

**REPUBLIC OF THE MARSHALL ISLANDS  
ENVIRONMENTAL PROTECTION AUTHORITY**

**SOLID WASTE REGULATIONS**

**1989**

PART I - GENERAL PROVISIONS

1. Authority

a) These regulations are promulgated by the Republic of the Marshall Islands Environmental Protection Authority with the approval of the Minister of Health Services pursuant to Section 21 of the National Environmental Protection Act 1984.

b) These regulations supersede all previous publications and repeal 63 Trust Territory Code Chapter 13, Subchapter VI, Trust Territory Solid Waste Regulations.

c) These regulations have the force and effect of law.

2. Purpose

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

a) Prevent pollution of the drinking and recreational waters of the Republic of the Marshall Islands.

b) Prevent air and land pollution.

c) Prevent the spread of disease and the creation of nuisances.

d) Protect the public health and safety.

e) Conserve natural resources.

f) Preserve and enhance the beauty and quality of the environment.

3. Effective date

These regulations shall come into force one day after their approval by the Cabinet.

#### 4. Interpretation

In these regulations, unless the context otherwise requires:

- a) "All-Weather Access Road" means a roadway designed, constructed, and maintained to accommodate vehicular traffic under all climatic conditions.
- b) "the Authority" means the Republic of the Marshall Islands Environmental Protection Authority or its authorized representative.
- c) "Automobile Graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
- d) "Baling" means the mechanical process of compression and binding of solid waste materials into bales.
- e) "Bulky Waste" means large items of solid waste such as household appliances, furniture, motor vehicles, trees, branches, stumps, and other oversize wastes whose large size prevents or complicates their handling by normal solid waste collection, processing, or disposal methods.
- f) "Chairman" means the Chairman of the Republic of the Marshall Islands Environmental Protection Authority or an authorized representative.
- g) "Collection" means the act of removing solid waste.
- h) "Collection Frequency" means the number of times collection is provided in a given period of time.
- i) "Commercial Solid Waste" means all types of solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.
- j) "Compactor Collection Vehicle" means a vehicle with an enclosed body containing mechanical devices that convey solid waste into the main compartment of the body and compress it into a smaller volume of greater density.
- k) "Farm" means any plot of land used for the production of crops, livestock, or horticulture products.
- l) "Farm Products Processing Facility" means a facility which receives or processes farm products, or both, excluding livestock and dairy products.
- m) "Food Waste" means the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, commonly called garbage.
- n) "Generation" means the act or process of producing solid waste.

o) "Hazardous Waste" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or living organisms because such wastes are nondegradable or persistent in nature, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects.

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

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

r) "Infectious Waste" means:

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

(ii) laboratory wastes, such as pathological specimens (such as tissues, blood, excreta, and secretions obtained from patients or laboratory animals) and accompanying or consequent disposal fomites (any substance that may harbor or transmit pathogenic organisms);

(iii) surgical operating room pathological specimens and accompanying or consequent disposable fomites, and similar disposable materials.

s) "Institutional Solid Waste" means solid wastes generated by educational, health care, correctional, or other institutional facilities.

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

u) "Landfill" means a land area used for the disposal of solid waste.

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

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

x) "Milling" means the mechanical process of material size reduction by grinding, crushing, chipping, or shredding.

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

z) "Person" means any individual, corporation, company, association, partnership, agency, authority, commission, foundation, the Republic of the Marshall Islands government or its political subdivisions, or any local, state, or foreign government or municipality, or other institution or entity, whether public or private.

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

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

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

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

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

ff) "Rubbish" means a general term for solid waste excluding food wastes and ashes, taken from residences, commercial establishments, and institutions.

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

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

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

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

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

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

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

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

oo) "Solid Waste Storage Container" means a receptacle used for the temporary storage of solid waste while awaiting collection.

pp) "Storage" means the interim containment of solid waste after generation and before final disposal.

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

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

ss) "Vector" means a carrier that is capable of transmitting a pathogen from one organism to another.

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

## 5. Severability

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

## PART II - SOLID WASTE STORAGE

### 6. General Requirements

a) All solid waste shall be stored in such a manner that it does not constitute a fire, health, or safety hazard or provide food or harborage for vectors, and shall be contained or bundled so as not to result in spillage.

b) All solid waste containing food wastes shall be securely stored in covered or closed containers which are nonabsorbent, leakproof, durable, easily cleanable (if reusable), and designed for safe handling.

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

d) Storage of bulky wastes shall include removing all doors from large household appliances and covering the items to reduce the problems of an attractive nuisance, and to reduce the accumulation of solid waste and water in and around the bulky items.

e) In the design of all buildings or other facilities which are constructed, modified, or leased before or after the effective date of these regulations, there shall be provisions for storage space to accommodate the volume of solid waste anticipated. These storage facilities shall be designed to be easily cleaned and maintained, and to allow for efficient, safe collection.

