

THE TWENTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at, Fagatogo, Tutuila, American Samoa
on Monday, the tenth day of January
year two thousand

AN ACT PROVIDING FOR THE AMENDMENT OF THE ENVIRONMENTAL QUALITY ACT TO MAKE IT CURRENT WITH DEVELOPMENTS OF PAST YEARS AND RECENTLY ESTABLISHED STANDARDS, AMENDING AND OR RENUMBERING SECTIONS 24.0103, 24.0104, 24.0106, 24.0107, 24.0108, 24.0109, 24.0110, 24.0115, 24.0116, 24.0117, 24.0118, 24.0119, 24.0120, 24.0121, 24.0122, 24.0123, 24.0131, 24.0134, 24.0140, 24.0143, 24.0166, 24.0167, AND CREATING NEW SECTIONS 24.0116, 24.0117, 24.0118, 24.0119, 24.0120, 24.0123, 24.0124, 24.0125, 24.0126, AND 24.0127 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 24.0103 is amended to read:

"24.0103. Definitions.

(a) As used in this chapter:

(1) "Air contaminant pollutant" means ~~dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof~~ any pollution agent or combination of such agents,

including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air. Such term shall also include odorous substances and any precursors to the formation of any pollutant, to the extent that the agent or combination of such agents is identified by any federal or territory rules as precursors.

(2) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants pollutants in such quantities and duration as is or tends to be injurious to human health or welfare, plant or animal life, or property, or would interfere with the enjoyment of life or property.

(3) "Air pollution emission source" means property, real or personal, which emits or may emit air pollution.

(4) "Chairman" means the chairman of the Environmental Quality Commission or persons authorized to act on his behalf.

(5) "Clean Air Act" means the federal Clean Air Act of 1963 as amended.

(6) "Commission" means the Environmental Quality Commission or its duly authorized agents.

(7) "Compliance plan" means a plan which includes a description of how a source proposes to comply with all applicable requirements pursuant to this chapter and includes a schedule of compliance and a schedule under which the permittee will submit progress reports to the commission.

~~(8)~~ (8) "Discharge" means the releasing, expelling, spilling, leaking or dumping of water pollutants onto land or into the waters of American Samoa.

~~(4)~~ (9) "Emission" means a release, into the outdoor atmosphere, of air contaminants pollutants.

(10) "Executive secretary" means the executive secretary of the Environmental Quality Commission.

(11) "Hazardous air pollutant" or "HAP" means those hazardous air pollutants listed in section 112 (b), as amended, 42 United States Code 7412 (b), and any other pollutant designated by federal or territory rules as hazardous.

(12) "Major stationary source(s) of air pollution" or "major source" means an air pollution emission source or group of sources under the common control or command of the same owner or operator which emits or has the potential to emit 100 tons per year or more, considering controls, of any pollutant subject to regulation under the federal Clean Air Act or the laws of this territory.

(13) "Non-major source(s) of hazardous air pollution" or "non-major HAP source" means an air pollution emission source or group of sources under the common control or command of the same owner or operator which emits or has the potential to emit in the aggregate an amount greater than .10 tons per year of any hazardous air pollutant; no more than 10 tons per year of any hazardous air pollutant, including fugitive emissions; and no more than 25 tons per year in the aggregate of any combination of hazardous air pollutants, including fugitive emissions.

(14) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a pollution emission or discharge source.

(15) "Permit" means written authorization from the chairman or, in the case of stationary air pollution source permits, the executive secretary,

to construct, reconstruct, modify, relocate, or operate a pollutant discharge or emission source. A permit authorizes the permittee to cause or allow the discharge or emission of pollutants in a specified manner or amount, or to do any act, not forbidden by this chapter or by rules adopted pursuant to it, requiring review by the chairman or executive secretary of the commission.

(5) (16) "Person" means any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the territory, trust, estate, or any other legal entity.

(17) "Pollutant" means solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, hazardous wastes, biological materials, air pollutants, radioactive materials, oil, grease, wrecked or discarded equipment, industrial, municipal or other waste discharged into or upon the land, air or water. Dredged spoil, rock, sand, dirt and agricultural materials shall also constitute a pollutant when discharged into waters of American Samoa.

(18) "Pollution" means the presence in the outdoor environment of air pollution, water pollution, or one or more pollutants in such quantities as is or tends to be injurious to human health or welfare, plant or animal life, or the use and enjoyment of life, property, or the environment.

(19) "Pollution source" or "source" means any building, structure, facility, or installation from which there is or may be the discharge or emission of pollutants.

(20) "USEPA" means the United States Environmental Protection Agency.

(6) (21) "Waters of American Samoa" includes all streams, lakes, ponds, rivers, bays, lagoons, ~~wetlands~~, navigable water, groundwaters, underground waters, and coastal waters.

(7) (22) "Water pollution" means the presence in the water of visible floating materials, oil, grease, scum, foam or other materials which produce visible turbidity or settle to form deposits, or materials which produce color, odor or taste, either of themselves or in combination, or in the biota; or materials which induce undesirable aquatic life; or materials which are toxic or an irritant to humans, animals, plants, or aquatic life.

(b) For the purpose of this chapter, addition to or enlargement or replacement of ~~an air or water contaminant~~ pollution source, or any major alteration therein, shall be construed as construction, installation, or establishment of a new ~~air or water pollution source.~~"

Sec 2. 24.0104 is amended to read:

"24.0104 Administration of chapter:

Except as specifically provided herein:

(a) The chairman of the environmental quality commission has the responsibility for the administration of this chapter.

(b) The chairman shall administer the provisions of this chapter in accordance with the commission's rules, orders, standards of air and water quality and classifications.

(c) The chairman may delegate to any employee of the commission such of his functions and duties as he deems necessary for the proper and efficient administration of this chapter."

Sec 3. 24.0106 is amended to read:

"24.0106. Environmental quality commission--Powers and duties.

In addition to the other powers and duties conferred upon it by this chapter, the commission is authorized and directed to:

(1) adopt, amend and repeal rules implementing and consistent with this chapter.

(2) hold hearings relating to any aspect of or matter in the administration of this chapter, and in connection therewith, complete the attendance of witnesses and the production of evidence;

(3) issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

(4) require access to records relating to emissions or discharges which cause, threaten to cause, or contribute to pollution air contamination ~~and access to records relating to discharges which cause or contribute to water pollution;~~

(5) secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;

(6) prepare and develop a comprehensive plan or plans, including administrative rules, for the prevention, abatement and control of ~~air and~~ water pollution in this territory;

(7) encourage voluntary cooperation by persons and affected groups to achieve the purposes of this chapter;

(8) encourage and conduct studies, investigations and research relating to and, ~~contamination, air pollution and water, and other forms of~~ pollution and their causes, effects, prevention, abatement, and control;

(9) determine by means of field studies and sampling the degree of ~~air contamination, air pollution and water~~ pollution present in the territory;

(10) establish air and water quality standards for the territory;

(11) collect and disseminate information and conduct education and training programs relating to ~~air contamination, air pollution, and water~~ pollution in the territory;

(12) advise, consult, contract and cooperate with other agencies of the Territory, industries and the federal government, and with interested persons or groups;

(13) consult, upon request, with any person proposing to construct, install, or otherwise acquire an ~~air or water contaminant~~ pollution source or device or system, regarding any ~~air or water~~ pollution problem which may be related to the source, device or system; nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, rules in force pursuant thereto, or any other provision of law;

(14) accept, receive, and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the function of this chapter;

(15) establish and administer, as necessary, territory-wide pollution control permit programs."

Sec 4. 24.0107 is amended to read:

"24.0107 Emission and discharge control requirements.

The commission may establish such emission control and discharge control requirements, by rule, as in its judgment may be necessary to prevent, abate, or control ~~air and water~~ pollution. Such requirements may be for the territory as a whole or may vary from area to area, as may be appropriate to facilitate accomplishment of the purposes of ~~this chapter~~, and to take account of varying local conditions."

Sec 5. 24.0108 is amended to read:

* "24.0108. Monitoring and reporting ~~contaminants~~ pollutants.

(a) The commission may require the owner or operator of any potential ~~air or water contaminant~~ source to establish, ~~and maintain, and~~ submit such records, make such reports, install, use, and maintain such monitoring equipment or methods, sample such emissions or discharges in accordance with such methods and at such locations and intervals as the commission shall prescribe, and ~~to~~ provide such information to the commission as the commission may reasonably require.

(b) The commission may require the owner or operator of any stationary source discharging ~~air or water~~ pollutants to install monitoring equipment or devices, conduct source tests and maintain records as the commission may prescribe, and submit periodic reports on the nature and amount of such discharges to the commission."

Sec 6. 24.0109 is amended to read:

"24.0109. Confidentiality of records--Exceptions - Government usage.

(a) Any records, reports or information obtained ~~under 24.0108, 24.0131, 24.0133 and 24.0134~~ by the commission shall be government information available to the public for inspection, except that upon a showing satisfactory to the commission by any person that records, reports, information or a particular part thereof, other than emission or discharge data, to which the commission has access would, under 24.0108, 24.0131, 24.0133, and 24.0134 if made public, ~~would~~ divulge production or sales figures, or methods, processes, or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the commission shall consider such record, report, information, or particular portion thereof confidential. ~~in the administration of this chapter.~~ The contents of a permit issued pursuant to this chapter shall not be entitled to confidentiality protection.

(b) Nothing in this section may be construed to prevent the use of such records or information by the commission in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere; provided, that such analyses or summaries do not identify any owner or operator or reveal any information otherwise confidential under this section.

(c) Nothing in this section may be construed to prevent disclosure of such report, record, or information to federal, territory, or local representatives as necessary for purposes of administration of any federal, territory, or local ~~air or water~~ pollution control laws, or when relevant in any proceeding under this chapter."

Sec 7. 24.0110 is amended to read:

"24.0110. Interpretation of chapter.

Nothing in this chapter may be construed to:

(1) grant to the commission any jurisdiction or authority with respect to ~~air contamination~~ pollution existing solely within commercial and industrial plants, works, or shops;

(2) affect the relations between employers and employees with respect to or arising out of any condition of ~~air contamination or~~ air pollution;

(3) ~~supersede or~~ limit the applicability of any law relating to sanitation, industrial health or safety;

(4) abridge, limit, impair, create, enlarge, or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property, or to maintain any action or other appropriate proceeding therefor."

