

SAMOA

**SAMOA WATER AUTHORITY (SEWERAGE AND
WASTEWATER) REGULATIONS 2009**

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PURSUANT to sections 29 and 48 of the Samoa Water Authority Act 2003, **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet **HEREBY MAKE** the following Regulations:

DATED at Apia this 5th day of June 2009.

signed: (Tui Atua Tupua Tamasese Efi)
HEAD OF STATE

REGULATIONS

**PART I
PRELIMINARY**

1. Title and commencement-(1) These regulations shall be known as the Samoa Water Authority (Sewerage and Wastewater) Regulations 2009.

(2) These Regulations come into force on the date they are made.

2. Interpretation-(1) In these Regulations, unless a contrary intention appears:

“the Act” means the Samoa Water Authority Act 2003;

“approved” means approved by the Board or by the Managing Director, as provided for by these Regulations;

“approved form” means a form approved by the Board for any purpose under these regulations;

“authorised person” in relation to any function, duty or power means a person appointed by the Managing Director under regulation 45 for the purpose of performing that function or duty, or exercising that power;

“the Authority” means the Water Authority originally established under the Water Authority Act 1993/1994 and continued by the Samoa Water Authority Act 2003 under the name of the Samoa Water Authority;

“Board” means the Board of Directors of the Authority;

“cesspool” means an unauthorised excavation which receives or is intended to receive liquid sewage which may seep into the underlying rock formation and the groundwater;

“commercial establishment” means a building or any part of a building that is used for any commercial purpose;

“designated area” means any area designated from time to time by the Authority under regulation 6, as an area in which a sewerage and wastewater scheme is established, implemented, managed and maintained in accordance with these Regulations;

“dwelling” includes a separate dwelling unit forming part of a building;

“garbage” means solid and semi solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, from the handling and storage of produce;

- “interceptor” means a grease trap, or other device or installation approved by the Managing Director, for the purpose of preventing trade wastes and other prohibited substances from entering a sewerage and wastewater system from premises connected to the system;
- “legal description”, in relation to any land means:
- (a) in the case of land registered with or recorded in the office of the Registrar of Lands at Apia; or
 - (b) in the case of any other land, the definition of that land accorded to it by the Land and Titles Court, or as the case may be, by custom and usage;
- “Managing Director” means the person holding the office of Managing Director under section 12 of the Act, and includes any person lawfully acting in the office;
- “overflow relief gully” means an approved drain-like fitting located outside a building, designed to release any sewage overflow away from the interior of the building and its surrounds in the event of a sewer blockage which is required by regulation 41 to be installed at all premises connected to a sewerage and wastewater system;
- “pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in gram equivalents per litre of solution;
- “privy” means a structure and excavation for the disposal of human excreta and waste by non-water carriage methods and includes the terms “pit privy”, “trench latrine” and “bore-hole latrine”;
- “Public Sewer” means any sewer main installed and utilised in a sewerage and wastewater system established by the Authority, and managed and regulated under these regulations;
- “seepage pit” means a covered pit with open jointed lining through which treated or sewage effluent may seep or leach into the surrounding porous soil;
- “septic tank” includes all septic tanks in the ground used for the purpose of receiving and containing sewage and other wastewater and utilising an anaerobic decomposition process, whether any such septic tank

- complies with lawful requirements and specifications or not;
- “service connection” means the connection installed by the Authority between a public sewer and a service line, and includes –
- (a) any connection or junction fitted to a sewerage pump to enable the connection of a service line to be made; and
 - (b) any extension line or fitting from a sewerage pump to enable more than one service line connection to a single sewerage pump and well; and in every case the service connection shall terminate at the point of connection of a service line.
- “service line” means a pipe on privately owned land connecting the sewerage and wastewater plumbing of a building to a service connection or sewerage pump and well;
- “sewerage pump and well” means a pump installed and operated as part of a sewerage and wastewater system, at which a connection is made for service connections and service lines;
- “sewerage treatment plant” means any arrangement of pipes, devices and structures used for treating sewage;
- “Sewerage and Wastewater Scheme” means a scheme established, implemented, managed and maintained by the Authority for the provision of sewerage and wastewater services in designated areas;
- “Sewerage and wastewater services” means any services provided by the Authority in accordance with these Regulations for the movement, treatment and disposal of human or animal excreta, sewage, urine, or dirty water or other liquid wastes permitted to be discharged into a sewerage and wastewater system;
- “Sewerage and wastewater system” means the service lines, service connections and sewerage treatment plant and public sewers in designated areas, managed or regulated by the Authority under these regulations, which have the purpose of receiving, removing, treating and disposing of sewage and wastewater;

“sludge” means any discharge of water, sewage, or industrial wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 5 minutes more than five times the average 24 hour concentration of flows during normal operation;

“trade waste and industrial wastewater” means all water carried wastes and wastewater of the community (excluding residential wastewater and uncontaminated wastewater), and includes all wastewater from any producing, manufacturing, processing, institutional, commercial or agricultural operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

(2) Words and phrases used and not defined in these regulations shall have the same meanings as is given to them in the Act.

3. Government agencies to comply with these regulations-(1) The requirements of these Regulations shall apply to all premises owned or occupied by government Ministries and agencies within areas designated for sewerage and wastewater schemes.

(2) All officers and employees of government Ministries and agencies must comply with the requirements of these Regulations in the performance and discharge of their functions and responsibilities.

PART II SEWERAGE AND WASTEWATER FUNCTIONS OF THE AUTHORITY

4. Provision of sewerage and wastewater services-(1) The Authority is authorised to establish, implement, manage and maintain sewerage and wastewater schemes in areas designated under regulation 6 for the provision of sewerage and wastewater services in accordance with these Regulations.

