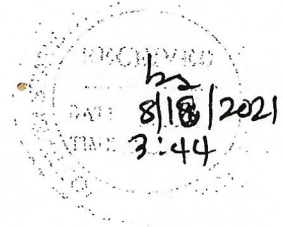


Pohnpei Environmental Protection Agency
Litter Abatement Regulations



PART 1 - GENERAL PROVISIONS

1.1 Authority -Under and by virtue of the provisions of Pohnpei State Law No.3L-26-92 and any other applicable laws, the following Regulations are hereby promulgated.

1.2 Legal effect of regulations - Upon meeting the requirements of 8.P.L1-101 and upon concurrence of the Governor and the Administrative Procedures Act, these rules and regulation shall have the force an effect of the law.

1.3 Purpose

The purpose of this regulation is to prohibit littering in and around the State of Pohnpei.

1.4 Definitions - As used in the regulations, unless the context clearly requires otherwise;

"Abandoned vehicles" means any motor vehicle which is no longer capable of being operated on the public roads of Pohnpei. A vehicle not registered for more than three (3) years as required by Title 71 of the Pohnpei Code, is presumed abandoned.

"Act" means the Pohnpei State Litter Abatement Act of 2006, Title 27, Chapter 2 of the Pohnpei State Code.

"Agency or EPA" means the Pohnpei State Environmental Protection Agency or Pohnpei State EPA

"Executive Officer" means the Executive Officer of the Environmental Protection Agency.

"Coastal waters" include all sea waters along the shores and coastlines of the islands within the jurisdiction of Pohnpei State.

"Dump" means any area, whether on public or private property, where garbage trash, refuse, junk, debris, or other broken and rejected material is deposited, other than in legal trash or garbage receptacles or other authorized disposal sites.

"Garbage" means solid or semi-solid, but reusable, animal and vegetable wastes that result from handling, preparation, cooking and serving of food, including cans, bottles, containers and cartons in which it was received and wrapping in which it may have been placed for disposal.

"Inland waters" includes all inland waters of Pohnpei State, including but not limited to large and small ponds and lakes, river, creeks and ground water including but not limited to wells and water lenses, whether or not water is permanently present or only seasonally or occasionally.

"Litter" means rubbish, refuse, waste material, garbage, trash, offal and debris of any kind or description whether or not it has any value; including improperly discarded paper, metal, plastic, glass and solid waste.

"Person" means and includes individuals, partnerships, corporations and other associations.

"Premises" means any private property or occupied public land, on which is located one or more of the following; home, apartment, and hotel, commercial or manufacturing establishment.

"Public place" means any areas used or held out for public use, whether owned or operated by public or private interests.

"Right of way" means any path or secondary road which is customarily used for foot or vehicular travel with the consent of the owner, or without such consent if such use has been of sufficient duration for such right of way to be vested.

"Rubbish" means any disposable solid wastes, including ashes, consisting of both combustible and noncombustible waste such as paper, cardboard, tin cans, yard clippings, wood, glass, beddings, crockery and broken or rejected matter or litter of any kind.

"Willful action" means any intentional action, with the desire to cause the result that would be expected from such action.

1.5 TYPES OF LITTERING PROHIBITED

1. Littering in Public Places

It shall be unlawful for any person to throw, discard, scatter or abandon waste materials, rubbish, garbage or other debris in any form or substance upon any public road, street, easement, land, stream, rivers or body of water which is accessible to the general public, other than a public dumping ground maintained by the Government of Pohnpei or any of the local government of Pohnpei.

2. Private and commercial premises (Prohibition on rubbish and garbage on premises)

No person shall have on his premise's garbage or rubbish on his premises, except as permitted under the Pohnpei EPA Solid Waste Regulations.

In the event of any conflict between the standards set out in the Pohnpei Solid Waste Regulation and these regulations, the stricter regulations shall apply.

3. Residences

Each person shall provide adequate containers for storage of to store all garbage and rubbish and is responsible for its disposal, subject to rules and regulations established by EPA. Each person is responsible for disposal of garbage and rubbish.

