

Chapter 05

SOLID WASTE

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I. General Provisions

25.0501 Definitions.

As used in this chapter, the words in this section shall have the following meanings unless the context otherwise requires:

- (a) "Bins" means a receptacle capable of containing 3 or more cubic yards of solid waste and designed for mechanical handling.
- (b) "Business" means any individual proprietorship, partnership, corporation, association, joint venture or other project which carries on commercial or industrial activity for gain or profit, including but not limited to any motel, hotel or apartment, and cannery.
- (c) "Construction and demolition waste" means all soil, rock, construction debris, demolition debris and all similar materials generated by construction and demolition projects.
- (d) "Department" means the department of public works of the government.
- (e) "Director" means the director of public works.
- (f) "Disposal facilities" means all landfills, baling stations, transfer stations, recycling plants, composts, shredding stations and incinerators operated or regulated by the government.

(g) "Executive secretary" means the executive secretary of the environmental quality commission of the government.

(h) "Government" means the American Samoa Government.

(i) "Hazardous waste" means a substance defined as hazardous waste under United States regulations, 40 CFR 261.3, and other United States laws and regulations. Hazardous waste is excluded from any other definitions of waste in this section for purposes of these rules and shall be handled, stored, disposed or otherwise processed solely in accordance with applicable federal and other territorial laws and rules or regulations.

(j) "Incinerator" means any apparatus owned or regulated by the government where solid waste is treated by a method of burning.

(k) "Industrial waste" means waste generated by industrial processes and manufacturing;

(l) "Infectious waste" means all equipment, utensils of disposable nature used to treat patients with communicable disease, all laboratory wastes, all surgical room waste containing pathological specimens and similar matter.

(m) "Institution" means any individual proprietorship, partnership, corporation, association, joint venture or other project which carries on nonprofit activities.

(n) "Licensed collector" means and includes any person who has been licensed by the government to collect solid waste.

(o) "Licensed operator" means any person who has been licensed by the government to operate disposal facilities.

(p) "Motel, hotel or apartment" means an establishment which has 2 or more dwelling units and has been licensed by the government to provide lodging for hire.

(q) "Owner" means the occupant of a dwelling unit or place of business or institution; provided, however, that if said dwelling unit or place of business or institution is rented to any such occupant, then the term "owner" means the person to whom the rent is payable.

(r) "Person" means any individual, corporation, partnership, firm, association, trust estate, owner, business, institution, public agency, or political subdivision.

(s) "Solid waste" means:

(1) "garbage" which consists of putrescible animal and vegetable wastes and all organic wastes resulting from the handling, preparation, cooking, serving and consumption of food;

(2) “rubbish” which consists of non-putrescible wastes and including such materials as paper, cardboard, yard trimmings, clothes, shoes, and non-combustible such as bottles; cans, china, glass, and any other material of similar character; and

(3) “special waste” which consists of:

(A) bulky wastes such as lumber, scrap iron pipes, tree branches over 2 inches in diameter, refrigerators, stoves, radios, television sets, phonographs, bedsteads, bed spring tables, sofas, chairs, water heaters, sinks and other similar materials or equipment of a weighty or bulky nature; and

(B) mineral wastes such as slag, Tailings, rubble and other similar materials usually found around or resulting from mining, dredging or similar operations.

(t) “Treasurer” means the treasurer of the government.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0502 Collection of solid waste.

(a) The department shall have charge of and shall administer the collection and disposal of solid waste. No solid waste shall be collected by the department or a licensed collector from any building or place when:

(1) the owner thereof has made provision for solid waste collection by his own vehicles, except for solid waste prepared and placed in accordance with 25.0503;

(2) the owner thereof has installed or provided the premises an incinerator or other solid waste disposal facilities which have been approved by the director of health and executive secretary as conforming to the provisions of law relating to nuisances and sanitary rules and in compliance with environmental rules established to achieve and maintain high levels of air, surface water and ground water qualities.

(b) The director shall approve schedules and work hours for solid waste collection submitted by licensed collectors. The licensed collectors shall keep the public informed on the current schedule and work hours, and each licensed collector to whom they are applicable shall

comply with them. The director shall make arrangements with licensed collectors and businesses to meet collection needs for special events, e.g. Flag Day and other holidays.

(c) Any solid waste collected by the department or licensed collectors and accepted at government-operated disposal facilities shall become the property of the government. Upon closure of the disposal facility or any portion thereof, the solid waste at the disposal facility shall become the property of the landowner.

History: Rule 10-88, eff 9 Oct 88, § 1.

25 .0503 Preparation and placing of solid waste by owner.

(a) The types of solid waste hereinafter described shall be prepared for collection as follows:

(1) All empty cardboard and other fibrous cartons, wooden boxes and crates and other similar empty containers shall be flattened and securely tied in bundles not exceeding 3 feet in length nor weighing more than 75 pounds each.