#### 7. Reusable waste containers

a) The Authority may, by written instrument listing any or all of the following conditions, require reusable waste containers to:

- (i) be constructed of corrosion resistant metal or other material which will not absorb water, grease, or oil;
- (ii) be leakproof, including sides, seams and bottoms;
- (iii) be durable enough to withstand anticipated use without rusting, cracking, or deforming in a manner that would impair serviceability;
- (iv) be constructed with rounded edges and tapered sides with the larger diameter at the top of the container to facilitate discharge of the solid waste by gravity;
- (v) have covers which are tight-fitting to resist the intrusion of water and vectors;
- (vi) be equipped with a suitable handle;
- (vii) be designed so that they cannot be tipped over easily;
- (viii) have an interior which is smooth without interior projections or rough seams which would make it difficult to clean or interfere with its emptying;
- (ix) have an exterior which is safe for handling with no cracks, holes, or jagged edges; or
- (x) be replaced immediately upon discovery of any leak or opening on the sides, seams and bottoms.

b) Reusable waste containers which are emptied manually shall:

- (i) not exceed 75 pounds when filled;

- (ii) have a capacity of no more than 55 gallons in volume, unless they are mounted on casters and can be serviced by being rolled to the collection vehicle and tilted for emptying; and
- (iii) be capable of being serviced without the collector coming into physical contact with the solid waste.

### PART III - SOLID WASTE COLLECTION

#### 8. Safety

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

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

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

d) Scavenging is prohibited at all times to avoid injury and to prevent interference with collection operations.

#### 9. Equipment

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

b) Collection vehicles shall be maintained and serviced according to manufacturers' recommendations, and receive periodic vehicle safety checks, including inspection of brakes, windshield wipers, taillights, backup lights, audible reverse warning devices, tires, and hydraulic systems. Any irregularities affecting the proper operation of the vehicle shall be repaired before the vehicle is used. Vehicles shall be cleaned thoroughly at least once a week.

#### 10. Frequency

Solid wastes shall be collected with frequency sufficient to inhibit the propagation or attraction of vectors and the creation of nuisances. Solid wastes which contain food wastes shall be collected at a minimum of once during each week. Bulky wastes shall be collected at a minimum of once every 3 months.

#### 11. Operations

a) The collection of solid wastes shall be conducted in a safe, efficient manner, strictly obeying all applicable traffic and other laws. The collection vehicle operator shall be responsible for immediately

cleaning up all spillage caused by the operations, for protecting private and public property from damage resulting from the operations, and for creating no undue disturbance of the peace and quiet in residential areas in and through which the collection of wastes is conducted.

b) Records shall be maintained detailing all costs associated with the collection system, including capital, operation, and maintenance costs. These records shall be used for scheduling maintenance and replacement, for budgeting, and for system evaluation and comparison.

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

#### PART IV - SOLID WASTE MANAGEMENT RESPONSIBILITY

##### 12. Storage Responsibility

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

##### 13. Removal responsibility

A person not included under regulation 32 who owns, has control over, operates, or manages a property, premise, business establishment or industry has the responsibility of removing accumulated solid waste to an approved disposal facility. Contractual or other agreements for the removal of accumulated solid waste shall not relieve a person of this primary responsibility. Solid waste shall be removed to an approved solid waste disposal facility before creating a nuisance condition.

##### 14. Public activity

A person sponsoring any public activity, including charitable, fundraising, recreational, civic, sporting or entertainment events, is responsible for the collection, storage, transportation and disposal of all solid waste generated as a result of the event. Solid waste shall be collected, removed and disposed of in an approved solid waste disposal facility.

##### 15. Animal carcass

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

##### 16. Littering

No person may deposit solid waste in, on or along a road right-of-way, street, trail, turnaround, drainage structure, water of the Republic of the Marshall Islands, public recreation facility or any other public

or private property, unless:

- (i) such property is an authorized solid waste disposal facility; or
- (ii) the solid waste is deposited in a public litter receptacle.

17. Litter receptacle

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

PART V - SOLID WASTE MANAGEMENT PERMIT SYSTEM

18. Permit required

Any person who establishes, modifies, or operates any solid waste disposal facility or a part of such a facility or any extension or addition to such a facility within the Republic of the Marshall Islands shall first obtain a permit from the Authority issued in accordance with the provisions of these regulations, except that no permit is required for those private systems described in regulation 32.

