

CHAPTER 2401-31 SOLID WASTE MANAGEMENT REGULATIONS

GENERAL REQUIREMENTS
2401-31-01 Authority
2401-31-02 Purpose
2401-31-03 Definitions
STORAGE REQUIREMENTS
2401-31-04 General Storage Requirements
2401-31-05 Food Wastes
2401-31-06 Building and Facility Design
2401-31-07 Bulky Wastes
2401-31-08 Waste Containers
SOLID WASTE COLLECTION
2401-31-09 Collection Safety
2401-31-10 Collection Equipment
2401-31-11 Collection Frequency
2401-31-12 Collection Operations
SOLID WASTE MANAGEMENT RESPONSIBILITY AND FACILITY STANDARDS
2401-31-13 Solid Waste Management Responsibility
2401-31-14 Solid Waste Disposal Facility Standards
2401-31-15 Mandatory Requirements
2401-31-16 Discretionary Requirements
2401-31-17 Solid Waste Disposal Requirements
2401-31-18 Reclamation Facilities Standards
2401-31-19 Incineration Standards
2401-31-20 Transfer Station Standards
2401-31-21 Hazardous Waste Disposal Standards
2401-31-22 Private Waste Disposal System Standards
SOLID WASTE PERMIT SYSTEM
2401-31-23 Permit Required
2401-31-24 Permit Application
2401-31-25 Application Review
2401-31-26 Duration of Permit
2401-31-27 Permit Conditions
2401-31-28 Termination of Permitted Operations
2401-31-29 Performance Bond
VARIANCES
2401-31-30 Variance Application
2401-31-31 Standards for Variance
2401-31-32 Variance Issuance and Renewal
2401-31-33 Emergency Procedures
SOLID WASTE MANAGEMENT PLANS REQUIRED
2401-31-34 Solid Waste Management Plans
ENFORCEMENT
2401-31-35 Enforcement and Compliance
MISCELLANEOUS PROVISIONS
2401-31-36 Severability
2401-31-37 Repealer

General Requirements

2401-31-01 Authority

These regulations are promulgated by the Republic of Palau Environmental Quality Protection Board pursuant to the authority granted by Republic of Palau Public Law No. 1-58. These regulations shall have the force and effect of law.

(Effective May 26, 1996)

2401-31-02 Purpose

The purpose of these regulations is to establish minimum standards governing the design, construction, installation, operation, and maintenance of solid waste storage, collection and disposal systems. Such standards are intended to:

- (A) Prevent pollution of the drinking and recreational waters of the Republic of Palau.
- (B) Prevent air and land pollution.
- (C) Prevent the spread of disease and the creation of nuisance.
- (D) Protect the public health safety.
- (E) Conserve natural resources and;

(F) Preserve and enhance the beauty and quality of the environment.

(Effective May 26, 1996)

2401-31-03 Definitions

As used herein, unless the context otherwise requires, the term:

(A) "All-Weather Access Road" means a roadway designed, constructed, and maintained to accommodate vehicular traffic under all climatic conditions.

(B) "Automobile Graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(C) "Baling" means the mechanical process of compression or binding of solid waste materials into bales.

(D) "Board" or "EQPB" means the Republic of Palau Environmental Quality Protection Board or its authorized representative.

(E) "Bulky Waste" means large items of solid waste such as household appliances, furniture, motor vehicles, trees, branches, stumps, and other oversize wastes whose large size prevents or complicates their handling by normal solid waste collection, processing, or disposal methods.

(F) "Chairman of Palau Environmental Quality Protection Board" or "Chairman" means the Chairman personally or the Chairman's duly authorized representative.

(G) "Collection" means the act of removing solid waste.

(H) "Commercial Solid Waste" means all types of solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

(I) "Compactor Collection Vehicle" means a vehicle with an enclosed body containing mechanical devices that convey waste into the main compartment of the body and compress it into a smaller volume of greater density.

(J) "Farm" means any plot of land used for the production of crops, livestock, or horticulture products.

(K) "Farm Products Processing Facility" means a facility which receives and/or processes farm products, excluding livestock and dairy products.

