

AN ACT

To provide for the protection and enhancement of environmental quality of the air, land and water of the Republic of Palau; to require study and consideration of environmental effects before undertaking major developmental actions; to provide for the establishment of an Environmental Protection Board; and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

1 Section 1. Short title. This Act may be cited as the
2 "Republic of Palau Environmental Quality Protection Act."

3 Section 2. Public Policy.

4 (a) The Republic of Palau, recognizing the profound impact of
5 man's activity on the interrelations of all components of the natural
6 environmental, particularly the profound influences of population
7 growth and redistribution, cultural change, resource exploitation, and
8 technological advances, and recognizing further the critical importance
9 of restoring and maintaining environmental quality to the overall wel-
10 fare and development of man, declares that it is the continuing policy
11 of the Republic of Palau, in cooperation with state governments, and
12 other concerned public and private organizations, to use all practi-
13 cable means and measures, including financial and technical assistance,
14 in a manner calculated to foster and promote the general welfare, to
15 create and maintain conditions under which man and nature can
16 coexist in productive harmony, and fulfill the social, economic and
17 other requirements of present and future generations of the Republic
18 of Palau.

19 (b) In order to carry out the policy set forth in this act, it
20 is the continuing responsibility of the Republic of Palau to use all
21 practicable means, consistent with other essential considerations of
22 national policy, to improve and coordinate governmental plans,

1 functions, programs, and resources to the end that the inhabitants of
2 the Republic of Palau may:

3 (1) fulfill the responsibility of each generation as trustee
4 of the environment for succeeding generations;

5 (2) assure for all Palauans safe, healthful, productive, and
6 esthetically and culturally pleasing surroundings;

7 (3) attain the widest range of beneficial uses of the environ-
8 ment without degradation, risk of health or safety, or other undesi-
9 rable and unintended consequences; and

10 (4) preserve important historical, cultural and natural aspects
11 of our Palauan heritage, and maintain, wherever possible, an environ-
12 ment which supports diversity and variety of individual choice.

13 (c) The Republic of Palau recognizes that each person has a
14 fundamental right to a healthful environment and that each person has
15 a responsibility to contribute to the preservation and enhancement of
16 the environment.

17 Section 3. Definitions. The following words, for the purposes
18 of this act, shall have the following meanings:

19 (a) "Chairman of the Environmental Quality Protection Board"
20 or "Chairman" shall mean the Chairman personally or his duly author-
21 ized representative.

22 (b) "Board" means the Republic of Palau Environmental
23 Quality Protection Board.

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

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1 (d) "Administrator" means the Administrator of the United
2 States Environmental Protection Agency.

3 (e) "Federal Acts" or "Federal Act" means the United States
4 Safe Drinking Water Act, Public Law 93-523; the United States
5 Federal Environmental Pesticide Control Act of 1972, Public Law
6 92-516; and the United States Federal Water Pollution Control Act, as
7 amended, Public Law 92-500.

8 (f) "Primary Drinking Water Regulation" means a regulation
9 which:

10 (1) applies to public water systems;

11 (2) specifies contaminants which, in the judgment of the
12 Board, may have any adverse effect on the health of persons;
13 and

14 (3) specifies for each such contaminant either:

15 (i) a maximum contaminant level, if, in the
16 judgment of the Board, it is economically
17 and technologically feasible to ascertain
18 the level of such contaminant in water in
19 public water systems; or

20 (ii) if, in the judgment of the Board it is not
21 economically or technologically possible to
22 so ascertain the level of such contaminant,
23 each treatment technique known to the Board
24 which leads to a reduction in the level of
25 such contaminant sufficient to satisfy the
26 requirements of Section 1412 of the Safe
27 Drinking Water Act, United States Public Law
28 93-523; and

29 (4) contains criteria and procedures to assure a supply

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1 of drinking water which dependably complies with such

1 maximum contaminant levels, including quality control and testing
2 procedures to insure compliance with such levels and to insure proper
3 operation and maintenance of the system, and requirements as to:

4 (i) the minimum quality of water which may be taken into
5 the system; and

6 (ii) siting for new facilities for public water systems.