(2) The Authority may exercise any power provided for in these Regulations, and any other necessary or incidental power relating to the provision of sewerage and wastewater services, including the power to:

- (a) designate areas for sewerage and wastewater schemes;
- (b) provide services, conduct inspections and otherwise implement the provisions and requirements of these Regulations for sewerage and wastewater schemes in designated areas;
- (c) establish, implement, manage and maintain sewerage and wastewater systems in designated areas;
- (d) retain the services of consultants and contractors for the purpose of establishing and implementing sewerage and wastewater schemes in accordance with the financial procedures applying to the Authority;
- (e) participate in any development project approved by the Government of Samoa for the purpose of establishing and implementing sewerage and wastewater schemes;
- (f) subject to any requirement for approval applying under any law, use public lands for the purpose of establishing and implementing sewerage and wastewater schemes;
- (g) arrange for lands to be taken under the Taking of Land Act 1964 for the purpose of establishing and implementing sewerage and wastewater schemes;
- (h) recover costs and fees associated with the provision of sewerage and wastewater services in accordance with these Regulations;
- (i) require that premises be connected to public sewers in accordance with the requirements of Part V (Division 1);
- (j) ensure that connections to public sewers are done in accordance with the requirements applying under Part V (Division 2) and Part VI;

- (k) formulate, approve and apply standards, specifications and codes of practice as provided for in Part VI;
- (l) monitor all matters associated with the operation of sewerage and wastewater systems;
- (m) enforce all applicable requirements applying to sewerage and wastewater systems by the exercise of the powers provided for in Part VIII, and by any other lawful means;
- (n) require the provision of any information for the purposes of assessing applications or giving approvals under these Regulations, or any other information which is required to ensure that a sewerage and wastewater system is kept maintained and in full operation;
- (o) otherwise maintain sewerage and wastewater systems in sewerage and wastewater schemes; and
- (p) subject to all lawful requirements, make discharges from sewerage and wastewater systems in sewerage and wastewater schemes.

5. Regulatory functions - To effectively implement and manage sewerage and wastewater services in accordance with these Regulations, the Authority may exercise regulatory powers to:

- (a) prescribe, apply and enforce standards, specifications and codes of practice in accordance with Part VI;
- (b) enforce prohibitions and restrictions applying under Part VII for the protection of public sewers and sewerage and wastewater systems;
- (c) require the registration of -
 - (i) contractors who undertake work in relation to public sewers and sewerage and wastewater systems; and
 - (ii) inspectors who undertake inspections and impose requirements in relation to public sewers and sewerage and wastewater systems on behalf of the Authority;

- (d) maintain a system of registration of contractors and inspectors; and
- (e) exercise control over registered contractors and inspectors.

PART III SEWERAGE AND WASTEWATER SCHEMES

Division 1 Areas for Sewerage Schemes

6. Designation of Areas for Sewerage and Wastewater Schemes-(1) The Authority may, by Notice published in the Savali, designate any area or areas in Samoa in which a sewerage and wastewater scheme will be established, implemented, managed and maintained in accordance with these Regulations.

(2) Subject to regulation 7, a notice designating an area for the establishment, implementation and management of a sewerage and wastewater scheme shall take effect upon its publication.

(3) An area may be designated under this regulation by reference to:

- (a) a road name or road names;
- (b) specific premises;
- (c) defined boundaries of an area; or
- (d) any depiction of the area by a map, plan or otherwise.

7. Effect of Designation-(1) Subject to sub-regulations (2), (3), and (4), the provisions of these Regulations (other than Part IX) shall apply to any area designated under regulation 6.

(2) The Authority may progressively establish and implement a sewerage and wastewater scheme at premises or locations within a designated area, and may determine that certain premises or places shall not be required to connect to a public sewer until a date nominated by the Authority.

(3) The Authority may determine that certain premises or locations within a designated area will not be included in a sewerage and wastewater scheme, and shall not be entitled to connect to a public sewer in a scheme.

(4) All determinations made under this regulation shall be notified in writing to the owner or occupier of the premises affected by the determination, and shall be specified in the Notice published by the Authority under regulation 6(1).

(5) The Authority may issue and publish amendments to a Notice published under regulation 6(1) at any time after it has been first published, for the purpose of specifying any determination made under this regulation.

(6) No septic tank or privy may be used or constructed for the purpose of disposing sewage at any premises in a designated area after sewerage and wastewater services are provided to those premises under these Regulations, unless the Managing Director gives approval for the use or construction.

8. Authority may undertake civil works etc prior to designation of areas - Nothing in these Regulations prevents the Authority from undertaking any civil works or other preparatory works or arrangements for the provision of sewerage and wastewater services under these Regulations prior to the publication of a Notice under regulation 6(1).

Division 2

Administrative Arrangements within Schemes

9. Forms and fees-(1) The Board may approve any forms for:

- (a) applications;
- (b) approvals or permits;
- (c) certificates or registrations;
- (d) inspections;
- (e) enforcement procedures; or
- (f) any other purpose necessary for the implementation of any matter under these Regulations.

(2) The Board may determine fees applying to any application, approval, certification, registration or inspection undertaken by the Authority under these Regulations.

10. Tariffs for sewerage and wastewater services-(1) In accordance with the power provided for in section 10(2)(j) of the Act, the Board may, from time to time, approve a tariff of charges and fees which are to be paid in relation to the provision of sewerage and wastewater services by the Authority in accordance with these Regulations.

(2) The tariff of charges and fees approved from time to time by the Board under sub-regulation (1) may include fees and charges for –

- (a) sewerage service charges;
- (b) connection fees;
- (c) inspection fees;
- (d) maintenance charges; and
- (e) any other charge or fee approved by the Board for the provision of sewerage and wastewater services, which may be fixed and applied to any particular premises or classes of premises.

(3) The charges approved under sub-regulation (2)(a) may be calculated on the basis of water consumed at the premises, or by reference to:

- (a) the rate of discharge of wastes from the premises;
- (b) the number of toilets and other sanitation facilities on the premises; or
- (c) any combination of the basis for charges under this sub-regulation.

(4) The Board may, from time to time, approve the imposition of any surcharge on the charges applying under sub-regulation (2) (a) or (b) for any purpose and for any period determined by the Board.

(5) The owner of any premises connected to a sewerage and wastewater scheme in accordance with these Regulations must pay:

- (a) to the Electric Power Corporation, all electricity charges relating to the operation of the sewerage pump at the premises; or

- (b) to the Authority, a proportionate share of any electricity charges relating to any sewerage pump installed by the Authority for the purposes of the scheme and for which the Authority is billed by the Electric Power Corporation.
- (6) The Authority may impose and collect charges and fees under this regulation from owners of lands within designated areas who fail or refuse to make a connection to a sewerage and wastewater system, or who otherwise decline to make use of the available sewerage and wastewater services.
- (7) The charges and fees imposed under sub-regulation (6) for available but unutilised services may be fixed at a rate that is higher than the charges imposed under sub-regulation (2)(a) or (b).
- (8) The Managing Director may determine and impose charges for any services provided to persons within designated areas by the Authority in relation to a sewerage and wastewater system which are not the obligation of the Authority to provide under these Regulations.

11. Collection of charges and fees etc. – (1) The charges and fees imposed by the Authority under these Regulations are charges and fees for services provided by the Authority in accordance with the provisions of Division 4 of Part III of the Act.