(L) "Food Waste" means the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, commonly called garbage.

(M) "Generation" means the act or process of producing solid waste.

(N) "Hazardous Waste" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or the environment because such wastes are non-

degradable or persistent in nature, or because they may otherwise cause or tend to cause detrimental cumulative effects.

(O) "Incineration" means the destruction of solid waste by burning in a furnace designed for the purpose wherein solid waste is essentially reduced to ash, carbon dioxide and water vapor.

(P) "Incinerator" means an engineered combustion device specifically designed for volume reduction, by controlled burning of combustible solid waste.

(Q) "Infectious Waste" means:

(1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;

(2) Laboratory wastes, such as pathological specimens (such as tissues, blood, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organism) attendant thereto; or,

(3) Surgical operating room specimens and disposable fomites attendant thereto, and similar disposable materials.

(R) "Institutional Solid Waste" means solid wastes generated by education, health care, correctional, or other institutional facilities.

(S) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material.

(T) "Landfill" means a land area used for the disposal of solid wastes.

(U) "Leachate" means water that has percolated through solid waste and contains dissolved or suspended portions from the solid waste.

(V) "Lift" means a compacted layer of solid waste and its overlying earth or coral cover in a landfill.

(W) "Milling" means the mechanical process of materials size reduction by grinding, crushing, chipping, or shredding.

(X) "Permit" means a written authorization issued by the Board, bearing the signature of the Chairman, which by its conditions may authorize the permittee to construct, install, modify, or operate specified solid waste disposal facilities, conduct specified solid waste disposal activities or engage in the management of solid waste in accordance with specified limitations.

(Y) "Person" means the Republic of Palau, a state, a political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Republic or of any state or country, a lessee or other occupant of property, or an individual, acting singly or as a group.

(Z) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

(AA) "Pollutant" means one or more substances or forms of energy which when present in the air, land, or water, are or may be harmful or injurious to human health or the environment, or which may unreasonably interfere with the enjoyment by people of life or property.

(BB) "Public Litter Receptacle" means a container provided for the public, as a convenience, for the sanitary placement of solid waste.

(CC) "Reclamation Facility" means a facility, including automobile graveyards, in which solid waste is stored dismantled or reprocessed into a new products in such a manner that the original products lose their identity.

(DD) "Residential Solid Waste" means the wastes generated by the normal activities of households, including, but not limited to, food wastes, rubbish, ashes, and bulky wastes.

(EE) "Rubbish" means a general term for solid wastes and ashes, taken from residences, commercial establishments, and institutions.

(FF) "Salvaging" means the authorized removal of material from a solid waste disposal facility.

(GG) "Satellite Vehicle" means a small collection vehicle that transfers its load into a larger vehicle operating in conjunction with it.

(HH) "Scavenging" means the unauthorized removal of material from a solid waste disposal facility.

(II) "Shredding" means the mechanical process of material size reduction by cutting.

(JJ) "Sludge" means the accumulated semi-liquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved materials in irrigation return flows or other common water pollutants.

(KK) "Solid Waste" means garbage, refuse, and other discarded solid materials including solid waste materials resulting from industrial and commercial operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or other substances in water sources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. This definition is intended to include liquid waste materials such as waste oil, as well as pesticides, paints, solvents, and hazardous waste.

(LL) "Solid Waste Disposal Facility" means an intermediate facility, transfer station, landfill, composting plant, recycling or reclamation facility or any site used for the reduction, consolidation, conversion, processing or disposal of solid waste.

(MM) "Solid Waste Disposal System" means the entire process or part thereof of the storage, collection, transportation, processing and disposal of solid waste by any person engaging in such a process as a business or by any municipality, authority, state, or any combination thereof.

(NN) "Solid Waste Storage Container" means a receptacle used for the temporary storage of solid waste while awaiting collection and which restricts access to the waste by rainwater, vectors, and other animals.

(OO) "Storage" means the interim containment of solid waste after generation and prior to final disposal.

(PP) "Transfer Station" means a supplemental transportation facility used as an adjunct to solid waste route collection vehicles. Such a facility may be fixed or mobile and may include re-compaction of solid waste.

