

THE THIRTY-FIFTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the ninth day of July
two thousand and eighteen

AN ACT ALLOWING FOR THE USE OF FUNDS IN THE STATIONARY AIR POLLUTION SOURCE FUND TO BE USED FOR OTHER ENVIRONMENTAL PURPOSES AND APPROPRIATING THE SUM OF \$2.6 MILLION TO SUPPLEMENT THE FY-2018 BUDGET TO FURTHER FUND THE OPERATIONS OF THE AMERICAN SAMOA GOVERNMENT FOR FISCAL YEAR 2018; AMENDING SECTION 24.0117 A.S.C.A.

Preamble:

WHEREAS, the American Samoa Government received a \$2,600,000 settlement from StarKist Co. and Starkist Samoa, Co. (collectively “Starkist”) for water and air pollution violations at Starkist’s tuna processing facility located in the village of Atu’u, Tutuila, American Samoa; and

WHEREAS, in accordance with A.S.C.A. 24.0117, the entire settlement was deposited in the Stationary Air Pollution Source Fund; and

WHEREAS, while there are many environmental projects that can help protect and prevent the degradation of American Samoa’s environment, the Stationary Air Pollution Source Fund is limited in the projects it can fund; and

WHEREAS, in order to use funds collected under the Environmental Quality Act, A.S.C.A. Title 24, Chapter 1 for additional environmental projects, A.S.C.A. 24.0117 must be amended; and

WHEREAS, due to the urgent need to provide funding for projects and programs that will protect American Samoa’s environment, this law shall become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 24.0117 is amended to read:

“24.0117 Stationary Air Pollution Source Fund.

There is established a fund to be known as the Stationary Air Pollution Source Fund which shall be maintained separate and apart from any other funds of the American Samoa Government, and shall be administered by the Executive

Secretary. Independent records and accounts shall be maintained in connection therewith. All emission fees, fines, penalties, bail forfeitures, and other funds collected or received pursuant to this chapter shall be deposited in the Stationary Air Pollution Source Fund and shall be used for:

(a) the direct and indirect costs of administration and implementation of the permit program and related costs, and for providing staff and resources to: assist permit applicants with the application process; review and act upon permit applications; write permits; implement and enforce permit conditions including legal support; prepare guidance and rules; prepare emission inventories and monitor air quality; inspect facilities to ensure compliance and offer assistance with pollution prevention alternatives; provide technical assistance to permittees; administer the Fund, and perform any other duties needed to administer the permit program; or

(b) any other program, project, or expenditure that is designed to protect American Samoa's environment from pollution and degradation."

Sec 2. Appropriation of funds.

There is appropriated the sum of \$2,600,000 for the following purposes:

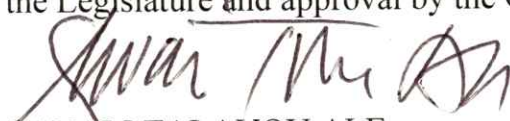
Construction of the Malaloa Dock	\$1,500,000
Shipyards environmental compliance	\$ 400,000
American Samoa Environmental Protection Agency Programs:	
Water Quality Program	\$ 220,000
Air Quality Program	\$ 100,000
Technical consulting	\$ 100,000
Harbor Clean-up Program	\$ 80,000
Environmental Equipment:	
Pesticide residue testing equipment	\$ 60,000
Scrap metal baler	\$ 60,000
Administrative costs for proper disbursement of funds	\$ 80,000


Sec 3. Source of funding.

Funds are from a \$2,600,000 settlement with Starkist for air and water pollution violations. According to law, the funds from the settlement were deposited in the Stationary Air Pollution Source Fund awaiting allocation.

Sec 4. Effective date.

Due to the urgent need to provide funding for projects and programs that will protect our environment, this law shall become effective immediately upon passage by the Legislature and approval by the Governor.


SAVALI TALAVOU ALE
Speaker, House of Representatives


GAOTEOTE PALAIE TOFAU
President of the Senate

Hereby Approved this 28 day of 2018
Lolo M. Maliga
Governor Of American Samoa