19. Application for permit

a) Application for permits shall be on a form approved by the Authority and shall include the following information:

- (i) detailed plans and specifications for the facility;
- (ii) certification of compliance with existing land use and zoning requirements;
- (iii) an environmental assessment of the proposed site; and
- (iv) an operations plan detailing the proposed method of operation; population and area to be served; characteristics, amount and source of materials to be disposed of; method of processed residue disposal; emergency operating procedures; type and amount of equipment to be provided and the proposed ultimate use of land or ocean disposal sites.

b) Applications shall be made no later than 60 calendar days before the proposed establishment, modification, or operation of a solid waste disposal facility is scheduled to begin.

c) All persons responsible for existing solid waste disposal facilities shall file, within 60 calendar days after the effective date of these regulations, an application for a permit to continue to operate. If such application is not filed within the 60 day period, all activities not conforming with these regulations shall cease until such permit is issued, and activities come into regulatory compliance.

d) Applications shall be accompanied by a processing fee of \$100.00, which is not refundable, except that no fee is required by the government of the Republic of the Marshall Islands.

e) Each application shall be signed by the applicant and shall constitute an agreement that the applicant will assume responsibility for the construction or modification and operation of the facility in accordance with these regulations.

20. Action on application

a) The Authority may request additional or supplementary information from the applicant before rendering a decision.

b) The Authority, may, before issuing or denying a permit, hold a public hearing to determine the facts on which to base a decision.

c) The Authority may, on issuing a permit, impose any conditions or special requirements as it sees fit. Such a conditional approval may:

- (i) require the applicant to provide such facilities as are necessary for sampling and testing to determine the degree of pollution from the solid waste disposal facility;
- (ii) specify conditions which will bring the design, construction, equipment, and operation of the solid waste disposal facility described in the application into accord with the best practicable technology currently available; or
- (iii) require any other conditions that shall protect the public health and safety, conserve natural resources, or preserve and enhance the beauty and quality of the environment.

All conditions and requirements shall be listed on a written instrument attached to the permit. The commencement of work by the applicant under such a conditional approval shall be deemed to be acceptance of all the conditions so specified.

21. Duration of permit

The Authority may grant a permit for any term, not to exceed 5 years.

22. Modification or revocation of permit

The Authority may, on motion of the Chairman or on application of any person, modify or revoke a permit. Revocation of a permit shall require a public hearing under regulation 36.

23. Transfer of permit

A permit shall not be transferable from one location to another, from one solid waste disposal operation to another, or from one person to another without the written approval of the Authority.

24. Reporting termination

It shall be the responsibility of that person to which the permit was issued to indicate to the Authority within 30 days the permanent termination of a solid waste processing or disposal facility for which the permit had been issued by surrendering the permit to the Authority.

25. Posting of permit

On granting an approval for a permit, the Authority shall issue to the applicant a permit which shall be posted in a conspicuous place at or near the operation site for which the permit was issued.

PART VI - STANDARDS FOR SOLID WASTE DISPOSAL FACILITIES

26. General requirement

No person shall operate a solid waste disposal facility or system which is not in compliance with the standards delineated in these regulations.

27. General operating standards

a) A permittee shall be required to:

- (i) provide a permanent sign posted at the facility entrance identifying the facility, the hours and days of operation, the name of the operator, and other information relevant to the operation of the facility;
- (ii) provide an all-weather access road negotiable by loaded collection vehicles from the public road to the working surface of the landfill;
- (iii) provide adequate equipment and necessary measures to extinguish fires; and
- (iv) provide for effective methods and adequate storage of all solid waste so as to prevent the attraction, harborage, or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and other public nuisances.

b) A permittee may be required to:

- (i) provide controlled access to the facility in the form of fences and gates that shall be kept locked when an attendant is not on duty;
- (ii) submit results of monitoring analyses for the detection of pollution or contamination resulting or tending to result from the operation of the facility, in accord with methods and procedures acceptable to the Authority at

specified locations and intervals; and

- (iii) submit annual reports itemizing the type and quantity of solid waste processed, the quantity of waste requiring final disposal, and times of facility operation.

28. Standards for permitted landfills

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

a) The disposal of solid waste in areas subject to flooding or leachate generation shall be allowed only in conjunction with the following special procedures or with other special conditions approved by the Authority:

- (i) a vertical separation shall be maintained between the deposited solid waste and the anticipated high ground water table sufficient to prevent contamination of the water;
- (ii) adequate measures shall be provided to manage surface water flow at the landfill site so that the flow of off-site drainage over a landfill will be minimized; and
- (iii) solid waste shall be deposited in a sanitary manner to prevent waste materials, leachate or eroded soil particles from entering ground or surface waters without receiving the best practicable treatment or control.

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

c) Live, domestic animals are prohibited within the landfill.

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

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

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

g) Solid waste, including that solid waste processed by shredding, milling, baling, or other operations specifically approved by the Authority, shall be compacted and covered with a minimum of 4 inches of earth, coral or other approved material at a frequency specified by permit requirements.