(QQ) "Treatment" means any activity or processing designed to change the physical form or chemical composition of wastes.

(RR) "Vector" means a carrier that is capable of transmitting pathogens from one organism to another.

(SS) "Wetlands" means those areas that are inundated or saturated with surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include salt water marshes, freshwater marshes, salt water swamps, freshwater swamps and cultivated wetlands.

(TT) "Working Face" means that portion of the landfill in which solid waste is deposited and compacted prior to the placement of an earth or coral cover.

(Effective May 26, 1996)

STORAGE REQUIREMENTS

2401-31-04 General Storage Requirements

(A) All solid waste shall be stored in such a manner that it does not constitute a fire, health, or safety hazard or provide food or harborage for vectors.

(B) All solid waste shall be contained or bundled so as not to result in spillage.

(Effective May 26, 1996)

2401-31-05 Food Wastes

All solid waste containing food wastes shall be securely stored in covered or closed containers which are:

- (A) Nonabsorbent;
- (B) Leakproof;
- (C) Durable;
- (D) Easily cleanable (if reusable); and,
- (E) Designed for safe handling.

(Effective May 26, 1996)

2401-31-06 Building and Facility Design

(A) In the design of all buildings or other facilities which are constructed or modified, there shall be

storage facilities to accommodate the volume of solid waste anticipated.

(B) Storage facilities must be easily cleaned and maintained, and allow for efficient and safe collection.

(Effective May 26, 1996)

2401-31-07 Bulky Wastes

Storage of bulky wastes shall include, but is not limited to, removing all doors from large household appliances and covering the items to reduce the problems of vector harborage, and the accumulation of solid waste and water in and around the bulky items.

(Effective May 26, 1996)

2401-31-08 Waste Containers

(A) Containers shall be of an adequate size and in sufficient numbers to contain all food wastes, rubbish, and ashes that a residence or other establishment generates in the period of time between the collections.

(B) Reusable waste containers which are emptied manually shall not exceed 75 pounds when filled or have a capacity of more than 55 gallons in volume and shall be capable of being serviced without the collector coming into physical contact with the solid waste.

(C) Reusable waste containers shall be constructed of corrosion resistant metal or other material which will not absorb water, grease, or oil.

(D) Reusable containers shall be leak-proof, including sides, seams, and bottoms, and be durable enough to withstand anticipated usage without rusting, cracking, or deforming in a manner that would impair serviceability.

(E) The interior of the reusable container shall be smooth without interior projections or rough seams which would make it difficult to clean or interfere with its emptying.

(F) The exterior of the Reusable container should be safe for handling with no cracks or jagged edges.

(G) Containers shall have covers which are tight-fitting to resist the intrusion of water and vectors, and should be equipped with a suitable handle.

(H) Containers shall be stored on a firm, level, well-drained surface which is large enough to accommodate all of the containers and which is maintained in a clean, spillage-free condition.

(Effective May 26, 1996)

SOLID WASTE COLLECTION

2401-31-09 Collection Safety

(A) Collection systems shall operate in such a manner as to protect the health and safety of personnel associated with the operations.

(B) All solid waste personnel shall receive instructions and training in safe container and waste handling techniques, and in the proper operation of collection equipment.

(C) Personal protective equipment such as gloves, safety glasses, respirators, and footwear shall be used by collection employees, as appropriate.

(Effective May 26, 1996)

2401-31-10 Collection Equipment

(A) The equipment used in the collection and transportation of solid waste shall be constructed, operated, and maintained in such a manner as to minimize health and safety hazards to solid waste management personnel and the public, and to prevent the propagation or attraction of vectors and the creation of nuisance.

(B) Collection vehicles shall be maintained and serviced according to manufacturer's recommendations, and receive periodic vehicle safety checks, including, but not limited to, inspection of brakes, windshield wipers, taillights, backup lights, audible reverse warning devices, tires, and hydraulic systems.

(C) Any irregularities in the collection equipment shall be repaired before the vehicle is used.

(D) Collection vehicles shall be cleaned thoroughly at least once a week.

