

TITLE 24

ENVIRONMENTAL PROTECTION

DIVISION 1: ENVIRONMENTAL QUALITY

Chapter 1: Environmental Quality Protection Act

Subchapter I: General Provisions

- 101. Short title.
- 102. Public policy.
- 103. Definitions.

101. Short title.

This chapter may be cited as the "Environmental Quality Protection Act".

Source: RPPL 1-58, ss. 1, modified.

102. Public policy.

(a) The Olbiil Era Kelulau, recognizing the profound influences of population growth and redistribution, cultural change, resource exploitation, and technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of humankind, declares that it is the continuing policy of the national government, in cooperation with state governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which humankind and nature can coexist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of the Republic.

(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the national government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate governmental plans, functions, programs, and resources to end that the inhabitants of the Republic may:

- (1) Fulfill the responsibility of each generation as trustee of the environment for succeeding generations;
- (2) Assure for all Palauans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences; and
- (4) Preserve important historical, cultural and natural aspects of our Palauan heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.

(c) The Olbiil Era Kelulau recognizes that each person has a fundamental right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Source: RPPL 1-58, ss. 2, modified.

103. Definitions

In this chapter:

- (a) "Administrator" means the Administrator of the United States Environmental Protection Agency.
- (b) "Board" means the Palau Environmental Quality Protection Board.
- (c) "Chairman of the Palau Environmental Quality Protection Board" or "chairman" means the chairman personally or his duly authorized representative.
- (d) "Federal Acts" means the United States Safe Drinking Water Act, Public Law 93-523; the United States Federal Environmental Pesticide Control Act of 1972, Public Law 92-516; and the United States Federal Water Pollution Control Act, as amended, Public Law 92-500.
- (e) "Person" means the Republic of Palau, a state, a political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Republic or of any state or country, a lessee or other occupant of property, or an individual, acting singly or as a group.
- (f) "Primary drinking water regulation" means a regulation which:
 - (1) Applies to public water systems;
 - (2) Specifies contaminants which, in the judgement of the Board, may have any adverse effect on the health of persons; and
 - (3) Specifies for each such contaminant either:
 - (A) A maximum contaminant level, if, in the judgement of the Board, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or
 - (B) If, in the judgement of the Board, it is not economically or technologically possible to so ascertain the level of such contaminant, each sufficient to satisfy the requirements of section 1412 of the United States Safe Drinking Water Act, Public Law 93-523; and
 - (4) Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to:
 - (A) The minimum quality of water which may be taken into the system; and
 - (B) Siting for new facilities for public water systems.
- (g) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. Such term includes:
 - (1) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and
 - (2) Any collection or pre-treatment storage facilities not under such control which are used primarily in connection with such system.

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

- (1) Which may adversely affect the odour or appearance of such water and consequently may cause a substantial number of persons served by the public water system providing such water to discontinue its use; or
- (2) Which may otherwise adversely affect the public welfare.

Such regulations may vary according to geographic and other circumstances.

(i) "State plan" means an individual plan for:

- (1) The certification of pesticides under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, or
- (2) The issuance of pesticide product registrations to meet special local needs as defined under section 24(a) of FIFRA, as amended; or
- (3) The issuance of experimental use permits under section (5)(f) of FIFRA, as amended.

Source: RPPL 1-58, ss. 3, terms put in alphabetical order and section modified.

Commission Comment: The Safe Drinking Water Act referred to in subsection (d) is found generally at 42 U.S.C. 300f to 300j-10; the Federal Environmental Pesticide Control Act of 1972 is found generally at 7 U.S.C. 136 to 136y; the Federal Water Pollution Control Act is found generally at 33 U.S.C. 1251 to 1376. The Federal Insecticide Fungicide, and Rodenticide Act (FIFRA) referred to in subsection (i) is synonymous with the Federal Environmental Pesticide Control Act of 1972, the former Act having been completely revised by the latter.

Subchapter II: Palau Environmental Quality Protection Board

121. Environmental Quality Protection Board; created; membership; terms, vacancies.
122. Same; chairmanship; temporary chairman.
123. Same; qualification of members.
124. Same; compensation of members.
125. Same; technical assistance; assistance from all departments and agencies.
126. Same; meetings; meetings to be open to public.
127. Same; quorum; legal advisor.
128. Same; annual environmental quality report.
129. Same; powers and duties.
130. Same; appointment of executive officer and staff.

