

TITLE 25 – ENVIRONMENTAL HEALTH

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- 02 Facility Health Permits
- 03 (Reserved)
- 04 Safe Drinking Water
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TITLE 25 – CHAPTER 01 – FOOD & BEVERAGE SANITATION

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**I. FOOD ESTABLISHMENTS
GENERALLY**

25.0101 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

- (a) “Employee” means any person who handles food or drink during preparation or serving or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.
- (b) “Food establishment” means a restaurant, grocery store, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as bakeries or kitchens or other places in which food or drinks prepared for sale elsewhere.
- (c) “Person” means person, firm, corporation, or association.
- (d) “Utensils” includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

History: Pub. Health Reg. 1, eff 19 Dec 63, § 1.

25.0102 Enforcement authority.

The director of health, public health officer, the chief sanitarian, or anyone appointed by the director is authorized to enforce any provisions of Title 25 A.S.C.A., or any rules promulgated thereunder.

History: Pub. Health Reg. 1, eff 19 Dec 63, § 2.

25.0103 Inspection.

The director of health or his agents shall inspect all food establishment within his jurisdiction as often as he deems necessary for the enforcement of the provisions of Title 25 A.S.C.A., or any rules promulgated thereunder. The person operating the food establishment shall, upon request of the director or his agents, permit access to all parts of the establishment and shall permit copying of any or all records of food purchased.

History: Pub. Health Reg. 1, eff 19 Dec 63, § 3.

25.0104 Unwholesome or adulterated food or drink.

Samples of food, drink, and other substances may be taken and examined by the director of health or his agents as often as may be necessary for the detection of unwholesomeness or adulteration. The director or his agents may condemn and forbid the sale of or cause to be removed or destroyed any food or drink which is unwholesome or adulterated.

History: Pub. Health Reg. 1, eff 19 Dec 63, § 4.

25.0105 Sanitation requirements.

All food establishments shall comply with the following items of sanitation:

- (a) Ratproofing. All buildings used to house a food establishment shall be made ratproof, freed of rats, and maintained in a ratproof and rat-free condition.
- (b) Floors. The floors of all rooms in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.
- (c) Walls and Ceilings. All openings into the outer air shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in a light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.
- (d) Doors and Windows. All openings into the outer air shall be effectively screened and doors shall be self-closing and open or unless other effective means are provided to prevent the entrance of flies.
- (e) Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted and well ventilated.
- (f) Toilet Facilities. Every food establishment shall be provided with adequate and conveniently located toilet facilities for its employees and guests; in food establishments hereafter constructed, toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair and well lighted and ventilated. Hand-washing sinks shall be adequate and of safe, sanitary quality.

(g) Water Supply. Hot and cold running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate and of safe, sanitary quality.

(h) Lavatory Facilities. Adequate and convenient hand-washing facilities shall be provided. Running water, soap, and approved, sanitary towels shall be furnished by the management.

The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands. Handwashing signs shall be posted.

(i) Construction of. Utensils and Equipment. All multiuse utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair.

(j) Ventilation. All rooms in which food or drink is stored, prepared, or served or in which utensils are washed shall be well ventilated.

(k) Cleanliness and Bactericidal Treatment. All equipment, including display cases or windows, counters, shelves, tables, refrigerator, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects and other contaminating material. All clothes used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once. All multiuse eating and drinking utensils shall be thoroughly cleansed with hot water and an effective detergent, then effectively subjected to an approved bactericidal process after each usage. All multiuse utensils used in the preparation or serving of food and drink shall be thoroughly cleansed and effectively subjected to an approved bactericidal process immediately following the day's operation. Approved bactericidal processes shall include:

(l) immersion for at least 2 minutes in clean hot water at a temperature of at least 180 degrees Fahrenheit or for ½ minute in boiling water. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance. When hot water is used for bactericidal treatment, there shall be provided a hot water heater

(preferably controlled by a thermostat) capable of maintaining a water temperature of at least 180 degrees Fahrenheit in the vat at all times during business hours and water at such temperature shall be available at all times while utensils are being washed and given bactericidal treatment. The heating device may be integral with the immersion vat.

(1) Storage and Handling of Utensils, After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies and dust and other contamination, and shall be handled in such a manner as to prevent contamination, as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored there in a clean, dry place until used, and shall be handled in a sanitary manner.

(m) Waste Disposal and Plumbing. All wastes shall be properly disposed of and all garbage and trash shall be kept in suitable receptacles in such manner as not to become a nuisance. Specific wastes shall be disposed of as listed below:

(1) Sanitary sewage and other liquid wastes shall be placed into a city sewage system, if such is available, or shall be disposed of in accordance with the provisions of Title 25 A.S.C.A. All plumbing in food establishments constructed after 19 Dec 63 shall be in conformance with the provisions of Title 25 A.S.C.A.

(2) Garbage shall be stored in metal covered containers which shall effectively prevent the garbage from being available, in order to prevent the breeding of flies, the harborage of rodents, or the creation of other nuisances.

(n) Refrigeration. All readily perishable food and drink shall be kept at or below 40 degrees Fahrenheit except when being prepared or served.

(o) Wholesomeness of Food and Drink. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption.

(p) Storing, Displaying, and Serving Food and Drink. All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation, and pollution by

rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No live animals or fowls shall be kept or allowed in any room in which food and drink are prepared, stored, or served.

- (q) **Employee Cleanliness.** All employees shall wear clean outer gannets and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.
- (r) **Employee Health.** No person suffering from a communicable disease or known to be, or suspected of being a carrier of organisms causing a communicable disease shall be employed in a food establishment or permitted to remain on the premises. Each employer shall have in his possession a certificate in writing for each employee from the director of health. Such certificate shall show the date of examination and shall not be accepted as in compliance with this section after a period of 12 months. Both employer and employee shall be held responsible for violation of the requirements of this section.
- (s) **Miscellaneous.** The premises of all food establishment shall be kept clean and free of litter or rubbish. None of the operations connected with a food establishment shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for that purpose.

History: Pub. Health Reg. 1, eff 19 Dec 63, § 5.

Editors Note: 2020 edition subsection (k)(1) showed "130 degrees Fahrenheit." ASDOH indicated this is scientifically incorrect. Review indicated "130" was a typo and was revised accordingly to "180 degrees Fahrenheit."

25.0106 Violation-Penalty.

Any person who violates this article is guilty of a class C misdemeanor and shall be, upon conviction, sentenced accordingly, as provided by 25.0110 A.S.C.A.

History: Pub. Health Reg. 1, eff 19 Dec 63, § 6.

II. FROZEN FOODS AND FROZEN DESSERTS

25.0110 Definitions.

The following words and phrases, as used in this article, shall mean:

- (a) "Approved product" means any item of frozen food produced in plants sanctioned by a competent regulatory authority which has been transported, delivered, received, or stored while being maintained in accordance with this article and not having been thawed and/or refrozen unless determined by the director of health to be safe for consumption.
- (b) "Frozen foods" means any item of food or food product intended for human consumption which has been preserved by any method or process of freezing.
- (c) "Wholesale and retail distributors" means all public and private establishments, firms, corporations, markets, supermarkets, groceries, sundries, private and public clubs, restaurants, cafeterias, short-order cafes, luncheonettes, taverns, sandwich stands, soda fountains, kitchens, including wholesale dealers or agents, retail outlets to the public, and all other places in which frozen foods may be stored, or offered for sale.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part § 1.

25.0111 Approved products required-Possession of unapproved.

Wholesale or retail distributors shall sell or offer for sale only approved products. The possession of unapproved products by the wholesale or retail outlet in his place of business or in a warehouse or storage room shall be prima facie evidence that possession is for the purpose of sale.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 2.

25.0112 Approval-Inspections-Condemnation and destruction.

The director of health or his agents shall make inspections of the storage or retail display of frozen food. All products shall be approved or disapproved for consumption by the director or his agents after determining whether they are safe for consumption. Spoiled, thawed, or deteriorated frozen food products which are unsafe as food and dangerous to public health shall be condemned and destroyed.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 3.

25.0113 Internal temperature.

Wholesale and retail distributors of frozen foods shall display, store, and maintain the same in such a manner that the internal temperature thereof does not exceed 0 degrees Fahrenheit.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 4.

25.0114 Transportation.

(a) Wholesale and retail outlets shall not accept delivery of frozen foods whose internal temperature exceeds, or has exceeded, twenty degrees Fahrenheit. After the product has been received it shall be the responsibility of the owner and/or manager to immediately place the frozen food into a storage area or display case maintaining a temperature of 0 degrees Fahrenheit or below. A temperature of 10 degrees Fahrenheit is recommended.

(b) Extreme care shall be taken in the transportation of frozen foods to ensure that the product does not thaw in transit. The following equipment and procedure, subject to the limitations stated therein, shall be considered as prima facie evidence of compliance with the above requirements, to-wit:

- (1) Insulated Containers. Insulated containers may be used for transportation of frozen foods; provided, that the internal temperature of the frozen foods at no time exceeds 20 degrees Fahrenheit. It is recommended that such containers be precooled in the freezer.
- (2) Insulated Vehicles. When precooled to as low a temperature as possible, insulated vehicles may be used for transportation of frozen foods; provided, that the internal temperature of the frozen foods at no time exceeds 20 degrees Fahrenheit.
- (3) Refrigerated Vehicles. Vehicles which are equipped with refrigerating equipment adequate to maintain the internal temperature of frozen foods at 0 degrees Fahrenheit may be used without any restrictions so long as the equipment is properly operating.
- (4) Alternative Equipment. Any other equipment approved by the director of health as adequate to accomplish the purposes of this section may be used.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 5.

25.0115 Wholesale outlets.

Requirements for wholesale outlets of frozen foods:

- (a) Temperature. All frozen food warehouses shall maintain a temperature of 0 degrees Fahrenheit or below in storage areas. A temperature of 10 degrees Fahrenheit is recommended.
- (b) Storage Manner. The products to be stored shall be placed on pallets, dunnage, or racks away from the walls to ensure adequate circulation of air. The products shall not be stacked in such a manner that air circulation is impeded.
- (c) Delivery Containers. It is recommended that containers used to deliver frozen foods be precooled in the freezer.
- (d) Thawed Foods. Frozen foods that have been thawed or partially thawed shall not be refrozen and sold unless determined by the director or his agents to be safe for consumption. This restriction shall not apply to frozen foods which are thawed for the purpose of incorporating them into another food product or for further processing.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 6.

25.0116 Retail outlet.

Requirements for retail outlets of frozen foods:

- (a) Thermometers. An accurate cabinet thermometer shall be provided for all display cases and storage areas. The thermometer bulb shall be located in the warmest zone.
- (b) Frozen Storage Area. Frozen products shall be moved into frozen storage immediately upon delivery. Frozen foods shall not be placed outside the storage areas or display cases at any time.
- (c) Loading of Product. Frozen food products shall not be loaded above the danger line, freezer line, glass, or mark on the display cases or in such a manner as to in anyway block the circulation of cold air.
- (d) Thawed Foods. Frozen foods that have been thawed or partially thawed shall not be refrozen and sold unless determined by the director of health or his agents to be safe for consumption. This restriction shall not apply to frozen foods which are thawed for the purpose of incorporating them into another food product or for further processing.

- (e) Display, Maintenance, Condemnation and Destruction. The owner and/or manager of the retail outlet shall be responsible for proper display and maintenance of frozen food products. Any freezer case found to be overloaded or containing thawed or partially thawed foods shall subject the food products therein contained to condemnation and destruction in the manner provided in 25.0612.
- (f) Rotation on Shelf. The product at the retail level shall be rotated in such a manner that the product first in the display case or storage areas is the first product to be sold.

History: Pub. Health Rel 2, eff 7 Jan 64, Part 1 § 7(f).

25.0117 Building Sanitation.

All establishments in which frozen food or food products are sold or stored must at all times be kept in an approved, sanitary condition in compliance with all provisions of this article. All parts of buildings in which frozen foods and/or food products are handled or stored shall be kept clean and free from all contamination.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 8.

25.0118 Frozen desserts-Facilities for manufacture and sale.

Rules for the manufacture of frozen desserts in soft ice cream freezers, counter freezers, and custard machines:

- (a) Freezing and Hardening Units. Each freezing unit and hardening cabinet shall be enclosed in a room containing nothing which does not pertain to the manufacture and storage of frozen desserts and the desserts and the cleaning of equipment used in the manufacture of frozen desserts except that nonalcoholic beverages may be dispensed from a self-contained unit of bottles and sold to the consumers in a single, service, nonreturnable container which will not be returned to the freezing room. Each freezing unit and hardening cabinet shall be at least 18 inches from walls unless sealed to wall and floor.
- (b) Sale or Dispensing of Other Commodities. The sale of any commodities other than frozen desserts upon any premises where frozen desserts are manufactured is strictly prohibited if such other commodities are in any way processed, mixed, made up, or put together upon the premises. The sale or dispensing of any commodities other than frozen desserts may be

permitted from the premises where frozen desserts are manufactured; provided expressly, however, that such other commodities are both received in and upon the premises and sold or dispensed therefrom in sealed containers, and that the contents of such sealed containers are in no way altered while upon the premises. This provision as to commodities in sealed containers shall not permit the storage or stocking up thereof upon the premises, but is strictly limited to a day-to-day operation.