4. Non-residential establishments

The owner or operator of any Owners or operators of business establishments or commercial operations shall provide adequate containers for storage of garbage or rubbish that is generated in the course of operating his/her business or commercial enterprise.

- a) The Governor Pohnpei State Governor, the Speaker of Legislature Speaker, the Chief Justice of the Pohnpei Supreme Court and Public Auditor, or their designees shall provide adequate containers to store garbage or rubbish generated by the government.
- b) The Chief Executives of all public corporations, religious institutions, charities and non-profit organizations shall provide, or shall make provisions for adequate container to store garbage or rubbish generated by such entity.
- c) Such containers, when stored outdoors, shall be kept tightly covered and secured against vermin, insects and animals.

5. Edible garbage

No garbage may be sold or disposed of as food for human consumption. Garbage may be processed and used for animal consumption, subject to the requirement that any garbage fed to animals must be free of harmful poisons, glass, metal, and other matter which may harm animals, or be harmful to humans who consume the animal's meat or other animal products.

6. Commercial vehicles used to transport garbage

Commercial vehicles used to transport garbage shall not thereafter be used to transport any food or drink which will be used for human consumption.

7. Abandoned and stored vehicle

- a) Abandoned and stored vehicles, which by definition includes all vehicles which have not been registered for three years or more, shall be removed and disposed of at public dumps.
- b) The person occupying premises where an abandoned or stored vehicle is found, and the last registered owner, shall be jointly and severally responsible for its removal.
- c) Cars stored at vehicle repair shops for "stripping" of their parts shall not be visible from public roadways or public waterways.

8. Removal

- a) Garbage, rubbish and solid wastes shall be regularly removed from all premises and shall be disposed of only at dumps which are maintained in compliance with these regulations.
- b) All garbage containers shall be kept clean, free of offensive odors and tightly covered when in use so that they do not attract insects and vermin, and shall be located at least five feet away from any land boundary, and at least fifteen feet away from any neighbor's residential buildings.

9. WASTE DISPOSAL FEES; ENVIRONMENTAL QUALITY FUND; LITTER REWARD FUND.

a) Shipping container, lose cargo and motor vehicle waste disposal fees;

The owner or importer of each shipping container, and of each motor vehicle brought into Pohnpei State on any sea vessel from any port outside the State of Pohnpei, shall pay a waste disposal fee, unless the container or motor vehicle is not for sale, use or consumption within Pohnpei State and will be immediately transshipped to another destination outside Pohnpei State. All waste disposal fees so collected shall be paid into the Environmental Quality Fund established by the Pohnpei State Litter Abatement Act, Title 27 – Chapter 2-116 of the Pohnpei Code.

- b) Waste disposal fees shall not exceed \$100.00 the amount of the fees shall be determined by State EPA staff, and shall be based upon the estimated cost of disposal of the shipping container or motor vehicle. Such fees shall be set out in schedule of fees which shall be appended to these regulations.

10. Environmental Quality Fund:

An environmental quality fund is created pursuant to 27 PC 2-116 (1). All fees collected by the EPA pursuant to s1.5.9.(b) of these regulations shall be deposited into the Environmental Quality Fund maintained by the Pohnpei Treasury. This fund may also receive money from other revenue funds of the Pohnpei Treasury including excess funds from the Litter Reward Fund, and gifts and donations from other sources.

- a) Money may be appropriated annually in the Pohnpei State Comprehensive Budget from the Environmental Quality Fund established by PC 27 2-216, for environmental clean-up events.
- b) The fund is to be administered and expended by the EPA Executive Officer, as directed by the EPA Board, for the purposes specified in section 1.5.10(a) of these regulations. Sums not appropriated, expended or obligated at the close of any fiscal year revert to the Environmental Quality Fund.
- c) The EPA Executive Officer shall submit a report to the legislature annually before or on October 15 to account for all expenses drawn from the fund during the previous year.