121. Environmental Quality Protection Board; created; membership; terms; vacancies.

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

Source: RPPL 1-58, ss. 4(a), modified.

122. Same; chairmanship; temporary chairman

The Board shall elect from among its members a chairman and vice-chairman. The President shall designate a member to serve as temporary chairman of the Board until such time as the Board shall elect a chairman.

Source: RPPL 1-58, ss. 4(b), modified.

123. Same; qualification of members.

The President in his appointment shall select persons who are citizens and residents of the Republic. They shall be selected for their ability, and all appointments shall be of such nature as to aid the work of the Board and to inspire the highest degree of cooperation and confidence in carrying out the policy and purpose of this chapter. The majority of the members of the Board may not be employees of the national government.

Source: RPPL 1-58, ss. 4(c), modified.

124. Same; compensation of members.

Members of the Board shall serve without compensation, but shall be entitled to receive reasonable travel costs and per diem at standard Republic rates when engaged in the performance of the duties of the Board. Any employee of the national government shall be granted administrative leave while engaged in the performance of the duties of the Board.

Source: RPPL 1-58, ss. 4(d), modified.

125. Same; technical assistance; assistance from all departments and agencies.

The Board may call upon any department or agency of the national government for technical assistance. All departments or agencies of the national government shall, upon request, assist the Board in the performance of its duties.

Source: RPPL 1-58, ss. 4(e), modified.

126. Same; meetings; meetings to be open to public.

The Board shall meet at least once every three months. Meetings may be held at any time or place to be determined by the Board, upon the call of the chairman or upon written request of any three members. All meetings shall be open to the public, and public notice of the time and place of such meetings shall be posted in public places and shall be announced on the radio throughout the Republic.

Source: RPPL 1-58, ss. 4(f), modified.

127. Same; quorum; legal advisor.

- (a) Five members of the Board shall constitute a quorum for the transaction of business.
- (b) The Minister of Justice or his designee shall act as legal advisor to the Board.

Source: RPPL 1-58, ss. 4(g), modified.

128. Same; annual environmental quality report.

The Board shall transmit to the President and the Olbiil Era Kelulau not later than January 31 of each year an environmental quality report for the proceeding calendar year. The report shall set forth:

- (a) The status and condition of the major natural man-made, or altered environmental classes of the Republic, including, but not limited to, the air; the waters, including marine, estuarine, and fresh water; and the terrestrial environment, including, but not limited to, the forest, mangrove area, beaches, reefs, dry land, wetland, urban and rural environment;
- (b) Current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Republic;
- (c) The adequacy of available natural resources for fulfilling human and economic requirements of the Republic in light of expected population pressures;
- (d) A review of the programs and activities (including regulatory activities) of the national government, state governments, and non-governmental entities or individuals, with particular reference to their effect on the environment, the conservation, development and utilization of natural resources and the social and economic requirements of the Republic; and
- (e) A program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Source: RPPL 1-58, ss. 4(i), modified.

129. Same; powers and duties

- (a) The Board shall promulgate and enforce primary drinking water regulations and may promulgate and enforce secondary drinking water regulations. The Board shall also have the power to promulgate and enforce such other regulations as are necessary to carry out the purposes of the United States Safe Drinking Water Act, Public Law 93-523, and any applicable regulations promulgated thereunder.
- (b) The Board shall establish and provide for the continuing administration of a permit system whereby a permit shall be required to the discharge by any person of any pollutant in the air and for water, or for the conduct by any person of any activity, including, but not limited to, the operation, construction, expansion or alteration of any installation which results in or may result in the discharge of any pollutant in the air, land or water. The Board shall also provide for the issuance, modification, suspension, revocation and termination of such permits, and for the posting of an appropriate bond.
- (c) The Board shall adopt and implement plans for the certification of applicators of pesticides, for the issuance of experimental use permits for pesticides and a plan to meet local

needs. The Board shall also adopt and implement such other measures as necessary to carry out the purposes of the United States FIFRA, Public Law 92-516.