- (c) Walls and Ceilings. Walls and ceilings shall be of suitable, smooth, impervious materials which shall have tight joints and be kept clean at all times.
- (d) Serving Openings. If serving openings are used they shall not be more than 18 inches wide and 18 inches high, and there shall not be more than 2 serving openings to the room.

Openings shall not be directly in front of the freezer. Other dispensing cabinet openings shall be provided with proper closures.
- (e) Lighting. Adequate natural and artificial light shall be provided.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 1.

25.0119 Frozen desserts-Cleaning and sanitizing facilities.

A hot water tank, with suitable heating facilities, of not less than 30 gallons capacity, shall be installed; hot water and cold water shall be piped to the wash sink and freezer location; enough hose shall be provided to run water into the freezer; after the freezer and parts have been thoroughly washed, they shall be assembled and subjected to a heat treatment at a temperature of not less than 180 degrees Fahrenheit for 2 minutes; provided, that nothing contained in this section shall be construed as disbaring any other process which has been demonstrated as of at least equal efficiency and is approved by the director of health. A 2-compartment metal wash sink of sufficient size to accommodate the largest piece of equipment shall be provided so that the equipment may be submerged in hot water for washing purposes.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 2.

25.0120 Frozen desserts-Freezer and accessory cleaning.

Freezers and accessories shall be dismantled and valves taken apart after each day’s use and thoroughly washed and sanitized.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 3.

25.0121 Frozen desserts-Cleaning powders and solutions.

Cleaning and sanitizing powders and solutions may be used in the cleaning and sanitizing of equipment and apparatus, but these powders and solutions shall not be used as substitutes for heat treatment.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 4.

25.0122 Frozen desserts-Sampling and testing.

Samples of frozen desserts and pasteurized mix may be tested as often as an inspector of the sanitation department requires. Samples of frozen desserts from stores, cafes, soda fountains, restaurants, hotels, boardinghouses, mobile units, and other places where frozen desserts are sold may be tested as often as the inspector requires. Bacterial plate counts and direct microscopic counts shall be made in conformity with the current minimum standards established or recommended by the American Public Health Association.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 5.

25.0123 Violation-Misdemeanor.

Any person who violates this article is guilty of a class C misdemeanor and shall be, upon conviction, sentenced accordingly, as provided by 25.0110 A.S.C.A.

History: Pub. Health Reg. 2, eff. 7 Jan 64, Part 2 § 6.

25.0124 Violation-Health permit suspension or revocation.

The director of health may suspend or revoke the health permit issued to any food establishment upon the violation by the holder, or by a person in his employ or under his supervision or control, of any public health rule. Such suspension or revocation shall be subject to the same conditions provided by 25.0509 A.S.C.A.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 7.

III. MEAT MARKETS

25.0130 Definitions.

For the purpose of this article, the following definitions shall apply:

- (a) “Meat” means the edible part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. The term “meat” also shall include fish, other seafoods, fowl, or game.
- (b) “Meat food products” means any article of food, or any article intended for or capable of being used as human food, which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine, fish, other seafoods, fowl, game, or goat except such articles as organotherapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.
- (c) “Meat market” means and includes any buildings, houses, or enclosures in which meats or meat products are offered for sale.

History: Pub. Health Reg, 4, eff 13 Aug 64, § 1.

25.0131 Building.

The building in which the meat market is located shall be of such construction and materials that it may be readily kept in a sanitary condition and in good repair. Buildings shall be free of rodents, flies, and other insects at all times.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 2.

25.0132 Area-floors.

Every meat market shall have sufficient floor area to accommodate all the necessary operations, All floors shall be of smooth concrete, tile, or similar impervious material. Where drains are used, they must be trapped and shall connect with the sanitary sewerage system. Clean, sifted sawdust may be used on the floor, provided it is changed often enough to keep them in a clean and sanitary condition. Stored materials, meat, meat products and other foods, machinery, and merchandise shall be at least 8 inches above the floor, and so protected as not to interfere with cleaning of floors. Dry cleaning of floors shall not be permitted. Cleaning should be by washing, mopping, or sweeping, with water, moist sawdust, or sweeping compound. During this cleaning, all meat and meat products shall be covered or otherwise protected from dust and dirt.

History: Pub. Health Reg. 4 eff 13 Aug 64, § 3.

25.0133 Walls and ceilings.

All walls and ceilings in a meat market shall be constructed of smooth, washable, nonabsorbent material, free from cracks, crevices, and open joints, and shall be kept well painted. All right angles where walls and floors meet should be constructed with a rounded, sanitary joint so as to be easily cleaned. The walls and ceilings shall be cleaned frequently to prevent cobwebs and accumulations of dust, dirt, or other contaminating substances.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 4.

25.0134 Screening-Fly control.

All openings to the outside shall be effectively screened and such screens shall be kept in good repair. All screen doors shall open outward and shall be self-closing without leaving cracks through which flies and other insects may pass. All necessary procedures shall be carried out to control flies and the market shall be free from such at all times. Large fans protecting doorways may be used in lieu of screen doors, provided they are effective and kept in operation.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 5.

**25.0135 Water and sanitary conveniences-
Hand washing.**

Water supply, toilets, washrooms, and other sanitary conveniences shall be furnished in meat markets in compliance with Article I. Signs shall be conspicuously posted requiring all help to wash hands before beginning work and after each visit to the toilet.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 6.

25.0136 Wash sink.

A wash sink of sufficient size to permit complete immersion of utensils, with hot and cold running water and the necessary soap or washing powder, shall be installed for the washing of trays, utensils, and other equipment used in the market. Adequate protection to prevent splashing of the walls behind the sink shall be provided. Where no lavatory provisions are made for washing the hands, the wash sink shall be equipped with a combination faucet permitting the proper mixing of hot and cold running water, and the required soap and individual towels shall be furnished.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 7.

25.0137 Cleaning of utensils and equipment.

- (a) All counters, blocks, or other equipment upon which meat or meat products are handled shall be thoroughly cleaned at least once each day and as much or as often as necessary to keep them clean and sanitary. No trays, racks, meat racks, or containers shall be reused without thorough washing. All knives, saws, cleavers, grinders, and other tools, and utensils and machinery used in handling, cutting, chopping, grinding, mixing, or otherwise processing the meat or meat products, shall, at least once each day, be thoroughly cleaned and rinsed with hot water and a suitable soap, washing powder, or other detergent.
- (b) All meat blocks shall be free from holes, cracks, and crevices, and shall be kept clean by some effective method. No oil cloth or paper shall be used on any counter, table, or shelf where meat or meat products are handled, and clean, new wrapping paper only shall be used in weighing the products upon sale.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 8.

25.0138 Handling of meat and meat products.

- (a) Meat and meat products for sale or on display shall be properly covered to protect them effectively from contamination by flies, other insects, dust, vermin, dirt, or from other sources of contamination.
- (b) No customers, or other persons not directly employed in the market, shall be permitted to handle fresh meats and meat products intended for sale to the public. Display cases shall be arranged to prevent such handling except when adequately packaged, wrapped, or similarly protected on display for customer services.
- (c) No fresh horse meat or fresh meat products, inspected or otherwise, shall be kept, sold, or exposed for sale for human consumption in any building where meat and meat food products are sold or offered for sale.
- (d) No meat product, except cured meats, shall be kept exposed outside of refrigerators or refrigerated display cases except in such quantities as are needed for immediate transfer or sale and shall be arranged in such display cases or refrigerators in an orderly, sanitary manner. Smoked or salted meat or meat products may be kept outside of refrigerators, provided they are in a clean box and raised well above the

floor level, at least 8 inches. No meat shall be stored directly upon the floor. No animals shall be permitted in meat markets.

- (e) No meat or meat product shall be transported to or received into a meat market unless the meat, whether in entire carcasses, halves, quarters or cuts, has been thoroughly covered or wrapped in clean cloth, or unless the meat product has been packed in paper cartons, cellophane, or clean wrapping paper, so as to protect it completely during delivery from dust, dirt, flies, insects, rain, and other sources of contamination.
- (f) No meat or meat product shall be received into a meat market unless transported thereto in enclosed, refrigerated vehicles.
- (g) No meat or meat product shall be wrapped in newspapers or previously used wrapping paper.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 9.

25.0139 Refrigerator space, temperature, and cleaning.

Sufficient refrigerator space shall be provided to accommodate the volume of business conveniently. Refrigeration shall not be considered satisfactory if the temperature in any part of the refrigerator or display cases exceeds 40 degrees Fahrenheit any time. All refrigerators, meat boxes, and display cases shall be kept clean, sanitary, and free from objectionable odors. All treads, false floors, or other obstacles to the cleaning of floors and other parts in the refrigerator or cold storage room shall be easily removable. Drains from refrigerators, cold storage rooms, or display cases shall discharge into a sanitary sewer only through an air break and trap.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 10.

25.0140 Waste disposal.

All meat markets shall be provided with covered, galvanized-iron cans of sufficient size, not exceeding 20 gallons, and number to receive all refuse, offal, filth, meat scraps, bones, rubbish, and other waste materials that may originate around meat markets. Such cans shall be kept tightly covered at all times, so that the contents are kept protected from flies, insects, rodents, vermin, and animals. The contents of the cans shall be completely removed from the premises at least once every 24 hours, or refrigerated, and the cans thoroughly washed.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 11.

25.0141 Spoiled or tainted meat-Prohibited operations.

- (a) No spoiled or tainted meat or meat products shall be offered for sale, stored, or kept on the premises. No live poultry or live animals of any kind shall be kept in the sales room of the meat market, nor shall this room be used for sleeping or domestic purposes.
- (b) The evisceration, skinning, drawing, dressing, or any other operation other than the cutting, slicing, or grinding of meat or poultry to facilitate its use, handling or sale, is strictly prohibited in market sales rooms.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 12.

25.0142 Employee health-Certificates of examination.

No person suffering from a communicable disease, or known to be, or suspected of being a carrier of a communicable disease or having open and unprotected cuts or lesions, shall be employed in a meat market or permitted to remain on the premises. Each employer shall have in his possession a certificate in writing for each employee from the director of health, stating that the employee has been thoroughly examined and the employee is found to be not suffering from any disease in a communicable stage. Such certificate shall show the date of examination and shall not be accepted as in compliance with this section after a period of 12 months from that date. Both employer and employee shall be held responsible for violation of the requirements of this section.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 13.

25.0143 Litter and cleanliness in premises and surroundings.

- (a) All waste materials, obsolete and unnecessary objects, and rubbish of all kinds, shall not be permitted to accumulate in or immediately around the market.
- (b) Storerooms, basements, closets, and other parts of the building, pens, or coops for poultry or live animals, and all outside premises, shall be kept in a clean, orderly, and sanitary manner.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 14.

25.0144 Enforcement authority-Unwholesome and unsafe foods.

It shall be the duty of the director of health or his agents duly authorized to enforce this article, to seize and destroy or render inedible any and all foods covered by this article found to be unwholesome or to be not produced and/or handled in compliance with this article or the A.S.C.A., so that they are rendered unsafe for human consumption.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 15.

25.0145 Living and sleeping quarters-Dressing rooms and lockers-Soiled laundry.

None of the operations connected with a meat market shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing-rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 16.

25.0146 Health permit required.

It is unlawful for any person to operate a meat market in American Samoa who does not have a health permit from the director of health as required in 25.0501 A.S.C.A. Such a permit shall be posted in a place where people can see it. Only persons who meet the requirements of this article and the A.S.C.A., will be given a permit.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 17.

25.0147 Violations-Misdemeanor.

Any person who violates this article is guilty of a class C misdemeanor and shall, upon conviction, be sentenced accordingly, as provided by 25.0110 A.S.C.A.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 18.

25.0148 Violation-Health permit suspension or revocation.

The director of health may suspend or revoke the health permit issued to any meat market upon the violation by the holder, or by a person in his employ, or under his supervision or control, of any public health rule. Such suspension or revocation shall be subject to the same conditions provided by 25.0509 A.S.C.A.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 19.

IV. ABATTOIRS

25.0150 Definitions.

For the purpose of this article the following definitions shall apply:

- (a) "Abattoir" means any slaughtering or meat processing, meat canning, curing, smoking, salting, rendering, or other similar establishment.
- (b) "Meat" means the edible part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. "Meat" also includes fish, other seafoods, fowl, or game.
- (c) "Meat food products" means any articles of food or any article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine; fish, other seafoods, fowl, game, or goat.
- (d) "Offal" means the inedible portions of animals or poultry handled in the abattoir. This includes tankage from rendering tanks, hair, bones, paunch contents, manure, and similar material.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 1.

