



SAINT VINCENT AND THE GRENADINES

ACT NO. 31 OF 2000

I ASSENT

CHARLES J. ANTROBUS

Governor-General

22nd December, 2000.

[L.S.]

AN ACT to provide for the management of solid waste in conformity with best environmental practices.

[By Proclamation]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:--

1. This Act may be cited as the Waste Management Act, 2000 and shall come into operation on such date as the Governor-General may by Proclamation appoint. Short title and commencement

PART I—PRELIMINARY

2. In this Act:—

Interpretation

“Authority” means the National Solid Waste Management Authority appointed under section 3;

“biomedical waste” includes any solid waste containing human or animal fluids, flesh, bones or other body parts except hair;

“composing” means making the humus-like end-product of the decomposition of organic waste;

“derelict vehicle” means

- (a) any abandoned or discarded motor vehicle; or
- (b) any motor vehicle stored or kept in a public place which is in such a dilapidated condition that it cannot be safely used for the purpose of transportation, and includes any part of such motor vehicle;

- “dumping” means discharging wastes into the environment at a site or location other than one approved and permitted by the competent authority;
- “hazardous waste” means any material that belongs to any category contained in Part I of Schedule 1, unless it does not possess any of the characteristics contained in Part II of Schedule 1;
- “incineration” means the destruction of solid waste by high temperature burning in a furnace designed for such purpose whereby solid waste is essentially reduced to ash, carbon dioxide and water vapour;
- “incinerator” means a facility for processing waste through incineration and which is designed and constructed so as to protect human health and the environment from adverse impacts associated with the specific types of waste that are incinerated at the facility, and includes pollution control equipment associated with the facility;
- “landfill” means a facility for the disposal of solid waste in or on the land and designed and constructed so as to protect human health and the environment from adverse impacts associated with the waste over time, and includes pollution control equipment associated with the facility;
- “litter” means any abandoned or discarded article, rubbish, refuse, garbage or waste materials, including containers, packages, bottles, cans or any parts of such matter;
- “Minister” means the Minister responsible for Health and the Environment;
- “person” includes a body corporate;
- “planning authority” means the Physical Planning and Development Board established under the Town and Country Planning Act, 1992;
- “post-closure and remediation” means the process and its duration whereby a site, which has been but is no longer used for solid waste management purposes, is rendered fit for other uses;
- “processing facility” means a facility where waste is processed for the purpose of –
- (a) reducing the volume of waste;
 - (b) reducing the degree of hazard associated with the waste; or
 - (c) creating or recovering any secondary resource;

“quarantine waste” includes any waste imported into or landed in the country by any ship or aeroplane that comprises, or which contains, any food, vegetable, meat or dairy product, or any part of such matter;

“recycling” means the process whereby a secondary resource is created from waste;

“reuse” means the use of waste in any manner that does not present a threat to human health, safety or the environment but does not include the use of waste in any manufacturing process whereby a secondary resource is created;

“scheduled agencies” means the agencies listed in Schedule 2;

“scrap metal” includes old or scrap copper, brass, wire rope or cable batteries, metal debris or junked, dismantled or wrecked or derelict motor vehicles or parts thereof, including any iron, steel or other old or scrap ferrous or nonferrous material and any substance which contains any such material;

“secondary resource” means the material or matter which results from any process whereby waste is rendered into any form that is suitable for re-utilisation provided that the rendered material or matter or use of such material or matter does not present a threat to human health, safety or the environment;

“ship-generated waste” means any waste generated on a ship or other sea going craft;

“solid waste” means garbage, refuse, organic waste, scrap metal or other solid materials discarded from –

- (a) residential, industrial, commercial or government establishments or operations; and
- (b) public or community activities, but does not include solid or dissolved material in domestic sewage or other substances in water sources such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants;

“State” means Saint Vincent and the Grenadines;

“waste” includes any material discarded by its owner whether or not the material is in the same form as it was when first acquired and includes any derelict vehicle;

“waste management facility” means any facility for managing waste by storing or processing and includes a processing facility for the creation or recovery of a secondary resource but excludes a location or facility where waste is stored for less than five days;

“waste management policy stakeholders” means the persons and organizations in the State other than the Authority and Ministries, departments or other units of the Government who are considered by the Minister either to be likely to be significantly affected by waste management policy or to be possessed of special expertise or qualifications which make them competent to advise on the formation of a waste management policy;

“waste strategy” means the National Waste Management Strategy referred to at section 5 (4);

“white goods” means disused and abandoned refrigerators, washing machines and other domestic appliances.

PART II--THE NATIONAL SOLID WASTE MANAGEMENT AUTHORITY

3. (1) The Central Water and Sewerage Authority or such other public body as the Minister may at any time appoint pursuant to section 4 of the Environmental Health Service Act, shall be the National Solid Waste Management Authority for the purposes of this Act.

(2) The functions of the Authority shall be as provided in schedule 3.

4. (1) The solid waste management facilities including all the estates of the Crown in the land on which they are situated and the surrounding land used for the purposes of those facilities, shall subject to subsection (2), be vested in the Authority and the Minister shall by notice in the Gazette declare the facilities so vested for inclusion in Schedule 4.

(2) The land in subsection (1) shall vest in the Authority for so long only as the facility continues to be used for the purposes of solid waste management for the period of closure, post-closure and remediation and the cessation of use for those purposes.

(3) Subject to subsection (4), the Authority may not alienate any land in subsection (1) or create any right over such land, whether or not such alienation or right is for valuable consideration, save under the authority of a Resolution of Parliament approving that alienation or right and any such Resolution may require that all or any part of any valuable consideration for the alienation or right shall be paid over to the Crown.

(4) The Authority may for the better discharge of its functions and without the authority of a Resolution of Parliament grant permission revocable at will for the use of land in subsection (1) and may confer for valuable consideration contractual rights to use the land but such permission or contractual right shall not endure longer than the period of the vesting of the land in the Authority as stated in subsection (2).

PART III—WASTE MANAGEMENT PLANNING

5. (1) Within three months of the commencement of this Act, the Authority shall complete an inventory and characterization of the solid waste generated in the State.

Formulation of
waste inventory
and waste
strategy

(2) Any waste inventory undertaken in the course of the process of completing the requirements of subsection (1) shall –

- (a) identify the total tonnage of waste generated in the State;
- (b) identify the proportions of waste according to specific classifications of waste;
- (c) estimate the proportion of total waste generated by the residential sector the tourist sector, and the industrial, commercial and institutional sector exclusive of tourism.