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

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

(f) The Board is authorized and empowered to:

- (1) Establish criteria for classifying air, land, and water in accordance with present and future uses.
- (2) Publish technical manuals establishing procedures and criteria for the administration and enforcement of the Board's regulations, which shall have the force and effect of law.
- (3) Accept appropriations, loans, and grants from the United States Government or any agency thereof and other sources, public or private, which appropriations, loans, and grants shall not be expended for other than the purposes of this chapter.

Source: RPPL 1-58, ss. 5, modified.

130. Same; appointment of executive officer and staff

(a) The Board shall appoint an executive officer to administer matters of the Board under the supervision of the Board. The executive officer shall not have the right to vote. The executive officer shall be given the necessary authority and be held responsible for the administration of the Board in all its activities, subject only to such policies as may be adopted and such orders as may be issued by the Board.

(b) The executive officer shall be assisted in his duties by a support staff.

Source: RPPL 1-58, ss. 6, modified.

Subchapter III: Environmental Studies and Decisions

141. Environmental studies and decisions; interpretation of applicable law.

142. Same; role of agencies and state governments.

143. Same; environmental impact statements.

141. Environmental studies and decisions; interpretation of applicable law

To the fullest extent possible, the Secretarial Orders, policies, regulations and public laws applicable in the Republic shall be interpreted and administered in accordance with the policies set forth in this chapter.

142. Same; role of agencies and state governments.

All agencies of the national government and all state governments shall:

- (a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences, traditional wisdom, and the environmental design arts in planning and in decision making which may have an impact on the environment;
- (b) Identify and develop methods and procedures, in consultation with the Board, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations; and
- (c) Include in every recommendation or report on proposals for legislation and other major government actions significantly affecting the quality of the human environment, a detailed environmental impact statement by the responsible official on:
 - (1) The environmental, including cultural, impact of the proposed action;
 - (2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;
 - (3) Alternatives to the proposed action;
 - (4) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and
 - (5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
- (d) Study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;
- (e) Recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment;
- (f) Make available, to states, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;
- (g) Initiate and utilize ecological information in the planning and development of resource oriented projects; and
- (h) Assist the Board.

Source: RPPL 1-58, ss. 7(b); the last two sentences of RPPL 1-58, ss. 7(b) (3) (v) and all of 7(b) (4) moved to 143; section modified.

143. Same; environmental impact statements

- (a) Prior to making any detailed environmental impact statement, the responsible government official shall consult with and obtain the comments of the interested public and any national government agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate agencies shall be made available to the Board and to the public for inspection and copying, and the public

shall be notified of the existence of the environmental impact statement a reasonable time before completion of the governmental decision making process.

- (b) The environmental impact statement shall accompany the proposal through the existing agency review process, and the decision as to such action under consideration shall be explained in a statement of basis and purposes which shall include, but need not be limited to, findings by the responsible official that:
- (1) The environmental impact of the proposed action has been studied and considered by the responsible governmental agency;
 - (2) Alternatives to the proposed action have been given reasonable consideration;
 - (3) Any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;
 - (4) Any local short-term uses of the environment are consistent with maintaining and enhancing long-term productivity; and
 - (5) Any irreversible and irretrievable commitments of resources are warranted.

Source: Subsection (a) -- RPPL 1-58, ss. 7(b) (3) (v), last two sentences; subsection (b) -- RPPL 1-58, ss. 7(b) (4); section modified.

Subchapter IV: Implementation, Enforcement and Court Action.

161. Board right of entry
162. Board enforcement and implementation.
163. Court actions; who may maintain.
164. Same; relief where standard applies.
165. Same; bond.
166. Same; prima facie showing, rebuttal, affirmative defense, burden of proof and weight of evidence.
167. Same; apportionment of costs.
168. Same; equitable relief.
169. Same; where administrative, licensing or other proceedings available.
170. Same; collateral estoppel and res judicata.
171. Prohibited acts; fines, penalties and damages.
172. Transition.

161. Board right of entry

Whenever it is necessary for the purposes of this chapter, the Board or any member, agent or employee when duly authorised by the Board or by court order may at reasonable time enter any establishment or upon any property public or private, of the purpose of obtaining information, making inspections and obtaining samples, inspecting or copying records required to be maintained by the provisions of this chapter and any regulations promulgated thereunder, or conducting surveys or investigations for the purpose of carrying out the purpose and policy of this chapter.

Source: RPPL 1-58, ss. 8, modified.