(2) The following provisions of the Act shall apply to the charges and fees imposed by the Authority under these Regulations –

- (a) the obligation to pay rates, fees and charges under section 35 of the Act;
- (b) the imposition of interest on rates, fees and charges under section 36 of the Act;
- (c) the application of discounts on rates, fees and charges under section 37 of the Act;
- (d) rebate of rates on failure of supply of services under section 39 of the Act; and
- (e) action for the recovery of debts under section 40 of the Act.

(3) The failure to pay any charge or fees under these Regulations shall be grounds for disconnecting water supplies to the premises in relation to which the charges or fees are outstanding.

(4) For the purposes of sub-regulation 2(b), the interest rate to be imposed in relation to unpaid charges and fees shall be calculated at a rate of 5% per annum.

(5) Where a payment is made by any person who owes money to the Authority for both water rates and any charges for sewerage and wastewater services, the Authority may credit that payment first to the payment of the charges applying under these Regulations.

12. Charges and fees to be a charge against land- (1) All charges and fees imposed under regulation 10(1) and (2) shall be a charge against the land to which the sewerage and wastewater services charges and fees relate.

(2) Notwithstanding the provision of any other law, any charges and fees imposed under these Regulations which remain unpaid as at the date of the transfer of the land to which they relate shall become a debt due to the Authority by any subsequent purchaser of the land.

(3) The provisions of this regulation do not affect the liability of previous owners to whom the charges and fees were originally billed, and the Authority may take action to recover the charges and fees even though the legal title to the land may have passed to a subsequent owner.

(4) The Authority may issue certificates to intending purchasers of allotments to which sewerage and wastewater schemes apply to state the amount of charges and fees imposed under these Regulations which are outstanding as at any relevant date.

(5) The purchaser of any allotment to which sewerage and wastewater schemes apply may deduct any outstanding amount of charges and fees stated in a certificate given by the Authority and account to the Authority for those charges and fees on behalf of any seller of the allotment who is liable to make payment of those fees.

(6) A fee for the issue of any certificate provided under this regulation may be imposed by the Authority in accordance with regulation 9(2).

13. Exemptions from installation costs-(1) The Authority may determine that the costs and expenses relating to the installation and connection of a service line to a public sewer in a sewerage and wastewater scheme, or of an interceptor as required by regulation 41, are to be borne by the Authority.

(2) Any person whose premises are connected to the sewerage and wastewater system by the Authority under sub-regulation (1), or on whose premises an interceptor is installed by the Authority, shall have no right to sue the Authority for any damage that may directly or indirectly be caused by the installation and connection of the service line or interceptor, but the Authority shall repair at its expense, any such damage caused and arising at the time of installation or connection.

14. Delegation of powers-(1) The powers of the Board under these regulations may be delegated in accordance with section 5 of the Act.

(2) The powers of the Managing Director under these Regulations may be delegated to any officer of the Authority by notice in writing signed by the Managing Director.

(3) The provisions of section 5 of the Act shall apply to a delegation made under sub-regulation (2) as if the references in section 5(2)-(4) of the Act to the “Board” are references to the “Managing Director”.

PART IV PUBLIC SEWERS

15. Public sewers-(1) The construction, use and maintenance of all public sewers shall be carried out in accordance with written approvals given by the Managing Director.

(2) The Managing Director may impose any conditions on an approval given under this regulation.

(3) All public sewers shall be constructed in accordance with best trade practice, and in compliance with pipe manufacturer's recommendations, and approved standards and specifications.

(4) Standard specifications applying to any or all aspects of sewer construction, including selection of materials, minimum standards of workmanship, and all other matters which the Authority considers relevant, may be formulated, approved and applied in accordance with Part VI.

16. Public sewers to contain service connections-(1) In the course of construction of a public sewer, service connections shall be provided in the number, sizes and locations so as to receive at least a single service line on each allotment developed or likely to be developed in an area or subdivision, or in a relevant village or urban area.

(2) The Managing Director may require the provision of more than one service connection for any allotment within a sewerage and wastewater scheme.

(3) Unless otherwise approved from time to time by the Managing Director, service connections shall be installed at the time of construction of each public sewer.

(4) Service lines or service connections passing over water mains shall be installed only with the approval of the Managing Director, and shall be installed in a manner approved by the Managing Director, and which is consistent with any applicable standard, specification or code of practice.

(5) Final locations of service connections may only be adjusted in the field if it is necessary to best serve existing and future buildings, and if such an adjustment is approved by the Managing Director, or an officer of the Authority authorised for this purpose by the Managing Director.

(6) The ends of all service connections shall be fitted with plugs approved for that purpose by the Managing Director or as prescribed by a relevant standard or specification approved under these Regulations, until such time as services lines are installed and approved by the Authority.

17. Public sewers not to be interfered with – No person, other than an authorised person acting on behalf of the Authority, may –

- (a) uncover a public sewer;
 - (b) make any connection with or opening into a public sewer; or
 - (c) use or alter or disturb any public sewer or fitting on or relating to a public sewer,
- without first obtaining a written permit from the Managing Director.

PART V CONNECTIONS TO PUBLIC SEWERS

Division 1 Requirement to connect

18. Requirement to connect to a scheme-(1) Subject to this regulation and to regulation 7(3), all owners of any building that is located within an area that has been designated for establishing and implementing a sewerage and wastewater scheme are required to apply to the Authority for a sewer connection permit, and to connect to the system.

(2) All owners and occupiers of any building to which sub-regulation (1) relates must permit authorised persons of the Authority, and person acting on behalf of the Authority, to have access to their lands and buildings for any purposes associated with the installation of sewerage and wastewater systems on their land, and making connections from the system to their building or buildings.

(3) The Managing Director may exempt any building from compliance with sub-regulation (1) if the building is not used for a residential or commercial purpose and is not required by law to have sanitation facilities of any kind.

(4) Connections to a system shall be completed after a public sewer has become available for connection under regulation 20, and by a date determined by the Managing Director and notified to owners and occupiers of affected buildings by:

- (a) the delivery of a notice to the building; or
- (b) the publication of an advertisement to that effect in a newspaper in Samoa; or
- (c) the publication of a notice on radio or television; or
- (d) any combination of the means of notification stated in paragraph (a) – (c).

19. Applications for connection permits-(1) Applications under regulation 18(1) may be made to the Authority at any time after the publication of the Notice under regulation 6, and shall be made within 90 days of the publication of the relevant Notice under regulation 6(1), or such other time as is determined by the Managing Director.

(2) Every application for connection to a sewerage and wastewater system shall:

- (a) be made on the approved form;
- (b) be signed by the applicant;
- (c) be accompanied by the application fee; and
- (c) include the information required by sub-regulation (3), and any further information which may be required by the Managing Director.

