

# **THE SOLID WASTE MANAGEMENT BILL, 2001**

## **SAINT CHRISTOPHER AND NEVIS**

**No. of 2001**

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**SAINT CHRISTOPHER AND NEVIS**

**No. of 2001**

with **AN ACT** to provide for the management of solid waste in conformity  
the best environmental practices; and to provide for related or  
incidental matters.

**BE IT ENACTED** by the Queen's Most Excellent Majesty by and with  
the advice and consent of the National Assembly of  
Saint Christopher and Nevis, and by the authority of the same as  
follows:

**PART I - PRELIMINARY**

Short title and  
commencement.

1. This Act may cited as the Solid Waste Management Act, 2001,  
and shall come into force on such date as the Minister may, by Order, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires,

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

"Chairperson" means the Chairperson of the Corporation, and  
any person for the time being performing the functions of  
Chairperson;

"composting" means making the humus-like end-product of the  
decomposition of organic waste;

"Corporation" means the Saint Christopher and Nevis Solid Waste Management Corporation established under section 3 of this Act;

"derelict vehicle" means any motor vehicle, whether or not it still contains its motor, and whether or not it is licensed, that is in such an advanced stage of disrepair that it cannot be reasonably be expected to be economically repaired to working condition;

"dumping" means discharging wastes into the environment at a site or location other than one approved and permitted by the competent authority;

Schedule 1

"hazardous waste" means any material that belongs to any category contained in Annex I of Schedule 1, unless it does not possess any of the characteristics contained in Annex II of Schedule;

"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, including 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, including pollution control equipment associated with the facility;

"litter" includes any abandoned or discarded article, rubbish, refuse, garbage or waste materials, containers, packages, bottles, cans or any parts of such matter;

"Minister" means the Minister responsible for Health;

"OECS" means the Organisation of Eastern Caribbean States;

"person" includes a body corporate;

"planning authority" means the ministry responsible for planning or a body designated for that purpose;

"post-closure and remediation" mean 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;

"prescribed by regulation" means prescribed by regulations made under the authority of any Act;

"processing facility" means a facility where waste is processed for the purpose of:

- (a) reducing the volume of the 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;

"radioactive waste" includes any waste that is radioactive;

"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, except use of waste in any manufacturing process whereby a secondary resource is created;

Schedule 2

"Scheduled agencies" mean the agencies listed in Schedule 2 to this Act;

"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 if the rendered material or matter, or use of the 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, and other solid materials discarded from;

- (a) residential, industrial, commercial or government establishments or operations; and
- (b) public or community activities; except 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;

"Special waste" means waste which requires special handling;

"waste" includes any material discarded by the owner of the material, whether or not the material is in the same form as it was when it came to be in the possession of the owner, and any derelict vehicle;

"waste management facility" means any facility for managing waste by storing or processing, or a processing facility for the creation or recovery of a secondary resource, except a location or facility where waste is stored, for less than five days;

"waste management policy stakeholders" means the persons and organisations in Saint Christopher and Nevis, other than the Corporation and Ministries, departments or other units of the Government of Saint Christopher and Nevis, 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 waste management policy;

"white goods" mean disused and abandoned refrigerators, washing machines and other domestic appliances.

## **PART II - SOLID WASTE MANAGEMENT CORPORATION**

Continuance of Corporation.

3. (1) Notwithstanding the repeal of the Solid Waste Management Act, No.17 of 1996, the Solid Waste Management Corporation established by that Act and in existence before the coming into force of this Act shall continue in existence, subject to the provisions of this Act.

(2) The Corporation shall continue to be a body corporate with perpetual succession and a common seal, and be capable of suing and being sued in its corporate name.

(3) The Corporation shall be capable of holding, purchasing and otherwise acquiring and disposing of any property, movable or immovable, for the purpose of carrying out its duties under this Act.

(4) The Corporation may do such other things as are necessary for the purpose of carrying out its functions.

Functions of the Corporation.