162. Board enforcement and implementation.

- (a) Any person who violates any provision of this chapter shall be subject to enforcement

action by the Board. Such enforcement action may include, but is not limited to, issuance of an order to cease and desist from such violation, imposition of a civil penalty or up to \$10,000.00 for each day of violation, or commencement of a civil action to enjoin such violation.

- (b) Whenever the Board finds that a discharge of waste is taking place or threatening to take place within the Republic that violates or will violate requirements prescribed by the Board, or finds that the waste collection, treatment or disposal facilities of a discharger are approaching capacity, the Board shall require the discharger to submit for approval of the Board, with such modification as it may deem reasonably necessary, a detailed time schedule of specific actions, the discharger shall take in order to correct the situation or prevent a violation of the requirements.
- (c) When the Board finds that a discharge of waste is taking place or threatening to take place within its jurisdiction in violation of requirements of discharge prohibitions prescribed by the Board, the Board shall issue an order to cease and desist and direct that those persons not complying with requirements or discharge prohibitions comply forthwith, comply in accordance with a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.
- (d) A public hearing to determine the authenticity of the facts upon which the cease and desist order as issued shall be conducted by the Board adequate notice of which, and opportunity to appear and be heard at which, shall be afforded to all interested persons.
- (e) Cease and desist orders of the Board shall become effective upon issuance, and final as to the Board upon issuing findings after a public hearing. Copies shall be served forthwith by registered mail upon the person being charged with the violation of the requirements and upon other affected persons who appeared at the hearing and requested a copy.
- (f) Any person who discharges any pollutant into the water, air, or on the land in violation of any discharge permit, requirements, or other order issued by the Board, or who intentionally or negligently causes or permits any pollutant to be deposited where it is discharged into the water, air or on the land, shall, upon order of the Board, clean up such pollutant or abate the effects thereof. Upon failure of any person to comply with such cleanup or abatement order, the Minister of Justice, or his designated representative, at the request of the Board, shall petition the Trial Division of the Supreme Court for the issuance of an injunction, writ of mandamus or other appropriate remedy requiring such persons to comply therewith.
- (g) The provisions of this section shall be interpreted consistently with the provisions of any law concerning administrative procedure which is or may hereafter become law. In the event of conflict between the two, the provisions of the latter shall supersede and be controlling.

Source: RPPL 1-58, ss. 9, modified.

163. Court actions; who may maintain.

The Minister of Justice, any political subdivision of the Republic, any instrumentality or agency of the Republic or of a political subdivision thereof, or any person, partnership, corporation,

association, organization or other legal entity may maintain an action in the Trial Division of the Supreme Court for declaratory and equitable relief against the Republic, any political subdivision thereof, any instrumentality or agency of the Republic or of a political subdivision thereof, or any person, partnership, corporation or other legal entity, for the protection of the air, water and other natural resources and the public trust therein from pollution, impairment or destruction.

Source: RPPL 1-58, ss. 10(a), modified.

164. Same; relief where standard applies.

In granting relief provided by section 163 where there is involved a standard for pollution or for an antipollution device or procedure, fixed by rules or otherwise by an instrumentality or agency of the Republic or a political subdivision thereof, including the Board, the court may:

- (a) Determine whether the standard is applicable, and determine its validity and reasonableness, employing a substantial evidence test; or
- (b) When the court finds a standard to be deficient, direct the adoption of a standard approved and specified by the court.

Source: RPPL 1-58, ss. 10(b), modified.

165. Same; bond.

If the court has reasonable ground to doubt the solvency of the plaintiff or the plaintiff's ability to pay any costs which might be apportioned against him in an action brought under this chapter, the court may order the plaintiff to post a surety bond or cash not to exceed \$500.00.

Source: RPPL 1-58, ss. 10(c), modified.

166. Same; prima facie showing, rebuttal, affirmative defense, burden of proof and weight of evidence.

When the plaintiff in the action has made a prima facie showing that the conduct of the defendant has polluted, impaired, or destroyed the air, water or other natural resources or the public trust therein, or that such conduct is likely to do so, the defendant may rebut the prima facie showing by the submission of evidence to the contrary. The defendant may also show, by way of an affirmative defense, that there is no feasible and prudent alternative to defendant's conduct and that such conduct is consistent with the promotion of the public health, safety and welfare in light of the Republic's paramount concern for the protection of its natural resources from pollution, impairment or destruction. Except as to this affirmative defense and as otherwise provided in this chapter, the principles of burden of proof and weight of the evidence generally applicable in civil actions in the Supreme Court and in decisions construing the United States National Environmental Policy Act shall apply to actions brought under this chapter.