(3) In an application for connection to a system the applicant shall provide information of -

- (a) the date and place of application;
- (b) the location of the premises to be connected;
- (c) the names and addresses of the owner and occupier of the premises to be connected;
- (d) the legal description of the land upon which the premises are erected, or in respect of which the premises to be connected form part;
- (e) details of all dwellings and commercial establishments on the premises to be connected, and in the case of commercial establishments, the uses to which they are used or intended to be used;

- (f) an acknowledgement that the applicant will, as a condition of continued service, comply with these Regulations and all bylaws made by the Authority to the extent that these regulations and the by-laws are applicable to the applicant, or the premises to be connected;
- (g) a plan showing the point at which the connection of the service line to the service connection is to be made, and a description of the proposed method of connection;
- (h) such other plans, specifications, and other technical details (including a profile of the proposed service line) as the Managing Director may require from time to time; and
- (i) the name of the person or contractor who will carry out the work, and the person's registration details (if applicable).

(4) The Managing Director may determine that certain information required under sub-regulation (3) need not be provided if the connection is to be made by or on behalf of the Authority.

20. Availability of buildings for connection to public sewers-(1) A public sewer shall be deemed to be available for connection to a particular building when the public sewer has been constructed in a road reserve or other place which is adjacent to the allotment on which the building is located.

(2) The Managing Director may prescribe distances which may not be exceeded in completing a connection.

Division 2

Requirements applying to connections

21. Individual service lines-(1) Subject to sub-regulation (2), a separate and independent service line shall be provided for each allotment of land, and the service line shall be of such a diameter as to accommodate the wastewater flows which are estimated to be discharged from all the buildings on that allotment.

(2) Notwithstanding the provisions of sub-regulation (1), the Managing Director may grant approval for the connection of:

- (a) more than one allotment to a single service connection; or
- (b) more than one service line on an allotment if there is more than one occupier of that allotment in separate premises, or in separate parts of a building.

(3) An approval under sub-regulation (2) may be given on such conditions as the Managing Director determines.

22. Use of existing pipes – Existing service lines may be used to connect new buildings if they are found, on examination and testing by an authorised person, to meet all of the requirements of these Regulations, and all approved standards and specifications.

23. Safety precautions and restoration-(1) It shall be the responsibility of any person undertaking excavations for service connections or service line installation to ensure that all areas of excavation and installation are adequately guarded with barricades and lights so as to protect the public from danger.

(2) Streets and other public or private property disturbed in the course of the work shall be restored by the person undertaking the works to their previous condition in a manner and to the extent required by the Managing Director, or a person authorised for this purpose by the Managing Director.

(3) Any person undertaking any excavations for service connections or service line installation must ensure that the land affected by those activities is restored to its former state, as far as it is practicable to do so.

(4) Unless otherwise determined by the Managing Director, the persons undertaking works referred to in this regulation must meet the cost of all necessary restoration work.

(5) In the event that restoration work is not carried out in a time determined by the Managing Director or to the satisfaction of the Managing Director, the restoration work may be undertaken by the Authority, which may recover the cost of the works as a debt due to the Authority from either:

- (a) the person who undertook the work; or
- (b) the owner of the land for whom the work was undertaken.

24. Service lines to conform to standards, codes etc – All connections of service lines into sewerage and wastewater systems must conform to the requirements of any:

- (a) building or plumbing code operative in Samoa at the time the connection is made; and
- (b) applicable standards, codes of practice or by-laws of the Authority made under these Regulations; and
- (c) standards set by the Chief Executive Officer of the Ministry of Health.

25. Means of connecting to public sewers-(1) Where there is a service connection available from a public sewer, the connection of the service line to that sewer must be made through that service connection.

(2) Where there is no available service connection to a public sewer, no connection may be made without the written approval of the Managing Director.

(3) Any approved connection made to a public sewer must be in accordance with:

- (a) any conditions placed on the approval by the Managing Director; and
- (b) all applicable standards, specifications and codes of Practice.

26. Modifying service connections – Where it is proposed to change the use of any allotment serviced by a sewerage and wastewater system, and the change increases the amount or alter the nature of the sewage being discharged from the allotment, the owner shall:

- (a) give notice of the proposed change to the Authority;
- (b) submit an application in accordance with the requirements of regulation 19;
- (c) comply with any requirements imposed by the Managing Director in relation to any necessary modification of the service connection, service

lines or any other part of the sewerage and
wastewater system; and

(d) meet the cost of all necessary modifications.

27. Inspections of connections and lines-(1) The person to whom a sewer connection permit is granted shall notify the Authority when the service line is ready for inspection and connection to the service connection.

(2) All connections of service lines must be made under the supervision of a person approved by the Authority, or registered with the Authority under regulation 49.

28. Inspections prior to backfilling - No person is permitted to backfill a service connection and service line until it has been inspected and approved by an officer of the Authority or other qualified person authorised for that purpose by the Managing Director.

29. Septic tanks, cesspools and pits to be rendered inoperable when premises connected to public sewer-(1) In every case where premises which have previously been served by a septic tank, cesspool or seepage pit are connected to a public sewer, the owner of those premises may be required by the Authority to fill such septic tank, cesspool or seepage pit with approved material so as to make it inoperable.

(2) The obligation to comply with sub-regulation (1) shall apply to an occupier of land who has been served with a notice issued by the Managing Director requiring that a septic tank, cesspool or seepage pit be filled.

(3) The Managing Director may make arrangements with a landowner:

(a) to retain any septic tank, cesspool or seepage pit which may be used for any operational purpose associated with a sewerage and wastewater system; and

(b) relating to the retention or decommissioning of existing treatment facilities.

Division 3***Ownership and responsibility for components of systems***

30. Authority to retain ownership of service connections and pumps-(1) The ownership of all public sewers, service connections and sewerage pumps and related fittings remains vested in the Authority regardless of the ownership of the land on which they are installed.

(2) It shall be an offence for any person to remove, interfere with or damage any public sewer, service connection or sewerage pump without the authority of the Managing Director or an authorised person.

(3) All landowners of lands on which property of the Authority is sited, and all other persons on those lands must ensure that no activity, object or thing on the land interferes with the ordinary operation of service connections and sewerage pumps and wells.

(4) An easement in favour of the Authority is deemed to be created on any lands upon which:

- (a) public sewers are placed for any sewerage or wastewater system under these Regulations; or
- (b) service connections or sewerage pumps and wells are installed for the purposes of any pressurised sewerage and wastewater system installed by the Authority under these Regulations.