(3) The waste inventory and characterization under subsection (1) shall be revised at least every five years.

(4) Within one year of the commencement of this Act a waste strategy shall be prepared by the Minister.

(5) The Minister shall ensure the broadest consultation in the preparation of the waste strategy, and in particular, but without prejudice to the generality of the foregoing, shall consult with the scheduled agencies and the waste management policy stakeholders to the extent of their interest are, in the opinion of the Minister, likely to be affected.

6. (1) The waste strategy prepared pursuant to the requirements of section 5 (4) shall without prejudice to the generality of section 5 (5) include –

Content and
structure of waste
strategy

- (a) a summary of the inventory of national waste resources classified under type, volume and area of generation compiled under section 5 (2);
- (b) an evaluation of historic, current or proposed activities that impact upon the volume or type of waste generated in the State;

- (c) a review of national waste diversion and reduction options;
- (d) an evaluation of national environmental and pollution control policies that may impact upon the nature or volume of waste generated in the State;
- (e) an implementation programme outlining mechanisms, programmes, policies, and strategies that are to be established to ensure that waste management is carried out in such a manner so as not adversely to impact on human health or the environment.

(2) The implementation programme developed under subsection 1) (e) shall establish --

- (a) standards, requirements and procedures for the management of all waste, including the generation, handling, storage, treatment, transport and disposal of all types of waste;
- (b) requirements and procedures for the issuance, monitoring and enforcement of licences to site, construct or operate waste management facilities or equipment;
- (c) physical infrastructure requirements to provide waste management services;
- (d) measures for addressing illegal dumping of litter, and wastes;
- (e) outline financing and cost recovery mechanisms to ensure the financial viability of all waste management activities;
- (f) outline measures for effective training of staff involved in solid waste management and effective public education and awareness regarding solid waste management.

(3) The waste strategy shall, in particular and without prejudice to the generality of the foregoing --

- (a) establish standards and procedures to be implemented in the reduction, recycling of, recovery, reclaiming and re-use of waste and the use of recycled substances;
- (b) identify methods by which hazardous and bio-medical wastes and other specified classes of solid waste substances are to be managed;

- (c) identify methods by which solid waste is to be transported;
- (d) establish standards and procedures for the location of waste disposal sites and plants;
- (e) establish procedures for the safe removal, reduction and disposal of litter;
- (f) classify, for the purpose of waste management, premises from which waste is generated;
- (g) classify, for the purpose of disposal and treatment, different types of waste;
- (h) establish targets to be achieved for the reduction of waste and the commencement dates, with the objective of --
 - (i) reducing by twenty percent all solid waste by the 1st day of January, 2010, through source reduction, recycling and composting activities;
 - (ii) providing further reduction of solid waste at rates of no less than five percent per decade after the year 2010 until such time as a fifty percent reduction is achieved through source reduction, recycling and composting activities;
- (i) design waste management measures in such a manner that the costs arising from pollution are met by the polluters;
- (j) subject to subsection (3) (i), design waste management measures in such a manner as to recover costs from those who benefit from those measures; and
- (k) identify suitable enforcement mechanisms and appropriate mechanisms to ensure the implementation of the waste strategy, including, where appropriate, the use of economic instruments.

(4) In preparation the waste strategy, the Minister shall undertake an evaluation of its social, environmental and economic impact and the findings of such an evaluation shall be contained in the waste strategy that is submitted to Cabinet for approval under section 7 (3).

7. (1) The Minister shall submit the draft waste strategy for public review and comment, and for this purpose shall by notice under subsection

- (a) in the Gazette;
- (b) by placement of a notice on two subsequent weeks in at least one newspaper published regularly in the State;
- (c) by broadcast on at least three occasions on at least one local radio station advise the public –
 - (i) of the location where copies of the draft waste strategy can be obtained for review;
 - (ii) the address to which any comment on the draft waste strategy should be submitted; and
 - (iii) the closing date for making any submission.

(2) The Minister shall allow a period of at least thirty days and longer than forty-five days for the receipt of comments on the draft waste strategy under subsection (1).

(3) When all the comments have been received from the public review undertaken under subsection (1) and any change made which the Minister considers desirable, the Minister shall submit the draft waste strategy to Cabinet for approval.

- (4) Cabinet may either –
- (a) approve the draft with or without amendments; or
 - (b) refer the draft back to the Minister with a recommendation to correct any deficiency.

(5) Where Cabinet refers the draft back to the Minister, the Minister shall recommence the process of preparing the waste strategy at the stage in section 5 (4) or at such later stage as the Cabinet shall specify, the period of one year there specified shall be extended by the time which has elapsed since the process last commenced under the subsection.

(6) Upon approval by Cabinet under subsection (4) (a), every person or authority discharging any function under this Act shall comply with the requirements of the waste strategy.

8. The waste strategy, when approved by Cabinet, shall provide the basis for evaluating –

- (a) waste management options relating to all development approvals, and

(b) the licensing of waste management facilities under this Act.

9. (1) Before any component or part of the approved waste strategy is varied, the Minister shall publish a notice of intention to vary the strategy specifying –

Variation of waste strategy

- (a) the area in respect of which the strategy is intended to be varied;
- (b) the reasons for such variation;
- (c) that submissions on the variation may be made in writing by any person.

(2) In addition to the placement of any public notice as provided under subsection (1) the Minister may establish a consultative process with the scheduled agencies and the waste policy stakeholders.

10. The Minister responsible for Planning shall, in consultation with the Minister responsible for Health and the Environment, keep the waste strategy under review and, in any event, shall undertake a comprehensive review of the strategy within five years of its approval by Cabinet to ensure that –

Review of waste strategy

- (a) it complies with obligations under relevant international and regional agreements;
- (b) it is responsive to the waste management needs of the State;
- (c) it is within the technical, financial and human resources of the State;
- (d) in its current form and potential future modified form it includes consultation with the public and the waste management policy stakeholders, to the extent that their interest are, in the opinion of the Minister, likely to be affected;
- (e) it contributes to a net improvement in the quality of life and in the quality of the environment.

PART IV – ENVIRONMENTAL IMPACT ASSESSMENT

11. (1) An environmental impact assessment pre-evaluation shall, subject to subsection (2), be required before any waste management facility is established whether or not the facility is solely for the purpose of waste management or partly to serve the purpose of waste management among a number of other purposes.