(Effective May 26, 1996)

2401-31-11 Collection Frequency

(A) Solid wastes shall be collected with frequency sufficient to inhibit the propagation or attraction of vectors and the creation of nuisance.

(B) Solid wastes which contain food wastes shall be collected at a minimum of once during each week.

(C) Bulky wastes shall be collected at a minimum of once every three (3) months.

(Effective May 26, 1996)

2401-31-12 Collection Operations

(A) The collection of solid wastes shall be conducted in a safe, efficient manner, strictly obeying all applicable traffic and other laws.

(B) The collection vehicle operator shall be responsible for:

(1) Immediately cleaning up all spillage caused by the operator's operations;

(2) Protecting private and public property from damage resulting from all operations; and,

(3) Creating no undue disturbance of the peace or quiet in residential areas in and through which operations are undertaken.

(C) Records shall be maintained detailing all costs (capital, operating, maintenance) associated with the collection system. These records shall be used for scheduling maintenance and replacement, for

budgeting, and for systems evaluation and comparison.

(D) The collection system shall be reviewed on a regular schedule to assure that environmentally adequate, economical, and efficient service is maintained.

(Effective May 26, 1996)

**SOLID WASTE MANAGEMENT
RESPONSIBILITY AND FACILITY STANDARDS**

**2401-31-13 Solid Waste
Management
Responsibility**

(A) The aesthetic, non-hazardous and sanitary storage of solid waste is the responsibility of the person owning, operating or managing the property, premise, business establishment or industry where the solid waste is accumulated.

(B) A person not included in Section 2401-31-22 owning, operating or managing a property, premise, business establishment or industry has the responsibility of removing accumulated solid waste to an approved disposal facility. Contractual or other agreements for the removal of accumulated solid waste shall not relieve a person of this primary responsibility.

(C) Solid waste shall be removed to an approved solid waste disposal facility, prior to creating nuisance conditions.

(D) A person sponsoring any public activity, including but not limited to, recreational, sporting, or entertainment events, is responsible for the collection, storage, transportation and disposal of all solid waste generated as a result of the event. Solid waste shall be disposed of in an approved solid waste disposal facility.

(E) The disposal of animal carcasses is the responsibility of the land owner or land occupant upon whose land the animal carcass is found to be creating a nuisance. On-site disposal of the carcass shall be by immediate burial, covered by at least two (2) feet of compacted earth, incineration or by other method approved by the Chairman.

(F) No person may deposit solid waste in, on or along a road right-of-way, street, trail, spur, turnaround, tunnel, drainage structure, water of the Republic, public recreation facility or other public or private property.

(G) The prohibition on solid waste disposal and deposition set forth in Division F of this Section shall not apply where:

(1) Such property is an authorized solid waste disposal facility, or

(2) The solid waste is deposited in a public litter receptacle.

(H) A person providing a litter receptacle for use by the public shall maintain the receptacle in a sanitary condition so as to prevent the propagation of flies, odors, and overflowing conditions.

(Effective May 26, 1996)

**2401-31-14 Solid Waste Disposal
Facility Standards**

(A) Planning, design, construction, operation and maintenance of any solid waste disposal facility requiring a permit under the Solid Waste Management Regulations shall be in accordance with the rules and regulations of the Board and the terms and conditions of any permit issued.

(B) The Chairman may from time to time revise facility standards as the Chairman deems necessary. Such standards and revisions shall include procedures to ensure suitability of the site and the proper operation of the solid waste disposal facility.

(Effective May 26, 1996)

**2401-31-15 Mandatory
Requirements**

A permittee shall be required to:

(A) Provide a permanent sign posted at the facility entrance identifying the facility, the days and hours of operations, the name of the operator, and other information relevant to the operation of the facility.

(B) Provide an all-weather access road negotiable by loaded collection vehicles from the public road to the working surface of the landfill.

(C) Provide adequate equipment and necessary measures to extinguish fires.

(D) Provide for effective methods and adequate storage of all solid waste so as to prevent the attraction, harborage, or breeding of vectors and to eliminate conditions harmful to human health or which create safety hazards, odors, unsightliness and other public nuisance.