Sec 8. 24.0115 is amended to read:

"24.0115. Stationary air pollution source permits.

(a) The commission may establish and operate a territory-wide ~~system~~ program under which a permit shall be required for the construction, reconstruction, ~~and~~ operation of or modification to new and existing major stationary sources of air pollution and non-major stationary sources of hazardous pollution ~~or modification to existing sources.~~ Under this program a permit may also be required for non-major sources of all other pollutants. Permits issued to major stationary sources of air pollution and to non-major stationary sources of hazardous air pollution

shall require compliance with all applicable federal requirements and contain monitoring, recordkeeping and reporting requirements sufficient to insure compliance with the applicable federal requirements. All permit limitations, controls or requirements under this program shall be permanent, quantifiable and otherwise enforceable as a practical matter.

(b) The authority vested in the commission shall include the power to delay or prevent any construction, reconstruction, modification, or operation of air pollution emission sources which, in the opinion of the ~~chairman~~ executive secretary, may cause the ambient air pollution level in the locality of such construction, modification or operation to exceed limits for ambient concentration established by the American Samoa Territorial Implementation Plan promulgated pursuant to the Clean Air Act as amended (42 U.S.C 1875 7401 et seq.) or which would, in the opinion of the ~~chairman~~ executive secretary, violate any provision of any land use plan established by the American Samoa Territorial Implementation Plan.”

Sec 9. There is created a new section 24.0116 to read:

“24.0116 Stationary air pollution source permits--Fees.

(a) The executive secretary shall set fees for permits issued pursuant to this chapter to be paid by the applicant at rates and schedules established by the commission.

(b) All monies collected as fees shall be deposited in the Stationary Air Pollution Source Fund established pursuant to section 24.0117. The fees shall be at such a rate to ensure that the Fund has sufficient capital to adequately support and administer the permit program established pursuant to 24.0115.”

Sec 10. There is created a new section 24.0117 to read:

"24.0117. Stationary Air Pollution Source Fund.

There is established a fund to be known as the Stationary Air Pollution Source Fund which shall be maintained separate and apart from any other funds of the American Samoa Government, and shall be administered by the executive secretary. Independent records and accounts shall be maintained in connection therewith. All emission fees, fines, penalties, bail forfeitures, and other funds collected or received pursuant to this chapter shall be deposited in the Stationary Air Pollution Source Fund and used for the direct and indirect costs of administration and implementation of the permit program and related costs, and for providing staff and resources to: assist permit applicants with the application process; review and act upon permit applications; write permits; implement and enforce permit conditions including legal support; prepare guidance and rules; prepare emission inventories and monitor air quality; inspect facilities to ensure compliance and offer assistance with pollution prevention alternatives; provide technical assistance to permittees; administer the Fund, and perform any other duties needed to administer the permit program."

Sec 11. 24.0116 is amended and renumbered to read:

"24.0116 24.0118. Permits for sources of air ~~or~~ water pollution, or equipment causing or intended to prevent pollution.

(a) The commission by regulation shall prohibit the construction, reconstruction or modification of any new or existing sources of air ~~or~~

~~water~~ pollution, or the installation, modification, or use of any equipment, device or other article which it finds may cause or contribute to ~~air or~~ ~~water~~ pollution or which is intended primarily to prevent or control the emission of ~~air~~ pollutants or discharge of ~~water~~ pollutants unless a permit therefor has been obtained from the commission.

(b) ~~No~~ A person ~~may~~ shall not construct, reconstruct or modify any new or existing sources of ~~air or water~~ pollution, or install, modify or use any equipment, device or other article designated by regulation, capable of causing or contributing to ~~air or water~~ pollution, without a permit from the commission, or in violation of any conditions imposed by such permits."

Sec 12. 24.0117 is amended and renumbered to read:

~~"24.0117~~ 24.0119 Permits--Applications.

(a) Requests for permits shall be submitted to the commission on permit application forms provided to applicants by the commission.

(a) (b) The commission may require permit applications to be accompanied by compliance plans, and certifications, other plans, specifications, monitoring data, and such any other information as the commission deems necessary necessary to identify the source, levels of discharge or emissions, and the soil, water or air quality impacts to determine whether the proposed installations, modification, or operation will be in accord with applicable rules and standards.

(c) Every proposed stationary air pollution source permit or application therefor submitted by a major source or a non-major HAP source shall be subject to federal oversight. The commission shall submit copies of such permit application to USEPA within 10 days of receipt of a

complete permit application and shall resolve all concerns of USEPA prior to issuing a permit.

(d) Except for applications seeking modifications that the executive secretary deems to be minor modifications, for each application, renewal, or modification of a permit belonging to a major source or non-major HAP source, the executive secretary shall provide for public notice, an opportunity for public comments, and an opportunity for public hearing in accordance with section 24.0120."

Sec 13. There is created a new section 24.0120 which reads:

* "24.0120. Stationary air pollution source permits--Public participation.

(a) Where public participation is deemed appropriate by the executive secretary or is required by law, the executive secretary shall notify the public of the availability in one location of all information on the subject matter, including all information submitted by the applicant, except for that deemed confidential, the commission's draft permit and the commission's analysis, and any other information deemed appropriate. Such notice shall be mailed to any interested person upon request and shall be published in a newspaper of general circulation which is printed and issued at least twice weekly.

(b) The commission shall provide a period of not less than thirty (30) days following the date of the public notice during which time interested persons may submit written comments on the subject matter, permit application, the commission's analysis and draft permit, and other appropriate considerations. The period for comment may be extended at the sole discretion of the executive secretary.

(c) The executive secretary, at his sole discretion, may hold a public hearing if such hearing would aid in a permit decision. Any person may request a public hearing. Hearing requests shall be in writing and shall be filed within the thirty (30) day comment period prescribed in paragraph (b) and shall indicate the interest of the party filing the request and the reasons why a hearing is warranted. The executive secretary shall publish the public notice for a public hearing at least thirty days in advance of the hearing date."

Sec 14. 24.0118 is amended and renumbered to read:

~~"24.0118~~ 24.0121. Permits--Issuance.

(a) For new and existing major stationary sources of air pollution and non-major HAP sources. Within 90 days 12 months of the receipt of any complete permit application, the commission shall issue such permit unless it is determined that the proposed construction, reconstruction, operation or modification will not be in accordance with this chapter or rules and regulations promulgated under this chapter, in which case an order shall be issued for the prevention of such construction, reconstruction, operation or modification.

(b) For new and existing non-major sources of air pollution and all other sources of pollution, the commission shall issue a permit within 90 days unless it determines that the construction, reconstruction, operation, or modification will not be in accordance with this chapter or the rules and regulations established pursuant thereto.

(c) The commission may attach to a permit any reasonable conditions which, at the discretion of the chairman or the executive

secretary, will ensure compliance with the rules and standards adopted pursuant to this chapter.

(d) In no case shall a stationary air pollution source permit issued pursuant to this chapter exceed five (5) years duration."

Sec 15. 24.0119 is amended and renumbered to read:

"24.0119 24.0122. Permits - Refusal - Hearing and decisions.

In addition to any other remedies available ~~an~~ on account of the issuance of any order prohibiting any construction, reconstruction, operation or modification, and prior to invoking any such remedies, the person or persons aggrieved thereby shall, upon request in accordance with the rules of the commission, be entitled to a hearing on the order. Following such hearing, the order may be affirmed, modified or withdrawn."

Sec 16. There is created a new section 24.0123 which reads:

"24.0123. Permits--Judicial review.

The applicant and any person who participated in the public comment process, if provided, may obtain judicial review in the courts of this Territory of the final action on a permit issuance, significant modification or renewal application. This is in addition to judicial review otherwise available under 24.0160."

Sec 17. 24.0120 is amended and renumbered to read:

"24.0120 24.0124. Permits- Maintenance of items submitted on application.

Any features, machines or devices constituting parts of or called for by plans, specifications or other information submitted pursuant to ~~24.0117~~ 24.0119 shall be maintained in good working order."

Sec 18. 24.0121 is amended and renumbered to read:

~~"24.0121~~ 24.0125. Permits-Renewal, suspension, termination, modification or revocation.

The commission shall provide, by rule, for the termination, renewal, suspension, reopening, modification or and revocation and re-issuance of any permits which it may require pursuant to 24.0115 through ~~24.0123~~ 24.0127."

Sec 19. ~~24.0122 is amended and renumbered to read:~~

~~"24.0122~~ 24.0126. Commission not authorized to specify equipment.

Nothing in 24.0115 through ~~24.0123~~ 24.0127 shall be construed to authorize the commission to require the use of machinery, devices or equipment from a particular supplier or produced by a particular manufacturer if the required performance standards may be met by machinery, devices, or equipment otherwise available."

Sec 20. 24.0123 is amended and renumbered to read:

~~"24.0123~~ 24.0127. Compliance with law.

The absence or failure to issue a rule or order pursuant to this section shall not relieve any person from compliance with any emission or discharge control requirements or with any other provision of law."

Sec 21. 24.0130 is amended to read:

"24.0130. Inspection of modes of transportation.

The commission may carry out a program of inspection and testing of all modes of transportation, to enforce the plans applicable to emission standards when necessary and practicable and to control or limit the operation of motor vehicles and other modes of transportation when in the opinion of the ~~chairman of the commission~~ executive secretary such modes of transportation are producing or pose an immediate danger of producing unacceptable levels of air pollution."

Sec 22. 24.0131 is amended to read:

"24.0131. Inspection of buildings and other places.

Any duly authorized officer, employee or representative of the commission may enter and inspect, during reasonable hours, any building or place, except a building primarily designed for and used exclusively for a private residence, for the purpose of investigating an actual, ~~or~~ suspected, or potential source of ~~air or water~~ pollution and ascertaining compliance or noncompliance with this chapter and the rules and regulations issued pursuant to it."

Sec 23. 24.0134 is amended to read:

"24.0134. Tests and samples- Responsibility of owner or operator.