7 (g) "Public water system" means a system for the provision to
8 the public of piped water for human consumption, if such system has
9 at least fifteen service connections or regularly serves at least
10 twenty-five individuals. Such term includes:

11 (1) any collection, treatment, storage, and distribution
12 facilities under control of the operator of such system and used
13 primarily in connection with such system; and

14 (2) any collection or pretreatment storage facilities not
15 under such control which are used primarily in connection with such
16 system.

17 (h) "State Plan" means an individual plan for:

18 (1) the certification of applicators of pesticides under Section
19 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
20 as amended, or

21 (2) issuance of pesticide product registrations to meet special
22 local needs as defined under Section 24 (a) of FIFRA as amended; or

23 (3) issuance of experimental use permits under Section (5)
24 (f) FIFRA as amended.

25 (i) "Secondary Regulation" means a regulation which applies
26 to public water systems and which specifies the maximum contaminant
27 levels which in the judgment of the Board are requisite to protect
28 the public welfare. Such regulations may apply to any contaminant in
29 drinking water:

1 (1) which may adversely affect the odor or appearance of
2 such water and consequently may cause a substantial number of

1 persons served by the public water system providing water to
2 discontinue its use;

3 (2) which may otherwise adversely affect the public welfare.

4 Such regulations may vary according to geographic and other
5 circumstances.

6 Section 4. Republic of Palau Environmental Quality Protection
7 Board; created: Membership; terms; vacancies; chairmanship;
8 qualifications; compensation; cooperation of other agencies; meeting of
9 board; quorum; report.

10 (a) There is hereby established in the Office of the President
11 a board to be known as the Republic of Palau Environmental Quality
12 Protection Board to be composed of seven members, appointed by the
13 President with the advice and consent of the Senate. The initial
14 appointments of the members shall be made as follows: two for a
15 period of one year; two for a period of two years; and three for a
16 period of three years. Successors to the first appointees hereunder
17 shall be appointed for terms of three years each. Vacancies other
18 than by expiration of term shall be filled by the President by
19 appointment, in the same manner as the original appointment was
20 made, for the unexpired term.

21 (b) The Board shall elect from among its members a chairman
22 and a vice-chairman. The President shall designate a member to
23 serve as temporary chairman of the Board until such time as the Board
24 shall elect a chairman.

25 (c) The President in his appointments shall select persons
26 who are citizens and residents of the Republic of Palau for their
27 ability, and all appointments shall be of such nature as to aid the
28 work of the Board and to inspire the highest degree of cooperation
29 and confidence in carrying out the policy and purpose of this act.

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1 The majority of the members of the Board may not be employees of
2 the Republic of Palau government.

1 (d) Members of the Board shall serve without compensation,
2 but shall be entitled to receive reasonable travel costs and per diem
3 at standard Republic of Palau rates when engaged in the performance
4 of the duties of the Board. Any employee of the Republic Palau
5 government shall be granted administrative leave while engaged in the
6 performance of the duties of the Board.

7 (e) The Board may call upon any Republic of Palau
8 department or agency for technical assistance. All departments or
9 agencies of the Republic of Palau shall, upon request, assist the
10 Board in the performance of its duties.

11 (f) The Board shall meet at least once every three months.
12 Meetings may be held at any time or place to be determined by the
13 Board upon the call of the Chairman or upon written request of any
14 three members. All meetings shall be open to the public, and public
15 notice of the time and place of such meetings shall be posted in
16 public places and shall be announced on the radio throughout the
17 Republic of Palau.

18 (g) Five members of the Board shall constitute a quorum for
19 the transaction of business.

20 (h) The Minister of Justice or his designee shall act as legal
21 advisor to the Board.