(2) All other solid waste except special wastes and infectious wastes shall be placed in bins or in durable or nondurable containers described as follows:

(A) Durable containers. The interior surface of the container shall be smooth with no projections and the top diameter shall be equal to or larger than the bottom diameter. The container shall have a capacity of at least 20 gallons but not more than 55 gallons. The maximum weight of an empty container shall be 50 pounds. The maximum weight of a filled container shall be 110 pounds.

(B) Non-durable containers. Nondurable containers made of plastic film, paper or cardboard may be used if such containers are able to contain their contents securely at all times. The maximum weight for filled non-durable containers shall be 75 pounds. Such containers shall be collected together with their contents.

(3) All solid waste consisting of ashes, powders, dust, sawdust, broken bottles, glass or china or other materials likely to cause injury to persons collecting the same shall be securely wrapped or contained before being placed in the container.

(4) Garbage shall be drained and securely wrapped before being placed in the container.

(b) On or the evening before the scheduled day of collection, all solid waste prepared for collection pursuant to subsection (a) shall be placed within the sidewalk area, which is defined

as the area located between the curb or, in the absence of a curb, the edge of the asphalt pavement and the property line boundary of the public roadway in a location readily accessible

to the collector. Solid waste may be placed for collection within the sidewalk area of private roads and nonstandard private roadways when all of the following conditions are met:

- (1) all of the residents along the roadway shall want such collections;
- (2) the roadway shall serve at least 5 residences;
- (3) the roadway shall have an unobstructed width of at least 22 feet not including parking lanes;
- (4) horizontal and vertical curves of the roadway shall meet government public works standards;
- (5) maximum roadway grade shall not exceed 19 percent;
- (6) the owners of the roadway shall provide and maintain an all-weather road surface;
- (7) the roadway shall have an adequate turnaround area for the truck unless reversing of the truck is less than a distance of 100 feet;
- (8) reversing on a grade exceeding 10 percent shall not be required;
- (9) Necessary easements and rights-of-way are provided per the requirements of the department.

(c) Special wastes shall be collected on a non-regular basis under procedures determined by the director.

(d) Bins, if used, shall not be placed within the sidewalk area, but shall be placed within the property to be served in locations directly accessible to the pickup forks of the collection truck. Parking of automobiles and other vehicles is prohibited at all times in front of these bins. The bins will be neatly lettered to indicate "No Parking". Similarly, other obstruction to the ready access of the collection vehicle to the bin is prohibited. Bins shall be located where overhead power lines, trees, or other overhead obstructions do not hinder collection. Access

roadway requirements for the collection of bins shall be that required for collection on private roads and nonstandard private roadways as provided in subsection (b), except that maximum roadway grade shall not exceed 12 percent.

(e) The owner shall be responsible for the cost of bins and containers. Bins and durable containers shall be available for sale or lease at places and prices set by the director in accordance with 25.2005(b) ASCA.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0504 Limitations to collection by solid waste crews.

(a) The department or a licensed collector will not collect

(1) Any soil, rock, concrete, explosives, liquids, radioactive materials, construction and demolition solid waste, trees, branches, hedges and plant cuttings, leaves, palm and coconut branches, banana stalks, vines, weeds and other similar materials;

(2) any solid waste not prepared for collection as provided by 25.0503;

(3) any solid waste not placed for collection as provided by 25.0503;

(4) any solid waste placed for collection in a place which is unsafe and hazardous or is likely to cause injury to the persons collecting said solid waste;

(5) any solid waste from any business where the owner thereof shall have failed to pay the service charges hereinafter provided for;

(6) any infectious waste, except as provided in 25.0506(d).

(b) If a licensed collector does not collect solid waste for any of the reasons set forth in subsection (a), the licensed collector shall provide written notice of the reason for non-collection to the owner and submit a copy thereof to the director.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0505 Disturbance of receptacles.

(a) No unauthorized person shall:

(1) remove or disturb any solid waste receptacle from the place where the same has been placed for collection.

(2) collect, or haul away any solid waste receptacle from the place where the same has been placed for collection;

(3) use bins on other solid waste containers for other than their intended use;

(4) burn materials in any solid waste receptacle used for collection.

(b) For purposes of this section, authorized persons shall mean:

(1) an owner and his employees and agents;

(2) department employees during authorized working hours; and

(3) a licensed collector and his employees.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0506 Solid waste acceptable and unacceptable by disposal facilities.

(a) The department or a licensed operator shall accept the following solid waste at all of its disposal facilities: garbage and rubbish.

(b) The department or a licensed operator shall accept the following types of solid wastes only at specified disposal facilities designated by the director and approved by the director of health and executive secretary:

(1) special wastes;

(2) industrial wastes; and

(3) construction and demolition waste.