Environmental impact assessment pre-evaluation

(2) Subsection (1) shall not apply to a waste management facility under section 20 (1) or section 36 (2) (b).

12. (1) For any proposal that requires an environmental impact assessment pre-evaluation under section 11 (1), the applicant shall notify the planning authority in writing in such form as may be prescribed by regulations of its desire to establish a waste management facility, enclosing a copy of the relevant waste management licence issued under section 22 (2).

(2) Upon receiving any notification under subsection (1), the planning authority shall commence the pre-evaluation process by referring the notification to the scheduled agencies and by undertaking a preliminary screening to determine whether an environmental impact assessment is required.

(3) Within ten working days of receiving any notification under subsection (1), the planning authority shall after considering any comments from the scheduled agencies complete the pre-evaluation by determining whether there are issues which require further information to be provided to the applicant, and whether an environmental impact assessment is required, and whether that assessment is to comprise a comprehensive environmental impact assessment report or a focus report.

(4) Where the planning authority determines that further information is required under subsection (3), the planning authority shall advise the applicant in writing and any response of the applicant relating to supply that further information shall be treated as a new proposal under section 12 (1).

(5) Following the completion of the pre-evaluation, the planning authority shall advise the applicant that –

- (a) a comprehensive environmental impact assessment report is required; or
- (b) a focus report is required; or
- (c) no further information is required and that the project will be recommended to Cabinet for approval, subject to meeting such conditions as the planning authority may require.

(6) Where either –

- (a) a comprehensive environmental impact assessment report is required; or
- (b) a focus report is required;

the planning authority shall provide the applicant with terms of reference for the report, and thereafter the applicant shall undertake, at his own expense, a study and report that complies with such terms of reference.

13. (1) Every comprehensive environmental impact assessment report shall include, to the extent required by the planning authority --

Environmental
impact
assessment report

- (a) the name or other sufficient identifying label of the proposals, its sponsor, the location of its sponsor, its date of preparation, and the identification of any person or organization other than the sponsor who contributed significantly to its preparation;
- (b) a description of the purpose and scope of the proposed activity or undertaking, including a description of the background and rationale for the project, and the intended goals and objectives;
- (c) a description of the proposed action, any alternatives, describing the action and other alternatives that are reasonably foreseeable and technically appropriate, including the option of taking no action or activity, and an outline of the reasons for choosing the proposed action;
- (d) a description of the environmental setting, including a statement of environmental resources and conditions in the project area before the implementation of the project, and a projection or estimation of changed environmental circumstances that may occur as a result of the project;
- (e) a description of the social and environmental impacts, which shall include an assessment of the long-term, short-term, adverse, cumulative, primary, secondary or beneficial impact or lack of impact or consequences that may result from implementation of any of the alternatives including the proposed project, and including the impacts which may occur during construction, operation, decommission and abandonment phases of the project;
- (f) a description of residual adverse environmental and social impacts that cannot be avoided and a comparison of such impacts and all feasible alternatives;
- (g) an environmental protection plan which describes all feasible measures to reduce or avoid the adverse environmental consequences attributed to implementation of any of the alternatives and any action that is to be undertaken to mitigate any adverse environmental consequence;

- (h) where appropriate, a waste management plan which describe all measures to be undertaken to manage or reduce waste during --
 - (i) the construction;
 - (ii) operation; and
 - (iii) abandonment or decommissioning;
- (i) an environmental monitoring and surveillance programme describing actions and activities required to verify that the environment protection plan is being fulfilled and the adverse impacts documented;
- (j) a list of individuals who or organizations which, have an interest, expertise or jurisdiction in matters relevant to the proposal and have been consulted;
- (k) recommendations on the selected project alternative, mitigation measures, monitoring, other studies, analysis and additional consultation.

(2) A focus report may contain any of the aspects outlined in subsection (1), but shall as a minimum meet the requirements in paragraphs (a), (d), (e), (g), (i), and (j) of the subsection.

(3) Notwithstanding the provisions of subsections (1) and (2), the planning authority may require the applicant to carry out any further studies or to submit additional information for the purpose of ensuring that the environmental impact assessment report is as accurate and exhaustive as possible.

14. (1) The applicant shall submit the comprehensive environmental impact assessment report or focus report to the planning authority for review within any time frame stipulated in the term of reference in section 12(6).

(2) Upon reviewing the report submitted under subsection (1), the planning authority may request additional information to be submitted by the applicant.

15. (1) Having reviewed the report and any additional information that may be submitted, the planning authority shall --

- (a) approve the report, with or without conditions or amendments; or

- (b) require the applicant to complete additional work on environmental impact assessment to meet specific concerns the planning authority identifies; or
- (c) reject the report.

(2) Where required, the applicant shall undertake and submit additional work to meet the concerns of the planning authority.

(3) Following the approval of a report under subsection (3) or the advice under section 12 (5) (c), as the case may be, the planning authority shall communicate its decision to the applicant.

16. (1) It shall be the responsibility of the applicant to implement any monitoring programme, protection plan, or mitigation measure that constitute the conditions of any approval granted.

Monitoring and enforcement

(2) The planning authority shall conduct any inspection that may be necessary to determine whether the design, development, construction, operation, or abandonment of any undertaking or activity is undertaken in accordance with any monitoring programme, protection plan, or mitigation measure that constitute the conditions of any approval granted under subsection (1) and may issue an order to rectify any deficiency.

(3) Where an inspection under subsection (2) has revealed any deficiency, the planning authority may issue the applicant –

- (a) an order to stop work on any undertaking or activity;
- (b) an order to restore the site to its original condition with a further order for costs to be borne by the applicant;
- (c) an order to carry out any improvement or remediation work on the site with a further order for costs to be borne by the applicant.

(4) Every person who –

- (a) prior to obtaining an approval under subsection (1) undertakes or constructs any facility which is subject to the requirements of an environmental impact assessment;
- (b) after obtaining an approval with conditions under subsection (1) undertakes or constructs any facility under that approval but contravenes any such condition;
- (c) contravenes any order made under subsection (3),

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty thousand dollars or imprisonment for a term not exceeding twelve months.

17. The planning authority may issue guidelines for –
- (a) the establishment of procedures for screening any proposed activity or application for development by the Government or any statutory body;
 - (b) the establishment of terms of reference for any environmental impact assessment report;
 - (c) the establishment of procedures for undertaking the monitoring of environmental protection or management plans; for the purpose of identifying the issues raised by such proposed activities, developments applied for, environmental impact assessments and plans which are of importance for solid waste management policy.