25.0151 New construction or remodeling approval.

One copy of the complete drawings covering drainage, sewerage, plumbing, and the treatment and disposal of wastes and sewage, for new plants or for remodeling or extending existing plants, shall be submitted to the director of health or his agents and approved in advance of construction.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 2.

25.0152 Lighting-Ventilation.

There shall be abundant light, both natural and artificial, and sufficient ventilation in all rooms and parts of the plant to ensure proper sanitary conditions.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 3.

25.0153 Plumbing, drainage, gutters.

There shall be an efficient drainage and plumbing system for the abattoir and premises, and all drains and all plumbing, drains, and gutters shall be properly trapped and vented.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 4.

25.0154 Sewage and waste disposal.

- (a) Sanitary Sewage. All water-borne waste from toilets, lavatories, showers, and other facilities serving the employees shall be disposed of by treatment facilities approved by the director of health or his agents.
- (b) Industrial Waste. Industrial waste includes all solid and liquid waste produced in the preparation and processing of meat and meat products. Waste-treatment works shall be designed and constructed to treat the liquid-and liquid-borne solid waste in such a manner that it may be disposed of without creating a sanitary nuisance or otherwise affecting the receiving water to the detriment of persons, fish, aquatic life, and livestock. All liquid wastes shall be treated to separate solid offal. Plans for such treatment works shall be approved by the director of health or his agents prior to construction. All offal and other solid wastes shall be promptly removed from the abattoir and disposed of in a sanitary manner approved by the director of health or his agents.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 5.

25.0155 Water supply-Hot water.

- (a) The water supply shall be running, ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known and, whenever required, shall afford opportunity for inspection of the system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system.
- (b) An ample supply of water at not less than 180 degrees Fahrenheit shall be furnished and used for the cleaning of equipment, floors, walls, and the like, which are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and parts.
- (c) Hot water for cleaning rooms and equipment other than those mentioned in subsection (b) of this section shall be delivered under pressure to sufficient, convenient outlets and shall be of such temperature as to accomplish thorough cleanup.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 6.

25.0156 Floors, walls, and ceilings.

The floors, walls, and ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will permit them to be readily and thoroughly cleaned. The floors shall be of non-absorbent material, concrete or tile, and watertight, and shall be kept cleaned and in good repair. Walls shall be of impervious materials up to at least 6 feet.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 7.

25.0157 Odor control.

The abattoir in general, and the rooms and compartments in which any meat or meat product is prepared or handled in particular, shall be as free from odors as is practical. Toilets, rooms, catch basins, hide cellars, casing rooms, offal tanks, fertilizer rooms, and stables shall be so located and separated in order to keep odors originating in these rooms from entering compartments where edible products are prepared or handled.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 8.

25.0158 Insect and vermin control.

Every practicable precaution shall be taken to keep the abattoir free from flies, rats, mice, and other vermin. Compartments where edible products are handled shall be adequately screened so as to keep them free from flies. Insecticides and methods of application must be approved by the director of health or his agents. The construction of new buildings shall include all necessary provisions for preventing the ingress and egress of rats. The use of poisons for any purpose in rooms or compartments where any unpacked meat product is stored or handled is forbidden, except under such restriction or precautions as the director of health prescribes. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but so called rat viruses shall not be used in any part of the abattoir or premises thereof.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 9.

25.0159 Domestic animals.

Dogs, cats, or other domestic animals shall not be permitted in abattoirs.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 10.

25.0160 Sanitary facilities-Hand washing.

Adequate and convenient dressing rooms, lockers, commodes, urinals, lavatories, and showers shall be

provided. Provision shall be made to furnish hot and cold running water, soap, and approved, sanitary towels; the common towel is prohibited. No employee shall resume work after using the toilet facilities without first washing hands.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 11.

25.0161 Equipment and utensils-Inedible product receptacles.

Equipment and utensils used for preparation, processing, and otherwise handling any meat or meat products shall be of such materials and so constructed as will permit them to be easily and thoroughly cleaned. Knife scabbards shall be metal and kept clean. Adequate and conveniently located hot water shall be provided for cleansing and disinfecting all utensils. Receptacles used for inedible products shall bear some distinctive and conspicuous marking and shall not be used for handling edible products.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 12.

25.0162 Cleanliness and sanitation generally.

Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any meat or meat product, and all other parts of the abattoir, shall be kept clean and sanitary. Operations and procedures involving the preparation, storing, or handling of any meat or meat product shall be strictly in accord with clean and sanitary methods. Racks must be kept at least 8 inches above the floor.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 13.

25.0163 Diseased carcass handling.

Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands of grease, immerse them in a disinfectant of recognized and approved potency, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 14.

25.0164 Aprons and frocks.

Aprons, frocks, and other outer clothing worn by persons who handle meat or meat products shall be of washable material, and only clean garments shall be worn.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 15.

25.0165 Spitting-Using mouth-Perspiration.

Such practices as spitting on whetstones, placing skewers or knives in the mouth, inflating lungs or

casings, or testing with air from the mouth such receptacles as tierces, kegs, casks, and the like, containing or intended as containers of any meat or meat product, are prohibited. Care should be taken to prevent the contamination of meat with perspiration.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 16.

25.0166 Secondhand containers.

Secondhand tubs, barrels, and boxes, intended for use as containers of meat or meat products, shall be inspected when received at the abattoir before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food shall be rejected. The use of those in good condition shall be allowed only after thorough cleaning. Steaming after thorough scrubbing and rinsing is required.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 17.

25.0167 Vehicles-Transporting inedibles.

The vehicles in which any meat or meat product is transported shall be kept in a clean and sanitary condition. Vehicles used in transferring loose meat and meat products shall be closed and refrigerated. Trucks used for the hauling of inedible products shall be conspicuously marked and used only for this purpose. Inedible products shall be kept in covered metal containers when in transit.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 18.

25.0168 Edible-product room separating-Other premises-Grease traps.

The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products. All operating and storage rooms and departments of abattoirs used for inedible products shall be kept in acceptably clean condition. The outer premises of every abattoir, unloading docks and areas where vehicles are loaded, and the driveways, approaches, yards, pens, and alleys shall be properly drained and kept in clean and orderly condition. All catch basins and grease traps shall be so constructed and located to ensure proper attention in order to keep them in a clean and operative condition. Fly breeding shall be strictly prevented and all material in which flies may breed shall be kept in fly-tight containers until removal from the premises. No nuisance shall be allowed in any abattoir or on its premises.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 19.

25.0169 Employee health-Certificates of examination.

No person suffering from a communicable disease, or known to be, or suspected of being a carrier of a communicable disease or open and unprotected cuts or lesions, shall be employed in an abattoir or permitted to remain on the premises. Each employer shall have in his possession a certificate, in writing, for each employee from the director of health, stating that the employee has been thoroughly examined and the employee is found to be not suffering from any disease in a communicable stage. Such certificate shall be renewed every 12 months. Both employer and employee shall be held responsible for violations of the requirements of this section.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 20.

25.0170 Horse and mules.

Equines owned or used by abattoirs on the premises shall be free of diseases communicable to man.

History: Pub. Health Reg. 3, eff 23 Sep 64, § 21.

25.0171 Refrigeration.

Sufficient refrigerator space shall be provided to conveniently accommodate the volume of business handled. The temperature of the refrigerator shall be so maintained as to prevent deterioration of the meat. Refrigerators shall be kept clean, sanitary, and free from objectionable odors. Drains from refrigerators shall discharge only through an air break and trap.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 22.

25.0172 Carcass inspection.

It shall be the duty of the director of agriculture or his agents to make ante mortem and post mortem inspections of all carcasses.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 23.

25.0173 Living or sleeping quarters-Dressing rooms and lockers-Soiled laundry.

None of the operations connected with an abattoir shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 24.

25.0174 Violation-Misdemeanor.

Any person who violates this article is guilty of a class C misdemeanor and shall, upon conviction, be

sentenced accordingly, as provided by 25.0110 A.S.C.A.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 25.

25.0175 Violation-Health permit suspension or revocation.

The director of health may suspend or revoke the health permit issued to any abattoir upon violation by the holder, or by a person in his employ or under his supervision or control, or any public health rule. Such suspension or revocation shall be subject to the same conditions provided by 25.0509 A.S.C.A.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 26.

25.0176 General purpose.

The rules set out in this article are promulgated by the Department of Agriculture of the Government of the territory or American Samoa in the interests of public health and safety, in order to allow the market place located in Fagatogo to best serve the need of the Farmers as well as the public.

History: Rule 6-84, eff 1 May 84. (part).

25.0177 Stalls.

- (a) Allocation of stalls will be assigned on a "first paid, first serve" basis.
- (b) No selling of produce is allowed until rental payment is made.
- (c) No seller will be allowed to sell any goods at the market until he has paid any and all previous debts for stall usage to the appropriate market attendant.
- (d) Each farmer is limited to the use of one stall at a time, except that he may rent additional stalls if they are available and at the discretion of the market manager.
- (e) Each farmer must be present at his stall at all times for proper office recording.
- (f) Each seller is responsible for the cleaning of his stall and surrounding areas during and after the selling of produce.
- (g) The sale of any food or beverages for immediate consumption is prohibited however such sales will be allowed on national holidays under such terms and conditions as the market manager may set forth.
- (h) The same rules shall apply for the rental of booths.

History: Rule 6-84. eff 1 May 84. (part).

25.0178 Rental rates.

The rental rates for the market shall be as follows:

- (a) Stalls-all stalls shall rent for \$2 per day/per stall.
- (b) Booths-all booths shall rent for \$15 per week/per booth.
- (c) Fish booth-a fish booth shall rent for \$2.00 per table/per fisherman.
- (d) Other market space-\$ 1.50 per seller per day in such location and manner as is determined by the market manager.
- (e) Cooler-the cooler, which is opened at 7:30 a.m. and 3:30 p.m. only, shall be available for rent at \$2 per piece/per night.
- (f) Bake sales-the rate shall be \$ 10 per group per day.
- (g) Bingo-the rate shall be \$200 per night per game. Receipts should be presented to the market attendant(s) before each game begins and all payments must be made at the revenue office.

History: Rule 6-84. eff 1 May 84. (part).

25.0179 Miscellaneous rules.

- (a) No beer or other alcoholic beverages of any type may be consumed on the market premises at any time.
- (b) Other than authorized bingo games, no gambling is allowed on the market premises at any time.
- (c) No fighting or profane language shall be allowed on the market premises at any time.
- (d) Sleeping on the market premises is not allowed except sellers of agricultural products or their agents may be allowed to sleep only on Friday nights.
- (e) No children under the age of 18 years shall be allowed within the market place during bingo games held at the market.
- (f) Littering on the market premises is strictly prohibited.
- (g) A health permit is required by all sellers of bake sales.
- (h) The market shall be closed on legal holidays and the selling of produce on legal holidays is prohibited except that the Director of

Agriculture, at his discretion, may allow the market to be open on legal holidays.

History: Rule 6-84. eff 1 May 84. (part).

25.0180 Penalty for noncompliance.

The penalty for noncompliance of any portion of Sections 25.0176 through 25.0179 inclusive is sufficient cause for immediate eviction of an individual or organization from the market.

History: Rule 6-84. eff 1 May 84. (part).

[End Of Title 25 – Chapter 1]

TITLE 25 – CHAPTER 02 – FACILITY HEALTH PERMITS

Sections:

- 25.0201 Definitions.
- 25.0202 Health permits required.
- 25.0203 Health certificates for barbers and beauticians.
- 25.0204 Inspection.
- 25.0205 Sanitation rules.
- 25.0206 Violation-Health permit suspension or revocation.
- 25.0208 Labeling of foods and beverages

25.0201 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

- (a) “Barber.” or “beautician” means any person who personally or by any other person, for pay, shaves or trims the beard, cuts the hair, gives, facial and scalp massages, facial and scalp treatments with oils and creams and other preparations made for that purpose, either by hand or by mechanical appliances, singses and shampoos the hair, sets the hair, or gives permanent waves.
- (b) “Barbershop” or “beauty shop” means any place wherein the hair is cut, singed, shampooed, set, or waved, the beard is trimmed or the face, and/or the scalp is shaved, massaged or treated with oils, creams, or any other preparation made for that purpose either manually or by mechanical appliance for pay.

History: Pub. Health Reg. 3, eff 16 Jul 64, § 1.

25.0202 Health permits required.

It is unlawful for any person to operate a barbershop or beauty shop in American Samoa who does not have a health permit from the director of health as required in 25.0501 A.S.C.A. Such a permit shall be posted in a place where people can see it. Only persons who meet the requirements of this article and the A.S.C.A., will be given a permit.