4. (1) The Corporation shall generally be responsible for overseeing the management of the solid waste collection and disposal systems in the Islands of Saint Christopher and Nevis, and without prejudice to the generality of the foregoing the Corporation shall, in particular,

- (a) provide storage facilities for solid waste;
- (b) procure equipment for the collection, transportation and disposal of solid waste;
- (c) provide collection and storage facilities at ports, harbours and anchorages for the reception of ship-generated waste to the final disposal site;
- (d) procure equipment necessary for the transportation of ship-generated waste to the final disposal sites;
- (e) convert existing dumps into sanitary landfill sites;

- (f) develop and manage new sanitary landfill sites and other disposal methods;
- (g) provide facilities for the treatment and disposal of medical and hazardous waste;
- (h) introduce measures aimed at encouraging recovery of recyclable items from solid waste;
- (i) introduce cost recovery methods for services provided by the Corporation;
- (a) prepare plans and programmes to address the problems of solid waste management in Saint Christopher and Nevis;
- (k) manage and direct the implementation of the OECS Waste Management Project and any other regional and international activities.

(2) The Corporation shall, in the performance of its functions, comply with the provisions of the Public Health Act and any other enactment relating to public health and the environment.

Board of  
Corporation.

5. (1) The Corporation shall have a governing body to be known as the Board of Directors, which Board shall consist of the following members:

- (a) a senior representative of the Ministry of Health;
- (b) a senior representative of the Ministry of Finance;
- (c) the General Manager, Saint Christopher Air and Sea Ports Authority;
- (d) a senior representative of the Department of Environment;
- (e) a member of the Chamber of Industry and Commerce, nominated by the Chairperson of thereof; and
- (f) two members from Nevis, nominated by the Premier of the Nevis Island Administration.

(2) The Minister shall appoint from among members of the Board a Chairperson and Vice - Chairperson of the Corporation, respectively.

(3) The Board shall be responsible for carrying out the functions conferred on the Corporation by this Act, any other enactment and regulations made under this Act.

(4) Subject to the provisions of this Act and the approval of the Minister, the Board may delegate to any member or committee of the Board the power to carry out on its behalf such functions as the Board may determine.

Schedule 3. (5) Schedule 3 to this Act shall apply to meetings and other matters of the Board as are specified in that Schedule.

Disclosure of interest. 6. A member of the Board who is directly or indirectly interested in a contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board, and shall absent himself from that part of the meeting of the Board with respect to the contract.

Liability of members. 7. (1) A member of the Board shall not be personally liable for any act or default of Board done or omitted to be done in good faith in the course of the operation of the Corporation.

(2) Where a member of the Board is exempt from liability by reason only of the provisions of this section the Corporation shall be liable to the extent that it would be liable if any member was a servant or agent of the Corporation.

Directions to the Board. 8. The Minister may, after consultation with the Chairperson, give to the Board directions of a general nature as to the policy to be followed by the Board in the performance of its functions and the Board shall give effect to the directions.

Staff of the Corporation. 9. (1) For the purposes of section 3.(1), any person in the employment of the Corporation referred to in that section immediately before the coming into force of this Act shall continue in the employment of the Corporation referred to in this Act, subject to the provisions of this Act.

(2) A person referred to in subsection (1) shall be deemed to be employed under the provisions of this Act without any break in his service and his or her terms and conditions of service shall not be varied to his or her detriment.

(3) The Corporation may appoint and employ a Solid Waste Manager, an accountant, a secretary, and such other officers, servants and agents as are necessary for the proper performance of the Corporation's functions.

(4) The persons referred to in subsection (3) shall be appointed on such terms and conditions as the Corporation may, in writing, determine.

(5) Notwithstanding subsections (3) and (4),

- (a) no person shall be appointed Solid Waste Manager without the prior written approval of the Minister;
- (b) no salary in excess of such sum as the Minister may determine and notify in writing to the Corporation shall be assigned to any post without the prior approval of the Minister;
- (c) no appointment to any post to which a salary, honorarium, or allowance is assigned shall be made without the prior approval of the Minister.

(6) The Governor-General or the Public Service Commission may, subject to such conditions as may be imposed, approve of the appointment of a public officer to an office with the Corporation, subject to the consent of the public officer.

(7) Where a member of the public service is appointed to Corporation, the public officer shall, in relation to pension, gratuity or other allowances and rights as a public officer, be treated as continuing in the service of Government.

Funds of the Corporation.

10. (1) The funds and resources of the Corporation shall consist of

- (a) such sums which shall be increased each year to off-set inflation as may be provided by the Government for the purpose;
- (b) any grant made to the Corporation by the Government or, with the approval of the Minister, by a person, body or international organization;
- (c) such sums as may, from time to time, accrue to the Corporation on account of payments, fees, charges, rent and interest for services provided;
- (d) monies and properties which may in any manner become payable to, or vested in the Corporation in respect of any matter incidental to its functions;

- (e) monies borrowed by the Corporation under section 11 for the purpose of meeting any of its obligations or performing any of its functions.