Source: RPPL 1-58, ss. 10(d), modified.

Commission Comment: The National Environmental Policy Act, Public Law 91-190, is found generally at 42 U.S.C. 4321 through 4347.

167. Same; apportionment of costs.

Costs may be apportioned to the parties if the interests of justice require.

Source: RPPL 1-58, ss. 10(e), modified.

168. Same; equitable relief.

The Court may grant temporary and permanent equitable relief, or may impose conditions on the defendant that are required to protect the air, water and other natural resources or the public trust therein from pollution, impairment or destruction.

Source: RPPL 1-58, ss. 10(f), modified.

169. Same; where administrative, licensing or other proceedings available.

(a) If the administrative, licensing or other proceedings are required or available to determine the legality of the defendant's conduct, the court may remit the parties to such proceedings, which proceedings shall be conducted in accordance with and subject to the provisions of this chapter. In so remitting, the court may grant temporary equitable relief where necessary for the protection of air, water and other natural resources or the public trust therein from pollution, impairment or destruction. In so remitting, the court shall retain jurisdiction of the action pending completion thereof for the purpose of determining whether adequate protection from pollution, impairment or destruction has been afforded.

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

(c) Whenever administrative, licensing or other proceedings and judicial review thereof are available by law, the agency or the court may permit the Minister of Justice, any political subdivision of the Republic, any instrumentality or agency of the Republic or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity to intervene as a party on the filing of a plea asserting that the proceeding or action for judicial review involves conduct which has, or which is likely to have, the effect of polluting, impairing or destroying the air, water or other natural resources or the public trust therein.

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

Source RPPL 1-58 § 10(g) through (j), modified.

170. Same; collateral estoppel and res judicata.

The doctrines of collateral estoppel and res judicata may be applied by the court to prevent multiplicity of suits.

Source RPPL, 1-58 § 10(k), modified.

171. Prohibited acts; fines, penalties and damages.

(a) Any person who violates any provision of this chapter, or of any permit, regulation, standard or order issued or promulgated hereunder, shall be subject to a civil penalty not to exceed \$10,000.00 per day of violation. Such sums shall be paid

into the National Treasury.

(b) The Minister of Justice or his designated representative, upon request of the Board, shall petition the Trial Division of the Supreme Court for a judgment assessing

damages. In determining such damages, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and the corrective action, if any, taken by the discharger.

(c) Any person who willfully or negligently:

(1) discharges pollutants in violation of this chapter or in violation of any condition or limitation included in a permit issued under section 129 of this chapter; or

(2) violates the requirements of section 129 of this chapter; or

(3) with respect to introduction of pollutants into publicly owned treatment works, violates a pretreatment standard or toxic effluent standard;

shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$2,500.00 nor more than \$25,000.00 per day of violation. If such conviction is for a violation committed after a first conviction of such person under this chapter, punishment shall be by a fine of not less than \$10,000.00 nor more than \$50,000.00 per day of violation.

(d) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or by any permit, regulation or order issued under this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter or by any permit, regulation, or any order issued under this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$10,000.00, by imprisonment for not more than six months, or both.

Source RPPL 1-58 § 11, modified.

172. Transition.

In order to ensure continued compliance with the requirements of the Federal Acts and the United States Environmental Protection Agency for grant funding, the Trust Territory Environmental Quality Protection Act (24 PNCA Chapter 2) and all regulations adopted pursuant thereto shall remain in effect and shall control in the event of any conflict with this chapter, subject, however, to the following exceptions:

(a) The Board shall replace and perform all duties of the district environmental protection advisory board as prescribed by 24 PNCA Chapter 2.

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

(c) Notwithstanding section 24 PNCA § 221, the Trust Territory Environmental Protection Board shall hold one regular meeting each year. Special meetings may be called by the chairman as deemed necessary.

Source RPPL 1-58 § 13, modified.

Notes Skebong v. Environmental Quality Protection Board, 8 ROP Intrm. 80, 83 (1999).