History: Pub. Health Reg. 3, eff 6 Jul 64, § 2.

25.0203 Health certificates for barbers and beauticians.

All barbers or beauticians must be examined by the public health department at least once in every 12 months. They will be given a certificate which must be kept on their person when working in a barber shop or beauty shop. No barber will be employed in a

barbershop and/or no beautician will be employed in a beauty shop who does not have a valid certificate of health.

History: Pub. Health Reg. 3, eff 16 Jul 64, § 3.

25.0204 Inspection.

At least once in every 6 months the chief sanitarian or his agents will inspect every barbershop or beauty shop within American Samoa. One copy of the inspection report will be filed with the public health department and 1 copy will be posted in a conspicuous place on the premises.

History: Pub. Health Reg. 3, eff 16 Jul 64, § 4.

25.0205 Sanitation rules.

- (a) Building. The building must be of a type that can be kept clean;
- (b) Hand Washing Facilities. There must be a place for washing hands, providing water, soap, and clean towels.
- (c) Toilet. There must be a clean toilet available on the premises.
- (d) Equipment and Utensils. All equipment and utensils must be in good repair and kept clean.
- (e) Waste Disposal. All waste must be properly disposed of. Garbage and trash must be kept in suitable metal containers with close fitting lids. After emptying, containers must be cleaned.
- (f) Personnel Clothing and Cleanliness: All barbers or beauticians must wear clean clothing and must keep their hands and body well washed. Their hair must be neat, clean and free of lice.
- (g) Animals or Fowl. No animals or fowl shall be kept or allowed in a barbershop or beauty shop.
- (h) Premises. The premises must be kept clean and reasonably free of all litter, rubbish, flies, rats, and harmful things.
- (i) Communicable Disease. The barber or beautician must be free of any communicable disease.
- (j) No person suffering from a communicable disease or eruption of the face, scalp, or neck shall be served in a barber shop or beauty shop.
- (k) Shaving Mugs and Brushes. Shaving mugs and lather brushes must be thoroughly cleansed with

hot water or by some other method approved by the director of health.

- (l) Instruments. All razors, scissors, needles, pincers, and other instruments shall be cleansed and sterilized after each separate use, either by boiling in water for 5 minutes or by some other method approved by the director of health.
- (m) Combs and Brushes. Combs and brushes must be kept thoroughly cleansed with soap and hot water or by some other method approved by the director of health.
- (n) Styptics. The use of styptic sticks or pencils is prohibited. Materials used for this purpose must be in powered or liquid form.
- (o) Powder Puffs and Sponges. The use of powder puffs and sponges is prohibited.
- (p) Towels. Towels must be properly laundered in soap and hot water.
- (q) Violations. Any employee who fails to maintain cleanliness of person or habits or who neglects to wash his hands before resuming work after visiting the toilet, or who does not properly use, misuses, or improperly cares for any appliance or instrument used for the care of the hair, scalp, or face, or used for the care of such instruments or appliances, is guilty of an offense against this article.
- (r) Posting Provisions. A copy of this article shall be posted in the barbershop or beauty shop where the barbers, beauticians, and customers can see it.

History: Pub. Health Reg. 3, eff 16 Jul 64, § 5.

25.0206 Violation-Health permit suspension or revocation.

The director of health may suspend or revoke the health permit issued to any barbershop or beauty shop upon the violation by the holder, or by a person in his employ or under his supervision or control, of any public health rule. Such suspension or revocation shall be invoked pursuant to and as provided in 25.0509 A.S.C.A.

History: Pub. Health Reg. 3, eff 16 Jul 64, § 6.

25.0208 Labeling of food and beverages

The standards of the United States Food Code administered by the United States Food and Drug Administration, as amended from time to time, may

be used as a guide for purposes of determining labeling requirements and quality standards of food products pursuant to A.S.C.A. § 25.0604 (c).

History: Rule 2023-0011, eff. 12 Dec 23.

[End Of Title 25 – Chapter 2]

TITLE 25 – CHAPTER 03 – (RESERVED)

[End Of Title 25 – Chapter 3]

AMERICAN SAMOA ADMINISTRATIVE CODE – 2024 EDITION

TITLE 25 – CHAPTER 04 – SAFE DRINKING WATER

Sections:

25.0401	Definitions	25.0420.151	Gross Alpha Particle Radioactivity in Community Water Systems.
25.0402	Operation & Maintenance	25.0420.152	Purpose and Applicability of this Subpart.
25.0403	Water Facility Design & Construction	25.0420.153	Effective Dates.
25.0403.1	Minimum Design Criteria	25.0420.154	Content of the Reports.
25.0403.2	Wells	25.0420.155	Required Additional Health Information.
25.0403.3	Storage Requirements	25.0420.16	Report Delivery and Record Keeping
25.0403.4	Standards for Additives, Materials, and Equipment	25.0420.16	Maximum Contaminant Levels for Beta Particle and Photon Radioactivity from Man-made Radionuclides in Community Water Systems.
25.0403.5	Application for Approval to Construct	25.0420.170	General Requirements.
25.0403.6	Compliance with Approved Engineering Drawings and Specifications	25.0420.171	Criteria for Avoiding Filtration.
25.0403.7	Approval of Construction	25.0420.172	Disinfection Profiling and Benchmarking.
25.0403.8	As-Build Drawings	25.0420.173	Filtration.
25.0403.9	Modification to Existing Treatment Process	25.0420.174	Filtration Sampling Requirements.
25.0404	Certified Operators	25.0420.175	Reporting and Record Keeping Requirements.
25.0405	Backflow Prevention	25.0420.200	Definitions.
25.0406	Emergency Operations Plan	25.0420.201	General Public Notification Requirements.
25.0407	Unsafe Supplies	25.0420.202	Tier 1 Public Notice – Form, Manner, and Frequency of Notice.
25.0408	Sanitary Surveys	25.0420.202	Tier 2 Public Notice – Form, Manner, and Frequency of Notice.
25.0409	Hauled Water	25.0420.202	Tier 3 Public Notice – Form, Manner, and Frequency of Notice.
25.041	Bottling Water for Sale	25.0420.203	Content of the Public Notice.
25.0411	Violation - Penalty	25.0420.204	Notice to New Billing Units or New Customers.
25.0420.1	Authority	25.0420.204	Special Notice of the Availability of Unregulated Contaminant Monitoring Results.
25.0420.100	Criteria and Procedures for Public Water Systems Using Point-of-Entry Devices	25.0420.205	Special Notice for Exceedance of the SMCL for Fluoride.
25.0420.101	Use of Bottled Water	25.0420.206	Special Notice for Nitrate Exceedances Above MCL by Non-community Water Systems (NCWS), Where Granted Permission by the Primacy Agency Under 141.11(d).
25.0420.11	Maximum Containment Levels for Inorganic Chemicals	25.0420.207	Coliform Sampling.
25.0420.110	General Requirement	25.0420.208	Notice by Primacy Agency on Behalf of the Public Water System.
25.0420.111	Treatment Techniques for Acrylamide and Epichlorohydrin	25.0420.208	Turbidity Sampling and Analytical Requirements.
25.0420.120	Maximum Containment Levels for Total Trihalomethanes	25.0420.209	Inorganic Chemical Sampling Analytical Requirements.
25.0420.130	Maximum Containment Levels for Turbidity	25.0420.21	Organic Chemicals Sampling and Analytical Requirements.
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25.0420.89	Analytical Methods.		
25.0420.90	Reporting Requirements.		

25.0401 Definitions

The following definitions apply in this section.

“Annular space” means the space between any two casings or between the outer casing and the walls of the borehole.

“AS-EPA” means the American Samoa Environmental Protection Agency.

“ASPA” means the American Samoa Power Authority.

“Air-gap separation” means a physical separation, between the discharge end of a supply pipe and the top rim of its receiving vessel, of at least one inch or twice the diameter of the supply pipe, whichever is greater.

“ANSI/NSF Standard 60” means American National Standards Institute/National Sanitation Foundation International Standard 60 – 2000a, Drinking Water Treatment Chemicals – Health Effects, November 2000, incorporated by reference and on file with AS-EPA. This material is available from NSF International, 789 North Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, USA, (734) 769-8010, <http://www.nsf.org>. This incorporation by reference includes no future editions or amendments.

“ANSI/NSF Standard 61” means American National Standards Institute/ National Sanitation Foundation International Standard 61 – 2000a, Drinking Water System Components – Health Effects, November 2000, incorporated by reference and on file with AS-EPA. This material is available from NSF International, 789 North Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, USA, (734)

769-8010, <http://www.nsf.org>. This incorporation by reference includes no future editions or amendments.

“Backflow” means a reverse flow condition that causes water or mixtures of water and other liquids, gases, or substances to flow back into the distribution system. Backflow can be created by a difference in water pressure (backpressure), a vacuum or partial vacuum (back-siphon), or a combination of both.

“Backflow-prevention assembly” means a mechanical device used to prevent backflow.

“Baseline sampling” means the initial monitoring of contaminants required for each source before it can supply water to a public water system.

“Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

“Casing” means the tubular material utilized to shut off the aquifer above the source bed and conduct water from the source to the wellhead.

“Certified operator” means a water treatment or water distribution operator who is currently certified in one of the 50 States in the United States of America or is certified by an independent operator certification program recognized and accepted by AS-EPA to operate a water treatment or water distribution system. This term also implies that the operator must not exceed the authority of the certification as defined in the State where the certification was obtained.

“Cross connection” means a physical connection between a public water system and any source of water or other substance that may lead to contamination of the water provided by the public water system through backflow.

“Director” means the Director of the American Samoa Environmental Protection Agency.

“Distribution pipeline system” means an appurtenance, device, and facility of a public water system that conducts water from a source or water treatment plant to persons served by the system.

“Double check valve assembly” means a backflow-prevention assembly that contains two independently acting check valves with tightly closing, resilient-seated shut-off valves on each end of the assembly and properly located, resilient-seated test cocks.

“EPA” means the United States Environmental Protection Agency.

“Groundwater system” means a public water system that is supplied solely by groundwater that is not under the direct influence of surface water.

“Groundwater under the direct influence of surface water” means any water beneath the surface of the ground with: A significant occurrence of insects or other macro organisms, algae, large-diameter pathogens such as *Giardia lamblia*, or total coliform, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH that closely correlate to climatological or surface water conditions.

“MCL” means Maximum Contaminant Level

“NSF International” means National Sanitation Foundation International, 789 North Dixboro Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, USA; (734) 769-8010; <http://www.nsf.org>.

“Pollution” means any matter, which renders water objectionable or dangerous to health.

“Professional engineer” means an engineer that holds a professional engineers license in one of the 50 States in the United States of America to practice engineering. This term also implies that the certification is current and has not expired. This term also implies that the engineer must not practice outside the authority of the license or area of competence as defined in the State where the license was issued.

“Public water system” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances; if that system has at least 15 service connections or regularly serves at least 25 individuals. Constructed conveyances may include glass and/or plastic single and multi-use bottles if the source water for filling those bottles is not also an AS-EPA public water system. A public water system includes:

- (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system;
- (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such systems.

“Residual disinfectant concentration” and “RDCs” mean the concentration of disinfectant measured in mg/L in a representative sample of water.

“Safe Drinking Water Act” means the federal Safe Drinking Water Act as amended (42 U.S.C. 300f et seq., Title XIV of the Public Health Service Act).

“Source bed” means the stratum from which water is drawn in the well.

“Ten State Standards” means the Recommended Standards for Water Works, Great Lakes Upper Mississippi River Board (Ten State Standards), 1997. This incorporation by reference includes no future editions or amendments.

“Well” means any artificial bored or drilled opening in the ground, whose depth is greater than it is wide, designed to conduct water from a source bed to the surface.

History: Rule 1-08, eff 1 Jun 08.

25.0402 Operation & Maintenance

A water supplier shall maintain and keep in proper operating condition all facilities used in production, treatment, and distribution of the water supply so as to comply with the requirements of this Chapter.

History: Rule 1-08, eff 1 Jun 08.

25.0403 Water Facility Design & Construction

Editors Note – 12 Dec 2021 – no text found.

25.0403.1 Minimum Design Criteria

- (1) A public water system shall be designed using good engineering practices. A public water system which is designed in a manner consistent with the criteria contained in the Ten State Standards or other industry-accepted standards shall be considered to be designed using good engineering practices.
- (2) A potable water distribution system shall be designed to maintain and shall maintain a pressure of at least 20 pounds per square inch at ground level at all points in the distribution system under all conditions of flow.
- (3) Water and sewer mains shall be separated in order to protect public water systems from possible contamination. All distances are measured perpendicularly from the outside of the sewer main to the outside of the water main. Separation requirements are as follows:
 - (a) A water main shall not be placed:
 - 1. Within 6 feet, horizontal distance, and less than 2 feet, vertical distance, above the top of a sewer main unless

extra protection is provided. Extra protection shall consist of constructing the sewer main with mechanical joint ductile iron pipe or with slip-joint ductile iron pipe if joint restraint is provided. Alternate extra protection shall consist of encasing both the water and sewer mains in at least 6 inches of concrete for at least 10 feet beyond the area specified by this subsection (3)(a)1.