(a) The commission may conduct tests and take samples of ~~air and water contaminants~~ actual or suspected pollutants, fuel, process materials, or other materials which affect or may affect emission or discharge of ~~air or water pollution~~ pollutants from any source.

(b) Upon request of the commission, the person responsible for the source to be tested shall provide necessary holes in stacks, ducts or pipes, and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission or discharge of ~~air or water pollution~~ pollutants.

(c) If an authorized employee of the commission, during the course of an inspection, obtains a sample of ~~air or water contaminant~~ any pollutant, fuel, process material or other material, he shall give the owner or operator of the equipment or fuel facility a receipt for the sample obtained.

(d) The commission may require the owner or operator of any source emitting or discharging pollutants to install monitoring equipment or devices, conduct such tests and take such samples as the commission shall prescribe and submit periodic reports on the nature and amount of such discharges or emissions to the commission."

Sec 24. 24.0140 is amended to read:

"24.0140. Variance- Application--Exception.

(a) Except as provided in subsection (c), Any person who owns or is in control of any plant, building, structure, establishment, process, or equipment may apply to the commission for a variance from rules or regulations.

(b) A variance, or a renewal of a variance, shall not be a right of the applicant or holder thereof but shall be in the discretion of the commission.

(c) A person shall not apply for, nor shall the commission grant, a variance from any federal requirement or from any of the stationary air pollution source permit program rules or regulations adopted pursuant to 24.0115 and this chapter."

Sec 25. 24.0143 is amended to read:

"24.0143. Variance--Limitation.

Any variance or renewal thereof shall be subject to the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the ~~air or water~~ pollution involved, it shall be only until the necessary means for prevention abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the commission may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the commission, is requisite for the taking of the necessary measures. A variance granted on this ground shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subsections (a) and (b), it shall be for not more than 1 year."

Sec 26. 24.0154 is amended to read:

"24.0154. Emergency order, hearing, and decision.

(a) Notwithstanding any other provision of this chapter, if the chairman or executive secretary of the commission finds that a generalized condition of ~~air or water~~ pollution exists or that emissions or discharges of one or more ~~air or water contaminant~~ pollution sources is causing imminent danger to human health, ~~and safety~~ welfare, or the environment and that it creates an emergency requiring immediate action to protect human health, ~~or safety, welfare, or the environment,~~ the chairman, or the executive secretary with the concurrence of the Governor, shall order persons causing or contributing to the ~~air or water~~ pollution to reduce or discontinue immediately the emission or discharge of ~~air contaminants or water pollution~~ pollutants, and such order shall fix a place and time not later than 24 hours thereafter for a hearing to be held before the commission.

(b) Not more than 24 hours after the commencement of such hearing, and without adjournment thereof, the commission shall affirm, modify, or set aside the order of the chairman or executive secretary."

Sec 27. 24.0155 is amended to read:

"24.0155. Emergency restraining orders.

Notwithstanding any other provision of the chapter, the commission, upon receipt of evidence that a pollution source or combination of sources is presenting imminent and substantial endangerment to the health and welfare of persons or the environment, may bring a suit to immediately restrain any person causing or contributing to such pollution."

Sec 28: 24.0166 is amended to read:

"24.0166 Pollution of air--Penalty.

(a) A person who violates any provisions of this chapter, or any rule in force pursuant to it, relating to the emission of air ~~contaminants~~ pollutants, stationary air pollution source permit conditions, fees and filing requirements, inspections, entry or monitoring activities, or any order issued by the executive secretary, the commission or its authorized representatives, shall be guilty of an infraction ~~and sentenced accordingly~~ and subject on account thereof to pay a fine not to exceed \$10,000 for each separate offense. Each day of violation constitutes a separate offense.

(b) In addition to any other remedy provided by this chapter, the executive secretary is authorized to impose by order administrative penalties for violations of this chapter or any permit requirement or regulation in force pursuant thereto not to exceed \$10,000 per day for each separate offense. An administrative penalty shall not be imposed without first providing the alleged violator with notice and opportunity for a hearing in accordance with the provisions of the Administrative Procedures Act, ASCA 4.1001 et seq.

(c) Any person who knowingly violates any stationary air pollution source permit rules adopted by the commission pursuant to this chapter, including any condition in a permit or any fee or filing requirement, shall be guilty of a felony punishable by a fine not to exceed ten-thousand (\$10,000) dollars per day or by imprisonment for a term not to exceed 2 years, or by both, for each separate violation.

(d) Any person who knowingly makes any false material statement, representation or certification upon any form or in any notice or report required by a permit, or who knowingly renders inaccurate any required monitoring device or method required by the commission to be maintained under this chapter or the rules in force pursuant thereto, shall be guilty of a felony punishable by a fine not to exceed ten-thousand (\$10,000) dollars per day or by imprisonment for a term not to exceed 2 years, or by both, for each separate violation.

(e) The burden of proof or degree of knowledge or intent required under the laws of this Territory for establishing violations under this section shall be no greater than the burden of proof or degree of knowledge or intent required by the Clean Air Act, as amended, 42 U.S.C. 7401 et seq.


(f) A civil penalty or criminal fine sought or agreed upon by the commission under this section shall be appropriate to the violation.

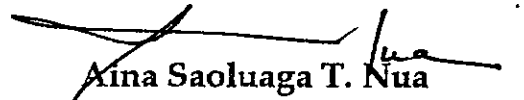
(g) Any fines and penalties collected under this section shall be deposited in the Stationary Air Pollution Source Special Fund established pursuant to 24.0117."

Sec 29. 24.0167 is amended to read:

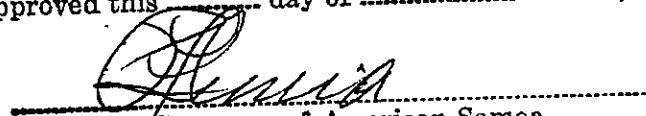
"24.0167 Pollution of water--Penalty.

Any person who violates any provision of this chapter, or any rule in force pursuant to it, relating to the discharge of water pollutants, shall be guilty of an infraction and upon conviction, sentenced accordingly. to pay a fine of not more than five-hundred (\$500) dollars for each initial separate violation, and not more than one-thousand (\$1,000) dollars for each subsequent separate violation. Each day of violation constitutes a separate offense."


Lutu Tenari S. Fuimaono
PRESIDENT OF THE SENATE


Aina Saoluaga T. Nua
SPEAKER OF THE HOUSE

Hereby Approved this 30th day of March, 2000


Governor of American Samoa

NOFOAIGA LUASEFULU-ONO FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Tolu

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu o Ianuari
tausaga lua afe

O SE TULAFONO E SAUNIA AI MO LE SUIGA O LE TULAFONO
MANUIA O LE SI'OMAGA INA IA TEUTEUINA FA'ATASI AI MA ATIA'E
O TAUSAGA UA MAVAE MA TULAFONO UA AIAIA I LE TAIMI NEI,
SUIA MA TOE FA'ANUMERAINA AI MAGA 24.0103, 24.0104, 24.0106,
24.0107, 24.0108, 24.0109, 24.0110, 24.0115, 24.0116, 24.0117, 24.0118, 24.0119,
24.0120, 24.0121, 24.0122, 24.0123, 24.0131, 24.0134, 24.0140, 24.0143, 24.0166,
24.0167, MA FA'AVAEINA NI MAGA FOU 24.0116, 24.0117, 24.0118, 24.0119,
24.0120, 24.0123, 24.0124, 24.0125, 24.0126 MA LE 24.0127 TTAS.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO O AMERIKA SAMOA:

Maga 1. 24.0103 ua suia e faitauina:

"24.0103 Fa'auigaga.

(a) E pei ona fa'aaogaina i lenei mata'upu:

(1) ~~"Mea e fa'aleaga (contaminant)~~ "mea e fa'a'ele'elea ai le 'ea"
(pollutant) o lona uiga pefu, asu oona, puao, asu, po'o isi mea mavaevae, ausa,
kasa, mea manogi leaga, po'o so'o se tu'ufa'atasiga o ia mea so'o se mea e

fa'a'ele'eleaina po'o le tu'ufa'atasiga o ia mea, e aofia ai so'o se mea e faitino, kemikale (chemical), meaola, mea e susulu atu ave i pe ulufale i le si'omaga o le ea. O lea fa'a'upuga o le a aofia ai fo'i mea e i ai le manogi leaga ma so'o se mea e muamua mai mo le fa'atupuina o so'o se mea na te fa'a'ele'eleaina, i le tulaga o lena mea po'o le tu'ufa'atasiga o ia mea ua iloa ona tulaga e so'o se tulafono a le feterale po'o tulafono-galue a le teritori e fa'apea o mea e fa'atupuina nisi mea.

(2) "Ea polusi" o lona uiga o le i ai i le si'omaga o le ea i fafo o se tasi pe sili atu o mea e fa'aleagaina fa'a'ele'eleaina le ea i se aofa'iga ma le umi o le a, pe ona afaina ai le soifua mälölöina o tagata po'o le manuia lautele, la'au po'o le soifua o meaola, po'o mea totino, po'o le ona fa'alavelave i le soifua fiafia o le olaga po'o meatotino a tagata.

(3) "Mafua'aga o le ulufale-atu o le ea polusi" o lona uiga o meatotino, fanua po'o mea fa'apitoa totino e ave'esea mai ai pe e mafai ona tu'uina mai le polusi o le ea.

(4) "Ta'ita'ifono" o lona uiga o le ta'ita'ifono o le Komisi o Si'omaga "Au'aumamā po'o tagata ua fa'atagaina e galulue mo ia.

(5) "Tulafono o le Ea 'Au'aumamā" o lona uiga o le Tulafono o le Ea 'Au'aumamā a le feterale o le 1963 e pei ona suia.

(6) "Komisi" o lona uiga o le Komisi o le Si'omaga 'Au'aumamā po'o ona sui fa'atagaina aloa'ia.

(7) "Fuafuaga ōgatasi" o lona uiga o se fuafuaga e aofia ai se fa'amatalaga pe fa'apefea ona taufa'aofi se auala ina ia usita'i ma āiāiga mana'omia uma e tusa ma lenei mata'upu ma e aofia ai se fa'asologa o fa'asinoala ma se fa'asologa i lalo o le tu'uina atu i ai e le tagata ua fa'atagaina ripoti o le alualu i luma o le komisi.