(Effective May 26, 1996)

**2401-31-16 Discretionary
Requirements**

A permittee may be required to:

(A) Provide controlled access to the facility in the form of fences and gates that shall be kept locked when an attendant is not on duty.

(B) Install leachate and/or groundwater monitoring wells.

(C) Submit results of monitoring analysis for the detection of pollution or contamination resulting or tending to result from the operation of the facility, in accordance with methods and procedures acceptable to the Chairman at specified locations and intervals.

(D) Submit annual reports itemizing the type and quantity of solid waste disposed and times of facility operations.

(Effective May 26, 1996)

**2401-31-17 Solid Waste Disposal
Requirements**

The disposal of solid waste on land shall comply with the following requirements:

(A) The disposal of solid waste in mangroves areas, or other areas subject to flooding or leachate generation shall be allowed only in conjunction with special procedures approved by the Board. These shall include, but are not limited to, best available technology for compliance with Divisions B through D, inclusive, of this Section.

(B) A vertical separation shall be maintained between the deposited solid waste and the anticipated high ground water table sufficient to prevent contamination of the water.

(C) Adequate measures shall be provided to manage surface water flow at the landfill site such that the flow of off-site drainage over a landfill will be minimized.

(D) Solid waste shall be deposited in a sanitary manner to prevent waste materials, leachate, or eroded soil particles from entering ground or surface waters without receiving the best practicable treatment or control.

(E) Salvaging or reclamation of materials shall be controlled at the facility to prevent interference with the prompt sanitary disposal of solid waste and the creation of any health hazard. Scavenging is prohibited.

(F) Live, domestic animals are prohibited within the landfill.

(G) The working face of a landfill shall be limited to as small an area as practicable and designed to confine windblown solid waste, which shall be collected and returned to the working face.

(H) All equipment provided for the operation of a landfill shall be adequate in number and performance capability to continuously operate the landfill in a safe and sanitary manner.

(I) Solid waste shall be spread in shallow layers not exceeding a depth of two (2) feet before compaction; each completed lift shall be no greater than eight (8) feet in vertical depth; and at least one (1) foot of compacted intermediate earth or other approved cover material shall be applied between lifts.

(J) Solid waste, processed by shredding, milling, baling, or other operation specifically approved by the Chairman, shall be compacted and covered with a minimum of four (4) inches of earth, coral, or other approved material at a frequency specified by permit requirements.

(K) A completed landfill or major portion thereof shall be covered with at least 18 inches of compacted earth or coral material, graded with proper drainage to minimize soil erosion and planted immediately after the grading work has been completed.

(L) Open burning at any storage, reclamation or disposal site shall be carried out only in conjunction with special procedures approved by the Chairman.

(M) Provisions shall be made to maintain the landfill for at least one year after termination of operation to prevent any health hazard or nuisance from occurring. Maintenance shall include, but is not limited to, repair of cracks or fissures, repair of areas where settling

occurs and control of problems which result from leachate or odors. Compliance with these requirements shall be a basis for future recommendation by the Board on land use.

(Effective May 26, 1996)

2401-31-18 Reclamation Facilities Standards

No person may operate or maintain a reclamation facility or permit the use of property for such an operation unless the operation complies with the following:

(A) By-products removed during processing shall be handled in a sanitary and nuisance-free manner and shall be recycled or disposed of in a manner approved by the Chairman.

(B) The facility shall be located at least 100 feet from any road or adjoining property and be so constructed as to prevent health hazards, public nuisances, and unsightliness.

(C) Salvaging or reclamation of materials shall be controlled at the facility to prevent interference with the prompt sanitary disposal of solid waste and the creation of health hazards. Scavenging is prohibited.

(Effective May 26, 1996)

2401-31-19 Incineration Standards

(A) Incinerator fly ash and residue generated from incineration of solid waste shall be treated and disposed of in a manner to prevent odor and dust nuisance and to control insects, birds, rodents and other vectors.

(B) Salvaging or reclamation of materials shall be controlled at the facility to prevent interference with the prompt sanitary disposal of solid waste and the creation of health hazards. Scavenging is prohibited.