18. (1) In its consideration of any development proposal other than a proposal under section 12 (1), the planning authority shall consider the generation and waste management requirements of any waste category under section 7 (4).

(2) In furtherance of subsection (1), the planning authority shall require the applicant in any development proposal to estimate the amount of waste generated in the construction and the operation of the proposed facility.

(3) In submitting any application for commercial development, an applicant will also be required to identify action that will be taken to minimize waste generation, and to maximize re-use, recycling and composting, both during construction of the facility and in the course of operation when constructed.

(4) A specific management plan will be required for any hazardous wastes which may be generated during the construction or operation of any facility.

ART V – WASTE MANAGEMENT LICENCES AND PERMITS

19. (1) Subject to subsection (2) and section 36 (2) (b), a person shall not –

- (a) deposit or knowingly cause the deposit of solid waste in or on any land, beach, foreshore, marine waters, river or river banks;
- (b) construct or operate any waste management facility without a licence;

(c) treat, keep or dispose of solid waste in a manner likely to cause pollution of the environment or harm to human health.

(2) The prohibition in subsection (1) (b) does not apply --

(a) to household waste from a domestic property which is treated, kept or disposed of by the owner, or the occupier with the permission of the owner, within the cartilage of the dwelling or within the boundaries of the owner's property; or

(b) in cases prescribed by regulations.

(3) The Minister, in exercising his powers under section 47, shall in particular and without prejudice to the generality of those powers have regard to the expediency of excluding from the controls imposed by waste management licences --

(a) any deposits which are small enough or of such temporary nature that they may be so excluded;

(b) any means of treatment or disposal which are innocuous enough to be so excluded;

(c) cases for which adequate controls are provided by any other Act.

(4) Any person who contravenes subsection (1), or any condition of a waste management licence, commits an offence punishable by a fine not exceeding seventy-five thousand dollars or imprisonment for a term not exceeding twelve months and in the case of a corporation by a fine not exceeding two hundred thousand dollars.

20. (1) The owner of any waste management facility under construction or in operation on the date of the commencement of this Act shall, subject to section 36 (2) (b), be required to apply to the Minister for a waste management licence under section 19 (1) (a).

(2) Any application for a waste management licence under this section shall be accompanied by an environmental protection plan addressing each of the prescribed issues and a disaster preparedness response plan for action that the applicant will take in the event of an accident, a spill or a natural disaster.

(3) Without prejudice to the requirements of any other law which may be applicable to the owner of a waste management facility under subsection (1), every such owner shall be deemed at the date of the

Licences required
for existing
facilities

commencement of this Act to hold a waste management licence under section (1) (a) which shall expire one year after the commencement of Act.

21. (1) In the case of a new or proposed waste management facility or than one to which section 36 (2) (b) applies, the applicant shall be required, before obtaining an environmental impact assessment approval under section 15 (1) (a) and prior to construction, to obtain a waste management licence from the Minister.

(2) The Minister may issue a licence on an application under section (1), but the licence shall be conditional on compliance with the environmental impact assessment requirements under sections 11 to 14 on the submission of a disaster preparedness response plan for action that the applicant will take, during the construction or operation of the facility, in the event of an accident, a spill or a natural disaster.

22. (1) An application for a waste management licence shall be made to the Minister in the form and accompanied by the fee, prescribed by regulations.

(2) The Minister shall, subject to the other provisions of this section and to section 23, grant the licence applied for under subsection (1) within ninety days of the date on which the application is received unless the Minister is satisfied that rejection of the application is necessary for the purpose of preventing –

- (a) pollution of the environment;
- (b) harm to human health; or
- (c) serious detriment to the amenities of the locality.

(3) The Minister may, subject to subsection (5), refuse to issue a licence if in conformity with the waste strategy under section 5 (4) he considers that the approval could result in the proliferation of waste management facilities in excess of the needs of the State.

(4) The Minister may subject to subsection (5) refuse to issue a licence for the operation of a landfill or incinerator for the purpose of collecting or processing waste on contract if he considers that such facilities ought to be reserved for operation by the Authority.

(5) Subsection (3) and (4) shall not apply to an application under section 20 (1).

(6) Where the Minister proposes to issue a licence, the Minister shall, before doing so –

- (a) refer the application within fifteen days of receiving it to the scheduled agencies for written comments to the scheduled agencies;

- (b) consider any submission or representation made in respect of the application by any person or body;
- (c) ensure as far as practicable that affected landowners have been consulted and consent to those aspects of the proposed activities or development which in law require such consent.

23. (1) A waste management licence shall specify as a condition of the licence the land on which the licensee may operate a waste management facility, and use by the licensee for that purpose of any other land shall require a separate licence, or a licence issued on re-application.

Issue of waste management licences

(2) A waste management licence issued for a use of land in which planning permission is required in pursuant of this Act is conditional on the grant of such planning permission.

(3) Compliance with the prescribed general design and operating standards for waste management facilities is a condition of every waste management licence.

(4) A waste management licence shall be issued subject to such conditions as appear to the Minister to be appropriate for the purpose of conformity with the waste strategy under section 7 (4).

(5) The Minister may, in issuing any licence, specify conditions for the management of wastes during the construction, operation or decommissioning of any facility.

(6) A waste management licence shall identify in respect of each of the conditions identified in the licence the competent authority which shall subject to section 43, be responsible for monitoring the compliance of the applicant with that condition.

24. (1) Every waste management licence shall be retained by the licensee for inspection upon demand by the Minister or any authorized officer under section 43 (1).

Licences to be displayed

(2) Subject to sections 30 (7) and 31, any licensee under section 22 (2) who fails to comply with the conditions of the licence under section 23 commits an offence punishable on conviction by a fine not exceeding one hundred and twenty thousand dollars.

25. (1) Subject to subsection (2) and section 32, a person shall not transport waste in the course of business unless that person is the holder of a current waste haulage permit issued by the Minister.

Waste haulage permits

(2) The requirement in subsection (1) does not apply to the transportation of waste –

- (a) undertaken by the holder of a waste management licence;
- (b) in vehicles of a weight of less than one half ton by a person carrying on a business, which waste is generated in the course of the other activities of the business;
- (c) generated by activity in the vehicle in which the waste is being transported;
- (d) under such other exempted circumstances as may be prescribed by regulations.