(3) (8) “Lafoa’ia” o lona uiga o le tu’uina atu fa’asa’oloto, fa’atula’i ‘ese, sasa’aina, mama po’o le lafoa’i o vai mea e fa’aeleelea ai i luga o le fogā’ele’ele po’o i totonu o vai o Amerika Samoa.

(4) (9) “Fa’asalalauina” o lona uiga o se fa’asalalauina sa’oloto, i le si’omaga o le ea i fafo, o mea e fa’aleagaina ea polusi.

(10) “Failautusi āoāo” o lona uiga o le failautusi āoāo o le Komisi ‘Au’aumamā o le Si’omaga.

(11) “Ea polusi fa’amata’u” po’o le “EPF” o ea polusi fa’amata’uina ai le soifua ua lisiina i le maga 112 (e), e pei ona suia, i le 42 Tulafono a le Iunaite Setete 7412 (e), ma so’o se isi mea e fa’aeleelea ua fa’asinoina ma’oti e tulafono a le feterale po’o le teritori e lamatia ai le soifua. ...

(12) “Auala ōgoōgo tūmau o le ea polusi” po’o “auala ōgoōgo” o lona uiga o se auala e fa’asalalauina atu le ea polusi po’o se vaega o auala i lalo o pūlega masani po’o le fa’atonuga e lea lava tagata pule po’o lē e fa’agaioia e fa’asalalau atu pe e iai le malosi e fa’asalalau ai le 100 tone i le tausaga pe sili atu, fuafuaina le puleaina, o so’o se polusi e a’afia i poloa’iga i lalo o le Tulafono o le Ea Mamā a le feterale po’o tulafono a lenei teritori.

(13) “Auala e lē ōgoōgo mata’utia o le ea polusi” po’o “Auala e lē ōgoōgo EPF” o lona uiga o auala o le salalau atu o se ea polusi po’o se vaega o auala i lalo o le pūlega masani po’o le fa’atonuga a lea lava tagata e āna-ia po’o sē e fa’agaioia e salalau atu ai pe i ai le malosi e fa’asalalau atu i le āotelēga se aofa’iga e sili atu i le 10 tone i le tausaga e tasi o so’o se ea polusi e fa’amata’uina ai le soifua; e lē sili atu nai le 10 tone i le tausaga e tasi o so’o se ea polusi e āfaina ai le soifua, e aofia ai le fa’asalalauina sa’oloto; ma e lē sili atu nai le 25 tone i le tausaga e tasi i le āotelēga o so’o se tu’ufa’atasiga o ea polusi e āfaina ai le soifua, e aofia ai le fa’asalalauina sa’oloto.

(14) "O le pule po'o lē e fa'agaioia" o lona uiga o so'o se tagata o ia e ona, lisi, fa'agaioia, pūlea, pe va'ava'aia le salalau atu o le polusi po'o le auala o le fa'amatu'u atu.

(15) "Pemita" o lona uiga o se fa'atagaga tusitusia mai le ta'ita'ifono po'o, i le tulaga o pemita o auala o ea polusi ua pūlea, o le failautusi āoāo, e fausia, toe-fausia, suia, toe-fa'atulaga i se isi mea, pe fa'agaioi se auala o le lafoa'i pe fa'asalalauina polusi i se tulaga ua āiāia ai po'o le aōfa'iga, po'o le faia o so'o-se galuega, e lē fa'asāina e lenei mata'upu po'o tulafono ua fa'amaonia e fa'atatau iai, e mana'omia ai le toe iloiloina e le ta'ita'ifono po'o le failautusi āoāo o le komisi.

(5) (16) "Tagata" o lona uiga o so'o se tagata, pisinisi pā'aga, pisinisi, asosi, fa'alāpotopotoga, koporesi a le mālō po'o tua, soāvaega po'o se vaega o le teritori, tausi tupe, esetete, po'o so'o se isi fa'alāpotopotoga fa'aletūlafono.

(17) "Mea e polusi ai" o lona uiga o otaota malō, toēga o mea na susūnuina, lafoa'i o falemamao, lāpisi, suāvaivale, au'upega, otaota o kemikale, otaota o mea mata'utia, mea tau i meaola, polusi o le ea, o mea e i ai ave susulu, suāu'u, ga'o, meafaigaluega ua fa'aleagaina pe ua lafoa'i, falefaigaluega, otaota a le atunu'u po'o isi otaota e lafoa'ina i totonu po'o luga o le 'ele'ele, ea po'o le vai. Ele'ele ua 'eliina, ma'a, oneone, palapala ma mea o fa'ato'aga ma, o ia fo'i mea o le a fa'atūlagaina ai se polusi pe afai e lafoa'i i vai o Amerika Samoa.

(18) "Fa'a'ele'eleaina" o lona uiga o le iai lea i le si'omaga o le ea i fafo le ea polusi, vai polusi, pe tasi pe sili atu i mea polusi i se aofa'iga o le a, pe e ona afaina ai le soifua o tagata po'o le manuia lautele, la'au po'o le ola o manu, po'o le fa'aōgaina po'o le fiafia o le olaga, meatotino, po'o le si'omaga.

(19) Mafua'aga o le fa'a'ele'eleaina" po'o "auala" o lona uiga o so'o se maota , fausaga, fale po'o le fa'atūina o se mea e mafai pē ōna mafai ona lafoa'ina mai pe fa'asalalauina mai ni polusi.

(20) "VPSUS" o lona uiga o le Vaega o le Puipuiga o le Si'omaga a le Iunaite Setēte.

(6) (21) "Vai o Amerika Samoa" e aofia ai vaitafe lāiti, vaitūloto, vailepa, vaitafe, vaifagaloa, taitafōla, pala, vai o fōlauga, vai i le ele'ele, vai i lalo o le ele'ele, ma vai i gataifale.

(7) (22) "Fa'a'ele'eleaina o le vai" o lona uiga o le i ai i le vai o otaota va'aia ōpeōpea, suāu'u, ga'o, otaota ese'ese, piapia po'o isi mea e va'aia ai le nenēfu po'o le fa'alūte e maua ai se faula'iga, po'o mea e maua ai se lanu, manogi po'o se tofo, pe mai iā i latou pe o le tu'ufa'atasiga, si'omaga fa'apitoa o meaola; po'o mea e maua ai meaola o le vai e lē mana'omia, po'o mea e o'ona pe fa'asoesā i tagata, meaola, la'au po'o meaola o le vai.

(e) Mo le fa'amoemoega o lenei mata'upu, e fa'aopoopo i pe fa'alautele ai pe toe suia ai se ~~mea e fa'aleagaina ai le ea po'o le vai~~ le auala e fa'a'ele'eleaina ai, po'o so'o se suiga tele i ai, o le a fa'auigaina o se fausiaina, fa'atūina, po'o le fa'avaeina o se auala fou e fa'a'ele'eleaina ai ~~le ea ma vai.~~"

Maga 2. 24.0104 ua suia e faitauina:

"24.0104 Fa'agaioiga o lenei mata'upu. Vaganā ua saunia fa'apatinoina mai:

(a) O le ta'ita'ifono o le komisi o le si'omaga 'au'aumamā e iai le avēga tau'ave mo le fa'agaioiina o lenei mata'upu.

(e) O le ta'ita'ifono o le a na fa'agaioia āiāiga o lenei mata'upu e tusa ma tulafono, poloa'iga, faiga tausisia a le komisi o le ea ma le vai mamā ma le fa'avasegaina.

(i) O le ta'ita'ifono e mafai ona tu'uina atu i so'o se tagata faigaluega o le komisi nisi o ana fatuaiga ma tiute e manatu e tatau mo le fa'agaioiga lelei ma le manaia o lenei mata'upu."

Maga 3. 24.0106 ua suia e faitauina:

"24.0106. Komisi o le si'omaga 'au'aumamā--Malosi ma tiute.

E fa'aopoopo i le isi malosi ma tiute ua fa'ae'eina atu ia'i e lenei mata'upu, ua fa'atagaina ma fa'atonuina le komisi e:

(1) fa'amaonia, suia ma soloia tulafono e fa'atino ai ma o gatasi ma lenei mata'upu.

(2) faia tauaofiaga e fa'atatau i so'o se vaega po'o se mata'upu mo le fa'agaioiga o lenei mata'upu, ma e feso'ota'i lelei, fa'amāopoopo le auai o molimau ma le aumaia o mau fa'amaonia;

(3) tu'uina atu poloa'iga e manatu e tatau e fa'ataunu'u ai fa'amoemoega o lenei mata'upu ma fa'amalosia ai e ala i tualumaga talafeagai tau pūlega ma fa'a-fa'amasinoga;

(4) talosaga le fa'aāogaina o fa'amaumauga e fa'atatau i le fa'asalalauina atu po'o le lafoa'ina e mafua ai, le fa'amata'uina e mafua ai, pe fesoasoani i le fa'a'ele'eleaina fa'aleagaina o le ea ma le fa'aaogaina o fa'amaumauga e fa'atatau i le lafoa'ina e mafua ai pe fesoasoani i le polusi o le vai;

(5) fa'amautūna tautua mana'omia fa'asaienisi, tomai fa'apitoa, pūlega ma galuega, e aofia ai fale o su'esu'ega, e ala i feagaiga pe ese mai ai;

(6) saunia ma fuafua se fuafuaga āuiliili po'o fuafuaga, e aofia ai tulafono o pūlega, mo le puipuiga, fa'aitiitiga ma le pūlea o le fa'a'ele'eleaina o le ea ma vai i le teritori;

(7) fa'amalosia le fegalegalea'i fuatiaifo o tagata ma vaega ua a'afia mo le 'ausiaina o le fa'amoemoe manuia o lenei mata'upu;

(8) fa'amalosia ma faia a'oa'oga, su'esu'ega ma sa'ili'iliga e fa'atatau i ma, ~~fa'aleagaina, fa'aeleleaina o le ea ma le vai,~~ ma isi ituaiga o fa'a'ele'elea ma o latou mafua'aga, malosi, puipuiga, fa'aititiga, ma le puleaina;