22 (i) The Board shall transmit to the President and the Olbiil
23 Era Kelulau annually not later than January 31 an Environmental
24 Quality Report for the preceding calendar year which shall set forth:

- 25 (1) the status and condition of the major natural, man-
26 made, or altered environmental classes of the Republic of
27 Palau, including, but not limited to, the air; the waters,
28 including marine, estuarine, and fresh water; and the
29 terrestrial environment, including, but not limited to the

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- 1 forest, mangrove areas, beaches, reefs, dryland, wetland,
- 2 urban and rural environment;

1 (2) current and foreseeable trends in the quality,
2 management and utilization of such environments and the
3 effects of those trends on the social, economic, and
4 other requirements of the Republic of Palau;

5 (3) the adequacy of available natural resources for ful-
6 filling human and economic requirements of the Republic of
7 Palau in light of expected population pressures;

8 (4) a review of the programs and activities (including
9 regulatory activities) of the national government, local
10 governments, and non-governmental entities or individuals,
11 with particular reference to their effect on the environment,
12 the conservation, development and utilization of natural
13 resources and the social and economic requirements of the
14 Republic of Palau; and

15 (5) a program for remedying the deficiencies of existing
16 programs and activities, together with recommendations for
17 legislation.

18 Section 5. Same; powers and duties.

19 (a) The Board shall promulgate and enforce Primary Drinking
20 Water Regulations and may promulgate and enforce Secondary Drink-
21 ing Water Regulations.

22 The Board shall have the power to promulgate and enforce
23 such other regulations as necessary to carry out the purposes of the
24 Safe Drinking Water Act, United States Public Law 93-523, and any
25 applicable regulations promulgated thereunder.

26 (b) The Board shall establish and provide for the continuing
27 administration of a permit system whereby a permit shall be required
28 for the discharge by any person of any pollutant in the air, land, or
29 water, or for the conduct by any person of any activity, including

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1 but not limited to the operation, construction, expansion or alteration
2 of any installation, which results in or may result in the discharge of

1 any pollutant in the air, land or water; and shall provide for the
2 issuance, modification, suspension, revocation and termination of
3 such permits, and for the posting of an appropriate bond.

4 (c) The Board shall adopt and implement plans for the certi-
5 fication of applicators of pesticides, for the issuance of experi-
6 mental use permits for pesticides and a plan to meet local needs.

7 The Board shall adopt and implement such other measures as
8 necessary to carry out the purposes of the Federal Insecticide,
9 Fungicide, and Rodenticide Act, United States Public Law 92-516.

10 (d) The Board shall promulgate and enforce nuclear and other
11 hazardous wastes regulations.

12 (e) The Board shall promulgate and enforce regulations for
13 the purposes of this act including monitoring, inspection, and record
14 keeping procedures that comply with regulations established by the
15 Administrator pursuant to the Federal Acts.

16 (f) The Board is authorized and empowered to:

17 (1) Establish criteria for classifying air, land, and
18 water in accordance with present and future uses.

19 (2) Publish technical manuals establishing procedures
20 and criteria for the administration and enforcement of the
21 Board's regulations, which shall have the force and effect of
22 law.

23 (3) Accept appropriations, loans, and grants from the
24 United States Government or any agency thereof and other
25 sources, public or private, which appropriations, loans, and
26 grants shall not be expended for other than the purposes of
27 this Act.

28 Section 6. Administration; Executive Officer; Supporting
29 Staff.

30 (a) The Board shall appoint an Executive Officer to adminis-

1 ter matters of the Board under the supervision of the Board. The
2 Executive Officer shall not have the right to vote. The Executive

1 Officer shall be given the necessary authority and be held respon-
2 sible for the administration of the Board in all its activities sub-
3 ject only to such policies as may be adopted and such orders as may
4 be issued by the Board.

5 (b) The Executive Officer shall be assisted in his duties by
6 a support staff.