(3) An application for a waste haulage permit shall be made to the Minister in the form and accompanied by the fee prescribed by regulations.

(4) The Minister shall subject to the other provisions of this section and to section 26 issue a waste haulage permit applied for under section (3) within ninety days of the date on which the application is received unless the Minister is satisfied that rejection of the application is necessary for the purpose of preventing –

- (a) polluting of the environment;
- (b) harm to human health or safety; or
- (c) any danger or hazard to public highways or traffic.

(5) Where the Minister proposes to issue a waste haulage permit, the Minister shall, before doing so –

- (a) refer the application for written comments to the scheduled agencies;
- (b) give notice of the application by publication in the Gazette inviting comments to be received by the Minister within thirty days of such publication;
- (c) consider any submission or representation made in relation to the application received before the expiry of the period in paragraph (b).

26. (1) A waste haulage permit shall be issued subject to such conditions as appear to the Minister to be appropriate for the purpose of conformity with the waste strategy under section 5 (4).

(2) A waste haulage permit shall expire at such date not later than one year after the date of issue as the Minister shall require as a condition of the permit.

(3) A waste haulage permit shall specify as a condition of the permit the waste management facility or facilities to which the transportation of waste is permitted.

(4) The Minister may, in issuing any waste haulage permit, specify conditions additional to those in subsections (1) to (3) including –

- (a) requirements relating to the maintenance of vehicles in good operating condition;
- (b) requirements for the management of wastes during transportation to ensure that the waste is properly covered and secured until it is deposited at a waste management facility permitted to accept the waste;
- (c) requirements concerning the maintenance of insurance sufficient to provide for the cleaning up of spills or other pollution accidents that might occur;
- (d) minimum experience for driver employment qualification;
- (e) minimum requirements for training of drivers in management of accidents and disasters.

(5) Nothing in this Act exempts the owner or operator of any vehicle from the requirements of any other Act.

27. (1) Every holder of a waste haulage permit shall keep the permit in or on the vehicle in a position which may be prescribed by regulations or so that the permit may be easily seen from the exterior of the vehicle;

Permits to be displayed

(2) A holder of a permit under section 25 (4) who fails to comply with the conditions of the permit under section 26 commits an offence and on conviction is liable to a fine not exceeding fifty thousand dollars.

28. (1) The Minister may cancel or suspend a waste management licence or a waste haulage permit in the event of a violation of a condition by the licensee or permit holder, which poses an imminent danger of serious environmental damage.

Cancellation and suspension of licences and permits

(2) The Minister shall give notice of fifteen days to the holder of a licence or permit requiring the holder to remedy a violation of the terms of the licence or permit, at the expiry of which time period the Minister may either cancel or suspend the licence or permit.

(3) Where a waste management licence or permit is cancelled or suspended under subsections (2) or (3), the former licensee or holder of the permit shall be responsible during the off-licence period or off-permit period for the security of all waste, property and equipment affected by the cancellation or suspension of the licence or permit and the authorization

of waste management under the cancelled or suspended licence or permit shall apply notwithstanding the cancellation or suspension of action required by the licensee or former licensee under this section.

(4) The Minister may at any time after the cancellation or during the period of suspension of a licence or permit under subsections (2) to (3) require a past or present licensee or holder of a permit to allow the collection of any waste as the Minister may direct.

(5) A licensee whose licence has been cancelled or suspended who fails to secure waste, property or equipment under subsection (3) or who fails to allow the collection of waste under subsection (4) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand dollars.

(6) Where the Minister cancels or suspends a waste haulage permit under subsections (2) to (3), the Minister shall give directions as to the waste management facility at which any waste which is in the possession of the former permit holder or holder of a suspended permit shall be transported and the former permit holder or holder of a suspended permit shall comply with these directions.

(7) A former permit holder or the holder of a suspended permit who fails to comply with directions under subsection (6) or to allow the collection of waste under subsection (4) commits an offence and is liable on conviction to a fine not exceeding thirty-five thousand dollars or to imprisonment for a term not exceeding twelve months.

(8) In this section, "off-licence period" or "off-permit period" means, as the case may be, the period of six months after the cancellation of waste management licence or a waste haulage permit, provided that the period ceases on any earlier expiry of the suspension.

29. (1) The Minister shall maintain a register of all licences and permits granted under this Act.

(2) The register in subsection (1) shall be available for public inspection on the payment of such reasonable fee as may be prescribed by regulations.

(3) A licence granted under this Act does not authorize the commission of any nuisance.

30. (1) Every waste management licensee shall review his disaster preparedness response plan under section 20 (2) or section 21 (2) annually and not later than March in any year.

(2) The Authority shall, subject to the directions of the Minister, prepare and maintain contingency plans for --

- (a) the restoration of waste management services following a hurricane; and
- (b) actions that will be taken in the event of landfill flooding, waste haulage vehicle accident, spillage of waste and other disruptions to daily waste management services.

(3) In preparing the contingency plans, the Minister and the Authority shall seek to ensure that those plans are in conformity with the National Disaster Preparedness Response Plan under the National Disaster (Relief) Act (Cap. 277).

31. (1) In the event of any harm to human health, safety or the environment caused through the failure of the holder of any waste management licence or waste haulage permit to exercise due diligence in the management or transportation of any waste, the holder of a licence or permit shall be liable for damage at the suit of –

Liability in the event of accidents

- (a) any person injured; and
- (b) the crown for compensation –
 - (i) for loss to Crown property; and
 - (ii) for its expenses in mitigating the harm to human health, safety or the environment.

(2) In the event of any harm to human health, safety or the environment caused through failure of the holder of any waste management licence or waste haulage permit to exercise special care in the management or transportation of any waste during a situation caused by any accident or in times of emergency under section 32, that holder of a licence or permit shall be liable as in subsection (1).

(3) The onus of proving the exercise of due diligence or special care, as the case may be, under this section lies on the holder of the licence or permit.

(4) In the event of a spillage of waste in the course of the transportation of the waste by the holder of a waste haulage permit, that permit holder shall promptly have the spillage cleaned up and transported to a waste management facility permitted to accept the waste.

(5) If no waste management facility is available which is permitted to accept the waste referred to under subsection (4), the operator of any waste management facility to which the holder of the waste haulage permit under subsection (4), transports the waste shall co-operate with that permit holder to ensure the safe storage and management of the spill material until a waste management facility becomes available which is permitted to accept the waste.

(6) Any cost incurred by the operation of the waste management facility who temporarily stores waste under subsection (5) shall be met by the holder of the waste haulage permit.