- 2. Beneath a sewer line.
- (b) No water pipe shall pass through or come into contact with any part of a sewer manhole. The minimum horizontal separation between water mains and manholes shall be 6 feet, measured from the center of the manhole.
- (c) The separation between force mains or pressure sewers and water mains shall be not less than 2 feet vertically and not less than 6 feet horizontally under all conditions. Where a sewer force main crosses less than 6 feet below a water line, the sewer and water mains shall be encased in at least 6 inches of concrete or constructed using mechanical joint ductile iron pipe for not less than 10 feet on either side of the water main. No sewer force main shall cross above a water main.
- (d) Sewer mains (gravity, pressure, and force) shall be kept a minimum of 50 feet from wells unless the following conditions are met:
 - 1. Water main pipe, pressure tested in place to 50 psi without excessive leakage, is used for gravity sewers at distances greater than 20 feet but less than 50 feet from any well; or
 - 2. Water main pipe, pressure tested in place to 150 psi without excessive leakage, is used for pressure sewers and force mains at distances greater than 20 feet but less than 50 feet from any well. “Excessive leakage” means any amount of leakage which is greater than that permitted under the AWWA Installation Standard applicable to the particular pipe material, joint, or valve type.

3. Under no condition shall a sewer conveyance, including lines, manholes and lift stations, be constructed within 20 feet of any well.
- (4) A public water system shall not construct or add to its system a well which is located:
 - (a) Within 50 feet of existing sewers unless the sewer main has been constructed in accordance with subsection (3)(d)1 or 2 of this Section;
 - (b) Within 100 feet of any existing septic tank or subsurface disposal system;
 - (c) Within 100 feet of a discharge or activity that is a potential source of contamination; or
 - (d) Within 100 feet of an underground storage tank containing petroleum products or other potential contaminant.

History: Rule 1-08, eff 1 Jun 08.

25.0403.2 Wells

(1) Location

- (a) Well sites shall be on ground that is not subject to ponding or flooding. In general, the slope of the ground surface in the vicinity of the well site shall be away from the well, if practical. For level areas, well-tamped earth shall be placed around the well so as to elevate the platform or apron.
- (b) As far as is practical, when the direction of ground water flow is known, wells shall be located on the upstream side of the possible sources of pollution and as far from these sources as practical.

(2) Surface Seal

Wells drilled by any method shall have, at minimum, the top 20 feet of the annular space between the boring and the casing sealed by the use of a neat cement grout. The top of the casing shall be sealed to exclude influent.

(3) Well Head

The well head shall be constructed to exclude influent from entering the well and shall, at a minimum, have the following features:

- (a) Protection from the elements;

- (b) Pump to waste valve;
- (c) Sampling tap for raw water;
- (d) Flow meter;
- (e) Check valve;
- (f) Pressure gauge;
- (g) Sounding tube or other casing access port, sealed when not used;
- (h) Turned down screened vents on all air relief valves;
- (i) Well slab of 6ft by 6ft by 6in thick concrete;
- (j) Fence, 6ft high, locked, with appropriate security;
- (k) Chlorination, automatic flow-paced;
- (l) Sanitary well seal;
- (m) Solid casing (non-perforated) extending a minimum of one foot (12 inches) above the finished well slab grade.

(4) Pump pits

Constructing a well head in a below grade pump pit is not allowed.

(5) Well Abandonment

Wells no longer in use shall be plugged in a manner approved by the Director of AS-EPA and ASPA water supply engineer. Capping the casing top is insufficient.

(6) Infiltration galleries and dug wells

Dug wells, infiltration galleries, and other such sources of water supply requiring rearrangement of natural features will automatically be considered suspect of being under the direct influence of surface water and will be subject to applicable surface water treatment regulations.

History: Rule 1-08, eff 1 Jun 08.

25.0403.3 Storage Requirements

The minimum storage capacity for a water system shall be equal to the average daily demand during the peak demand month. Storage capacity may be based on existing consumption and increased to meet future demand as the water system expands.

History: Rule 1-08, eff 1 Jun 08.

25.0403.4 Standards for Additives, Materials, and Equipment

- (1) Each product added directly to water during production or treatment shall conform to ANSI/NSF Standard 60. Products covered by this subsection include but are not limited to:
 - (a) Coagulation and flocculation chemicals;
 - (b) Chemicals for corrosion and scale control;
 - (c) Chemicals for softening, precipitation, sequestering, and pH adjustment;
 - (d) Disinfection and oxidation chemicals;
 - (e) Chemicals for fluoridation, defluoridation, algae control, and dechlorination;
 - (f) Dyes and tracers;
 - (g) Antifreezes, antifoamers, regenerants, and separation process scale inhibitors and cleaners; and
 - (h) Water well drilling and well rehabilitation aids.
- (2) Except as identified in subsections (4) and (5), a material or product that comes into contact with water or a water treatment chemical shall conform to ANSI/NSF Standard 61. Products and materials covered by this subsection include but are not limited to:
 - (a) Process media, such as carbon and sand;
 - (b) Joining and sealing materials, such as solvents, cements, welding materials, and gaskets;
 - (c) Lubricants;
 - (d) Pipes and related products, such as tanks and fittings;
 - (e) Mechanical devices used in treatment, transmission, or distribution systems such as valves, chlorinators, and separation membranes; and
 - (f) Surface coatings and paints.
- (3) Evidence that a product conforms to the requirements of this Section shall be the appearance on the product or product package of a seal of a certifying entity that is accredited by the American National Standards Institute to provide the certification.
- (4) The Director shall consider standards for chemicals, materials, or equipment that have been certified by NSF International as complying with the standards required by this Section. In those instances where chemicals, materials, and equipment that come into contact with drinking water are essential to the design, construction, or operation of the drinking water system and have not been certified by NSF International or have NSF International certification but are not available from more than one source, the standards shall provide for the use of alternatives which include:
 - (a) Products composed entirely of ingredients determined by the Environmental Protection Agency, the Food and Drug Administration, or other federal agencies as appropriate for addition to potable water or aqueous food.
 - (b) Products composed entirely of ingredients listed in the National Academy of Sciences “Water Chemicals Codex.”
 - (c) Products consistent with the specifications of the American Water Works Association.
 - (d) Products that are designed for use in drinking water systems and that are consistent with the specifications of the American Society for Testing and Materials.
 - (e) Products that are historically used or in use in drinking water systems consistent with standard practice and that have not been demonstrated during past applications in the United States to contribute to water contamination.
- (5) AS-EPA exempts the following materials and products from the requirement to conform to ANSI/NSF Standard 61:
 - (a) A concrete structure, tank, or treatment tank basin constructed onsite that is not normally coated or sealed if the construction materials used in the concrete are consistent with subsection (5)(d). If a coating or sealant is specified by the design engineer, the coating or sealant shall comply with ANSI/NSF Standard 61;
 - (b) An earthen reservoir or canal located upstream of water treatment;

- (c) A water treatment plant that is comprised of components that comply with subsections (2), (3), and (4);
 - (d) A synthetic tank constructed of material that meets Food and Drug Administration standards for a material that comes into contact with drinking water or aqueous food; or
 - (e) A pipe, treatment plant component, or water distribution system component made of lead-free stainless steel.
- 4. Complete baseline monitoring of a proposed new source of water that includes:
 - a. Microbiological; physical; radiochemical; inorganic, organic, and volatile organic chemicals; and
 - b. Microscopic particulates if the source is suspect of being ground water under the direct influence of surface water; and

History: Rule 1-08, eff 1 Jun 08.

25.0403.5 Application for Approval to Construct

- (1) A person or public utility shall not start to construct a new public water system, modify an existing facility, including an extension to an existing public water system, or make an alteration that will affect the treatment, capacity, water quality, flow, distribution, or operational performance of a public water system before receiving an Approval to Construct from AS-EPA. Designing or consulting engineers may confer with AS-EPA before proceeding with detailed designs of complex or innovative facilities. The following provisions shall apply:
 - (a) An application for Approval to Construct, including the following documents and data, shall be submitted to AS-EPA:
 - 1. Detailed engineering design drawings of the site and work to be done, presented in legible form and of sufficient scale, to establish construction requirements to facilitate effective review;
 - 2. Complete engineering specifications to supplement engineering drawings, including materials specifications, special provisions for construction methods and manufacturers' installation recommendations;
 - 3. A design report that describes the proposed construction and basis of design, provides design data and other pertinent information that defines the work to be done, and establishes the adequacy of the design to meet the system demand;
 - (b) All engineering drawings, specifications, and design reports submitted for a public water system shall be prepared by, or under the supervision of, a registered professional engineer and have the seal and signature of the engineer affixed to them.
- (2) AS-EPA shall act upon a complete Approval to Construct application submitted for approval within 30 days after its receipt. If AS-EPA fails to act upon a completed application within 30 days then the initial review requirement, approval to construct, shall be waived. However, other reviews will not be waived and the requirements of sections 25.0403.6 through 25.0403.9 must be met. Waiving the requirements of obtaining an Approval to Construct does not waive the requirements to meet the minimum design criteria in these regulations or the requirement to meet criteria consistent with good engineering practice.
- (3) AS-EPA shall issue an Approval to Construct only when the following conditions have been met:
 - (a) Engineering drawings and specifications submitted to AS-EPA demonstrate that the proposed public water system can be reasonably expected to comply with this Chapter, including the Maximum Contaminant Levels (MCLs) in the American Samoa Primary Safe Drinking Water Standards (ASPDWS); and
 - (b) The water system is in compliance with this Chapter or can be reasonably expected to return to compliance with this Chapter as a result of the proposed construction.
- 5. Other pertinent data required to evaluate the application for Approval to Construct.

- (4) An Approval to Construct becomes void if an extension of time is not granted by AS-EPA within 90 days of any one of the following:
- (a) Construction does not begin within one year after the date the Approval to Construct is issued, or
 - (b) There is a halt in construction of more than one year, or
 - (c) Construction is not completed within three years after the date construction begins.

History: Rule 1-08, eff 1 Jun 08.

25.0403.6 Compliance with Approved Engineering Drawings and Specifications

All construction shall conform to approved engineering drawings and specifications. In order to make a change in an approved design that will affect water quality, capacity, flow, sanitary features, or other performance characteristic, a public water system shall submit revised engineering drawings and specifications to AS-EPA for review, together with a written statement regarding the reasons for the change. The public water system shall not proceed with the construction affected by the design change without written approval from AS-EPA. Revisions not affecting water quality, capacity, flow, sanitary features, or other performance characteristic may be permitted during construction without further approval if As-Built drawings prepared by a registered professional engineer document these changes.

History: Rule 1-08, eff 1 Jun 08.

25.0403.7 Approval of Construction

- (1) A person or entity shall not operate a newly constructed facility until an Approval of Construction is issued by AS-EPA.
- (2) AS-EPA shall not issue an Approval of Construction on a newly constructed public water system, an extension to an existing public water system, or any alteration of an existing public water system that affects its treatment, capacity, water quality, flow, distribution, or other operational performance characteristic unless the following requirements are met:
 - (a) A registered professional engineer or a person under the direct supervision of a registered professional engineer has completed a final inspection and submitted

a Certificate of Completion on a form approved by AS-EPA to which the seal and signature of the registered professional engineer have been affixed;

- (b) The construction conforms to approved engineering drawings and specifications, as indicated in the Certificate of Completion, and all changes have been documented by the submission of As-Built drawings;
 - (c) Quality control testing results and calculations, including pressure and microbiological testing, and disinfectant residual records, shall be submitted with the Engineer's Certificate of Completion together with field notes and the name of the individual witnessing the tests.
 - (d) AS-EPA has verified that the construction conforms to the approved engineering drawings and specifications;
 - (e) An operations and maintenance manual has been submitted and approved by AS-EPA if construction includes a new water treatment facility; and
 - (f) An operator, who is certified per Section 25.0404 at a grade appropriate for each facility, is employed to operate each water treatment plant and each potable water distribution system.
- (3) AS-EPA reserves the right to inspect all construction operations including the final inspection required in subsection (2)(a). The public water system must:
- (a) Notify AS-EPA at least 7 days before beginning construction on a public water system installation, change, or addition that is authorized by an Approval to Construct;
 - (b) Notify AS-EPA of completion of construction at least 10 working days before the expected completion date;
 - (c) Notify AS-EPA of key construction operations and allow time for AS-EPA to dispatch an inspector prior to final cover so that an adequate inspection can be made.

History: Rule 1-08, eff 1 Jun 08.