(Effective May 26, 1996)

2401-31-20 Transfer Station Standards

(A) An all-weather road negotiable by loaded collection vehicles shall be provided from the entrance of the transfer station to the unloading area.

(B) The unloading area shall be adequate in size and design to facilitate the unloading of solid waste from vehicles with minimum delay or confusion.

(C) Salvaging or reclamation of materials shall be controlled at the facility to prevent interference with the prompt sanitary disposal of solid waste and the creation of health hazards. Scavenging is prohibited.

(Effective May 26, 1996)

2401-31-21 Hazardous Waste Disposal Standards

(A) Each State shall be responsible to see that facilities for the disposal of hazardous waste materials are available.

(B) Any person desiring to dispose of hazardous waste materials shall notify the Chairman of this intention to do so. Such disposal shall be undertaken and completed only upon authorization of the Chairman.

(C) Any solid waste facility that accepts hazardous waste materials for disposal shall, in order to prevent damage to human health or the environment, dispose of such wastes in accordance with the following standards:

(1) Infectious and pathological wastes generated at medical, veterinary, and other facilities shall be incinerated, sterilized or otherwise rendered safe prior to removal from these facilities for final disposal;

(2) Toxic, caustic, volatile and flammable chemical waste may be incinerated or disposed of in a manner approved in writing by the Chairman prior to final disposal. If such wastes are directed to a landfill:

(a) they shall be rendered non-hazardous by chemical neutralization or stabilization prior to final disposal;

(b) they shall be disposed in a special trench or pit that is designed to retain the waste and prevent infiltration into ground and surface waters;

(c) the burial area shall be clearly marked with adequate warning signs and under no circumstances will smoking or open flames be allowed when these types of wastes are being disposed of; and,

(d) the burial site shall be recorded in the final plan of the completed site and made a part of the legal description of the property.

(D) Dewatered sludge from water treatment plants and dewatered digested sludge from waste-water treatment plants shall be mixed with the other deposited solid wastes at the landfill to prevent localized leaching. Disposal of raw sewage sludges, including sludges from septic tank pumping, are prohibited at all solid waste disposal facilities.

(E) The person responsible for any proposed new activity or modification to an existing activity which will cause the generation of hazardous wastes shall submit to the Chairman a hazardous waste management plan. The new or modified activity shall not commence prior to acceptance of the plan by the Chairman.

(F) Generators of waste oil shall adopt all practical measures to reduce waste quantities and to reuse or recycle waste oil to the maximum extent possible. Where it can be demonstrated that wastage is necessary, disposal methods shall be approved by the Chairman. Spreading of oil on roads, airports, or other areas for dust control shall be limited to areas which prevent contamination of potable ground water, surface waters, and areas under agriculture cultivation of food crops and must be undertaken in compliance with the Marine and Fresh Water Quality Regulations.

(Effective May 26, 1996)

2401-31-22 Private Waste Disposal System Standards

(A) The systems to be regulated under Sections 2401-31-14 through 2401-31-21 include:

(1) A single family residential property on which solid waste is generated and disposed of on premises, due to distance from collection route or transfer station;

(2) A farm on which the solid waste from the operation of the farm or from a farm products processing facility is disposed; and,

(3) A landfill site which is used only by the owner or person in control of the premises to dispose of soil, rock, concrete or other non-decomposable material.

(B) Private disposal sites shall provide for adequate storage and screening of all solid waste so as to prevent the attraction, harborage, or breeding of insects or rodents and to eliminate conditions harmful to human health or which create safety hazards, odors, unsightliness and other nuisance.