7 Section 7. Environmental studies and decisions.

8 (a) To the fullest extent possible the Secretarial Orders,
9 policies, regulations and public laws applicable in the Republic of
10 Palau shall be interpreted and administered in accordance with the
11 policies set forth in this act; and

12 (b) All agencies of the Republic of Palau Government, and all
13 state governments shall:

14 (1) utilize a systematic, interdisciplinary approach
15 which will insure the integrated use of the natural and social
16 sciences, traditional wisdom, and the environmental design arts
17 in planning and in decision making which may have an impact
18 on man's environment;

19 (2) identify and develop methods and procedures in con-
20 sultation with the Republic of Palau Environmental Quality
21 Protection Board created under this act, which will insure that
22 presently unquantified environmental amenities and values may
23 be given appropriate consideration in decision making along
24 with economic and technical considerations; and

25 (3) include in every recommendation or report on pro-
26 posals for legislation and other major government actions
27 significantly affecting the quality of the human environment,
28 a detailed environmental impact statement by the responsible
29 official on:

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- 1 (i) the environmental, including cultural, impact
2 of the proposed action;

1 (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

2 (iii) alternatives to the proposed action;

3 (iv) the relationship between local short-term uses
4 of man's environment and the maintenance and enhance-
5 ment of long-term productivity; and

6 (v) any irreversible and irretrievable commitments
7 of resources which would be involved in the proposed
8 action should it be implemented. Prior to making any de-
9 tailed environmental impact statement, the responsible
10 government official shall consult with and obtain the
11 comments of the interested public and any national
12 government agency which has jurisdiction by law or
13 special expertise with respect to any environmental im-
14 pact involved. Copies of such statement and the com-
15 ments and views of the appropriate agencies shall be
16 made available to the Republic of Palau Environmental
17 Quality Protection Board, and to the public for inspec-
18 tion and copying, and the public shall be notified of
19 the existence of the environmental impact statement a
20 reasonable time before completion of the governmental
21 decision making process.

22 (4) The environmental impact statement shall accompany
23 the proposal through the existing agency review process, and
24 the decision as to such action under consideration shall be
25 explained in a statement of basis and purposes which shall
26 include, but need not be limited to, findings by the respons-
27 ible official that:

28 (i) the environmental impact of the proposed action
29

1 has been studied and considered by the responsible
2 governmental agency;

1 (ii) alternatives to the proposed action have been
2 given reasonable consideration;

3 (iii) any adverse environmental effects which cannot
4 be avoided by following reasonable alternatives are justifi-
5 fied by other stated considerations of national policy;

6 (iv) any local short-term uses of man's envi ron-
7 ment are consistent with maintaining and enhancing long-
8 term productivi ty; and

9 (v) any irreversible and irretrievable commitments
10 of resources are warranted.

11 (5) study, develop and describe appropriate alternatives
12 to recommended courses of action in any proposal which in-
13 volves unresolved conflicts concerning alternative uses of
14 available resources;

15 (6) recognize the worldwide and long-range character of
16 environmental problems and lend appropriate support to ini ti a-
17 tives, resolutions and programs designed to maxi mi ze interna-
18 tional cooperati on in anti ci pati ng and preventi ng a decl i ne in
19 the qual i ty of manki nd' s worl d envi ronment;

20 (7) make available to states, insti tuti ons, and i ndi vi -
21 dual s, advi ce and i nformati on useful i n restori ng, mai ntai ni ng,
22 and enhanci ng the qual i ty of the envi ronment;

23 (8) ini ti ate and uti l i ze ecol ogi cal i nformati on i n the
24 pl anni ng and devel opment of resource ori ented proj ects; and

25 (9) assi st the Republ i c of Pal au Envi ronmental Qual i ty
26 Protecti on Board.

