806(d).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

### **§ 140-20.6-315            Revocation of Sanitary Permit**

(a) The Secretary may revoke a sanitary permit that has been suspended on two separate occasions and continues to violate the requirements of the Commonwealth Environmental Health and Sanitation Act or the regulations in this subchapter, or if the establishment has resumed operations after being closed by the Secretary.

(b) Prior to revocation, the Secretary shall notify the sanitary permit holder, in writing, of the specific reasons for which the sanitary permit is to be revoked. The sanitary permit holder may submit a request to the Bureau for reinspection during any compliance period. The sanitary permit holder shall have ten calendar days to request a hearing.

Modified, 1 CMC § 3806(d).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

### **§ 140-20.6-320 Re-issuance after Revocation**

(a) A sanitary permit is no longer valid and may not be reinstated when it has been revoked, except upon order of the court. No person whose sanitary permit has been revoked shall be eligible to apply for a new sanitary permit for a period of one year.

(b) Records and any relevant history pertaining to the initial revocation shall be considered in the review of any new sanitary permit application. Probationary status may be imposed upon the new sanitary permit holder.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

Commission Comment: In subsection (b), the Commission inserted the final period.

### **§ 140-20.6-325 Food Handlers Health Certificates**

Water and ice manufacturers are considered food handling establishments, and all employees must obtain food handler certificates from the CNMI Bureau of Environmental Health.

Modified, 1 CMC § 3806(f).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

### **§ 140-20.6-330 Inspections**

The CNMI Bureau of Environmental Health shall perform inspections of water or ice manufacturers at least once every six months. Additional inspections of the water or ice manufacturer shall be performed as deemed necessary for the re-enforcement of non-complied sections of the regulations in this subchapter.

Modified, 1 CMC § 3806(d).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

### **§ 140-20.6-335 Access**

Health inspectors, after proper presentation of credentials, shall be permitted to enter any water or ice manufacturer at any reasonable time for the purpose of making inspections to determine compliance with the regulations in this subchapter. The health inspectors shall also be permitted to examine the records of the establishment.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

#### **§ 140-20.6-340 Report of Inspection**

Whenever an inspection of a water or ice manufacturer is made, the findings shall be recorded on an inspection report form provided by the Bureau. The inspection report form shall summarize the requirements of the regulations in this subchapter and shall set forth a demerit value for each violation. Inspection remarks may be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be based upon the total demerit values for all violations. A copy of the completed inspection report shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed report form is a public document that shall be made available for public disclosure to any person who requests it, in accordance with the CNMI's Open Government Act, and to any aggrieved person.

Modified, 1 CMC § 3806(d).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

#### **§ 140-20.6-345 Correction of Violations**

(a) The completed inspection report form shall specify a reasonable period for the correction of the violations found. Correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(1) If the demerit score of the water or ice manufacturer is less than 10 demerits, violations shall be corrected as soon as possible, but in any event, within the compliance period indicated following inspection. Within the compliance period after inspection, the holder of the sanitary permit(s) shall notify the Bureau stating that the violations have been corrected. A followup inspection shall be conducted for full compliance.

(2) If the demerit score of the water or ice manufacturer is more than ten demerits but less than thirty demerits, violations must be corrected within the compliance period that is determined by the Secretary. Structural violations shall be corrected within a reasonable time or within the maximum compliance period of thirty days. Extensions of compliance period for violations may be granted after a written request is made stating the cause for needing such extension and the expected time of completion. A second request for extension of compliance period may provide cause for permit suspension.

(3) When the demerit score of the water or ice manufacturer is more than 30 demerits, the establishment shall be considered an imminent health hazard and shall be subject to immediate sanitary permit suspension.

(b) The inspection report shall state that failure to comply with any required correction of violations may result in permit suspension.

(c) Whenever a water or ice manufacturer is required to cease operations, pursuant to § 140-20.6-310, it shall not resume operations until it is shown on re-inspection that the conditions responsible for the suspension of operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

### **§ 140-20.6-350 Submission of Plans**

Plans for the construction, reconstruction, or the alteration of any bottled water or ice manufacturing facility must be approved by various CNMI regulatory agencies (e.g., DEQ for waste disposal; CRM for coastal concerns; DPW for building safety). After all governmental approvals are received, a set of final plans and specifications must be submitted to the Bureau for recordation. The final plans and specifications for the construction, reconstruction, or the alteration of any bottled water or ice manufacturing facility shall follow the format below:

(a) Plans and specifications shall not be larger than 8 ½ inches by 14 inches and shall include a title block. Large standard size drawings are acceptable, provided that they are folded to the above dimensions and that the title block appears frontage.

(b) Plans must be to scale and the title block shall include the name and location of the establishment.

(c) Specifications shall be detailed and specific, and include placements of all equipment including sinks, washbasins, and permanently affixed appliances.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

### **§ 140-20.6-355 Pre-operational Inspection**

A health inspector shall inspect any water and/or ice manufacturing establishment prior to the start of operation for compliance with the requirements of the Commonwealth Environmental Health and Sanitation Act and the regulations in this subchapter, and for the conformity with final plans and specifications as submitted.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

### **§ 140-20.6-360 Suspicion of Disease Transmission**

When the Secretary has reasonable cause to suspect possible disease transmission by an employee of a water or ice manufacturer, s/he may secure a morbidity history of the suspected employee or

perform any other investigation as s/he may deem necessary. The Secretary may require any or all of the following:

- (a) The immediate exclusion of the employee from employment in water or ice manufacturing;
- (b) The immediate suspension of the water or ice manufacturer sanitary permit until, in the opinion of the Secretary, no further danger of disease outbreak exists;
- (c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; or
- (d) Adequate medical and laboratory examination of the employee and of other employees and of their bodily discharges.

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).

## **Part 400 - Remedies**

### **§ 140-20.6-401 Penalties**

- (a) Those permit holders found violating the requirements of the Commonwealth Environmental Health and Sanitation Act or the regulations in this subchapter, upon issuance of notice to the sanitary permit holder or the person in charge of the establishment, shall be fined and penalized as follows:
  - (1) First Offense: The permit holder shall receive a warning.
  - (2) Second Offense: The permit holder shall receive a fine of up to \$500.00.
  - (3) Subsequent Offenses: The permit holder shall be subject to a fine of \$1,000.00 for each subsequent offense.
- (b) A permit holder who has received notice of imposition of a fine shall have ten calendar days from the date of service of the notice to request a hearing.

Modified, 1 CMC § 3806(d).

History: Adopted 27 Com. Reg. 24683 (July 20, 2005); Proposed 27 Com. Reg. 24496 (May 18, 2005).