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

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

j) Provisions shall be made to maintain the landfill for at least 1 year after termination of operations to prevent health hazards or nuisances from occurring. Maintenance shall include repair of cracks or fissures, repair of areas where settling occurs and control of problems which result from leachate or odors. Compliance with these requirements shall be a basis for future recommendation by the Authority on land use.

29. Standards for reclamation facilities

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

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

b) The facility shall be recessed from any road or adjoining property or body of water at a distance approved by the Authority, and be so constructed as to prevent health hazards, public nuisances, and unsightliness.

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

30. Standards for incineration

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

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

31. Standards for transfer station

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

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

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

32. Standards for private waste disposal systems

a) No private disposal site or private waste disposal system may be established or operated without the written approval of the Authority.

b) Private waste disposal systems include:

- (i) a 1 or 2 family residential property on which solid waste is generated and disposed of on the premises, due to distance from collection route or transfer station;
- (ii) a farm on which the solid waste from the operation of the farm or from a farm products processing facility is disposed;
- (iii) a landfill site which is used only by the owner or person in control of the premises to dispose of soil, rock, concrete or other non-decomposable material.

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

PART VII - STANDARDS FOR HAZARDOUS WASTE DISPOSAL

33. Personal disposal

Any person desiring to dispose of hazardous waste materials shall notify the Authority in writing of the intention to do so. Such disposal shall be completed only upon the written approval of the Authority.

34. Solid waste facility disposal

Any solid waste facility that accepts hazardous waste materials for disposal shall dispose of such wastes in accordance with the standards delineated in this regulation, so as to prevent damage to human health or the environment.

a) Infectious and pathological wastes generated at medical, veterinary and other facilities shall be incinerated, sterilized or otherwise rendered safe before removal from these facilities for final disposal.

b) Toxic, caustic, volatile and flammable chemical waste may be incinerated or disposed of in a manner approved by the Authority before final disposal. In the event such waste is delivered directly to a landfill:

- (i) the waste shall be rendered non-hazardous by chemical neutralization or stabilization before final disposal;
- (ii) the waste shall be disposed of in a special trench or pit that is designed to

retain the wastes and prevent infiltration into ground and surface waters;

- (iii) the burial area shall be clearly marked with adequate warning signs;
- (iv) under no circumstances will smoking or open flames be allowed when the wastes are being disposed of; and
- (v) the burial site shall be recorded in the final plan of the completed site and made a part of the legal description of the property.

c) Dewatered sludge from water treatment plants and dewatered digested sludges from waste water treatment plants shall be mixed with the other deposited solid wastes at the landfill to prevent localized leaching. Raw sewage sludges and septic tank pumpings are prohibited at all solid waste disposal facilities.

d) Any person proposing a new activity or modification to an existing activity which may cause the generation of hazardous wastes shall submit a hazardous waste management plan to the Authority before the proposed activity begins. The new or modified activity shall not begin until after the plan has been accepted by the Authority in writing.

e) Generators of waste oil shall adopt all practical measures to reduce waste quantities and to reuse or recycle waste oil to the maximum extent possible. Where it can be demonstrated that wastage is necessary, disposal methods shall be approved by the Authority. Spreading of oil on roads, airports, or other areas for dust control shall be limited to areas which prevent contamination of potable ground water, surface waters, and areas under agriculture cultivation of food crops.

## PART VIII - ENFORCEMENT

### 35. Violations

a) A person who violates any provision of these regulations or any permit, requirement or order issued thereunder, shall be subject to enforcement action by the Authority.

b) The enforcement action may be any or all of the following:

- (i) revocation of a permit issued under these regulations;
- (ii) the making of a cease and desist order in relation to the subject matter of the violation;
- (iii) the imposition of a civil penalty, fixed by the Authority, not exceeding \$10,000.00 for each day on which the violation continues;
- (iv) the institution of civil proceedings to restrain the violation; and
- (v) any other action authorized by the National Environmental Protection Act 1984 or any other law.

36. Public hearing

a) When the Authority revokes a permit or a cease and desist order is made under regulation 35 b) (i) or (ii), or both, a public hearing shall be conducted by the Authority to determine the authenticity of the facts upon which the order was made.

b) Adequate notice of the hearing, and an adequate opportunity to appear and be heard at the hearing, shall be given to all interested persons.

37. Penalty for lack of permit

Any person required to have a permit under these regulations and engaged in an activity without such a permit shall be subject to a civil penalty of \$100.00 per day for each day the activity is conducted without a permit.

Adopted by the Authority on June 9, 1989.

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Jiba Kabua, Chairman  
Environmental Protection Authority  
Republic of the Marshall Islands

Approved by the Minister of Health Services on June 30, 1989.

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Honorable Ruben Zackhras  
Minister of Health Services  
Republic of the Marshall Islands

EFFECTIVE DATE: August 25, 1989