(7) Any action taken by the operator of a waste management facility under subsection (5) shall be deemed to comply with the terms of the waste management licence under which that waste management facility is operated.

32. (1) During any state of emergency under section 17 of the Constitution, the Minister may require any person to take any action that the Minister considers reasonably necessary for the safe management of solid waste.

(2) Whether or not a state of emergency referred to at subsection (1) exists in the event that at any time there is no holder of a waste management licence or a waste haulage permit available for the management or transportation, the Minister shall be responsible for ensuring the management or transportation of such waste, and any person authorized by him in writing under this subsection shall be authorized to manage or transport any solid waste.

(3) Any person acting pursuant to a requirement under subsection (1) or authorized by the Minister under subsection (2), as the case may be, shall recover from the Crown the expenses incurred by that person in so acting.

PART VI – WASTE MANAGEMENT OPERATIONS

33. (1) No person shall import into the State any waste other than –

- (a) waste governed by the Marine Pollution Management Act, 2000, imported under conditions authorized by that Act;
- (b) waste generated on board any aircraft landing in the State no earlier than twenty-four hours before the time of such landing;
- (c) material other than hazardous waste which is imported under conditions prescribed by regulations for the purposes of any manufacturing process.

(2) A person who imports into the State any waste contrary to subsection (1), commits an offence and on conviction is liable –

- (a) on indictment to imprisonment for a term not exceeding five years or to a fine not exceeding one million dollars;
- (b) summarily to a fine not exceeding two hundred and fifty thousand dollars.

(3) A person who imports any waste contrary to subsection (1), whether or not that waste is hazardous waste, commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty thousand dollars.

34. When solid waste which –

- (a) is not in a container;
- (b) is in a container,

Liability for and ownership of waste

is moved in the case of (a) by the owner to another person's premises or in the case of (b) is moved from the container to another person's container or property by mutual consent, ownership and possession of the solid waste passes to the other person at the time when the solid waste is moved from the premises of the original owner or at the time when the solid waste is moved from the original container.

(2) When solid waste is being transferred from any premises or container, the person undertaking the transfer shall –

- (a) ensure that the transfer presents no risk of harm to human health, safety or to the environment;
- (b) be liable for any harm to human health, safety or the environment which may arise as a result of such transfer.

35. (1) Every occupier of land and every person in control of a vehicle for waste disposal shall comply with the requirements –

- (a) for waste handling, separation and processing; and
- (b) prohibiting the disposal of specific types of waste for which a re-use, recycling or composting alternative is available;

Requirements for waste handling, separation and processing

prescribed by this Act or regulations made under this Act.

(2) A person who fails to comply with the requirement prescribed by this Act or regulations made under this Act commits an offence and is liable on conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

36. (1) A person who conducts industrial, commercial or institutional operations in the course of which waste is generated shall make his own arrangements for waste management, and shall ensure that any waste generated does not present a risk to human health, safety or the environment.

Industrial, commercial and institutional waste generators

(2) For the purpose of giving effect to the requirements of subsection (1), a person may, in addition to or instead of contracting with other holders of licences or permits –

- (a) himself transport waste to a waste management facility subject to the permit requirements in this Act.
- (b) construct and operate an on-site waste management facility that has been approved by the Minister;

on condition that the management, transportation and disposal of the solid waste comply with prescribed standards and guidelines.

(3) In the event that appropriate facilities are not available in the State for managing hazardous or any other class of waste, persons who conduct industrial, commercial and institutional operations in the course of which waste is generated shall be responsible for the safe management of the waste on their premises or the export of the waste to appropriate facilities.

37. (1) Every occupier of premises in which waste is at any time stored shall store that waste in containers that prevent the escape of water, liquids or objectionable levels of odour, and which prevent infestation by pests or vermin.

(2) Any occupier of premises on which waste is generated and not disposed of on the premises shall comply with such schedule as may be prescribed by regulations for making that waste available for collection for transportation to a waste management facility.

38. (1) Within twelve months after the commencement of this Act or as early thereafter as is possible the Authority shall prepare a scheme, in consultation with importers and distributors of oil, for the establishment of a used oil management system that provides for the environmentally-secure management of used oil generated in the State.

(2) When the scheme for the used oil management system has been prepared by the Authority under subsection (1), it shall be submitted to the Minister for approval.

(3) The scheme as approved by the Minister under subsection (2), shall be treated as a variation of the waste strategy under section 9.

(4) With effect from one year after the approval of the variation of the waste strategy under subsection (3) –

- (a) the operator of any garage, any facility selling motor oil and petroleum products or any service station shall provide used oil storage facilities and equipment for

pumping out used oil from premises used for these purposes which equipment shall meet such standards as shall be prescribed by regulations;

- (b) the planning authority shall cease to grant development approval for the construction of any garage, any facility selling motor oil and petroleum products, or any service station which does not provide used oil storage facilities and equipment for pumping out used oil which meet such standards as shall be prescribed by regulations.

39. (1) Any person who dumps any litter or waste commits an offence and is liable on conviction to a fine not exceeding five thousand dollars. Illegal dumping of litter or waste

40. (1) Any person who holds any gathering, meeting or event which is open to the public and which takes place wholly or in part on Crown lands shall supply sufficient litter bins for the event and shall ensure that all litter on the site is properly disposed of within twenty-four hours of the end of the event. Public events

(2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding fifteen thousand dollars or three months community service as the Court may direct or to both such fine and community service.

41. (1) Derelict vehicles, white goods and other scrap metal shall be taken by the owner to an approved landfill site or other approved site for disposal. Derelict motor vehicles, white goods etc.

(2) Any authorized officer may pursuant to section 15 of the Litter Act, 1991 order the removal of a derelict vehicle when that officer reasonably considers that its location detracts from the quality of the amenities enjoyed by any owner of property who is not the owner of the vehicle or that the vehicle in its location constitutes a nuisance in law or is otherwise a hazard to human health or to the environment.

(3) Where the owner of the derelict vehicle cannot be identified, the authorized officer may arrange for the removal of the vehicle to an approved site.

(4) The Minister may in consultation with the Minister responsible for Finance offer to purchase derelict vehicles from their owners for the purpose of resale to the operators of sites under subsection (1).