25.0403.8 As-Build Drawings

- (1) A registered professional engineer shall clearly and accurately record or mark, on a complete set of project engineering drawings, each deviation from the original drawings and specifications and the dimensions of the deviation. The set of marked drawings becomes the As-Built drawings, reflecting the project as actually built.
- (2) A registered professional engineer shall sign, date, and place the engineer’s seal on each sheet of the As-Built drawings and submit them to AS-EPA upon completion of the project. The As-Built drawings shall be accompanied by an Engineer’s Certificate of Completion, signed by the registered professional engineer.

History: Rule 1-08, eff 1 Jun 08.

25.0403.9 Modification to Existing Treatment Process

Before a public water system may make a modification to its existing treatment process, the public water system shall submit a detailed plan to AS-EPA, in accordance with 25.0403.5 through 25.0403.8, for approval that explains the proposed modifications and the safeguards that the public water system will implement to ensure that the quality of the water served by the system will not be adversely affected by the modification.

History: Rule 1-08, eff 1 Jun 08.

25.0404 Certified Operators

- (1) A certified operator is a water treatment or water distribution operator who is currently certified in one of the 50 States in the United States of America or is certified by an independent operator certification program recognized and accepted by AS-EPA to operate a water treatment or water distribution system. This term also implies that the operator must not exceed the authority of the certification as defined in the State where the certification was obtained.
- (2) A water supplier of a public water system shall employ a certified operator who is certified to the appropriate level to operate each water treatment plant in the system and the distribution system. The same certified operator may be in direct responsible charge of one or more water treatment plants and the distribution system provided the operator holds an operator certificate of the appropriate type and level for each facility. Separate operator certificates are

required to operate a water treatment plant and a distribution system.

History: Rule 1-08, eff 1 Jun 08.

25.0405 Backflow Prevention

- (1) A public water system shall protect its system from contamination caused by backflow through unprotected cross-connections by requiring the installation and periodic testing of backflow-prevention assemblies. Required backflow-prevention assemblies shall be installed as close as practicable to the service connection.
- (2) A public water system shall ensure that a backflow-prevention assembly is installed whenever any of the following occur:
 - (a) A substance harmful to human health is handled in a manner that could permit its entry into the public water system. These substances include chemicals, chemical or biological process waters, water from public water supplies that has deteriorated in sanitary quality, and water that has entered a fire sprinkler system. A Class 1 or Class 2 fire sprinkler system is exempt from the requirements of this Section;
 - (b) A source of water supply exists on the user’s premises that is not accepted as an additional source by the public water system or is not approved by AS-EPA;
 - (c) An unprotected cross-connection exists or a cross-connection problem has previously occurred within a user’s premises; or
 - (d) There is a significant possibility that a cross-connection problem will occur and entry to the premises is restricted to the extent that cross-connection inspections cannot be made with sufficient frequency or on sufficiently short notice to assure that unprotected cross-connections do not exist.
- (3) Unless a cross-connection problem is specifically identified, or as otherwise provided in this Section, the requirements of this Section shall not apply to single family residences used solely for residential purposes.
- (4) A backflow-prevention assembly required by this Section shall comply with the following:
 - (a) If equipped with test cocks, it shall have been issued a certificate of approval by:

1. The University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR), or
 2. A third-party certifying entity that is unrelated to the product's manufacturer or vendor, and is accepted by AS-EPA.
- (b) If not equipped with test cocks, it shall be approved by a third-party certifying entity that is unrelated to the product's manufacturer or vendor and is accepted by AS-EPA.
- (5) The minimum level of backflow protection that must be provided to protect a public water system shall be the level recommended in Section 7.2 of the Manual of Cross-Connection Control, Ninth Edition, USC-FCCCHR, KAP-200 University Park MC-2531, Los Angeles, California, 90089-2531, December 1993, (no future editions or amendments), incorporated by reference and on file with AS-EPA. The types of backflow prevention that may be required, listed in decreasing order according to the level of protection they provide, include: an air-gap separation (AG), a reduced pressure principle backflow prevention (RP) assembly, a pressure vacuum breaker (PVB) assembly, and a double check valve (DC) assembly. Nothing contained in this Section shall prevent the public water system from requiring the use of a higher level of protection than that required by this subsection.
- (a) A public water system may make installation of a required backflow-prevention assembly a condition of service. A user's failure to comply with this requirement shall be sufficient cause for the public water system to terminate water service.
 - (b) Specific installation requirements for backflow prevention include the following:
 1. Any backflow prevention required by this Section shall be installed in accordance with the manufacturer's specifications.
 2. For an AG installation, all piping between the user's connection and the receiving tank shall be entirely visible unless otherwise approved in writing by the public water system.
3. An RP assembly shall not be installed in a meter box, pit, or vault unless adequate drainage is provided.
 4. A PVB assembly may be installed for use on a landscape water irrigation system if the irrigation system conforms to all of the criteria listed in 4.a. through d. below. An RP assembly is required whenever any of the criteria are not met.
 - a. The water use beyond the assembly is for irrigation purposes only;
 - b. The PVB is installed in accordance with the manufacturer's specifications;
 - c. The irrigation system is designed and constructed to be incapable of inducing backpressure; and
 - d. Chemigation, the injection of chemical pesticides and fertilizers, is not used or provided in the irrigation system.
- (6) Each backflow-prevention assembly required by this Section shall be tested at least annually, or more frequently if directed by the public water system or AS-EPA. Each assembly shall also be tested after installation, relocation, or repair. An assembly shall not be placed in service unless it has been tested and demonstrated to be functioning as designed. The following provisions shall apply to the testing of backflow-prevention assemblies:
- (a) Testing shall be in accordance with procedures described in Section 9 of the Manual of Cross-Connection Control. The public water system shall notify the water user when testing of backflow-prevention assemblies is needed. The notice shall specify the date by which the testing must be completed and the results forwarded to the public water system.
 - (b) Testing shall be performed by a person who is currently certified as a "general" tester by the California-Nevada Section of the American Water Works Association (CA-

NV Section, AWWA), the US State Environmental Technical Training (ASETT) Center, the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, or other certifying authority accepted by AS-EPA.

- (c) When a backflow-prevention assembly is tested and found to be defective, it shall be repaired or replaced in accordance with the provisions of this Section.
- (7) A public water system shall maintain records of backflow-prevention assembly installations and tests performed on backflow-prevention assemblies in its service area. Records shall be retained by the public water system for at least three years and shall be made available for review by AS-EPA upon request. These records shall include an inventory of backflow-prevention assemblies required by this Section and, for each assembly, all of the following information:
- (a) Assembly identification number and description,
 - (b) Location,
 - (c) Date of tests,
 - (d) Description of repairs and recommendations for repairs made by the tester, and
 - (e) The tester’s name and certificate number.
- (8) A public water system shall submit a written cross-connection incident report to AS-EPA and the public health authority within five business days after a cross-connection problem occurs that results in contamination of the public water system. The report shall address all of the following:
- (a) Date and time of discovery of the unprotected cross-connection;
 - (b) Nature of the cross-connection problem;
 - (c) Affected area;
 - (d) Cause of the cross-connection problem;
 - (e) Public health impact;
 - (f) Date and text of any public health advisory issued;

- (g) Each corrective action taken; and
 - (h) Date of completion of each corrective action.
- (9) An individual with direct responsibility for implementing a backflow prevention program for a water system serving more than 50,000 persons, or if AS-EPA has determined that such a need exists, shall be licensed as a “cross-connection control program specialist” by the CA-NV Section, AWWA or other certifying authority accepted by AS-EPA.

History: Rule 1-08, eff 1 Jun 08.

25.0406 Emergency Operations Plan

- (1) The water supplier for a public water system shall develop and keep emergency operations plan in an easily accessible location. At a minimum, the emergency operations plan shall detail the steps that the public water system will take to assure continuation of service in the following emergency situations:
- (a) Loss of a source;
 - (b) Loss of water supply due to major component failure;
 - (c) Damage to power supply equipment or loss of power;
 - (d) Contamination of water in the distribution system from backflow;
 - (e) Collapse of a reservoir, reservoir roof, or pumphouse structure;
 - (f) A break in a transmission or distribution line; and
 - (g) Chemical or microbiological contamination of the water supply.
- (2) The emergency operations plan required by subsection (1) shall address all of the following:
- (a) Provision of alternate sources of water during the emergency;
 - (b) Notice procedures for regulatory agencies, news media, and users;
 - (c) Disinfection and testing of the distribution system once service is restored;

- (d) Identification of critical system components that shall remain in service or be returned to service quickly;
- (e) Critical spare parts inventory;
- (f) Staff training in emergency response procedures; and
- (g) Coordination with AS-EPA and other emergency preparedness agencies in American Samoa.

History: Rule 1-08, eff 1 Jun 08.

25.0407 Unsafe Supplies

AS-EPA may order a public water system to disconnect a source to protect the public health from an acute health risk that is attributable to the source. An acute health risk is posed when one of the following occurs:

- (1) A recurring presence of total coliform and fecal coliform or E. coli that is attributable to the source,
- (2) a violation of the MCL for nitrate or nitrite that is attributable to the source, or
- (3) an occurrence of a waterborne disease outbreak that is attributable to the source.

History: Rule 1-08, eff 1 Jun 08.

25.0408 Sanitary Surveys

- (1) Each public water system shall undergo a sanitary survey at least every two years. A sanitary survey shall be conducted on a scheduled basis, when AS-EPA determines that a public water system is not in compliance with this Chapter or when AS-EPA determines that a public water system poses a threat to public health because of defective design, lack of treatment, inadequacy of the source, poor maintenance, inadequate records, ineffective operation, or that the water is unsatisfactory for use. A public water system shall make necessary alterations or additions in the design or construction of equipment and such changes in the operation of the public water system as necessary to comply with requirements of this Chapter and within the time limits set by AS-EPA.
- (2) A sanitary survey of a public water system shall be made by a representative of AS-EPA, USEPA or a registered professional engineer or

registered sanitarian who is registered in the United States and accepted by AS-EPA.

History: Rule 1-08, eff 1 Jun 08.

25.0409 Hauled Water

- (1) All hauled water for delivery to a public water system shall be obtained from a source that is a regulated public water system.
- (2) Materials or products which come into contact with the water shall comply with 25.0403.4.
- (3) Roof hatches on water transport containers shall be fitted with a watertight cover.
- (4) A bottom drain valve or other provisions to allow complete drainage and cleaning of a water transport container shall be provided.
- (5) Hoses which are used to deliver drinking water shall be equipped with a cap and shall remain capped when not in use.
- (6) A water hauler shall, at all times, maintain a free chlorine residual of 0.2 mg/l to 1.0 mg/l in the water that is hauled in a water transport container. A chlorine disinfectant shall be added at the time water is loaded into the container. The free chlorine residual shall be measured each time water is off-loaded from the container. The water hauler shall maintain a log of all on-loading, chlorine disinfectant additions, and free chlorine residual measurements. Such records shall be maintained for at least three years and be made available to AS-EPA for review upon request.
- (7) A water transport container shall be for hauling drinking water only. The container shall be plainly and conspicuously labeled “For Drinking Water Use Only.”
- (8) A water transport container shall be thoroughly disinfected prior to being put into service. Disinfection must be performed in accordance with AWWA storage tank disinfection procedures or other method accepted by AS-EPA. A total coliform bacteria sample must be analyzed to verify proper disinfection. Chlorinated water from the disinfection procedure shall not be discharged into or adjacent to a stream or other water body.

History: Rule 1-08, eff 1 Jun 08.

25.041 Bottling Water for Sale

- (1) All water that is bottled in American Samoa for retail purposes must use an AS-EPA approved Public Water System as the source for the water being bottled.
- (2) Bottled water processing operations shall include the application of an AS-EPA approved, residual producing disinfectant such as ozone (O₃), chlorine (Cl), etc. to the product water flowstream.
 - (a) Residual Disinfectant Concentrations (RDCs) shall be detectable at fill taps during all bottling operations.
 - (b) RDCs at the bottle filling station shall also be detectable during AS-EPA sampling efforts.
- (3) Ultra-violet (UV) irradiation of product water may be utilized upstream of the chemical disinfection process.
- (4) If UV is not utilized, RDCs shall be determined with an AS-EPA approved test method/instrument.
 - (a) At the start of each water production day RDCs must be recorded.
 - (b) A copy of the daily RDC values must be provided for review to AS-EPA on a monthly basis.
 - (c) RDCs may be recorded and submitted on AS-EPA Form RDC as provided by the AS-EPA Water Program.
 - (d) Records of oxidant residual values must be kept on file for two years from the end of the recording month.

History: Rule 1-08, eff 1 Jun 08.

25.0411 Violation - Penalty

Any person who violates any provision of this chapter shall, upon conviction, be subject to the applicable penalties provided under A.S.C.A. § 25.3010.