27 Secti on 8. Right of entry. Whenever it is necessary for the
28 purposes of thi s act, the Board, or any member, agent or empl oye e
29 when duly authori zed by the Board or by court order may, at

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1 reasonable times, enter any establishment or upon any property,
2 public or private, for the purpose of obtaining information, making

1 inspections, obtaining samples, inspecting or copying records re-
2 quired to be maintained by the provisions of this act and any re-
3 gulations promulgated thereunder, or conducting surveys or invest-
4 gations for the purpose of carrying out the purpose and policy of
5 this act.

6 Section 9. Enforcement and implementation.

7 (a) Any person who violates any provision of this act, shall
8 be subject to enforcement action by the Board. Such enforcement
9 action may include, but is not limited to, issuance of an order to
10 cease and desist from such violation, imposition of a civil penalty up
11 to \$10,000.00 for each day of violation, or commencement of a civil
12 action to enjoin such violation.

13 (b) Whenever the Board finds that a discharge of waste is
14 taking place or threatening to take place within the Republic of Palau
15 that violates or will violate requirements prescribed by the Board or
16 that the waste collection, treatment, or disposal facilities of a
17 discharger are approaching capacity, the Board shall require the
18 discharger to submit for approval of the Board, with such
19 modifications as it may deem reasonably necessary, a detailed time
20 schedule of specific actions the discharger shall order to correct or
21 prevent a violation of requirements.

22 (c) When the Board finds that a discharge of waste is taking
23 place or threatening to take place within its jurisdiction in violation of
24 requirements of discharge prohibitions prescribed by the Board, the
25 Board shall issue an order to cease and desist and direct that those
26 persons not complying with requirements or discharge prohibitions,
27 (1) comply forthwith, (2) comply in accordance with a time schedule
28 set by the Board, or (3) in the event of a threatened violation, take
29 appropriate remedial or preventive action. In the event of an

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1 existing or threatened violation of waste discharge requirements in
2 the operation of a community system, cease and desist orders may

1 restrict or prohibit the volume, type, or concentration of waste that
2 might be added to such system by dischargers who did not discharge
3 into the system prior to the issuance of the cease and desist order.

4 (d) A public hearing to determine the authenticity of the
5 facts upon which the cease and desist order was issued shall be
6 conducted by the Board, adequate notice of which and opportunity to
7 appear and be heard at which shall be afforded to all interested
8 persons.

9 (e) Cease and desist orders of the Board shall become
10 effective upon issuance, and final as to the said Board upon issuing
11 findings after a public hearing. Copies shall be served forthwith by
12 registered mail upon the person being charged with the violation of
13 the requirements and upon other affected persons who appeared at
14 the hearing and requested a copy.

15 (f) Any person who discharges any pollutant into the water,
16 air, or on the land, of the Republic of Palau in violation of any
17 discharge permit, requirements, or other order issued by the Board
18 or who intentionally or negligently causes or permits any pollutant to
19 be deposited where it is discharged into the water, air or on the land
20 of the Republic of Palau shall, upon order of the Board, clean up
21 such pollutant or abate the effects thereof. Upon failure of any
22 person to comply with such clean-up or abatement order, the Minister
23 of Justice or his designated representative, at the request of the
24 Board, shall petition the Trial Division of the Supreme Court for the
25 issuance of an injunction, mandamus or other appropriate remedy
26 requiring such persons to comply therewith.

27 (g) The provisions of this Section shall be interpreted
28 consistently with the provisions of any law concerning administrative
29 procedure which is or may hereafter become Republic of Palau law. In

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1 the event of conflict between the two, the provisions of the latter
2 shall supercede and be controlling.

1 Section 10. Court actions; procedures; adjudication and re-
2 lief; intervention; standards and doctrine.

3 (a) The Minister of Justice, any political subdivision of the
4 Republic of Palau, any instrumentality or agency of the Republic of
5 Palau or of a political subdivision thereof, or any person,
6 partnership, corporation, association, organization or other legal
7 entity may maintain an action in the Trial Division of the Supreme
8 Court of the Republic of Palau for declaratory and equitable relief
9 against the Republic of Palau, any political subdivision thereof, any
10 instrumentality or agency of the Republic of Palau or of a political
11 subdivision thereof, or any person, partnership, corporation or other
12 legal entity for the protection of the air, water and other natural
13 resources and the public trust therein from pollution, impairment or
14 destruction.