(Effective May 26, 1996)

SOLID WASTE PERMIT SYSTEM

2401-31-23 Permit Required

It shall be unlawful for any person to establish, modify, or operate any solid waste disposal facility or a part thereof or any extension or addition thereto without a permit issued in accordance with the provisions of these regulations, except for those private systems as defined in Section 2401-31-22 of these regulations. *The planning, design, construction operations and maintenance of any solid waste disposal facility subject to the provisions of this Chapter shall comply with the terms, conditions, provisions and management plans for any National, State or traditional conservation area, preserve or other protected area as established by law.**

(Effective May 26, 1996)

**(Amendment Effective March 12, 1999)*

2401-31-24 Permit Application

(A) Application for a permit shall be completed on forms furnished by the Board and shall include the following information:

(1) Detailed plans and specifications for the facility, including initial and final topographies in intervals of 5 feet;

(2) Certification of compliance with applicable land use and zoning requirements;

(3) An environmental assessment of the proposed site prepared consistent with the Environmental Impact Statement Regulations; and,

(4) An operations plan detailing:

(a) proposed operation and maintenance procedures;

(b) the equipment to be used;

(c) the population and area to served;

(d) the characteristics, amount and source of materials to be disposed of;

(e) the method of processed residue disposal;

(f) emergency operating procedures;

(g) the proposed ultimate use of the disposal site; and,

(h) a facility closure plan.

(B) All persons responsible for existing solid waste disposal facilities not currently holding a valid permit shall, by no later than March 27, 1989, apply for a permit to continue to operate. If such application is not made by March 27, 1989, all activities not in conformance with these regulations shall cease until such permit is issued, and activities come into regulatory compliance.

(C) Each signed application shall constitute an agreement that the applicant will assume responsibility for the construction or modification and operation of the facility in accordance with these regulations and applicable Water Quality, Air Pollution Control, Earthmoving, and all other Board Regulations.

(D) Every applicant for a permit shall pay a filing fee of \$20.00. This filing fee shall be submitted with the application and shall not be refunded nor applied to any subsequent application regardless of whether the application is approved, cancelled, or denied by the Chairman or withdrawn by the applicant.

(Effective May 26, 1996)

2401-31-25 Application Review

(A) The Chairman shall act on an application within a reasonable time, but not to exceed sixty (60) calendar days from the date the application is received by the Chairman, and shall notify the applicant in writing of the proposed approval or denial of the application. If the Chairman has not acted within the sixty (60) day period, the application shall be deemed to have been proposed for approval, provided that the Chairman may request additional information from the applicant and an additional thirty (30) calendar day period shall commence on the day the supplementary information is received.

(B) The applicant may submit answers and comments to the Chairman's response to the application.

(C) The Chairman shall consider the applicant's answers and comments and shall notify the applicant in writing of the final approval or intent to deny the application. No application for a permit shall be denied unless the applicant has had an opportunity for a public hearing by the Board.

(D) The Chairman shall approve an application for a permit if the application and the supporting information clearly show that the issuance thereof is in the public interest and that the solid waste disposal facility is designed, built, and equipped in accordance with the best practicable technology so as to operate without causing a violation of applicable rules and regulations.

(Effective May 26, 1996)

2401-31-26 Duration of Permit

The Chairman may grant a permit for any term, not to exceed five (5) years.

(Effective May 26, 1996)

2401-31-27 Permit Conditions

The Chairman may apply special conditions to the permit in order to ensure the protection of health and the protection of the environment.

(Effective May 26, 1996)

2401-31-28 Termination of Permitted Operations

It shall be the responsibility of the person to whom the permit was issued to inform the Chairman within thirty (30) days of the permanent termination of a solid waste processing or disposal at the facility for which the permit had been issued, by surrendering the permit to the Chairman.

(Effective May 26, 1996)

2401-31-29 Performance Bond

The Chairman may require a performance bond to guarantee proper operation and closure of a solid waste facility. This performance bond shall be forfeited should the permittee not comply with the provisions of the permit and proper closure procedures.

(Effective May 26, 1996)

VARIANCES

2401-31-30 Variance Application

(A) Every application for a variance shall be made on forms furnished by the Board and shall be accompanied by a complete and detailed description of present conditions, how present conditions do not conform to standards and other information as the Chairman may prescribe.

(B) Each application for a variance shall be reviewed in light of the descriptions, statements, plans, histories, and other supporting information submitted with the application, such additional information as may be submitted upon the request of the Chairman and the effect or probable effect upon the solid waste disposal standards established pursuant to these regulations.