History: Rule 1-08, eff 1 Jun 08.

25.0420.1 Authority

This chapter establishes territorial primary drinking water standards regulations pursuant to Section 1412 of the Public Health Service Act, as amended by the Safe Drinking Water Act (Public Laws 93-523, 95-190, 96-63, and 96-502), and A.S.C.A. Title 25, Chapter 30.

History: Rule 1-08, eff 1 Jun 08.

25.0420.100 Criteria and Procedures for Public Water Systems Using Point-of-Entry Devices

The provisions of 40 Code of Federal Regulations § 141.100 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.101 Use of Bottled Water

The provisions of 40 Code of Federal Regulations § 141.101 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.11 Maximum Containment Levels for Inorganic Chemicals

The provisions of 40 Code of Federal Regulations § 141.11 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.110 General Requirement

The provisions of 40 Code of Federal Regulations § 141.110 as revised and codified of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.111 Treatment Techniques for Acrylamide and Epichlorohydrin

The provisions of 40 Code of Federal Regulations § 141.111 as revised and codified July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.12 Maximum Containment Levels for Total Trihalomethanes

The provisions of 40 Code of Federal Regulations § 141.12 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.130 Maximum Containment Levels for Turbidity

The provisions of 40 Code of Federal Regulations § 141.13, as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.130 General Requirements

The provisions of 40 Code of Federal Regulations § 141.130 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.131 Analytical Requirements

The provisions of 40 Code of Federal Regulations § 141.131 as revise and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.132 Monitoring Requirements

The provisions of 40 Code of Federal Regulations § 141.132 as revised and codified as if July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.133 Compliance Requirements

The provisions of 40 Code of Federal Regulations § 141.133 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.134 Reporting and Record Keeping Requirements

The provisions of 40 Code of Federal Regulations § 141.134 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.135 Treatment Technique for Control of Disinfection Byproducts (DBP) Precursors

The provisions of 40 Code of Federal Regulations § 141.135 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.15 Maximum Contaminant Levels for Radium-226, Radium-228, and Gross Alpha Particle Radioactivity in Community Water Systems.

The provisions of 40 Code of Federal Regulations § 141.15 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.151 Purpose and Applicability of this Subpart.

The provisions of 40 Code of Federal Regulations § 141.151 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.152 Effective Dates.

The provisions of 40 Code of Federal Regulations § 141.152 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.153 Content of the Reports.

The provisions of 40 Code of Federal Regulations § 141.153 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.154 Required Additional Health Information.

The provisions of 40 Code of Federal Regulations § 141.154 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08

25.0420.155 Report Delivery and Record Keeping

The provisions of 40 Code of Federal Regulations § 141.155 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.16 Maximum Contaminant Levels for Beta Particle and Photon Radioactivity from Man-made Radionuclides in Community Water Systems.

The provisions of 40 Code of Federal Regulations § 141.16 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.170 General Requirements.

The provisions of 40 Code of Federal Regulations § 141.170 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.171 Criteria for Avoiding Filtration.

The provisions of 40 Code of Federal Regulations § 141.171 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.172 Disinfection Profiling and Benchmarking.

The provisions of 40 Code of Federal Regulations § 141.172 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.173 Filtration.

The provisions of 40 Code of Federal Regulations § 141.172 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.174 Filtration Sampling Requirements.

The provisions of 40 Code of Federal Regulations § 141.172 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.175 Reporting and Record Keeping Requirements.

The provisions of 40 Code of Federal Regulations § 141.172 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.200 Definitions.

Except as provided below, the provisions of 40 Code of Federal Regulations § 141.2 as revised and codified as of July 1, 2002 are hereby adopted by reference. The words and terms defined in the American Samoa Safe Drinking Water Act, Title 25, Chapter 30 A.S.C.A. have the meanings ascribed to them therein. In addition, as used in these regulations:

- (1) “AS-EPA” means the American Samoa Environmental Protection Agency
- (2) “Director of AS-EPA” means both the Director of AS-EPA and the executive secretary of the Environmental Quality Commission.

History: Rule 1-08, eff 1 Jun 08.

25.0420.201 General Public Notification Requirements.

The provisions of 40 Code of Federal Regulations § 141.201 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.202 Tier 1 Public Notice – Form, Manner, and Frequency of Notice.

The provisions of 40 Code of Federal Regulations § 141.202 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.203 Tier 2 Public Notice – Form, Manner, and Frequency of Notice.

The provisions of 40 Code of Federal Regulations § 141.203 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.204 Tier 3 Public Notice – Form, Manner, and Frequency of Notice.

The provisions of 40 Code of Federal Regulations § 141.204 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.205 Content of the Public Notice.

The provisions of 40 Code of Federal Regulations § 141.205 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.206 Notice to New Billing Units or New Customers.

The provisions of 40 Code of Federal Regulations § 141.206 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.207 Special Notice of the Availability of Unregulated Contaminant Monitoring Results.

The provisions of 40 Code of Federal Regulations § 141.207 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.208 Special Notice for Exceedance of the SMCL for Fluoride.

The provisions of 40 Code of Federal Regulations § 141.208 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.209 Special Notice for Nitrate Exceedances Above MCL by Non-community Water Systems (NCWS), Where Granted Permission by the Primacy Agency Under 141.11(d).

The provisions of 40 Code of Federal Regulations § 141.209 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.21 Coliform Sampling.

The provisions of 40 Code of Federal Regulations § 141.21 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.210 Notice by Primacy Agency on Behalf of the Public Water System.

The provisions of 40 Code of Federal Regulations § 141.210 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.22 Turbidity Sampling and Analytical Requirements.

The provisions of 40 Code of Federal Regulations § 141.22 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.23 Inorganic Chemical Sampling Analytical Requirements.

The provisions of 40 Code of Federal Regulations § 141.23 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.24 Organic Chemicals Sampling and Analytical Requirements.

The provisions of 40 Code of Federal Regulations § 141.24 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.25 Analytical Methods for Radioactivity.

The provisions of 40 Code of Federal Regulations § 141.25 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.26 Monitoring Frequency for Radioactivity in Community Water Systems.

The provisions of 40 Code of Federal Regulations § 141.26 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.27 Alternate Analytical Techniques.

The provisions of 40 Code of Federal Regulations § 141.27 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.28 Certified Laboratories.

The provisions of 40 Code of Federal Regulations § 141.28 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.29 Monitoring of Consecutive Public Water Systems.

The provisions of 40 Code of Federal Regulations § 141.29 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.3 Coverage.

These regulations shall apply to each public water system (PWS), unless the PWS meets all of the following conditions:

- (1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- (2) Obtains all of its water from, but is not owned by, a public water system to which such regulations apply;
- (3) Does not sell water to any person; and
- (4) Is not a carrier which conveys passengers in interstate commerce.

History: Rule 1-08, eff 1 Jun 08.

25.0420.30 Total Trihalomethanes Sampling, Analytical and Other Requirements.

The provisions of 40 Code of Federal Regulations § 141.30 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.31 Reporting Requirements.

Except as expanded below, the provisions of 40 Code of Federal Regulations § 141.31 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.32 Public Notification.

Refer to sections 25.0601.201-25.0601.210 of these regulations for public notification requirements.

History: Rule 1-08, eff 1 Jun 08.

25.0420.33 Record Maintenance.

The provisions of 40 Code of Federal Regulations § 141.33 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.34 Reporting and Public Notification for Certain Unregulated Contaminants.

The provisions of 40 Code of Federal Regulations § 141.35 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.4 Variances and Exemptions.

AS-EPA removed the provisions relating to Variances and Exemptions from the American Samoa Safe Drinking Water Regulations, Title 25, Chapter 04.

History: Rule 1-08, eff 1 Jun 08.

25.0420.40 Monitoring Requirements for Unregulated Contaminants.

Public water systems must comply with provisions of 40 Code of Federal Regulations § 141.40. However, AS-EPA is not adopting 40 Code of Federal Regulations § 141.40 by reference because the Federal EPA enforces this regulation in coordination with AS-EPA.

History: Rule 1-08, eff 1 Jun 08.

25.0420.41 Special Monitoring for Sodium.

The provisions of 40 Code of Federal Regulations § 141.41 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.42 Special Monitoring for Corrosivity Characteristics.

The provisions of 40 Code of Federal Regulations § 141.42 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.43 Prohibition on Use of Lead Pipes, Solder, and Flux.

The provisions of 40 Code of Federal Regulations § 141.43 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.5 Siting Requirements and Plan Review

The provisions of 40 Code of Federal Regulations § 141.5 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.50 Maximum Contaminant Level Goals for Organic Contaminants.

The provisions of 40 Code of Federal Regulations § 141.50 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.501 Who is subject to the requirements of subpart T?

The provisions of 40 Code of Federal Regulations § 141.501 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.502 When must my system comply with these requirements?

The provisions of 40 Code of Federal Regulations § 141.502 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.503 What does subpart T require?

The provisions of 40 Code of Federal Regulations § 141.503 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.51 Maximum Contaminant Level Goals for Inorganic Contaminants.

The provisions of 40 Code of Federal Regulations § 141.51 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.510 Is my system subject to the new finished water reservoir requirements?

The provisions of 40 Code of Federal Regulations § 141.510 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.511 What is required of new finished water reservoirs?

The provisions of 40 Code of Federal Regulations § 141.511 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.52 Maximum Contaminant Level Goals for Microbiological Contaminants.

The provisions of 40 Code of Federal Regulations § 141.52 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.520 Is my system subject to the updated watershed control requirements?

The provisions of 40 Code of Federal Regulations § 141.520 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.521 What updated watershed control requirements must my unfiltered system implement to continue to avoid filtration?

The provisions of 40 Code of Federal Regulations § 141.521 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.522 How does the State determine whether my system's watershed control requirements are adequate?

The provisions of 40 Code of Federal Regulations § 141.522 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.53 Maximum Contaminant Level Goals for Disinfection Byproducts.

The provisions of 40 Code of Federal Regulations § 141.53 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.530 What is a disinfection profile and who must develop one?

The provisions of 40 Code of Federal Regulations § 141.530 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.531 What criteria must a State use to determine that a profile is unnecessary?

The provisions of 40 Code of Federal Regulations § 141.531 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.532 How does my system develop a disinfection profile and when must it begin?

The provisions of 40 Code of Federal Regulations § 141.532 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.533 What data must my system collect to calculate a disinfection profile?

The provisions of 40 Code of Federal Regulations § 141.533 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.534 How does my system use this data to calculate an inactivation ratio?

The provisions of 40 Code of Federal Regulations § 141.534 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.535 What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection?

The provisions of 40 Code of Federal Regulations § 141.535 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.536 My system has developed an inactivation ratio; what must we do now?

The provisions of 40 Code of Federal Regulations § 141.536 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.54 Maximum Residual Disinfectant Level Goals for Disinfectants.

The provisions of 40 Code of Federal Regulations § 141.54 as July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.540 Who has to develop a disinfection benchmark?

The provisions of 40 Code of Federal Regulations § 141.540 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.541 What are significant changes to disinfection practice?

The provisions of 40 Code of Federal Regulations § 141.541 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.542 What must my system do if we are considering a significant change to disinfection practices?

The provisions of 40 Code of Federal Regulations § 141.542 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.543 How is the disinfection benchmark calculated?

The provisions of 40 Code of Federal Regulations § 141.543 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.544 What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection?

The provisions of 40 Code of Federal Regulations § 141.544 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.550 Is my system required to meet subpart T combined filter effluent turbidity limits?

The provisions of 40 Code of Federal Regulations § 141.550 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.551 What strengthened combined filter effluent turbidity limits must my system meet?

The provisions of 40 Code of Federal Regulations § 141.551 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.552 My system consists of “alternative filtration” and is required to conduct a demonstration—what is required of my system and how does the State establish my turbidity limits?

The provisions of 40 Code of Federal Regulations § 141.552 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.553 My system practices lime softening—is there any special provision regarding my combined filter effluent?

The provisions of 40 Code of Federal Regulations § 141.553 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.560 Is my system subject to individual filter turbidity requirements?

The provisions of 40 Code of Federal Regulations § 141.560 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.561 What happens if my system’s turbidity monitoring equipment fails?

The provisions of 40 Code of Federal Regulations § 141.561 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.562 My system only has two or fewer filters—is there any special provision regarding individual filter turbidity monitoring?

The provisions of 40 Code of Federal Regulations § 141.562 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.563 What follow-up action is my system required to take based on continuous turbidity monitoring?

The provisions of 40 Code of Federal Regulations § 141.563 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.564 My system practices lime softening—is there any special provision regarding my individual filter turbidity monitoring?

The provisions of 40 Code of Federal Regulations § 141.564 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.570 What does subpart T require that my system report to the State?

The provisions of 40 Code of Federal Regulations § 141.570 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.571 What records does subpart T require my system to keep?