(9) fuafua e ala i su'esu'ega i matatā ma le su'esu'eina o se vaega o le ~~fa'aleagaina o le ea, fa'aeleleaina o le ea ma le vai~~ fa'a'ele'eleaina o lo'o i ai i le teritori;

(10) fa'atulaga tulafono tausisia o le ea ma le vai mo le teritori;

(11) fa'amāopopo ma fa'avasega fa'amatalaga ma faia a'oa'oga ma porokalama fa'amasani e fa'atatau i le ~~fa'aleagaina o le ea, fa'aeleleaina o le ea,~~ ma le vai fa'a'ele'elea i le teritori;

(12) fautua, feūtaga'i, osi-feagaiga ma galulue fa'atasi ma isi vaega o le Teritori, falegaosi ma le mālō feterale, ma isi tagata ma vaega e fia fesoasoani;

(13) feso'ota'i, talosagaina, ma so'o se tagata na te fausia, fa'atū, pe sa'ilia auala mo le ~~taofia o le fa'aleagaina o le ea po'o le vai~~ fa'a'ele'eleaina po'o mea faigaluega po'o ala o gaoiiga; e fa'atatau i so'o se fa'afitauli o le fa'a'ele'elea ~~ea po'o vai~~ mai lona pogai, se mea faigaluega po'o se ala o gaoiiga; e leai lava se mea i so'o se feūtaga'iga o le a fa'apea e ui-māgalo ai so'o se tagata mai i le usiusita'i i lenei mata'upu, tulafono ua fa'amalosia e fa'asino iai, po'o so'o se isi ~~āiāiga~~ āiāiga o le tulafono;

(14) Talia, maua, ma pulea foa'i tupe po'o nisi tupe po'o meaalofa tupe mai i le mālō po'o vaega tua, e aofia ai le mālō feterale, mo le fa'amoemoe o le fa'ataunu'uina o fatuaiga o lenei mata'upu;

(15) fa'atūlaga ma pulea, pei ona tatau ai, porokalama fa'ataga puleaina o le fa'a'ele'elea i le teritori atoa."

Maga 4 24.0107 ua suia e faitauina:

"24.0107 Āiāiga o le Pūleaina o le fa'asalalauina ma le lafoa'i.

O le komisi e mafai ona fa'atulaga āiāiga o le pūleaina o le fa'asalalauina ma le pūleaina o le lafoa'ia, e ala i tulafono, i lana fa'ai'uga e tatau ina ia puipui ai, fa'aitiitia ai, pe pūlea ai le fa'a'ele'elea ~~o le ea ma le vai~~. O ia āiāiga e mafai ona faia mo le teritori atoa pe 'ese'ese i lea nofoaga ma lea nofoaga, pe afai e talafeagai e fa'anatinati ai le fa'ataunu'uina o le fa'amoemoe o lenei mata'upu, ma le faitauina o ni tulaga 'ese'ese e ona tula'i mai i le lotoifale."

Maga 5. 24.0108 ua suia e faitauina:

"24.0108 Va'ava'aia ma le ripotiina ~~mea e fa'aleagaina~~ o polusi.

(a) O le komisi e mafai ona talosagaina lē e ōna po'o se tagata e fa'agaioia so'o se auala ~~e fa'aleagaina ai le ea po'o le vai~~ e fa'atulaga, ma tausia, ma tu'uina atu fa'amaumauga, saunia ripoti, fa'atū, fa'aāoga, ma tausia ia mea faigaluega e su'esu'e ai po'o mētotia, fa'ata'ita'iga e pei o le fa'asalalauina po'o le lafoa'iina e tusa ma metotia ma i nofoaga ma va o le a fa'aiiloa atu e le komisi, ma ia tu'uina atu ia fa'amatalaga i le komisi e tusa ai ma mana'oga talafeagai a le komisi.

(e) O le komisi e mafai ona talosagaina lē e ōna po'o le tagata e fa'agaioia so'o se auala tūmau o polusi lafoa'i ~~le ea po'o vai~~ ina ia fa'atulaga se mea faigaluega po'o se masini e faia su'esu'ega o mafua'aga ma tausia fa'amaumauga e fa'atonuina e le komisi, ma tu'uina atu ripoti i vaiataimi e atofaina i le tulaga ma le aofa'iga o ia lafoa'i i le komisi."

Maga 6. 24.0109 ua suia e faitauina:

“24.0109 Fa’amaumauga e lē fa’alaua’iteleina--Fa’agafua--Fa’aaogaina e le malo.

(a) So’o se fa’amaumauga, ripoti po’o se fa’amatalaga e maua i lalo o le ~~24.0108, 24.0131, 24.0133~~ ma le 24.0134 e le komisi o le a avea ma fa’amatalaga a le malo ma e avanoa mo le lautele mo su’esu’ega, vaganā ai ua fa’amalieina le komisi e so’o se tagata o lēnā fa’amaumauga, ripoti, fa’amatalaga po’o se vaega fa’apitoa, e ‘ese ai fa’amaumauga o le fa’asalalaulauina po’o le lāfoa’ia, e fa’aaogaina e le komisi o le a i lalo o le ~~24.0108, 24.0131, 24.0133~~ ma le 24.0134 pe afai e fa’alaua’itele, e le a fa’ailoa le gaosiga po’o le fuainumera o fa’atauga, po’o metotia, taualumaga, po’o fa’atupula’ia e ‘ese mai ai i lēnā tagata, pē o le a ona afaina, ese mai ai le tulaga fa’atauva o lēnā tagata i le fa’aalia o fefa’ataua’iga nātia, o le a iloiloaina e le komisi ia fa’amaumauga, ripoti, fa’amatalaga, po’o lona vaega ma’oti e lē fa’alaua’iteleina. ~~i le fa’agaioiga o lenei mata’upu. O le fa’a’upuga o se pemitā e tu’uina atu e tusa ma lenei mata’upu o le a lē agava’a i se puipuiga e lē fa’alaua’iteleina.~~

(e) E leai se mea i lenei maga e mafai ona fa’apea e puipui ai le fa’aaogaina o ia fa’amaumauga po’o fa’amatalaga e le komisi i le tu’ufa’atasia po’o le lomia fa’alaua’itele o su’esu’ega po’o ‘oto’otoga e fa’atatau i le tulaga lautele o le ea i fafo; pe afai, o ia su’esu’ega po’o ‘oto’otoga o le a fa’ailoa atu ai so’o se tagata e ōna pe se tagata e fa’agaioia pe fa’ailoa atu ai so’o se fa’amatalaga e lē fa’alaua’iteleina i lalo o lenei maga.

(i) e leai se mea i lenei maga e mafai ona fa’apea e puipuia ai le fa’ailoaina atu o ia ripoti, fa’amaumauga po’o fa’amatalaga i sui o le feterale, teritori po’o le lotoifale pe a tatau ai mo fa’amoemoega o le pūleaina o so’o se tulafono e pūlea ai le fa’a’ele’eleaina o le ea po’o le vai lotoifale, pe afai e alagātatau i so’o se taualumaga i lalo o lenei mata’upu.”

Maga 7. 24.0110 ua suia e faitauina:

"24.0110 Fa'apupūlaga o le mata'upu.

E leai se mea i lenei mata'upu e mafai ona fa'auigaina:

(1) tu'uina atu i le komisi so'o se mālosi po'o se pule e fa'atatau i le fa'aleagaina fa'a'ele'eleaina o le a fa'apitoa i totonu o falegaosi tau fefa'ataua'iga ma gaosi mea, galuega po'o fale'oloa;

(2) taualoa le faia i le va o pisinisi ma tagata faigaluega e fa'atatau i pe tula'i mai i so'o se tulaga o le fa'aleagaina o le ea po'o le fa'a'ele'eleaina o le ea.

(3) ~~suitulaga~~ pe fa'atapula'a le fa'aaogaina o so'o se tulafono e fa'atatau i le tumamā, soifua mālōlōina o galuega po'o le saogalemū;

(4) 'oto'oto, fa'atapula'a, fa'aleāgaina, fa'avae, fa'alautele, pe afaina tele po'o o taualumaga. ~~lē āiā o so'o se tagata e fa'aleagaina pe fa'agafua~~ e mafua ona o se manu'a i se tagata po'o meatotino, po'o le fa'atumauina o so'o se tagi po'o nisi taualumaga e talafeagai ai."

Maga 8. 24.0115 ua suia e faitauina:

"24.0115 Pemita o mafua'aga mautu o le fa'aeleleaina o le ea.

(a) O le komisi e mafai ona fa'atulaga ma fa'agaioia se ~~faiga~~ porokalama e aofia ai le teritori atoa ma, i lalo o lea āiāiga o le a mana'omia ai se pemita mo le fausiaina, toefausiaina, ~~ma le fa'agaioiga o~~ po'o le suia i auala fou ma le ōgoōgo o lo'o iai nei ua fa'amautūina o le fa'a'ele'eleaina o le ea ma auala lē mautū o le fa'a'ele'eleaina fa'amata'u po'o suiga i auala o lo'o i ai nei. I lalo o lenei porokalama e mafai fo'i e se pemita ona mana'omia ai mo mafua'aga e lē mautū nisi mea uma e fa'a'ele'eleaina. O pemita e tu'uina atu i mafua'aga tāua mautū o fa'a'ele'eleaina o le ea ma mafua'aga lē tāua mautū o le fa'a'ele'eleaina

tau fa'amata'u o le ea e mana'omia ona usiusita'i i aiāiga patino uma a le feterale ma ia aofia ai le su'esu'eina, fa'amaumauina i tusi ma aiāiga tāua o le ripoti ina ia mautinoa ai o lo'o fa'apea ona o gatasi ma aiāiga patino a le feterale. O fa'amutaga uma o pemitā, pūleaina po'o aiāiga i lalo o lenei porokalama o le atumau, fa'amatalaina i lona aofa'iga ma ia fa'amalosia e pei o se mea e mafai ona fa'atinoaina.

