

FSMC, TITLE 25. ENVIRONMENTAL PROTECTION

Subtitle I: Trust Territory Environmental Quality Protection Act

Chapter 1: General Provisions

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§ 101. Short title.

This title may be cited as the “*Trust Territory Environmental Quality Protection Act.*”

Source: COM PL 4C-78 § 1; TT Code 1980, 63 TTC 501.

Cross-reference: The statutory provisions of the FSM Environmental Protection Act are found in [chapters 5 to 7 of this title](#).

Editor’s note: Chapters 1 through 4 of this title were designated subtitle I at the time of the first cumulative supplement in order to distinguish the Trust Territory provisions they encompass from the Federated States of Micronesia Environmental Protection Act, which is [codified in chapters 5 through 7](#). For provisions on transition from subtitle I to subtitle II, see [section 708 of this title](#). Wherever this title is used in chapters 1 through 4 it should be read “this subtitle.”

§ 102. Public policy.

The people, plants, and animals of the Trust Territory are dependent upon the air, land, and water resources of the islands for public and private drinking water systems, for agricultural, industrial, and recreational uses, and as a basis for tourism. Therefore, it is declared to be the public policy of the Trust Territory, and the purpose of this title, to achieve, maintain, and restore such levels of air, land, and water quality as will protect human health, welfare, and safety and to the greatest degree practicable prevent injury to plant and animal life and property, and as will foster the comfort and convenience of its people and their enjoyment of the environment, health, life, and property, and as will promote the economic and social development of the Trust Territory and facilitate enjoyment of its attractions.

Source: COM PL 4C-78 § 2; COM PL 7-19 § 1; COM PL 7-64 § 1; COM PL 7-90 § 1; TT Code 1980, 63 TTC 502.

§ 103. Definitions.

The following words, for the purposes of this title, shall have the following meanings:

(1) “*Administrator*” shall mean the administrator of the United States Environmental Protection Agency.

(2) “*Board*” shall mean the Trust Territory Environmental Protection Board.

(3) “*Director of health services*” or “director” shall mean the director personally or his duly authorized representative.

(4) “*Federal acts*” or “*Federal act*” shall mean the Safe Drinking Water Act U.S. Public Law No. 93-523; the Federal Environmental Pesticide Control Act of 1972, U.S. Public Law No. 92-516; and

the Federal Water Pollution Control Act, as amended, U.S. Public Law No. 92-500.

(5) “*Person*” shall mean the Trust Territory, a district, municipality, political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Trust Territory or any State or country, lessee or other occupant of property, or individual, acting singly or as a group.

(6) “*Primary drinking water regulation*” shall mean a regulation which:

(a) applies to public water systems;

(b) specifies contaminants which, in the judgment of the director, may have any adverse effect on the health of persons; and

(c) specifies for each such contaminant either:

(i) a maximum contaminant level, if, in the judgment of the director, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or

(ii) if, in the judgment of the director, it is not economically or technologically possible to so ascertain the level of such contaminant, each treatment technique known to the director which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 1412 of the Safe Drinking Water Act, U.S. Public Law No. 93-523; and

(d) contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to:

(i) the minimum quality of water which may be taken into the system; and

(ii) siting for new facilities for public water systems.

(7) “*Public water system*” shall mean a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least 25 individuals. Such term includes:

(a) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

(b) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(8) The term “*secondary regulation*” shall mean a regulation which applies to public water systems and which specifies the maximum contaminant levels which in the judgment of the director are requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water

(a) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of persons served by the public water system providing such water to discontinue its use; or

(b) which may otherwise adversely affect the public welfare.

Such regulations may vary according to geographic and other circumstances.

(9) "State plan" shall mean an individual plan for:

(a) the certification of applicators of pesticides under section 4 of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended; or

(b) issuance of pesticide product registrations to meet special local needs as defined under section 24(a) of FIFRA as amended; or

(c) issuance of experimental uses permits under section 5(f) of FIFRA, as amended.

Source: COM PL 4C-78 § 3; COM PL 7-19 § 2; COM PL 7-64 § 2, TT Code 1980, 63 TTC 503.

Editor's note: Subsections rearranged in alphabetical order in the 1982 edition of this code.

§ 104. Severability and savings clause.

If any provision of this title or any regulation or order promulgated hereunder, or the application of any such provision, regulation, or order to any person or circumstances shall be held invalid, the remainder of this title, or any regulations or orders promulgated pursuant thereto, or the application of such provisions, regulations, or orders to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this title are severable.

Source: COM PL 4C-78 § 10 (uncodified in TTC).