Borrowing powers.

11. (1) Subject to the provisions of subsection (2), the Corporation may borrow monies required by it for meeting any of its obligations or performing any of its functions.

(2) The power of the Corporation to borrow monies shall be exercisable only with the prior approval of the Minister responsible for finance.

Accounts and audit.

12. (1) The Corporation shall keep accounts of its transactions to the satisfaction of the Minister, and the accounts shall be audited annually by such auditors as the Corporation, with the approval of the Minister, may appoint.

(2) Nothing in subsection (1) shall prevent the Director of Audit from exercising the powers conferred upon him by any law.

Annual report.

13. (1) The Corporation shall prepare and present an annual report to the Minister within four months after the expiration of each financial year.

(2) The annual report shall

(a) contain the activities of the Corporation during the last financial year; and

(b) include a statement of the Corporation's audited accounts in accordance with the provisions of section 12.

(3) The Minister shall as soon as possible, after receiving a report in accordance with subsection (1) lay a copy of the report before the National Assembly.

(4) A copy of the Corporation's annual report shall be published in the *Official Gazette*.

Corporation not to be regarded as agent of the Crown.

14. The Corporation shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, except that it shall be exempt from tax, duty, rate, levy or other charge, and the Corporation's property shall not be regarded as property of, or property held on behalf of, the Crown.

***PART III - WASTE MANAGEMENT PLANNING***

Formulation of waste  
Inventory etc.

15. (1) Within twelve months of the commencement of this Act, the Corporation shall undertake and complete an inventory and characterisation of the solid waste generated in Saint Christopher and Nevis.

(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 Saint Christopher and Nevis;
- (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 characterisation referred to under subsection (1) shall be revised at least every five years.

(4) Within two years from the date of the coming into force of this Act a National Waste Management Strategy shall be prepared by the

Minister.

(5) The Minister shall ensure the broadest consultation in the preparation of the National Waste Management 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 that their interests are, in the opinion of the Minister, likely to be affected.

Content and  
structure of  
national waste  
management  
strategy.

16. (1) The National Waste Management Strategy prepared pursuant to the requirements of section 15. (4) shall, without prejudice to the generality of section 15.(5), include the following:

- (a) a summary of the inventory of national waste resources classified under type, volume and area of generation compiled under section 17.(2);
- (b) an evaluation of historic, current or proposed activities that impact upon the volume or type of waste generated in Saint Christopher and Nevis;

- (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 Saint Christopher and Nevis;
- (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 paragraph (e) of subsection (1) shall establish the following, that is to say,

- (a) standards, requirements and procedures for 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, construction or operation of waste management facilities or equipment;
- (c) physical infrastructure requirements to provide waste management services;
- (d) measures for addressing illegal dumping of litter, wastes and derelict vehicles;
- (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 National Waste Management 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 purposes of disposal and treatment different types of waste;
- (h) establish targets for the reduction of waste to be achieved and commencement dates, with the objective of:
  - (i) reducing by 20 percent all solid waste by January 1, 2010, through source reduction, recycling and composting activities;
  - (ii) providing further reductions in solid waste at rates of no less than 5% per decade after the year 2010 until such time as a 50% 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)(h), 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 National Waste Management Strategy, including, where appropriate, the use of economic instruments.

(4) In preparing the National Waste Management Strategy, the Minister shall undertake an evaluation of the social, environmental and economic impacts of the Strategy, and the findings of such an evaluation shall be contained in the Strategy that is submitted to Cabinet for approval.

Approval of  
Waste  
Manage-  
ment Strategy.

17. (1) Subject to subsection (2), the Minister shall submit the Draft National Waste Management Strategy for public review and comment, and for this purpose shall by notice

- (a) published in the *Gazette*;
- (b) advertised for two weeks in at least one newspaper published regularly in St. Christopher and Nevis;
- (c) broadcast on at least three occasions on at least one radio station whose signals are received in Saint Christopher and Nevis; advise the public as provided in subsection (2) of this section.

(2) Pursuant to subsection (1), the public shall be advised on the:

- (a) location where copies of the Draft National Waste Management Strategy can be obtained for review;
- (b) address to which any comments on the Draft National Waste Management Strategy should be submitted; and
- (c) closing date for making any submission.

(3) The Minister shall allow, at least, a period of not less than thirty days and not more than forty five days for the receipt of comments on the Draft National Waste Management Strategy as required by subsection (1).