PART VI—FINANCING AND COST RECOVERY

42. The Minister responsible for Finance may make regulations creating financial instruments for the financing of waste management activities implementing the Waste Strategy and the provisions of this Act. Financial instruments

PART VII--MONITORING AND ENFORCEMENT

43. (1) Any competent authority charged with monitoring any aspect of compliance with a licence or permit under this Act may enter into an agreement with the holder of the licence or permit, that allows a third party, considered by the Authority to be suitably qualified, experienced and independent, to monitor such compliance on behalf of both the holder of the licence or permit and the competent authority.

(2) In cases of audits or inspections by a third party pursuant to section (1), the third party shall submit all reports simultaneously to the holder of the licence or permit and the competent authority.

(3) A competent authority charged with monitoring any aspect of compliance with a licence or permit under this Act may engage by contract any person, considered by the competent authority to be suitably qualified, experienced and independent, to monitor any aspect of the compliance by the holder of the licence or permit.

44. (1) The Minister may designate public officers and officers of regulated agencies as authorized officers for the purpose of this Act.

(2) Every police officer is an authorized officer under this Act.

(3) An authorized officer may at any time enter and inspect any management facility to verify compliance with this Act.

(4) A magistrate may issue an order authorizing the inspection of domestic property under section 19 (2) (a) where an authorized officer files the magistrate that there is reasonable cause to suspect that such a search will find evidence of any contravention of this Act.

(5) A police officer may, in order to verify possession of and compliance with any condition of a waste haulage permit, stop and inspect a vehicle reasonably believed to be transporting waste.

(6) Any police officer or other authorized officer may on the direction of the Minister inspect any aeroplane or ship within twenty-four hours of its arrival to –

(a) verify whether the aeroplane or ship has waste on board; and

(b) take the measures necessary to ensure that any waste on board is not off-loaded contrary to the requirements of this Act.

(7) An authorized officer other than a police officer in uniform shall produce identification on demand before conducting any inspection under this section.

(8) Identification under this section shall include a photograph of the authorized officer, which photograph shall be authenticated by the signature of a public officer authorized for the purpose by the Minister.

(9) Any person who assaults or obstructs any police officer or other authorized officer in the discharge of his functions under this Act commits an offence and is liable on conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

45. (1) The Minister may by Order, list any published compilation of waste management standards as a recognized compilation of standards for the purpose of measuring the standard of due diligence under this Act.

Due diligence
defence

(2) In the event of a default by a holder of a waste management licence in compliance with the conditions of the licence, it shall suffice to establish due diligence for the holder to show compliance with a compilation of standards under subsection (1).

(3) Where a solid waste management facility is located in a particular geographic area the residents of that locality may constitute a non-governmental organisation for the purpose of monitoring the operations of the facility to ensure compliance with the licence or permit under which the facility should operate.

(4) Every such non-governmental organisation shall upon being incorporated by Act of the House of Assembly become entitled to receive financial support from the Consolidated Fund.

(5) The Minister shall make rules for the purpose of determining the amount and the conditions under which such financial support is made to any non-governmental organisation incorporated under this section.

46. A person who commits an offence under this Act, for which offence a penalty is not specified shall be liable on the first conviction for that offence to a fine not exceeding seventy-five thousand dollars or to imprisonment for a term not exceeding twelve months and on a subsequent conviction to a fine not exceeding one hundred and fifty thousand dollars and thereafter an amount of two hundred dollars for each day the offence continues after conviction.

Penalties

47. Where an offence is created by this Act, the planning authority, a member of the Police Force or any other person authorized in writing by the Minister may, in respect of that offence, institute proceedings in a court of law.

Power to institute
proceedings

PART VII – MISCELLANEOUS

48. The Minister may make regulations generally for the purpose of implementing the provisions of this Act, and, in particular and without prejudice to the generality of the foregoing, may make regulations regarding –

- (a) the procedure and process by which the waste strategy will be developed and updated;
- (b) the procedure and process through which environmental impact assessments will be undertaken in support of the development of waste management facilities;
- (c) the procedure, process, conditions or requirements of the waste management facility and waste haulage licence and permit system under this Act and the licences and permits themselves;
- (d) requirements for waste handling, separation and processing;
- (e) any aspect of the operation of the Authority in so far as those operations relate to the management of solid waste;
- (f) requirements for waste storage and waste storage receptacles;
- (g) the planning, implementation, operation and control of facilities for the reutilization of waste or recycling of waste;
- (h) the import of used, second-hand, refurbished or reconditioned goods;
- (i) the enforcement of any aspect of this Act;
- (j) the introduction of new forms of levy or fee;
- (k) public education in support of waste or secondary resources management;
- (l) training of human resources;
- (m) standards and guidelines for the management, transportation and disposal of solid waste;
- (n) the general design and operating standards for waste management facilities;

- (o) the list of issues to be covered in an environmental plan for submission for a waste management licence;
- (p) anything required by this Act to be prescribed.

49. This Act binds the Crown.

Application to
Crown

SCHEDULE 1 (section 2)

Wastes Classified as Hazardous Waste

PART I

Waste Streams

- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics
- Y2 Wastes from the production and preparation of pharmaceuticals products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phyto-pharmaceuticals
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6 Waste from the production, formulation and use of organic solvents
- Y7 Waste from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their original intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Wastes substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Waste from production, formulation and use of inks, dyes pigments, paints, lacquers, varnish
- Y13 Waste from production, formulation and use of resins, latex, plasticizers, glues/adhesives

Y14 Waste chemicals substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known

Y15 Waste of an explosive nature not subject to other legislation

Y16 Waste from production, formulation and use of photographic chemicals and processing materials

Y17 Wastes resulting from surface treatment of metals and plastics

Y18 Residues arising from industrial waste disposal operations

Waste Having as Constituents

Y19 Metal carbonyls

Y20 Beryllium; beryllium compounds

Y21 Hexavalent chromium compounds

Y22 Copper compounds

Y23 Zinc compounds

Y24 Arsenic; arsenic compounds

Y25 Selenium; selenium compounds

Y26 Cadmium; cadmium compounds

Y27 Antimony; antimony compounds

Y28 Tellurium; tellurium compounds

Y29 Mercury; mercury compounds

Y30 Thallium; thallium compounds

Y31 Lead; lead compounds

Y32 Inorganic fluorine compounds excluding calcium fluoride

Y33 Inorganic cyanides

Y34 Acidic solutions or acids in solid form

Y35 Basic solutions or bases in solid form

Y36 Asbestos (dust and fibres)

Y37 Organic phosphorus compounds

- Y38 Organic cyanides
- Y39 Phenols, phenol compounds including chlorophenols
- Y40 Ethers
- Y41 Halogenated organic solvents
- Y42 Organic solvents excluding halogenated solvents
- Y43 Any congener or polychlorinated dibenzo-furan
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Schedule (e.g. Y39, Y41, Y42, Y43, Y44).
- Y46 Wastes collected from households
- Y47 Residues arising from the incineration of household wastes
- Other Radioactive Wastes

PART II

List of Hazardous Characteristics

UN CLASS	CODE CHARACTERISTICS
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1	H1 Explosive
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An explosive substance or waste is a solid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.