(C) Whenever an application is approved, the Chairman shall issue a variance authorizing the design, construction, installation, operation and maintenance of solid waste disposal systems in excess of applicable standards.

(Effective May 26, 1996)

2401-31-31 Standards for Variance

(A) Approval of a variance shall be made only after a public notice is posted and, if responses indicate, a public hearing is held by the Board in the State where the solid waste system is situated.

(B) No variance shall be granted by the Chairman unless the application and the supporting information clearly show that:

(1) The continuation of the function or operation involved in the disposal of solid waste by the granting of the variance is in the public interest;

(2) The adverse effects of the solid waste disposal systems arising or proposing to arise does not substantially endanger human health or safety; and,

(3) Compliance with the rules, regulations or standards from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(Effective May 26, 1996)

2401-31-32 Variance Issuance and Renewal

(A) Any variance or renewal thereof shall be granted within the requirements of these regulations and for time periods under conditions with the reasons therefore and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, control or abatement of the pollution involved, it shall be only until the necessary means for prevention, control or abatement become practicable and subject to the taking of any substitute or alternate measures the Chairman may prescribe. No renewal of variance granted under this subsection shall be allowed without a thorough review of known and available means of preventing, controlling or abating the pollution involved;

(2) The Chairman may issue a variance for a period not exceeding five (5) years;

(3) Every variance granted under this section shall include conditions requiring the grantee to perform air, discharge, effluent or noise sampling and report the results of such to the Chairman;

(B) Any variance granted pursuant to this section may be renewed, from time to time, on terms or conditions and for periods not exceeding five (5) years which would be appropriate on initial granting of a variance, provided that:

(1) The application for renewal has met all of the conditions specified in the immediately preceding variance; and,

(2) The renewal, and the variance issued in pursuance thereof, shall provide for a solid waste disposal system not different from that allowed pursuant to the terms of the immediately preceding variance at its expiration.

(C) No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance.

(Effective May 26, 1996)

2401-31-33 Emergency Procedures

No variance granted pursuant to these regulations shall be construed to prevent or limit the application of any emergency provisions and procedures provided for by law.

(Effective May 26, 1996)

SOLID WASTE MANAGEMENT PLANS REQUIRED

**2401-31-34 Solid Waste
Management Plans**

(A) Any person who intends to apply for a solid waste permit shall provide solid waste management plans for Board review and approval. Solid Waste Management plans shall be required for each state regardless of their use of public and or individual disposal facilities.

(B) Information required in this management plan also required as part of the operations plan of Sections 2401-31-24 and 2401-31-25 of these regulations may be cited by reference in this management plan.

(C) Each Solid Waste Management Plan shall include but is not limited to:

- (1) A description of the community covered by the plan;
- (2) An assessment of the types of wastes generated by the community;
- (3) The type of facility to be used for solid waste disposal;
- (4) A map locating the facility site;
- (5) The relationship of the site to water disposal;
- (6) The types of roads available;
- (7) A list of equipment available for solid waste management;
- (8) The method of collection, transport and disposal;
- (9) An estimated yearly operational budget;
- (10) Operation and maintenance procedures;
- (11) An estimate of future needs; and,
- (12) Procedures for planning and design for future facilities.

(C) In the event that the applicant does not produce its own management plan, the Board could be requested to develop such a plan but the applicant must implement the plan developed by the Board.

(Effective May 26, 1996)

ENFORCEMENT

**2401-31-35 Enforcement and
Compliance**

Monitoring, enforcement and court actions for implementation of regulations contained herein shall be conducted in accordance with 24 Palau National Code Sections 161 to 172, inclusive.

(Effective May 26, 1996)

MISCELLANEOUS PROVISIONS

2401-31-36 Severability

If any provision of these regulations or the application of any provision of these regulations to any person or circumstance is held invalid, the application of such provision to other persons or circumstances and the remainder of these regulations shall not be affected thereby.

(Effective May 26, 1996)

2401-31-37 Repealer

The regulations contained herein shall replace the Republic of Palau Environmental Quality Protection Board Solid Waste Regulations currently in effect in the Republic of Palau.

(Effective May 26, 1996)