(e) O le pule ua fa'ae'eina atu i le komisi e aofia ai le malosi e tolopō ai pe taofia so'o se fausiaina, toefausiaina, suia, po'o le fa'agaioiga o mafua'aga o fa'asalalauina atu o le fa'a'ele'eleina o le ea e, i le manatu o le ta'ita'ifono failautusi āoāo e mafai ona mafua ai le si'itia o le tulaga o le fa'a'ele'eleina o le ea i se nofoaga o le fausiaina, suiga po'o le fa'agaioiga e sili atu i tapula'a mo le lōfia o le si'omaga ua fa'atulagaina e le Fuafuaga Fa'atino a le Teritori o Amerika Samoa ua fa'alauiloaina e tusa ai ma le Tulafono o le Ea Mamā e pei ona suia (42 U.S.C 1875 7401 ma isi) po'o le fea e, i le manatu o le ta'ita'ifono failautusi āoāo, solia so'o se aiāiga o le fuafuaga o le fa'aaogaina o fanua ua aiāia e le Fuafuaga Fa'atino a le Teritori o Amerika Samoa."

Maga 9. Ua fa'avaeina se maga fou 24.0116 e faitauina:

"24.0116 Pemitā o mafua'aga mautū o le fa'a'ele'eleina o le ea--tau fa'ae'e

(a) O le failautusi aoao o le a na fa'atulagaina tau fa'ae'e mo pemitā e tu'uina atu e tusa ma lenei mata'upu e tologi e le tagata talosaga i fua ma lisi o taualumaga ua aiaia e le komisi.

(e) O tupe uma e aoina o tau fa'ae'e o le a teuina i le Teugatupe o Mafua'aga Mautu o le Fa'a'ele'eleina o le Ea ua aiaia e tusa ma le maga 24.0117. O tau fa'ae'e o le a aiaia i se fua e mautinoa ai e lava le tupe i le

Teugatupe e lagolago ma fa'agaoioi lelei ai le porokalama o le pemitā ua fa'atuina e tusa ma le 24.0115."

Maga 10. Ua fa'avaeina se maga fou 24.0117 e faitauina:

"24.0117 Teugatupe o le Fa'amautuina Mafua'aga o le Fa'aeleeleaina o le Ea.

Ua fa'avaeina se teugatupe e fa'aigoaina o le Teugatupe o le Fa'amautuina o Mafua'aga o le Fa'aeleeleaina le Ea ma o le a tausia fa'apitoa ma e 'ese mai so'o se isi teugatupe a le Malo o Amerika Samoa, ma o le a pulea e le failautusi aoao. Fa'amaumauga tuma'oti ma tala o tupe o le a tausia e o'gatasi ma lea aiaiga. O tau fa'ae'e uma o le a fa'asalalauina atu, salatupe, fa'asalaga, motusia le aiā i le tupe fa'asa'oloto, ma isi tupe e aoina pe mauaina e tusa ma lenei mata'upu ma o le a teuina i le Teugatupe o Mafua'aga o le Fa'amautuina o le Fa'aeleeleaina o le Ea ma lona fa'aaogaina mo tau sa'o pe fa'atafatafa o le puleaina ma le fa'atinoga o le porokalama o pemitā ma tau e fa'atatau i ai, ma mo le fa'afaigaluegaina o tagata ma mea mana'omia e fesoasoani ai tagata talosaga o pemitā i taualumaga o talosaga; toeiloilo ma galulue i talosaga o le pemitā; tusiaina o pemitā; fa'ataunu'u ma fa'amalosia aiaiga o pemitā e aofia ai fesoasoani fa'aletulafono; saunia ta'iala ma tulafono; saunia lisi o fa'asalalauga ma su'esu'e le lelei o le ea; asiasi fale ina ia mautinoa o lo'o usita'i ma o'fo atu fesoasoani i ala fa'aopoopo e puipeia ai le polusi; saunia fesoasoani tomā fa'apitoa mo tagata e fai pemitā; pulea le Teugatupe, ma fa'ataunu'u so'o se isi tiute e mana'omia e pulea ai le porokalama o pemitā."

Maga 11 24.0116 ua suia ma toe fa'anumeraina e faitauina:

~~"24.0116~~ 24.0118 Pemitā mo mafua'aga o le fa'aeleeleaina ~~o e ea ma le vai,~~
po'o meafaigaluega e fesoasoani pe fuafuaina mo le puipuia
o le polusi.

(a) O le komisi e ala i tulafono o le a na fa'asāina le fausiaina, toe fausiaina pe suia o so'o se auala fou po'o i ai nei o le polusi ~~o le ea ma le vai,~~ poo le fa'atuina, suiga, po'o le fa'aaogaina o so'o se meafaigaluega, masini po'o se isi mea ua iloa e mafai ona mafua pe fesoasoani i le polusi ~~o le ea po'o le vai~~ pe ua fuafuaina fa'apitoa e puipuia pe pulea ai le fa'asalalauina atu ~~o le polusi o le ea~~ po'o le lafoa'ia o ~~vai~~ mea e polusi ai vagana se pemitā mo lea tulaga ua maua mai le komisi.

(e) ~~E~~ leai O se tagata e ~~mafai e lē mafai~~ ona fausia, toefausia pe suia so'o se mafua'aga fou pe o i ai nei o le polusi ~~o le ea po'o le vai,~~ pe fa'atu, sui pe fa'aaoga so'o se meafaigaluega, masini po'o se isi mea ua fa'asinoina ma'oti e le tulafono, e agava'a e mafua ai pe fesoasoani i le polusi ~~o le ea po'o le vai,~~ e aunoa ma se pemitā mai le komisi, po'o le solia o so'o se aiaiga ua fa'ae'eina atu i ia pemitā."

Maga 12. 24.0117 ua suia ma toe fa'anumeraina e faitauina:

~~"24.0117~~ 24.0119 Pemitā--Talosaga.

(a) Talosaga mo pemitā o le a tu'uina atu i le komisi i pepa o talosaga o pemitā ua sauniaina mo tagata talosaga e le komisi.

(a) (e) O le komisi e mafai ona mana'omia talosaga o pemitā ina ia aumaia fa'atasi ma fuafuaga fa'ataunu'uina, ma fa'amaoniga, ma isi fuafuaga, auiliiliga, su'esu'ega o tala fa'amaumau, ma ia so'o se isi fa'amatalaga e manatu le komisi e tatau e mana'omia e iloaitino ai le mafua'aga, tulaga o le lafoa'ia po'o le fa'asalalauina, ma le palapala, vai po'o le ea le a'afiaga lelei e iloilo ai pe mata o

le fa'atuina, suiga po'o fa'agaoioiga taufa'aofi o le a ogatasi ma tulafono talafeagai ma tulafono tausisia.

(i) O pemitā o mafua'aga o le fa'amautuina o le polusi o le ea po'o talosaga fa'apea e tu'uina atu i se mafua'aga tele po'o se mafua'aga e le ogoogo o le PFA o le a a'afia i le va'ava'aiga a le feterale. O le komisi o le a na tu'uina atu kopi o ia pemitā o talosaga i le USEPA i totonu o aso e 10 na tauaao ai le talosaga o le pemitā atoa ma o le a foia ai popolega uma o le USEPA ae le'i tu'uina atu se pemitā.

(o) Vagana ai pemitā o lo'o talosagaina o suiga e manatu le failautusi aoao o ni mana'oga laiti, mo talosaga ta'itasi, toefa'afouina, pe suiga o se pemitā e ana se vaega tele po'o se vaega itiiti o le PFE, o le a saunia e le failautusi aoao mo se fa'aaliga i le lautele, se avanoa mo fautuaga a le mamalu lautele, ma se avanoa mo iloilo lautele e tusa ma le maga 24.0120."

Maga 13. Ua fa'avaeina se maga fou 24.0120 e faitauina:

"24.0120 Pemitā o le fa'amautuina o mafua'aga o le polusi o le ea--Auai o le lautele.

(a) Afai e manatu le failautusi aoao e talafeagai ai le auai o le mamalu lautele, pe mana'omia fo'i e le tulafono, o le a ia fa'ailoa atu i le lautele le avanoa i se tasi o nofoaga o fa'amatalaga uma o se mata'upu e fia talanoaina, e aofia ai fa'amatalaga uma e tu'uina atu e le tagata talosaga, vagana ai fa'amatalaga e le fa'alaua'iteleina, o le ulua'i pemitā a le komisi ma le su'esu'ega a le komisi, ma so'o se isi fa'amatalaga e talafeagai. O lea fa'aaliga o le a meli atu i so'o se tagata e i ai le naunauta'i pe a talosagaina ma o le a fa'asalalauina i se nusipepa o fa'asalalauga lautele e lomia ma tu'uina atu fa'alua i le vaiaso.

(e) O le a fa'atulagaina e le komisi se piriota e lē itiiti ifo i le tolusefulu (30) aso pe a mavae le aso o le fa'aaliga lautele ma i lea vaitaimi o tagata e fia a'afia ai e mafai ona tu'uina atu fautuaga tusitusia i le mata'upu e fia talanoaina, talosaga o pemitā, o le su'esu'ega a le komisi ma le ulua'i pemitā, ma isi filifiliga talafeagai. O le piriota mo fautuaga e mafai ona fa'aopoopoina i le faitalia to'atasi a le failautusi aoao.

(i) O le failautusi aoao, i lana faitalia, e mafai ona faia se tauaofiaga lautele pe afai o lea iloiloga o le a fesoasoani i le faia o se fa'ai'uga o le pemitā. So'o se tagata e mafai ona talosagaina se iloiloga lautele. O talosaga o le a tusitusia ma o le a failaina i totonu o aso e tolusefulu (30) o le piriota ua fa'amatalaina i le parakalafa (e) ma ia fa'aailoa ai le naunauta'iga o se itū ua failaina le talosaga ma mafua'aga, ai se ua fa'amaoniaina ai le faia o se iloiloga. O le failautusi aoao o le a na lomia se fa'aaliga fa'alaua'itele mo se iloiloga lautele i aso e tolusefulu ae le'i o'o i le aso o le iloiloga."