31. Connection of sewerage pumps to electricity supplies-(1) The Authority shall have the right to make a connection to electricity services provided to premises for the purposes of installing and operating sewerage pumps as part of the sewerage and wastewater services provided to the premises under these Regulations.

(2) All landowners and occupiers of lands and premises which are served with a sewerage and wastewater service requiring the installation and use of a sewerage pump must ensure that the pump is supplied with the electricity required for its effective operation.

(3) The Authority may make arrangements for the installation of a sewerage pump which shall serve more than one allotment and in such cases the Authority may:

- (a) make necessary arrangements for the provision of an electric power supply for the pump; and
- (b) collect a proportionate share of the electricity charges arising from the use of the pump from the landowners whose allotments are served by the pump.

32. Landowners responsible for service lines-(1) Once installed on land all service lines shall be the property of the landowner, and it shall be the responsibility of the landowner and any occupier of the land to ensure that the service lines are kept and maintained in a safe and operational condition.

(2) Owners and occupiers of lands must permit authorised persons to have full and unimpeded access to service lines on their properties, and to undertake such inspections and maintenance works as may be considered necessary by any authorised person at any time.

PART VI STANDARDS, SPECIFICATIONS AND CODES OF PRACTICE

33. Authority may approve standards, specifications and codes of Practice-(1) The Authority may prepare, approve, publish, apply and enforce standards and specifications relating to:

- (a) the construction, use and maintenance of public sewers;
- (b) any aspect of service connections to public sewers, including their construction, capabilities, installation, location and maintenance;
- (c) service lines, including their quality, size, installation, location and maintenance;

- (d) any connection to a sewerage and wastewater system, including the use of existing pipes;
- (e) excavation and remedial works relating to connections to and maintenance of sewerage and wastewater systems;
- (f) the filling in or rendering safe of any sewerage facility that is rendered redundant by the provision of sewerage and wastewater services under these Regulations;
- (g) the nature of prohibited discharges into public sewers and the management of other items and substances entering sewerage and wastewater systems;
- (h) the construction, installation, capabilities and maintenance of interceptors installed in sewerage and wastewater systems;
- (i) the sampling and testing of wastes and wastewater, and the monitoring of any aspect of a sewerage and wastewater system;
- (j) the measure of biochemical oxygen demand and chemical oxygen demand for the purposes of determining whether a discharge is prohibited under regulation 37(1)(k); and
- (k) any other matter, thing or procedure necessary for the effective operation and maintenance of sewerage and wastewater systems.

(2) The interim standards and specifications specified in the Schedule shall apply until they are modified or replaced by alternative standards and specifications made by the Authority under this regulation.

(3) The Authority may prepare, approve, publish, apply and enforce codes of practice applying to contractors and inspectors registered under regulation 49.

34. Approved Standard Specifications-(1) Standard specifications and drawings for the design and construction of service lines applying to residential and non-residential buildings may be prepared and sold by the Authority.

(2) The standard specifications and drawings in sub-regulation (1) may be approved by the Managing Director and may be offered for sale at a price fixed by the Managing Director.

35. Approved materials to be used for connections and lines-(1) The Managing Director may require the use of service lines and connection fittings made only from approved materials.

(2) The Managing Director may prohibit the use of service lines and connection fittings made from certain materials determined by the Managing Director as being unsuitable or unacceptable.

36. Building and Planning Codes to be complied with – The size, slope, alignment, and materials of construction of a service line and the methods to be used in excavating placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of any:

- (a) building and planning code applying in Samoa at the time the work is done;
- (b) applicable standards, codes of practice or by-laws of the Authority as made under these Regulations; and
- (c) to standards determined by the Chief Executive Officer of the Ministry of Health.

PART VII PROTECTION OF SEWERAGE AND WASTEWATER SYSTEMS FROM TRADE WASTES ETC.

37. Prohibited discharges into public sewers-(1) Subject to sub-regulation (2), no person may discharge or cause or suffer to be discharged into a public sewer, any of the following substances:

- (a) stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters;

- (b) petrol, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (c) water or waste containing toxic or poisonous solids liquids or gases (including phenols, cyanides, iron, chromium, copper zinc, heavy metals and any objectionable or toxic substances) in sufficient quantify (either singly or by interaction with other wastes) to –
 - (i) injure or interfere with any sewerage treatment process;
 - (ii) constitute a hazard to humans or animals;
 - (iii) create a public nuisance or create any hazard in the receiving waters of the sewerage treatment plant or at the sewage outfall.
- (d) solids or viscous substances (including ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly ground and unground garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, paper cups, paper mil containers, grease and similar substances. either whole or ground by garbage grinders) in quantities of such size as are capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage and wastewater system;
- (e) noxious or malodorous gases, which singly or in combination with other substances, may –
 - (i) create a nuisance or hazard to life;
 - (ii) interfere with the operation of a sewerage or wastewater system; or
 - (iii) cause a breach of any legal requirements as to effluent discharge into receiving waters;
- (f) radioactive wastes or isotopes of such half-life or concentration as may exceed limits imposed from time to time by the Managing Director;
- (g) liquid or vapour having a temperature higher than 55 degrees Celsius or of 100 parts per million by weight, or other substances that will become

solidified or visibly viscous at temperatures between 15 degrees Celsius and 140 degrees Celsius;

- (h) liquid or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 parts per million by weight, or other substances that will become solidified or visibly viscous at temperatures between 15 degrees Celsius and 140 degrees Celsius;
- (i) waters or wastes having a pH lower than 5.5 or having any other corrosive properties capable of causing damage or hazards to structures, equipment, or personnel in sewerage and wastewater systems;
- (j) waters or wastes having a pH in excess of 9.5;
- (k) material with unusual biochemical oxygen demand, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewerage and wastewater system;
- (l) materials or equipment which exert or cause excessive discolouration or unusual volume of flow or concentration of wastes constituting sludges;
- (m) water or wastes containing substances which are not amenable to treatment or reduction by the sewerage treatment processes employed by the Authority, or are amenable to treatment only to such degree that the sewerage treatment effluent cannot meet the legal requirements applying to a sewerage and wastewater system; and
- (n) wastes removed from septic tanks and cesspools, except if such discharges are previously authorised by the Managing Director, and are carried out in the presence of an authorised person at a permitted time.

(2) Notwithstanding the provisions of sub-regulation (1) the Authority may exempt any person from any of the requirements of sub-regulation (1) (subject to such conditions as may be imposed), if the Managing Director is satisfied that the exemption relates to wastes that are unlikely to:

- (a) harm any component part of the relevant sewerage and wastewater system;
- (b) have an adverse effect on the receiving waters; and
- (c) cause hazard to human or animal health, damage to property or constitute a nuisance.