3	H3 Flammable liquids
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The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5 degrees C closed-cup test, or not more than 65.6 degrees C open-cup test. (Since the results of open-cup tests and of closed-cup test are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition).

4.1 H4.1 Flammable Solids

Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible or may cause or contribute to fire through friction.

4.2 H4.2 Substances or wastes liable to spontaneous combustion

Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to ignite.

4.3 H4.3 Substances or wastes which, in contact with water, emit flammable gases

Substances or waste which by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

5.1 H5.1 Oxidising

Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

5.2 H5.2 Organic peroxides

Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

6.1 H6.1 Poisonous (Acute)

Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

6.2 H6.2 Infectious substances

Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.

7 H7 Radioactive Materials

Substances or materials which spontaneously emit a significant radiation and of which the specific activity is greater than 70kBq/kg(2nCi/g).

8 H8 Corrosives

Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissues, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

9 H10 Liberation of toxic gases in contact with air or water

Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

9 H11 Toxic (Delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.

9 H12 Ecotoxic

Substances or wastes which, if released, present or may present immediate or delayed adverse impacts to the environment by means of bio-accumulation and/or toxic effects upon biotic systems.

9 H13

Capable, by any means, after disposal, of yielding another material e.g. leachate, which possesses any of the characteristics listed above.

SCHEDULE 2 (section 2)

Agencies Concerned with Solid Waste Management

1. Central Water and Sewerage Authority;
2. Saint Vincent and the Grenadines Port Authority;
3. Physical Planning and Development Board.

SCHEDULE 3 (section 3)

Administration

1. The Authority shall, subject to the other provisions of this Act have general responsibility for the management of solid waste generated in the State.

2. The functions of the Authority shall pursuant to paragraph 1 be to –

- (a) own and, as it considers appropriate and desirable, operate or contract facilities and equipment for the collection, treatment or processing, reutilization, and disposal of solid, non-hazardous waste and quarantine waste;
- (b) as it deems appropriate and desirable, own and operate facilities for, or otherwise provide for, the management of solid and liquid hazardous wastes other than quarantine waste, not including sewerage or sewerage sludge;
- (c) provide for the closure, post-closure and remediation, as appropriate and necessary, of waste management facilities it owns, including those in Schedule 4;
- (d) train its staff in those aspects of waste management for which they are responsible;
- (e) design, implement and maintain a programme of public education on waste management.

3. The Minister may give general directions to the Authority in relation to the manner of the discharge of its functions, and the Authority shall comply with all such directions.

4. The Authority may discharge its functions through its employees, agents or contractors, and may engage in joint ventures for the purpose with such agents or contractors.

5. The Authority shall be responsible for collection of litter from public roads in Saint Vincent outside of Kingstown and in the Grenadines.

6. The Authority may work in co-operation with any person or group of persons for the purposes of paragraph 5 and may in particular without prejudice to the generality of the foregoing promote schemes which the Authority's co-operating persons or group undertake to promote and maintain litter-free conditions along defined stretches of roads, and in which the Authority provides for the haulage of litter collected by the co-operating persons or groups.

7. The Authority shall own and itself or through a contractor operate facilities for the incineration of biomedical wastes and may use those facilities also for incineration of quarantine wastes. Ash from the incinerator shall be disposed of at a landfill owned by the Authority.

8. The Authority shall be required to prepare and maintain an operational plan that identifies –

- (a) facility and equipment needs over a 20 year period;
- (b) staffing requirements over a 5 year period;

- (c) training requirements over a 5 year period;
- (d) capital cost requirements over a 20 year period;
- (e) recurrent costs requirements over a 5 year period;
- (f) a financing and cost recovery plan sufficient to meet the capital and recurrent cost projections identified.

9. The operational plan shall be updated annually and shall be submitted to Cabinet by the Minister responsible for the Authority.

10. Where hazardous waste management facilities are owned or operated by the Authority, the Authority shall seek to ensure by its level of charges to users of those facilities that the revenue from the operation of those facilities covers all the costs of those facilities.

11. The Authority shall determine the types of waste it will receive at any facility it owns or operates. The Authority may require that wastes be separated or prepared according to the requirements of the Authority and that facilities owned or operated by the Authority will not be obligated to receive wastes unless they are so separated or prepared.

12. (1) The Authority shall keep proper accounts records in relation to the accounts and shall within three months after the end of each financial year prepare in respect of that financial year a statement of accounts in such form as the Minister responsible for Finance may direct, being a form which shall conform with the best commercial standards.

(2) All accounts under subparagraph (1) shall show the amounts received and disbursed for the purposes of solid waste management, including an apportionment of overhead costs and unapportioned receipts conforming with the commercial standards, in a manner permitting those receipts and disbursements for solid waste management, adjusted for the apportionment, to be identified separately from other receipts and disbursements.

13. (1) The Authority shall prepare and revise at intervals not longer than thirteen months –

- (i) a programme for discharging the Authority's functions under paragraph 2 (d); and
- (ii) a programme for discharging the Authority's functions under paragraph 2 (e).

(2) Any programme under paragraph (1) may be implemented jointly with any other compatible programme of staff training or public education undertaken by the Government.

14. (1) The Authority shall establish and maintain a reserve fund.

(2) The management of the fund, the sums to be carried from time to time to its credit and the application thereof shall be as the Authority shall direct, but –

(a) no part of the fund shall be applied otherwise than for the purposes of the Authority;

(b) the Minister responsible for Finance may give to the Authority such directions as he thinks fit as to any matter relating to the establishment or management of the fund, the carrying of sums to its credit, or the application thereof, and the Authority shall comply with the directions.

SCHEDULE 4 (Section 4)

Solid Waste Management Facilities Vested in the Authority

Passed in the House of Assembly this 20th day of October, 2000.

J. THERESA ADAMS
Clerk of the House of Assembly.