Maga 14. 24.0118 ua suia ma toe fa'anumeraina e faitauina:

"24.0118 24.0121 Pemitā--Tu'uina atu

(a) Mo le fa'atumauina o mafua'aga fou ma o lo'o i ai nei o le polusi o le ea ma mafua'aga e lē ōgoōgo FPE, i totonu o aso e 90 o le 12 masina pe a taua'aina so'o se talosaga atoa o le pemitā, o le a tu'uina atu e le komisi lea pemitā vagana ai ua iloiloaina o le fausiaina taufa'aofi, toefausiaina, fa'agaoioiga po'o le suia e lē ogatasi ma lenei mata'upu po'o tulafono ma poloa'iga ua fa'alauiloaina i lalo o lenei mata'upu, i lea tulaga o le a tu'uina atu se poloa'iga mo le taofia o lea fausaga, toefausiaina, fa'agaoioiga po'o le suiga.

(e) Mo mafua'aga e lē ōgoōgo fou ma o lo'o i ai nei o le polusi o le ea ma isi mafua'aga o le polusi, o le a tu'uina atu e le komisi se pemitā i totonu o

aso e 90 vagana ai e fuafuaina e le komisi e fa'apea o le fausiaina, toefausiaina, fa'agaioiga, po'o le suiga o le a fete'ena'i ma lenei mata'upu po'o tulafono ma poloa'iga ua aiaia e tusa ai.

(i) O le komisi e mafai ona fa'apipi'i i se pemitā so'o se aiaiga talafeagai e manatu, i le faitalia a le ta'ita'ifono po'o le failautusi aoao, o le a mauiinoa ai le tausisi i tulafono ma faiga tausisia ua fa'amaoniaina e tusa ma lenei mata'upu.

(o) E leai se tulaga o le a tu'uina atu ai se pemitā o le fa'amautuina o mafua'aga o le polusi o le ea e tusa ma lenei mata'upu e sili atu i le lima (5) tausaga le umi."

Maga 15. 24.0119 ua suia ma toe fa'anumeraina e faitauina:

"24.0119 24.0122 Pemitā--Te'ena--Iloiloga ma fa'ai'uga.

E fa'aopoopo i so'o se isi fofu avanoa e se i le tu'uina atu o so'o se poloa'iga o le fa'asāina o so'o se fausaga, toefausiaina, fa'agaioiga po'o le suiga, ma ae le'i fa'alēaogaina so'o se fofō, o se tagata po'o tagata ua afaina ai o le a, pe afai e talosagaina e tusa ma le tulafono a le komisi, agava'a i se iloiloga i lea poloa'iga. Pe a mavae lea iloiloga, e mafai ona fa'amaonia, suia pe fa'alēaogaina."

Maga 16. Ua fa'avaeina se maga fou 24.0123 e faitauina:

"24.0123. Pemitā--Iloiloga fa'afa'amasinoga.

O le tagata talosaga ma so'o se tagata na auai i taualumaga i le faufautuaga lautele, pe afai e fa'atulagaina, e mafai ona sa'ilia se toeiloiloina i le fa'amasinoga o lenei Teritori mo se gaioiga fa'ai'u i le tu'uina atu o se pemitā,

suiga tāua, po’o le toefa’afouina o le talosaga. O lenei tulaga e fa’aopoopo i le toeiloiloina e le fa’amasinoga o lo’o avanoa i lalo o le 24.0160.”

Maga 17. 24.0120 ua suia ma toe fa’anumeraina e faitauina:

~~“24.0120~~ 24.0124 Pemita--Tausiga o mea e tu’uina atu mo talosaga.

So’o se mea faigaluega, masini po’o mea e fa’agaoioi ai e aofia ai ni vaega pe ua mana’omia mo fuafuaga, tulaga ma’oti po’o isi fa’amalamalama ua tu’uina atu e tusa ai ma le ~~24.0117~~ 24.0119 ua tausia ina ia ola lelei.”

Maga 18. 24.0121 ua suia ma toe fa’anumeraina e faitauina:

~~“24.0121~~ 24.0125 Pemita-Toefa’afou, taofia letumau, fa’amutaina, suia pe fa’alēaogaina.

O le komisi o le a na saunia, e fa’avae i tulafono, mo le fa’amutaina, toefa’afouina, taofia lē tumau, toe fa’aavanoaina, suia pe ma fa’alēaogaina ma toe tu’uina atu o so’o se pemita e mana’omia e tusa ma le 24.0115 e o’o i le ~~24.0123~~ 24.0127.”

Maga 19. 24.0122 ua suia ma toe fa’anumeraina e faitauina:

~~“24.0122~~ 24.0126 Komisi e lē fa’atagaina e fa’ama’oti meafaigaluega.

E leai se mea i totonu o le 24.0115 e o’o i le ~~24.0123~~ 24.0127 o le a fa’auigaina e fa’ataga ai le komisi ona mana’omia le fa’aaogaina o vaega o masini, masini fa’apitoa po’o meafaigaluega mai se kamupani sapolai fa’apitoa pe gaosia e le falegaosi fa’apitoa pe afai o taualumaga masani e mana’omia mo le fa’ataunu’uina e mafai ona ‘ausia e se vaega o masini, masini fa’apitoa, po’o meafaigaluega avanoa.”

Maga 20. 24.0123 ua suia ma toe fa'anumeraina e faitauina:

"~~24.0123~~ 24.0127 Oगतasi ma tulafono.

O le lē i ai po'o le lē tu'uina o se tulafono po'o se poloa'iga e tusa ma leinei maga o le a fa'agafua mai so'o se tagata mai le usita'i i aiaiga o so'o se fa'asalalauina atu po'o le pulea o le lafoa'ia po'o so'o se isi lava aiaiga o le tulafono."

Maga 21. 24.0130 ua suia e faitauina:

"24.0130 Su'esu'eina o tulaga o femalaga'iga.

O le komisi e mafai ona fa'ataunu'uina se porokalama o le asiasia ma su'esu'eina o tulaga uma o femalaga'iga, ina ia u'una'ia ai fuafuaga e patino i faiga tausisia o le fa'asalalauina pe afai e tatau ai ma e ma'oti ma ia pulea pe fa'atapula'a ai le fa'agaoioiga o ta'avale afi ma isi itua'iga o femalaga'iga pe afai i le manatu o le ~~ta'ita'ifono~~ o le komisi failautusi aoao o ia ituaiga o femalaga'iga e mafua ai pe o'o ai i se fa'amata'uina vave o le aumaia o tulaga e le mana'omia o le polusi o le ea."

Maga 22. 24.0131 ua suia e faitauina:

"24.0131 Asiasiga o fale ma isi nofoaga.

So'o se ali'i/tama'ita'i ua fa'atagaina aloaia, tagata faigaluega po'o sui o le komisi e mafai ona ulufale atu ma asiasi, i itula talafeagai, so'o se fale po'o nofoaga, vagana ai se fale ua fuafuaina fa'apitoa mo ma le fa'aaogaina fa'apitoa mo se maota tua, mo le fa'amoemoe e su'esu'eina se mafua'aga tonu, pe masalomia po'o le i ai o se mafua'aga o le polusi ~~o le ea po'o le vai~~ ma le fa'amaoniaina o le usita'i po'o le lē usita'i i leinei mata'upu ma tulafono ma poloa'iga ua tu'uina atu e fa'atatau i ai."

Maga 23. 24.0134 ua suia e faitauina:

"24.0134 Su'esu'ega ma vaega o su'esu'ega-- Avega ta'uave a lē ona po'o tagata e fa'agaoioia

(a) O le komisi e mafai ona faia su'esu'ega ma iloilo fa'ata'ita'iga o ~~mea e fa'aleagaina ai le ea ma vai~~ mea moni pe masalomia le polusi, malosi, mea gaosi, po'o isi mea e afaina pe mafai ona afaina ai le fa'asalalauina pe lafoa'ia ~~fa'aeleeleaina o le ea po'o le vai~~ o mea e polusi ai mai so'o se mafua'aga.

(e) Pe a talosagaina e le komisi, o le tagata lea e feagai ma le mafua'aga e fia su'esu'eina o le na saunia pe mana'omia i fa'aputuga, alaasu po'o paipa, ma isi fa'ata'ita'iga saogalemu ma talafeagai ma fale e su'esu'e ai, e le faitauina ai meafaigaluega ma masini e iloa ai, e mana'omai mo le fuafuaina lelei o le fa'asalalauina po'o le lafoa'ia ~~o le ea po'o vai eleelea o mea e fa'aeleelea ai.~~

(i) Afai o se tagata faigaluega ua fa'atagaina o le komisi, a'o feagai ai ma taualumaga o lana su'esu'ega, maua se vaega o lea su'esu'ega ~~fa'aleagaina o le ea po'o le vai~~ o so'o se mea e fa'aeleeleaina, malosi; mea gaosi po'o isi mea, o le a na tu'u atu i le ona po'o le fa'agaoioia lea meafaigaluega po'o le fale o le paoa se risiti mo lea vaega o le su'esu'ega na ia mauaina.

(o) O le komisi e mafai ona fa'atouina le ona po'o le tagata e fa'agaoioia so'o se ala e tu'uina atu pe lafoa'ia mea e fa'aeleeleaina ai ina ia fa'atu meafaigaluega e su'esu'e ai po'o masini, e su'esu'e ia su'ega ma ia aoina vaega o su'esu'ega.

Maga 24. 24.0140 ua suia e faitauina:

"24.0140 Laisene--Talosaga--Fa'agafua.

(a) Vagana ai ua fa'atulagaina i le soamaga (i), Sso'o se tagata e ona e ia po'o le o lo'o ona pulea so'o se falegaosi, fale, fausaga, fa'atulagaga, taualumaga, po'o se meafaigaluega e mafai ona talosaga i le komisi mo se laisene mai tulafono po'o poloa'iga.

(e) O se laisene, po'o le fa'afouina o se laisene, o le a le avea o se aiā o le tagata-talosaga po'o se umia ae o le a i le faitalia a le komisi.

(i) O le a le talosagaina e se tagata mo se, pe o le a tu'uina atu e le komisi, se laisene mai so'o se aiaiga fa'afeterale po'o mai so'o se tulafono o porokalama o pemitā o auāla fa'atulagaina o le polusi o le ea po'o poloa'iga ua fa'amaoniaina e tusa ma le 24.0115 ma lenei mata'upu."