11. Litter Reward Fund:

- a) All fines collected by the State of Pohnpei pursuant to 27 PC 2-119 and these regulations shall be collected by the Pohnpei Supreme Court for a special expenditure fund established within the Pohnpei Treasury and known as the Litter Reward Fund. Fines held therein are continuously appropriated as though incorporated in the annual Comprehensive Budget Act for deposit into the Litter Reward Fund. Money may also be appropriated to the fund from her revenues of the Pohnpei Treasury.

- b) Money in the Litter Reward Fund may be used by the EPA to reward persons who provide information or evidence which leads to a conviction of persons who violate these regulations or 27 PC 2-101.
- c) Money continuously appropriated to the Litter Reward fund shall be administered and expended by the EPA, solely for the purposes specified in section 1.5.11(b) of these regulations as provided by 27 PC 2-118 (2).
- d) If at the end of any fiscal year the EPA finds that there is excess money in the Litter Reward Fund not needed to reward people pursuant to section 5.2 of these regulations, as provided by 27 PC 2-120, the EPA shall transfer such excess money to the EPA for deposit into the Environmental Quality Fund established pursuant to 27 PC 2-116.

12. ENFORCEMENT & PUNISHMENT: FEES AND COMMUNITY SERVICE

a) Enforcement by citation

Whenever a member of Pohnpei State Government EPA staff, or of Pohnpei State Government law enforcement staff, or local law enforcement agencies operating under joint law enforcement agreements pursuant to Title 16, Chapter 2 of the Pohnpei Code, or any other person or persons with authority under this regulation, finds a willful violation of any part of the Pohnpei Abatement Law, 27 PC 101 et seq or of these regulations, he is authorized to issue a citation.

b) Form of citation

Such citation shall be on citation forms as required by Chapter 1 of Title 63 of the Pohnpei Code, and as used by Pohnpei State Police when issuing citations. At the time a citation is issued it shall contain all of the following information; date of issuance of citation, date or dates of violations, name or names of violators who are cited on that date, description and location of the violation, name of person issuing the citation, and any other information which may be required in the form, including the amount or nature of the penalty and a notice of any hearing at which the cited person may be required to appear in.

- c) Cash fines for a first offence may range between a minimum of \$25.00 and maximum of \$500 and or public service of 10 hours. Fines for the second time or repeat offence may range between \$50.00 and maximum of \$1000.00 and or public service of 20 hours.
- d) A second conviction is punishable by imprisonment for not more than one year if the Pohnpei Supreme Court finds that imprisonment is necessary to deter a person from violating the littering Law and regulations.

13. LITTER REWARD FUND

- a) All fines collected under these regulations for violations of these regulations shall be paid to the Pohnpei Supreme Court for deposit into the Litter Reward Fund maintained by the Pohnpei Treasury.
- b) Money in this fund may be used by the EPA to reward people who provide information or evidence which leads to a conviction of a person charged with violation of the regulation.
- c) If the EPA determines that there is excess cash available in the litter reward fund, the excess may be deposited into the Environmental Quality Fund established by 27 PC 2-116.

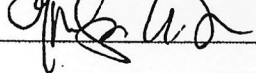
14. REWARD

Any person who provides information or evidence of littering that leads to a successful conviction of a violator of the law shall be rewarded by payment of \$25.00 from the Litter Reward Fund.

15. EFFECTIVE DATE:

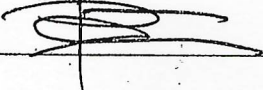
These regulations shall come into effect following 8 P.L.1-101 upon signing by the Governor of the Pohnpei State.

Approved by Pohnpei State

Attorney General 

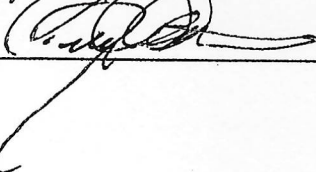
Date 9/2/21

Approved by Pohnpei State

EPA Chairman 

Date 8/18/2021

Approved by Pohnpei State

Governor 

Date 9/9/2021