(3) In considering whether to grant an exemption under sub-regulation (2) the Managing Director shall have regard to -

- (a) the quantities of the waste proposed to be discharged in relation to flow and velocities in the sewerage and wastewater system;
- (b) the capacity of the sewerage treatment plant;
- (c) the degree of treatability in the sewerage treatment plant of the wastes proposed to be discharged;
- (d) the cost to the Authority of receiving and discharging the wastes; and
- (e) such other matters determined by the Managing Director as having implications for the proper operation of the sewerage and wastewater system.

(4) The Managing Director, in approving an exemption under this regulation, may:

- (a) impose conditions relating to -
 - (i) the partial or preliminary treatment of wastes before they are discharged into a public sewer;
 - (ii) the provision and maintenance of metering and sampling equipment; and
 - (iii) controlling the nature, strength and rate of discharge of the wastes; and
- (b) levy an additional fee to the basic rate of charges, as may in the opinion of the Managing Director be necessary to reimburse the Authority for any additional costs in receiving and discharging such wastes.

(5) The Managing Director shall have the right to revoke any approval for an exemption given under this regulation, and to vary any conditions imposed under sub-regulation (4) at any time after the approval has been given.

38. Further provisions as to discharge of deleterious substances-(1) If any waters or wastes are discharged or proposed to be discharged into a public sewer which contain the substances or possess any of the characteristics referred to in regulation 37, and which the Managing Director considers may have a deleterious effect upon the sewerage and wastewater system or receiving waters, or which otherwise may create a hazard to health or constitute a nuisance, the Managing Director may prohibit the discharge of the wastes or:

- (a) require pre-treatment to an acceptable condition for the discharge to the public sewer;
- (b) require control over the quantities and rates of discharge;
- (c) impose additional costs for treating and disposing of the wastes.

(2) In any case where the Managing Director permits the pre-treatment or equalisation of waste flows, the costs of the design and installation of the plant and equipment necessary to give effect to this shall be borne by the owner of the premises from which the wastes are discharged or proposed to be discharged, and in no case shall they be required to be borne by the Authority.

(3) Where an owner of premises fails to pay the costs referred to in sub-regulation (2), the Managing Director may serve a notice on the occupier of the premises requiring that the occupier meet such costs, and in such a case the occupier shall become liable for the costs as a debt due to the Authority.

(4) All plant and equipment referred to in sub-regulation (2) shall be maintained and kept continuously in satisfactory operational condition by the owner or occupier, and the owner and occupier of the premises from which the wastes are discharged shall be jointly and severally liable for the maintenance costs.

39. Roof-water etc. not to be directed into public sewers etc. – No person may make any connection of roof downspouts, exterior foundation drains, or any drains or other sources of surface run-off or groundwater to a service line or to any pipe which in turn is connected directly or indirectly to a public sewer.

40. Pumping of wastewater – Whenever wastewater is discharged to a sewerage and wastewater system by pumping, the maximum capacity of the pumping station shall be not greater than the rate of flow determined for each such case by the Managing Director.

41. Interceptors and overflow relief gullies-(1) Subject to sub-regulation (2), the Managing Director may serve a notice on the owner or occupier of any premises where –

- (a) food preparation or processing is undertaken; or
- (b) other trade wastes are generated,

to require that an approved interceptor be installed at the premises.

(2) The Managing Director may exercise the power under sub-regulation (1) if the Managing Director considers that interceptors are necessary to properly deal with liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients of wastes which might be discharged into a public sewer from the premises.

(3) All premises which are connected to a sewerage and wastewater system are required to have an overflow relief gully installed at a location and in a manner:

- (a) which is consistent with any approved standard or specification; or
- (b) as required by the Managing Director.

(4) Every interceptor and overflow relief gully shall be kept clean and in good repair by the owner or occupier of the premises on which it is sited, or the user of the interceptor or overflow relief gully.

(5) The Managing Director or any person authorised by the Managing Director has the right of unobstructed access to inspect interceptors and overflow relief gullies during daylight hours or when commercial premises are in operation or being used for the preparation or processing of food.

(6) The Managing Director may give notice in writing to the user of the interceptor or overflow relief gully, or to the occupier of the premises on which the interceptor or overflow relief gully is situated, requiring that person to clean or repair the interceptor or overflow relief gully.

(7) If any notice given under sub-regulation (6) is not complied with within 48 hours from the service of the notice, the Authority may cause the interceptor or overflow relief gully to be cleaned or repaired, and the cost incurred by the Authority shall constitute a debt due to the Authority from the person to whom the notice was given.

42. Permits for discharge of trade and industrial wastewater-(1) No person may discharge trade or industrial wastewater into a public sewer except in accordance with conditions of a permit issued by the Authority.

(2) Every application for a permit under this regulation or for an exemption under regulation 37(2) shall be made on the approved form, and an applicant shall provide such further information as the Managing Director may require.

(3) The Managing Director may approve or refuse any application for a permit or exemption referred to in this regulation, and any grant of a permit or exemption may be made subject to such conditions as the Managing Director considers necessary, including conditions which require:

- (a) the payment of any on-going charge fixed by the Managing Director; or
- (b) the payment of the cost of any necessary addition or modification to any part of the sewerage and wastewater system.

(4) The Managing Director may, in addition to any other conditions which may be imposed when granting any permit under this regulation, require the applicant at the applicant's expense, to install and maintain in the service line through

which the wastes are to be conveyed to the public sewer, a suitable manhole together with such necessary meters and other equipment and fittings as may be necessary to facilitate observation, sampling and measurement of the wastes.

(5) Every manhole required pursuant to this regulation shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Managing Director.

43. Trade Wastes Policies - The Authority may approve, and amend from time to time, trade wastes policies to be applied to any sewerage and wastewater system under these Regulations.

44. Authority may make by-laws-(1) The Authority may from time to time make by-laws to:

- (a) apply and enforce the policy made under regulation 43;
- (b) set out the principles and general conditions upon which the Authority will consider applications for exemptions under regulation 37, or the grant of permits under regulation 42;
- (c) set out the basis for calculating additional fees for the acceptance of wastes or trade wastewater; or
- (d) otherwise regulate any matter within its powers, clarify any obligation of any person under these Regulations or determine any procedures to be applied to implement these Regulations.

(2) The Authority may from time to time make by-laws to amend or modify the specifications of prohibited wastes, and any such specification shall be deemed to be so amended as from a date specified in the by-law.