15 (b) In granting relief provided by Subdivision (a) where
16 there is involved a standard for pollution or for an antipollution
17 device or procedure, fixed by rules or otherwise by an
18 instrumentality or agency of the Republic of Palau or a political
19 subdivision thereof, including the Republic of Palau Environmental
20 Quality Protection Board, the court may:

21 (1) determine whether the standard is applicable, and
22 determine its validity and reasonableness, employing a
23 substantial evidence test; or

24 (2) when the court finds a standard to be deficient,
25 direct the adoption of a standard approved and specified by
26 the court.

27 (c) If the court has reasonable ground to doubt the solvency
28 of the plaintiff for the plaintiff's ability to pay any costs which might
29 be apportioned against him in an action brought under this act, the

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1 court may order the plaintiff to post a surety bond or cash not to
2 exceed \$500.00.

1 (d) When the plaintiff in the action has made a prima facie
2 showing that the conduct of the defendant has, or is likely to
3 pollute, impair or destroy the air, water or other natural resources
4 or the public trust therein, the defendant may rebut the prima facie
5 showing by the submission of evidence to the contrary. The
6 defendant may also show, by way of an affirmative defense, that
7 there is no feasible and prudent alternative to defendant's conduct
8 and that such conduct is consistent with the promotion of the public
9 health, safety and welfare in light of the Republic of Palau's
10 paramount concern for the protection of its natural resources from
11 pollution, impairment or destruction. Except as to this affirmative
12 defense and as otherwise provided in this act, the principle of
13 burden of proof and weight of the evidence generally applicable in
14 civil actions in the Supreme Court and in decisions construing the
15 United States National Environmental Policy Act, shall apply to actions
16 brought under this act.

17 (e) Costs may be apportioned to the parties if the interests
18 of justice require.

19 (f) The court may grant temporary and permanent equitable
20 relief, or may impose conditions on the defendant that are required to
21 protect the air, water and other natural resources or the public trust
22 therein from pollution, impairment or destruction.

23 (g) If administrative, licensing or other proceedings, are
24 required or available to determine the legality of the defendant's
25 conduct, the court may remit the parties to such proceedings, which
26 proceedings shall be conducted in accordance with and subject to the
27 provisions of this act. In so remitting, the court may grant
28 temporary equitable relief where necessary for the protection of air,
29 water and other natural resources or the public trust therein from

1 pollution, impairment or destruction. In so remitting, the court shall
2 retain jurisdiction of the action pending completion thereof for the

1 purpose of determining whether adequate protection from pollution,
2 impairment or destruction has been afforded.

3 (h) Upon completion of such proceedings, the court shall
4 adjudicate the impact of the defendant's conduct on the air, water or
5 other natural resources and on the public trust therein in accordance
6 with this act. In such adjudication the court may order that
7 additional evidence be taken to the extent necessary to protect the
8 rights recognized in this act.

9 (i) Whenever administrative, licensing or other proceedings
10 and judicial review thereof are available by law, the agency or the
11 court may permit the Minister of Justice, any political subdivision
12 of the Republic of Palau, any instrumental entity or agency of the Repub-
13 lic of Palau or of a political subdivision thereof, any person, part-
14 nership, corporation, association, organization or other legal entity
15 to intervene as a party on the filing of a plea asserting that the
16 proceeding or action for judicial review involves conduct which has,
17 or which is likely to have, the effect of polluting, impairing or
18 destroying the air, water or other natural resources or the public
19 trust therein.

20 (j) In any such administrative, licensing or other proceeding,
21 and in any judicial review thereof, any alleged pollution, impairment
22 or destruction of the air, water or other natural resources, or the
23 public trust therein shall be determined, and no conduct shall be
24 authorized or approved which does, or is likely to have such effect,
25 so long as there is a feasible and prudent alternative consistent with
26 the reasonable requirements of the public health, safety and welfare.