The provisions of 40 Code of Federal Regulations § 141.571 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.6 Effective Dates.

The provisions of 40 Code of Federal Regulations § 141.6 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.60 Effective Dates.

The provisions of 40 Code of Federal Regulations § 141.60 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.61 Maximum Contaminant Levels for Organic Contaminants.

The provisions of 40 Code of Federal Regulations § 141.61 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.62 Maximum Contaminant Levels for Inorganic Contaminants.

The provisions of 40 Code of Federal Regulations § 141.62 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.63 Maximum Contaminant Levels (MCLs) for Microbiological Contaminants.

The provisions of 40 Code of Federal Regulations § 141.63 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.64 Maximum Contaminant Levels for Disinfection Byproducts.

The provisions of 40 Code of Federal Regulations § 141.64 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.65 Maximum Residual Disinfectant Levels.

The provisions of 40 Code of Federal Regulations § 141.65 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.70 General Requirements.

The provisions of 40 Code of Federal Regulations § 141.70 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.71 Criteria for Avoiding Filtration.

The provisions of 40 Code of Federal Regulations § 141.71 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.72 Disinfection.

The provisions of 40 Code of Federal Regulations § 141.72 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.73 Filtration.

The provisions of 40 Code of Federal Regulations § 141.73 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.74 Analytical and Monitoring Requirements.

The provisions of 40 Code of Federal Regulations § 141.74 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.75 Reporting and Record Keeping Requirements.

The provisions of 40 Code of Federal Regulations § 141.75 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.80 General Requirements.

The provisions of 40 Code of Federal Regulations § 141.80 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.81 Applicability of Corrosion Control Treatment Steps to Small, Medium-size and Large Water Systems.

The provisions of 40 Code of Federal Regulations § 141.81 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.82 Description of Corrosion Control Treatment Requirements.

The provisions of 40 Code of Federal Regulations § 141.82 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.83 Source Water Treatment Requirements.

The provisions of 40 Code of Federal Regulations §141.83 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.84 Lead Service Line Replacement Requirements

The provisions of 40 Code of Federal Regulations §141.84 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.85 Public Education and Supplemental Monitoring Requirements.

The provisions of 40 Code of Federal Regulations § 141.85 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.86 Monitoring Requirements for Lead and Copper in Tap Water.

The provisions of 40 Code of Federal Regulations § 141.86 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.87 Monitoring Requirements for Water Quality Parameters.

The provisions of 40 Code of Federal Regulations §141.87 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.88 Monitoring Requirements for Lead and Copper in Source Water.

The provisions of 40 Code of Federal Regulations §141.88 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.89 Analytical Methods.

The provisions of 40 Code of Federal Regulations § 141.89 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.90 Reporting Requirements.

The provisions of 40 Code of Federal Regulations § 141.90 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0420.91 Record Keeping Requirements.

The provisions of 40 Code of Federal Regulations § 141.91 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0430.1 Entry and Inspection

Whether or not AS-EPA has evidence that a public water system has violated an applicable legal requirement, upon the presentation of his credentials the Director or his authorized representative shall have the right, at all reasonable times, to:

- (1) Enter premises on which any public water system is located.
- (2) Inspect any equipment, operation, or sampling or any public water system;
- (3) Take water samples from any public water system; and
- (4) Have access to and copy any record required to be kept pursuant to these regulations.

AS-EPA may enter into cooperative agreements with Federal Agencies to assure the implementation of this section on Federal Facilities.

History: Rule 1-08, eff 1 Jun 08.

25.0430.2 Appeal

Persons aggrieved by actions of the AS-EPA pursuant to these regulations may file an appeal in the High Court, appellate division, in accordance with the American Samoa Administrative Procedures Act, 4.1001 et seq. A.S.C.A.

History: Rule 1-08, eff 1 Jun 08.

25.0430.3 Conflicts with Standards and Regulations.

In the event any previously adopted territorial rules or regulations conflict with the provisions of the Standards and Regulations set forth in this chapter, the provisions of this chapter shall apply.

History: Rule 1-08, eff 1 Jun 08.

25.0430.4 Severability Clause

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

History: Rule 1-08, eff 1 Jun 08.

25.0440.1 Purpose.

The provisions 40 Code of Federal Regulations § 143.1 as revised and codified as of July 1, 2002 are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0440.2 Definitions.

The provisions 40 Code of Federal Regulations §143.2 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0440.3 Secondary Maximum Contaminant Levels.

The provisions 40 Code of Federal Regulations § 143.3 as revised and codified as of July 1, 2002, are hereby adopted by reference.

History: Rule 1-08, eff 1 Jun 08.

25.0440.4 Monitoring

- (1) The parameters in these regulations shall be monitored at intervals no less frequent than the monitoring performed for inorganic chemical contaminants listed in the National Interim Primary Drinking Water Regulations as applicable to community water systems. More frequent monitoring may be appropriate for specific parameters such as pH, color, odor or others under certain circumstances as directed by AS-EPA.
- (2) Measurement of pH, copper and fluoride to determine compliance under 25.0603.3 may be conducted with one of the methods in 40 Code of Federal Regulations § 141.23(k)(1). Analyses of aluminum, chloride, foaming agents, iron, manganese, odor, silver, sulfate, total dissolved solids (TDS) and zinc to determine compliance under 25.0603.3 may be conducted with the methods in the following table. Criteria for analyzing aluminum, copper, iron, manganese, silver and zinc samples with digestion or directly without digestion, and other analytical test procedures are contained in Technical Notes on

Drinking Water Methods, EPA 600/R 94 173, October 1994, which is available at NTIS PB95 104766.

Contaminant	EPA	ASTM ³	SM ⁴	Other
Aluminum	² 200.7 ² 200.8 ² 200.9		3120B 3113B 3111D	
Chloride	¹ 300.0	D4327 – 91	4110B 4500 – Cl – D	
Color Foaming Agents. Iron	² 200.7 ² 200.9	D512- 89B	4500 – Cl – D 2120B 5540C 3120B	
Manganese	² 200.7 ² 200.8 ² 200.9		3111B 3113B 3120B 3111B	
Odor Silver	² 200.7 ² 200.8 ² 200.9		3113B 2150B 3120B	⁵ 1 – 3720 -
Sulfate	¹ 300.0 ¹ 375.2	D4327 – 91	3111B 3113B 4110 4500 – SO42 – F	
TDS	² 200.7		4500 –	
Zinc	² 200.8	D-516- 90	SO42 – C,D. 4500 – SO42 – E 2540 C 3120B 3111B	

The procedure shall be performed in accordance with the documents listed below. The incorporation by reference of the following documents was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 Code of Federal Regulations part 51. Copies of the documents may be obtained from the sources listed below. Information regarding these documents can be obtained from the Safe Drinking Water Hotline at (800) 426-4791. Document may be inspected at EPA’s Drinking Water Docket, 401 M Street, SW, Washington DC 20460 (Telephone: 202-260-3027); or at the Office of Federal Register, 800 North Capitol Street, NW Suite 700, Washington D.C. 20408.

- 1 “Methods for the Determination of Inorganic Substances in Environmental Samples”, EPA-600/R-93-100, August 1993. Available at NTIS, PB94-121811.
- 2 “Methods for the Determination of Metals in Environmental Samples—Supplement I”, EPA-

600/R-94-111, May 1994. Available at NTIS, PB94-184942.

- 3 The procedures shall be done in accordance with the Annual Book of ASTM Standards, 1994, Vols. 11.01 and 11.02, American Society for Testing and Materials. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 Code of Federal Regulations Part 51. Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at EPA’s Drinking Water Docket, 401 M Street, S.W., Washington D.C. 20460; or at the Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington D.C.
- 4 The procedures shall be done in accordance with the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, American Public Health Association. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 Code of Federal Regulations Part 51. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street N.W., Washington DC 20005. Copies may be inspected at EPA’s Drinking Water Docket, 401 M Street, S.W., Washington DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington DC.
- 5 Available from Books and Open-File Reports Section, U.S. Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425.

History: Rule 1-08, eff 1 Jun 08.

25.0450.1 Suitability Determination

If any publication adopted by reference under this chapter Part 25.0420 is revised, the Director of AS-EPA may review the revision to determine its suitability for this Territory. If the Director of AS-EPA determines that the revision is not suitable, the Director shall hold a public hearing within 30 days of making his determination. If, after the hearing, the Director of AS-EPA does not revise his determination, he shall give notice that the revision is not suitable for the Territory within thirty (30) days of the hearing. If the Director does not give such notice, the revision becomes part of the publication

adopted by reference pursuant to this chapter, Part 25.0420.

History: Rule 1-08, eff 1 Jun 08.

25.0460.1 Establishment of fee:

- (A) The AS-EPA Water Quality Laboratory shall establish a set of fees for services provided to private enterprises and government organizations.
- (B) The lab fee rates shall be calculated on an annual basis and may include the following criteria:
 1. Cost of labor,
 2. Cost of electricity and other utilities,
 3. Cost of materials used,
 4. Cost of transportation,
 5. Facility maintenance and operation,
 6. Other applicable service fees.
- (C) Fees may be less than or equal to the calculated cost but in no case shall the fees charged exceed the actual amount required to perform the service provided.

History: Rule 1-08, eff 1 Jun 08.

25.0460.2 Public Notice of fees:

- (A) When new fees are to be introduced, they shall be published in the government newspaper as well as at least one local printed news publication for at least 5 consecutive days. A breakdown of the calculation used to establish the rates shall be available for public inspection at the offices of AS-EPA.
- (B) Laboratory fees shall be posted in a conspicuous place within AS-EPA and be available to the public upon request.

History: Rule 1-08, eff 1 Jun 08.

25.0460.3 Samples accepted and charged:

- (A) No samples will be accepted without prior approval from the AS-EPA Director, and only those samples delivered in laboratory approved containers will be accepted and analyzed by the laboratory. The AS-EPA laboratory has the right to refuse service to anyone and is not obligated to provide laboratory services to anyone.
- (B) The AS-EPA Water Quality Laboratory may charge fees for any additional sample(s) required

beyond the initial sample(s) needed to establish compliance with AS-EPA or ASDOH rules or regulations.

- (C) The AS-EPA Water Quality Laboratory may charge fees for any sample requested to be analyzed by the public or by governmental agencies, departments or entities.

History: Rule 1-08, eff 1 Jun 08.

25.0460.4 Payment of Lab Fees:

- (A) AS-EPA’s administrative staff shall have the authority to collect the laboratory fees and deposit the same into an account with the Department of Treasury labeled “AS-EPA Water Quality Lab Fee Fund” for the use of running the AS- EPA Water Quality Laboratory.
- (B) Payment of fees shall be made in the form of money order at the time lab services are requested and shall be made at the main office of AS-EPA. All money orders shall be made out to “AS-EPA”.

History: Rule 1-08, eff 1 Jun 08.

25.0460.5 Creation of Lab Fee Fund Account:

- (A) There shall be created within the Department of Treasury under the AS-EPA Cost Center a sub-account labeled “AS-EPA Water Quality Lab Fee Fund” for the receipt of all funds received by the AS-EPA Water Quality Lab.
- (B) All funds collected or received into the AS-EPA Water Quality Lab Fee Fund shall be used solely by AS-EPA for the direct and indirect costs of administration and implementation of the AS-EPA Water Quality Lab for providing staff and resources to provide water quality laboratory services to private enterprises and government organizations.
- (C) AS-EPA shall maintain independent records and accounts of all revenues and expenditures of the AS-EPA Water Quality Lab Fee Fund.

History: Rule 1-08, eff 1 Jun 08.

[End Of Title 25 – Chapter 4]

TITLE 25 – CHAPTER 05 – SOLID WASTE

Sections:

- 25.0501 Definitions.
- 25.0502 Collection of solid waste.
- 25.0504 Limitations to collection by solid waste crews.
- 25.0505 Disturbance of receptacles.
- 25.0506 Solid waste acceptable and unacceptable by disposal facilities.
- 25.0507 Dead animals.
- 25.0508 Unlawful placement of special wastes.
- 25.0509 Dumping of solid waste prohibited.
- 25.0510 Disposal facilities site management plans.
- 25.0521 Licenses required to collect solid waste.
- 25.0522 Issuance of solid waste collection licenses.
- 25.0523 Conditions of solid waste collection licenses.
- 25.0531 Businesses and institutions.
- 25.0532 Private residences.
- 25.0533 Public facilities.
- 25.0534 Solid waste hauled by any person other than a licensed collector.
- 25.0544 Disposal charges.
- 25.0545 Charges for dead animals.
- 25.0546 Deposits of fees and charges.
- 25.0551 Criminal penalty.
- 25.0552 Revocation or suspension of solid waste collection license.
- 25.0553 Bond enforcement.

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.

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.

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.

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.

END OF TITLE 25 – ENVIRONMENTAL
HEALTH

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.

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 25.0110 ASCA, 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.