(3) Where the effect of any by-law made under this regulation would be to render unlawful the discharge of wastes of a kind previously discharged with the consent of or pursuant to an exemption or permit granted by the Authority, that consent, exemption or permit shall, subject to sub-regulation (4) be deemed to lapse 28 days after the coming into operation of

the by-law and the holder of the consent, exemption or permit shall within 28 days make a further application for the extension of the consent, exemption or permit in the form approved by the Managing Director.

(4) Where a further application is made pursuant to sub-regulation (3) the Managing Director may extend the validity of an existing consent, extension or permit for such reasonable time as the Managing Director deems fit.

(5) By-laws made under these Regulations may prescribe offences for the breach of any by-law, and may impose penalties for such breaches being fines not exceeding five (5) penalty units.

(6) The breach of any by-law made under these Regulations shall be grounds for the Authority cancelling or suspending any approval, permit or registration issued or made under these Regulations.

(7) All by-laws made under these Regulations shall come into effect upon their publication in the Savali.

PART VIII INSPECTION, TESTING AND MONITORING

45. Appointment of authorised officers-(1) The Managing Director may, by written notice, appoint any officer, employee or agent of the Authority to be an authorised person for any purpose under these Regulations.

(2) When making an appointment under sub-regulation (1), the Managing Director may prescribe the specific powers which the authorised person may exercise under these Regulations, or the appointment may generally authorise the exercise of all powers of an authorised person under these Regulations.

(3) The Managing Director is an authorised person for all purposes under these Regulations.

(4) The protections given to officers, employees and agents of the Authority under section 44 of the Act shall apply to all authorised persons appointed under this regulation.

46. General powers of inspection-(1) All authorised persons (upon production of proper identification if requested) shall be entitled at any time during daylight hours or when commercial premises are in operation, to enter upon any premises connected to a sewerage and wastewater system, or upon any property over which the Authority has an easement or right, for the purpose of inspections, observation, measurement, sampling and testing in accordance with the provisions of these Regulations.

(2) In the exercise of the powers conferred by sub-regulation (1), an authorised person may:

- (a) conduct such investigations and examinations as are necessary to monitor the effects of any activity, matter or thing on a sewerage and wastewater system, or to determine whether any offence or breach of a lawful obligation has been committed;
- (b) install, operate and maintain equipment and instruments, and wastewater measuring sites and gauging stations on all government land, and on private lands with the consent of the owner of the land;
- (c) do any digging or excavation necessary for a lawful purpose under these Regulations;
- (d) erect public notice boards and information or warning signs within sewerage and wastewater schemes on any government land, and on private land with the consent of the owner of the land;
- (e) take samples for the purpose of analysis and testing;
- (f) take photographs, film, audio, video or other recordings;
- (g) take measurements;
- (h) require any person apparently associated with an activity under investigation to state his or her full name, occupation and usual place of residence;
- (i) require the production of any document relevant to the activity, matter or thing under investigation, including any licence or permit required by law;

- (j) require from any person any assistance that is relevant to the investigation or monitoring activity; and
- (k) seize and remove any item used in the commission of an offence against these Regulations, or reasonably suspected as having been so used.

47. Testing of waters and wastes-(1) All measurements, tests and analysis of waters and wastes to which reference is made in these Regulations shall be done at places and times, and in a manner approved for any such purposes:

- (a) in any approved standard, specification or code of practice; or
- (b) by the Managing Director.

(2) Sampling, testing and analysis shall be carried out only by approved persons or at approved laboratories (or by a combination of both), and shall be conducted in accordance with best scientific practice or procedures approved by the Managing Director.

(3) All costs of or connected with the sampling, testing and analysis carried out pursuant to these Regulations shall be borne by:

- (a) the holder of the permit to discharge such wastes; or
- (b) if there is permit holder, by the owner or the occupier of the premises from which the wastes are discharged,

and shall constitute a debt due from such permit holder or owner to the Authority.

48. Power to issue notices-(1) Where the Managing Director is of the opinion that there is occurring, or may occur, an act or activity which is contrary to these Regulations or which may damage or destroy any part of a sewerage and wastewater system, the Managing Director may issue a Notice under this regulation.

(2) A Notice issued under this regulation shall:

- (a) be directed to any person believed to be carrying out the operation or activity, or who apparently has some control over it;

- (b) specify any act or activity which warrants the issue of the Notice; and
 - (c) require that the act or activity cease, or not be done, until the Managing Director is satisfied that the breach or the risk of damage to the sewerage and wastewater system no longer exists.
- (3) A Notice may be served under this regulation notwithstanding that any approval, licence or permit has been granted in relation to the operation or activity.
- (4) The Authority and the Government shall not be liable in respect of any loss or damage arising from, or in any way connected with, the issuing of a Notice under this regulation.
- (5) Any person who:
- (a) having been served with a Notice issued under this regulation, fails to comply with any of its terms;
 - (b) having been served with a Notice issued under this regulation, causes or permits any other person to act in breach of its requirements; or
 - (c) knowingly acts in breach of the requirements of a Notice given under this regulation, whether or not that person has been served with the Notice, commits an offence and shall be liable upon conviction to a fine not exceeding 20 penalty units.

PART IX OTHER REGULATORY POWERS OF THE AUTHORITY

49. Registration of contractors and inspectors-(1) The Authority may require that a person who undertakes any work on sewerage and wastewater systems, including the making of connections to the systems, must be registered with the Authority under this regulation.

- (2) A requirement under sub-regulation (1) may be imposed by:
- (a) the service of a notice to that effect on any particular person or persons who undertake, or propose to undertake, such work; and

- (b) the publication of a notice to that effect by radio and television broadcast, and in a newspaper circulating throughout Samoa.
- (3) A person who is required to be registered under this regulation shall,
 - (a) submit an application to the Managing Director in the approved form;
 - (b) pay the approved fee; and
 - (c) provide the information required in the application, and any further information that the Managing Director may require.
- (4) An applicant under sub-regulation (3) may be required to prove to the satisfaction of the Managing Director that he or she:
 - (a) has successfully undertaken any course of training that the Managing Director requires;
 - (b) is familiar with the components of the system and perform the relevant tasks in a competent manner; and
 - (c) understands the requirements of all applicable standards, specifications and codes of practice.
- (5) A registered contractor may be authorised by the Managing Director to act as an inspector on behalf of the Authority.
- (6) An authorised inspector shall comply with all requirements applying to the inspection and authorisation of works by an authorised inspector which:
 - (a) are prescribed in Codes of Practice made under these Regulations from time to time; and
 - (b) may be imposed by the Managing Director at any time.
- (7) Any registration made under this regulation shall:
 - (a) apply for a period of not more than 1 year, and shall lapse on a date determined by the Managing Director; and
 - (b) be subject to review by the Managing Director at any time during its term.