27 (k) The doctrines of collateral estoppel and res judicata may
28 be applied by the court to prevent multiplicity of suits.

29 Section 11 Fines and penalties.

1 (a) Any person who violates any provision of this Act, or of
2 any permit, regulation, standard or order issued or promulgated

1 hereunder, shall be subject to a civil penalty not to exceed
2 \$10,000.00 per day of such violation. Such sums shall be paid in to
3 the National Treasury of the Republic of Palau.

4 (b) The Minister of Justice or his designated representative,
5 upon request of the Board, shall petition the Trial Division of the
6 Supreme Court for a judgment assessing damages, in determining such
7 damages, the court shall consider all relevant circumstances,
8 including but not limited to, the extent of harm caused by the
9 violation, the nature and persistence of the violation, the length of
10 time over which the violation occurs and corrective action, if any,
11 taken by the discharger.

12 (c) Any person who willfully or negligently (1) discharges
13 pollutants in violation of this act or in violation of any condition
14 or limitation included in a permit issued under Section 5 of this act
15 or (2) violates the requirements of Section 5 of this act; or (3) with
16 respect to introduction of pollutants into publicly owned treatment
17 works violates a pretreatment standard or toxic effluent standard
18 shall be guilty of a misdemeanor, and upon conviction thereof, shall
19 be punished by a fine of not less than \$2,500.00 nor more than
20 \$25,000.00 per day of violation. If such conviction is for a viola-
21 tion committed after a first conviction of such person under this act,
22 punishment shall be by a fine of not less than \$10,000.00 nor more
23 than \$50,000.00 per day of violation.

24 (d) Any person who knowingly makes any false statement,
25 representation, or certification in any application, record, report,
26 plan, or other document filed or required to be maintained under this
27 act, or by any permit, regulation or order issued under this act, or
28 who falsifies, tampers with, or knowingly renders inaccurate any
29 monitoring device or method required to be maintained under this act 30 or

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1 by any permit, regulation, or any order issued under this act
2 shall be guilty of a misdemeanor, and upon conviction thereof, shall

1 be punished by a fine of not more than \$10,000.00 or by imprisonment
2 for not more than six months, or by both.

3 Section 12 Authorization. There is authorized to be
4 appropriated such funds as may be necessary to carry out the
5 provisions of this Act.

6 Section 13. Transition. In order to ensure continued
7 compliance with the requirements of the Federal Acts and the U. S.
8 Environmental Protection Agency for grant funding, the Trust
9 Territory Environmental Quality Protection Act (P. L. 4C-78, as
10 amended) and all regulations adopted pursuant thereto shall remain in
11 effect and shall control in the event of any conflict with this Act,
12 subject however to the following exceptions:

13 (a) The Board shall replace and perform all duties of the
14 district environmental protection advisory board as prescribed by
15 P. L. 4C-78 for Palau.

16 (b) The Trust Territory Environmental Protection Board may
17 delegate any of its functions to the Board consistent with the
18 requirements of the Federal Acts upon a finding by the Trust
19 Territory Environmental Protection Board that such delegation will not
20 jeopardize any grant of financial assistance. In the event that it
21 finds that any such delegation results in the actual or threatened
22 termination of any financial grant it may withdraw the delegation and
23 resume performance of the function in question.

24 (c) Notwithstanding Section 4 of the P. L. 4C-78, the Trust
25 Territory Environmental Protection Board shall hold one regular
26 meeting each year. Special meetings may be called by the chairman
27 as deemed necessary.

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1 Section 14. Effective date. This act shall take effect upon
2 its approval by the President of the Republic of Palau, or upon its
3 becoming law without such approval except as otherwise provided by
4 law.

Approved this 25 day of May 1983.

/s/ _____
Haruo I. Remelick
President
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