Maga 25. 24.0143 ua suia e faitauina:

"24.0143 Laisene--Tapula'a.

So'o se laisene po'o lona fa'afouina o le a usita'i i tapula'a ua fa'aalia i lalo:

(a) Afai o le laisene ua tu'uina atu i le tulaga e leai ni uiga aoga ua iloaitino po'o avanoa mo le puipuia lelei, fa'aitiitiina, po'o le puleaina o le polusi o le ea po'o le vai-ua a'afia ai, o le a tulaga ai fa'apea se'ia o'o ina iloaitino ma avanoa tulaga mana'omia mo le puipuiga, fa'aitiitiina po'o le puleaina, ma e a'afia i fa'aaogaina o so'o se fuafuaga e sui ai pe lagolagoina e mafai ona tolaulauina mai e le komisi.

(e) Afai o le laisene ua tu'uina atu i le tulaga e fa'apea o le usita'i i aiaiga fa'apitoa po'o aiaiga o lo'o sa'ilia e le laisene o le a mana'omia ai le fa'aaogaina o fuafuaga ma o le a, ona o le tele o vaega taua po'o le tau, e tata ai ona fa'asoasoina i ni vaitaimi, o le a fa'ataunu'uina mo se piriota e le sili atu i taimi atofaina e pei, i le manatu o le komisi, e mana'omia ai le uia o fuafuaga

tatau. O se laisene ua tuuina atu i le tulaga lenei o le a aofia ai taimi fa'atulagaina mo le fa'ataunu'uina o gaoioiga i se tulaga e fa'ataunu'uina vave ai ma o le a aiaia i tu'utu'uga o le usita'i lea i taimi fa'atulagaina.

(i) Afai o le laisene ua tu'uina atu i le tulaga ua fa'amaonia ai e fa'aagafua pe puipui ai fa'afitauli o se ituaiga e 'ese mai i se tulaga ua aiaia mai i soamaga (a) ma (e), o le a aiaia ai e le sili atu nai le tausaga e 1."

Maga.26. 24.0154 ua sua e faitauina:

"24.0154 Poloa'iga fa'afuase'i, iloiloga, ma i'uga.

(a) E lē afaina ai so'o se isi aiaiga o lenei mata'upu, afai ua silafia e le ta'ita'ifono po'o le failautusi aoao a le komisi e fa'apea o se tulaga lautele o le polusi ~~o le ea po'o vai~~ ua i ai po'o ua salalau po'o lafoa'ia i se mafua'aga e tasi pe sili atu o le fa'aleagaina ~~o le ea po'o le vai~~ polusi ua tula'i mai ai se fa'amata'uina iloga i le soifua maloloina o tagata ~~ma le saogalemu manuia lautele, po'o le si'omaga~~ ina ia fa'atulaga se tulaga fa'anatinati e mana'omia ai se gaoioiga fa'anatinati e puipui ai le soifua maloloina o tagata, ~~po'o le saogalemu manuia lautele, po'o le si'omaga,~~ o le ta'ita'ifono po'o le failautusi aoao fa'atasi ai ma le malie o le Kovana, o le a poloa'ina tagata ua mafua ai pe ua tu'uina atu le polusi ~~o le ea po'o le vai~~ ina ia fa'aititia pe taofia vave le fa'asalalauina atu po'o le lafoa'ia ~~mea e fa'aleagaina le ea po'o le polusi o le ea o mea e polusi ai,~~ ma o lenā poloa'iga o le a fa'atulaga ai se nofoaga ma le taimi e lē sili atu nai le 24 itula pe a taua'aoina mo se iloiloga e faia i luma o le komisi.

(e) E lē sili atu nai le 24 itula pe a mae'a le amataina o sea iloiloga, ma ae le'i faia lana malōlōga mo se taimi, o le a na fa'amaonia, sua, pe tu'u 'ese le poloa'iga a le ta'ita'ifono po'o le failautusi aoao."

Maga 27. 24.0155 ua suia e faitauina:

"24.0155. Poloa'iga e taofia fa'anatinati.

E lē afaina ai so'o se isi aiaiga o lenei mata'upu, o le komisi, pe a na taua'aoina se fa'amaoniga o se mafua'aga o le polusi po'o le tu'ufa'atasiga o mafua'aga ua iloaitino le tu'uina atu ma le iloga le fa'amata'uina o le soifua malōlōina ma le manuia lautele o tagata po'o le si'omaga, e mafai ona aumaia se tagi ina ia taofia vave so'o se tagata ua mafua ai pe ua tu'uina'atu lea polusi."

Maga 28. 24.0166 ua suia e faitauina:

"24.0166 Polusi o le ea--Fa'asalaga.

(a) O se tagata na te solia so'o se aiaiga o lenei mata'upu, po'o so'o se tulafono ua fa'amalosia e fa'atatau i ai, e feso'ota'i ma le fa'asalalauina atu o mea e fa'aleagaina ai o mea e fa'a'ele'eleaina ai le ea, tulaga o pemitā o mafua'aga e fo'ia ai le polusi o le ea, tau fa'ae'e ma failaina o mea mana'omia, asiasiga, gaoioiga o le ulufale po'o su'esu'ega, po'o so'o se poloa'iga ua tu'uina atu e le failautusi aoao, le komisi po'o ona sui fa'atagaina, o le a nofosala o se solitulafono maualalo ma e fa'asalaina e tusa ai ma e a'afia ona o lea tulaga e totogi atu se salatupe e lē sili atu i le \$10,000 mo soligatulafono ta'itasi. O aso ta'itasi o soligatulafono e fa'atulagaina o moliaga 'ese'ese.

(e) E fa'aopoopo i so'o se isi mapusaga ua fa'atulagaina i lenei mata'upu, o le failautusi aoao ua fa'atagaina e fa'ae'e atu e ala i fa'asalaga o poloa'iga tau pulega mo soligatulafono o lenei mata'upu po'o so'o se aiaiga o pemitā po'o poloa'iga ua fa'amalosia e fa'atatau i ai ma e lē sili atu i le \$10,000 i le aso mo moliaga 'ese'ese ta'itasi. O se fa'asalaga tau pulega o le a fa'ae'eina atu e aunoa ma le mua'i tu'uina atu i lē ua tu'uaina i se soligatulafono se fa'aaliga

ma le avanoa mo se iloiloga e tusa ma aiaiga o le Tualfono o Tualuamaga o Puega, TTAS 4.1001 ma isi.

(i) So'o se tagata na te solia ma le iloa o so'o se tulafono fa'ataga o mafua'aga o fofō o le ea polusi ua fa'amaonia e le komisi e tusa ma lenei mata'upu, e aofia ai so'o se aiaiga i se pemitā po'o so'o se tau fa'ae'e po'o le failaina mana'omia, o le a nofosala o se soligatulafono mamafa ma e fa'asalaina i se salatupe e lē sili atu i le sefulu-afe tala (\$10,000) i le aso po'o le nofo i le to'ese mo le umi e lē sili atu i le 2 tausaga, po'o fa'asalaga uma e lua, mo solitulafono ta'itasi.

(o) So'o se tagata e faia ma le iloa so'o se fa'amatalaga sesē ōgoōgo, tu'uina atu po'o se fa'amaoniga i luga o so'o se pepa po'o i so'o se fa'aaliga po'o se ripoti e mana'omia i se pemitā, po'o o se ua tu'uina atu le tonu ma le iloa so'o se fuafuaga su'esu'eina mana'omia po'o se metotia mana'omia e le komisi e tausia i lalo o lenei mata'upu po'o tulafono ua fa'amalosia e tusa ai, o le a nofosala o se soligatulafono mamafa ma e fa'asalaina i se salatupe e lē sili atu i le sefulu-afe tālā (\$10,000) i le aso po'o le nofo i le falepuipui mo se taimi e lē sili atu i le 2 tausaga, po'o fa'asalaga uma e lua, mo soligatulafono 'ese'ese ta'itasi.

(u) O le avega tau'ave o le fa'amaoniaina po'o se tulaga o le malamalama po'o se fa'amoemoe e mana'omia i lalo o tulafono a lenei Teritori mo le fa'amautuina o soligatulafono i lalo o lenei maga o le a lē sili atu nai le avega tauave po'o se tulaga o le malamalama po'o le fa'amoemoe mana'omia e le Tulafono o le Ea 'Au'aumamā, e pei ona suia, 42 U.S.C 7401 ma isi.

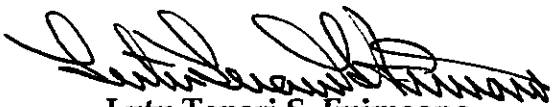
(f) O se fa'asalaga sivili po'o salatupe o soligatulafono mamafa e iloiloina pe malilie fa'atasi i ai le komisi i lalo o lenei maga o le a fuafuaina ai le soligatulafono.

(g) O so'o se sala tupe ma fa'asalaga uma e aoina i lalo o lenei maga o le a teuina i le Teugatupe Fa'apitoa o Mafua'aga Fofoina o le Ea Polusi ua fa'atulagaina e tusa ma le 24.0117."

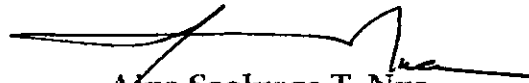
Maga 29. 24.0167 ua suia e faitauina:

"24.0167 Polusi o le vai--Fa'asalaga.

So'o se tagata e na te solia so'o se aiaiga o lenei mata'upu, po'o so'o se tulafono ua fa'amalosia e fa'atatau i ai, e feso'ota'i ma le lafoa'ia o mea e polusi ai le vai, o le a nofosala o se soligatulafono maualalo ma afai e nofosala ai, o le a fa'asalaina e tusa ai, e totogi se salatupe e le sili atu nai le lima-selau talā (\$500) mo mua'i soligatulafono 'ese'ese ta'itasi, ma e le sili atu nai le tasi-afe tala (\$1,000) mo soligatulafono māvaevae ta'itasi. O aso ta'itasi o soligatulafono e fa'atulagaina o moliaga 'ese'ese māvaevae."




Lutu Tenari S. Fuimaono
PERESETENE, MAOTA MAUALUGA



Aina Saoluaga T. Nua
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 30th day of March, 2000


Governor of American Samoa