(8) It shall be the obligation of the registered person to apply for a renewal prior to the end of any period of registration.

50. Powers of control over contractors and inspectors- (1) The Managing Director may issue a notice to a registered contractor or inspector to show cause why he or she should not be de-registered, if the Managing Director has grounds to believe that:

- (a) the contractor or inspector has breached any standard, specification or requirement applying under these Regulations or a relevant code of Practice;
- (b) the contractor has performed work on a sewerage and wastewater system in an incompetent or unlawful manner; or
- (c) the inspector has falsely or wrongly authorised any work or improperly granted any authorisation or certificate for any work.

(2) A registered contractor or inspector who has been served notice under this regulation must provide such information, and all necessary proofs to substantiate the information, that is required to satisfy the Managing Director that the work or inspection has been done in a manner which does not breach these Regulations.

(3) The matters required to be provided under sub-regulation (2) must be given to the Managing Director within 14 days of the service of the notice.

(4) If the Managing Director is not satisfied that a registered contractor or inspector has not shown sufficient cause for his or her registration to remain valid, the Managing Director may cancel the registration.

(5) The Managing Director may suspend the registration of a contractor or inspector while the processes under this regulation are being applied.

**PART X
MISCELLANEOUS**

51. Obligations of owners and occupiers-(1) Unless otherwise provided for in these Regulations, any obligation applying under these Regulations in relation to any premises or allotment, shall bind the owner and the occupier of the premises or allotment.

(2) In any case where an obligation has not been performed by an owner of premises or an allotment, the Managing Director may serve a notice on the occupier of the premises or allotment requiring the occupier to comply with the obligation under these Regulations.

(3) The Managing Director may dispense with any requirement applying to an occupier of premises or an allotment if the nature of the occupation is short term, or on such other arrangement as to make it unfair to require compliance by the occupier, but in any such case the decision shall not release the owner from the obligation.

(4) Where any allotment is divided into strata or unit titles, the body corporate for that property is obliged to ensure that there is compliance with all requirements under these Regulations.

52. Offences against these Regulations-(1) Any person who is obliged to comply with any requirement under these Regulations, and who acts in any manner so as to fail to comply with any such requirement, commits an offence and shall be liable upon conviction to a fine not exceeding 20 penalty units.

(2) Without limiting the generality of sub-regulation (1), it is an offence against these Regulations for a person to:

- (a) fail to connect to a sewerage and wastewater system if required to do so under regulation 18;
- (b) fail to apply for a connection to a sewerage and wastewater system if required to do so under regulation 18;

- (c) provide any false or misleading information in any application under regulation 19, or any other application made to the Authority in accordance with these Regulations;
 - (d) make any illegal connection to a public sewer or service connection;
 - (e) breach any requirement under regulation 16 in relation to connection to public sewers or service connections;
 - (f) fail to meet any prescribed standard, specification or codes of practice in relation to any work or other activity on or affecting a sewerage and wastewater system under these Regulations;
 - (g) fail to obtain any necessary approval under these Regulations;
 - (h) breach any condition imposed in relation to any permit, approval or registration given or authorised under these Regulations; or
 - (i) forge any document, certificate, permit or registration provided for under these Regulations.
- (3) Any person who:
- (a) hinders or obstructs an authorised person in the performance of his or her duties, or the exercise of a power, under these Regulations;
 - (b) induces or incites any other person to hinder or obstruct an authorised person;
 - (c) by words or conduct falsely represents that he or she is an authorised person, or otherwise impersonates an authorised person;
 - (d) fails to comply with a requirement made by an authorised person under regulation 46 or issued by a notice under regulation 48;
 - (e) provides false or misleading information to an authorised person when required under regulation 46 to provide information; or
 - (f) removes, tampers with or damages any equipment, notice board or sign installed or erected pursuant to regulation 46,

commits an offence, and shall be liable upon conviction to a fine not exceeding 20 penalty units.

(4) In addition to any other penalty imposed under these Regulations, a court may order that any person convicted of an offence against these Regulations pay compensation for any resulting loss or damage to the Authority, or to any other person affected by the offence.

(5) Where a corporation is guilty of an offence under these Regulations, any officer, Chief Executive Officer (or any other head of the corporation) or agent of the corporation who authorised, assented to or participated in, or by his or her neglect or omission contributed to the commission of the offence, is a party to and may be found guilty of the offence, and is liable to the penalty provided for that offence.

53. No liability for escape of sewage or wastewater – The Authority shall not be liable for, and no person shall have a claim against the Authority in respect of, any loss or damage arising from the escape of sewage or wastewater from any sewerage and wastewater system.

54. Other regulations-(1) In this regulation, “Building Regulations” means:

- (a) the Board of Health (Buildings, Drainage and Privies) Regulations No. 6; and
- (b) any other Building Regulations in force from time to time.

(2) All Building Regulations shall be read subject to these Regulations and:

- (a) where there is a conflict between the Building Regulations and these Regulations the provisions of these Regulations shall prevail;
- (b) where any approval or permit is required to be obtained under the Building Regulations, and the same or similar approval or permit is provided for in these Regulations, compliance with these Regulations shall be deemed to constitute compliance with the Buildings Regulations; and

(c) where any standard, or specification or type of material or similar thing is provided for in the Building Regulations and provision is made in these Regulations -

(i) for any other standard, specification or type of material or similar things; or

(ii) for any such standard, specification, type of material or similar thing to be prescribed or determined by the Board or by the Managing Director,

compliance with these regulations shall be deemed to constitute compliance with the Building Regulations.

SCHEDULE

Regulation 33(2)

INTERIM STANDARDS AND SPECIFICATIONS FOR SEWERAGE AND WASTEWATER SYSTEMS AND FOR MAKING SEWER CONNECTIONS

1. For Pressurised Sewerage and Wastewater Systems

All provisions and requirements of the *Water Services Association of Australia Pressure Sewerage Code WSA – 07 - 2007*

2. For Gravity Sewerage and Wastewater Systems

All provisions and requirements of the *Water Services Association of Australia Sewerage Code WSA – 02 - 1999*

3. For Service Lines in any Sewerage and Wastewater System

The National Building Code of Samoa; and

AS/NZS 3500 – Plumbing and Drainage Code (as they are currently published and applied from time to time).

Issued under the authority of the Regulations Ordinance 1953.

Date of Commencement: 5th June 2009

Notice:

These Regulations are administered by the Samoa Water Authority.

Copies of these Regulations can be purchased from the Office of the Clerk of the Legislative Assembly.