(c) The department or a licensed operator shall not accept deliveries of any solid waste which are not made during hours of operation as posted at each facility.

(d) All infectious wastes shall be disposed by incineration. If mechanical problems prohibit incineration, special arrangement should be made with the director to have the wastes buried in an isolated area at government operated disposal facilities.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0507 Dead animals.

(a) Every owner of dead animals shall remove such animals, or cause the same to be removed, within a reasonable time after death, or before the same shall constitute a nuisance.

(b) Any person other than the owner who has actual knowledge of a dead animal shall contact the director for the removal of such animal.

(c) Dead animals weighing up to 70 pounds may be collected and disposed by a licensed collector, provided they are placed in an open area which is accessible to the collector. Such animals will also be accepted at disposal facilities during operating hours.

(d) Dead animals weighing over 70 pounds will be accepted at disposal facilities during operating hours.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0508 Unlawful placement of special wastes.

No person shall place special wastes upon or at any area authorized for placement of solid waste for collection under 25.0503(b), or upon any public street, road, highway or other public thoroughfare, or any part thereof, or upon or at disposal facilities which have not been designated by the director for the disposal of special wastes.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0509 Dumping of solid waste prohibited.

No person shall dump or dispose of any solid waste upon any public or private premises, including any water course or drainage facility, except upon or at disposal facilities.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0510 Disposal facilities site management plans.

The director shall establish and administer a comprehensive disposal facility site management plan for each disposal facility designated by the director of health. Each plan shall be provided to the licensed operator of the disposal facility to which it applies, and a public information program on its contents shall be conducted.

History: Rule 10-88, eff 9 Oct 88, § 1.

II. Collection Licensing

25.0521 Licenses required to collect solid waste.

No person shall engage in any business which involves the collecting of any solid waste from any building or premises other than his own solid waste without first obtaining a solid waste collection license as provided in 25.0522 and a business license as provided in 27.0201 ASCA et seq.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0522 Issuance of solid waste collection licenses.

(a) Application. Application for a solid waste collection license to engage in the business of solid waste collection shall be made to the director. The applicant shall state thereon his name and business address, the nature of materials to be collected, the manner in which and the location where the same shall be disposed.

(b) Bond. Every applicant for a license shall execute and submit a security bond in favor of the government in the penal sum of \$100,000, which bond shall be subject to all the conditions set forth in 25.0523 , including the cost of collecting and disposing of solid waste by the government in case the licensed collector fails to collect and dispose of solid waste which the licensed collector has contracted to collect and dispose. The bond shall be issued by a security company authorized to do business in American Samoa.

(c) Vehicular public liability and damage insurance. The applicant shall secure a standard automobile liability insurance policy covering the applicant, or any person driving vehicles to be operated by the applicant with his permission in the amount of \$100,000 for bodily injury to or for the death of one person in any accident and in the amount of \$300,000 for bodily injury to or for the death of two or more persons in anyone accident respectively, and property damage insurance in the amount of \$50,000 in case of damage to or destruction of property of others in anyone accident. At the time of application, the applicant shall present evidence of such insurance to the director.

(d) Comprehensive non-vehicular public liability insurance policy. The applicant shall secure a standard comprehensive non-vehicular public liability insurance policy covering the applicant and his employees and agents, which shall also include a rider covering the government, in the sum of \$300,000. Such rider shall be in the form of an endorsement issued by the insurer. At the time of application, the applicant shall present evidence of such insurance to the director.

(e) Term of licenses. A solid waste collection license shall be issued on a calendar year basis, regardless of when issued and expire on December 31 of the year issued or renewed.

(f) License fee. The fee for an annual solid waste collection license shall be \$100 payable in advance to the treasurer on or before January 1 of each year. The original fee shall be prorated in the amount of one-fourth of the annual fee for each quarter or portion of a quarter remaining in the year from the date of issuance. No license fee shall be refundable.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0523 Conditions of solid waste collection licenses.

Every solid waste collection license issued under this article shall be subject to the following conditions:

(a) All vehicles used by the licensed collector for the collection of solid waste shall be so designed and constructed as to prevent the spilling and scattering of its contents upon the public streets. All such vehicles and equipment shall be kept in a clean, inoffensive and sanitary condition. The name of the licensed collector shall be visibly and clearly marked on the left side of all such vehicles in letters not less than 2 inches in height. Vehicles shall not be loaded in excess of the gross vehicle weight.

(b) All solid waste shall be handled and transported by the licensed collector in such a manner as to prevent scattering, spilling or leaking of the same and to otherwise avoid committing a nuisance or violation of any law or rule of the government. The licensed collector shall

immediately gather up and remove any solid wastes which the licensed collector or any of his employees has scattered, spilled or leaked.

(c) All solid waste collected by the licensed collector shall be disposed of at a disposal facility designated by the director and approved by the director of health and the executive secretary.

(d) All vehicles used by the licensed collector for the collection of solid waste and all drivers of such vehicles shall be licensed as provided by law.

(e) The licensed collector shall not violate any provisions of this chapter or any law relating to the collection and disposal of solid waste within the territory.

History: Rule 10-88, eff 9 Oct 88, § 1.

III. Requirements Applicable to Specific Activities

25.0531 Businesses and institutions.

(a) No person shall operate or maintain a business or institution without arranging or providing for the collection of all solid waste therefrom.

(b) Where the collection of solid waste is to be made by a licensed collector, the owner or occupant of the business or institution shall prepare and place solid waste for collection in the manner set forth in 25.0503.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0532 Private residences.

Every owner of a private or public dwelling shall prepare and place solid waste for collection by a licensed collector in the manner set forth in 25.0503, unless such owner has made other provisions for solid waste collection or disposal in accordance with 25.0502. In the case of a private or public dwelling occupied by persons other than the owner, the occupant thereof may be made responsible for preparation and placement of refuse pursuant to this section in place of the owner, if the owner and occupant have so agreed and the licensed collector is notified of this fact in writing. Such notice must be signed by both the owner and occupant.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0533 Public facilities.

A licensed collector shall provide solid waste collection services to buildings of the government and the U.S. Government, including public schools, upon being requested to do so by the authorities responsible for such buildings.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0534 Solid waste hauled by any person other than a licensed collector.

All solid waste hauled to disposal facilities by any person other than a licensed collector shall be handled and transported in such a manner as to prevent scattering, spilling or leaking of the same and to otherwise avoid committing a nuisance or violation of any law or rule of the government. Such person shall immediately gather up and remove any solid waste which such person or any of his employees or agents has scattered, spilled or leaked.

History: Rule 10-88, eff 9 Oct 88, § 1.

IV. Collection Charges

25.0541 Collection charges for public facilities

Repealed by Rule 3-1989 § 1.

25.0542 Collection charges for businesses and institutions.

Repealed by Rule 3-1989 § 1.

25.0543 Failure to pay service charges.

Repealed by Rule 3-1989 § 10

25.0544 Disposal charges.

(a) For the receipt and disposal of solid wastes delivered to disposal facilities, the following unit charges shall apply:

(1) For garbage and rubbish, \$1 per cubic yard or fraction thereof. The minimum charge per truckload shall be \$3.

(2) For derelict vehicles, \$25 each to dispose in disposal facilities approved by the director.

(3) For all other special wastes, industrial wastes, and construction and demolition wastes, in such amounts as are approved by the director.

(b) Except when the licensed operator and licensed collector delivering wastes to a disposal facility owned or leased by the government are the same entity, licensed operators shall issue to each hauler, including licensed collectors of wastes, a written receipt which shall include the type and quantity of wastes received at the disposal facility and the amount of the disposal charges therefor to be paid to the treasurer and which shall be signed by both the licensed operator and hauler. Licensed operators shall weekly submit copies of all receipts to the treasurer, who shall monthly send invoices to the haulers for amounts shown on the receipts.

History: Rule 10-88, eff 9 Oct 88. § 1.

25.0545 Charges for dead animals.

There shall be a \$ 25 charged to the landowner or occupant, payable to the licensed collector or director, for the collection or disposal of dead animals described in 25.0507 from nonpublic property.

History: Rule 10-88, eff 9 Oct 88. § 1.

25.0546 Deposits of fees and charges.

All fees and charges collected by the government under this chapter shall be deposited into an earmarked "solid waste collection fund."

History: Rule 10-88, eff 9 Oct 88. § 1.

V. Enforcement

25.0551 Criminal penalty.

Any persons violating any provisions of this chapter is guilty of a class C misdemeanor under 25.0110 ASCA and may upon conviction be punished by a fine not exceeding \$300 or imprisonment for a period not exceeding 15 days, or both.

History: Rule 10-88, eff 9 Oct 88. § 1.

25.0552 Revocation or suspension of solid waste collection license.

(a) If a licensed collector; has been convicted, under 25.0110AsCA, the director shall have the power to suspend, for any part of the remaining term of the license, or revoke the solid waste collection license issued to the licensed collector. Suspension and revocation proceedings shall be conducted in compliance with the Administrative Procedure Act, 4.1001 ASCA et seq.

(b) No solid waste collection license shall be issued to any person whose license has been revoked pursuant to subsection (a) for a period of 2 years after the date of revocation.

History: Rule 10-88, eff 9 Oct 88, § 1.

25.0553 Bond enforcement.

In case of any breach of any condition of any bond issued pursuant to 25.0522(b), the director may enforce the bond.

History: Rule 10-88, eff 9 Oct 88, § 1.