(4) When all the comments are received from the public review undertaken under subsection (1), and any changes, considered desirable by the Minister, are made, the Minister shall submit the Draft National Waste Management Strategy to Cabinet for approval.

(5) Upon receipt and consideration of the Draft National Waste Management Strategy, Cabinet may approve the draft, with or without amendments, or refer the draft back to the Minister with a recommendation to correct any deficiency.

(6) Where Cabinet refers the draft back to the Minister, the Minister shall recommence the process of preparing the National Waste Management Strategy at the stage referred to in subsection (4) of section 5 of this Act or at such later stage as Cabinet may specify, and the period of one year specified in that subsection shall be extended by the time which has elapsed since the process last commenced under that subsection.

(7) Upon approval by Cabinet of the Draft National Waste Management Strategy under subsection (5), any person or authority discharging any function under this Act shall comply with the National Waste Management Strategy.

National Waste Management strategy basis developments

18. The National Waste Management Strategy, once approved by Cabinet, shall provide the basis for evaluating waste management options relating to all development approvals, and the licensing of waste management facilities under this Act.

Variation of National Waste Management Strategy.

19. (1) Before any component or part of the approved National Waste Management Strategy is varied, the Minister shall publish a notice of intention to vary the Strategy specifying

- (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 publication of the notice as provided under subsection (1) the Minister may establish a consultative process with the Scheduled agencies and the waste policy stakeholders.

Review of National Waste Management Strategy.

20. (1) The Minister responsible for Planning shall, in consultation with the Minister responsible for Health and Environment, keep the National Waste Management Strategy under review and, in any event, shall undertake a comprehensive review of the Strategy within 5 years from the date of its approval by Cabinet to ensure that

- (a) it complies with obligations under relevant international and regional agreements;
- (b) it is responsive to Saint Christopher and Nevis's waste management needs;

- (c) it is within Saint Christopher and Nevis's technical, financial and human resources;
- (d) in its current form and potential future modified form it includes consultation with the waste management policy stakeholders, to the extent that their interests 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.

(2) A review of a National Waste Management Strategy undertaken under subsection (1) shall be through broad-based consultation with the waste management policy stakeholders, to the extent that their interests are, in the opinion of the Minister, likely to be affected and with the public.

***PART IV - WASTE MANAGEMENT LICENCES AND PERMITS***

Requirement for environmental impact assessment pre evaluation

21. (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 a facility designed for the sole purpose of waste management or one that is to be part of a facility to serve the purpose of waste management among a number of other purposes.

(2) Subsection (1) of this section shall not apply to a waste management facility under section 32.(1) or section 47.(2)(b) of this Act.

Environmental impact assessment pre-evaluation and process

22. (1) For any proposal that requires an environmental impact assessment pre-evaluation under section 23. (1) of this Act, the applicant shall notify the planning authority in writing in such form as may be prescribed by regulations of his desire to establish a waste management facility, enclosing a copy of the relevant waste management licence issued under section 34. (2) of this Act.

(2) Upon receipt of the notification referred to 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 may be required or not.

(3) Within fourteen working days from the date of receiving a notification under subsection (1) of this section, 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 by the applicant, and whether an environmental impact assessment is to be 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 of the further information that is required, and any response of the applicant purporting to supply that further information shall be treated as a new proposal under subsection (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;
- (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 a comprehensive environmental impact assessment report is required or 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 the terms of reference.

Contents of  
environmental  
impact assessment  
report

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

- (a) the name or other sufficient identifying label of the proposal, its sponsor, its sponsor's location, its date of preparation, and the identification of any persons or organisations, other than the sponsor, who contributed significantly to its preparation;

- (b) 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 and 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 residual adverse environmental and social impacts, which shall include an assessment of the long-term, short-term, adverse, cumulative, primary, secondary or beneficial impacts or lack of impacts or consequences that may result from the 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 actions that are to be undertaken to mitigate any adverse environmental consequences;
- (h) where appropriate, a waste management plan which describes all measures that shall be undertaken to manage or reduce waste during
  - (i) the construction;
  - (ii) operation; and

- (iii) abandonment or decommissioning, of the facility;
- (i) an environmental monitoring and surveillance programme describing actions and activities required to verify that the environmental protection plan is being fulfilled and adverse impacts documented;
- (j) a list of individuals or organisations who have an interest, expertise, or jurisdiction in matters relevant to the proposal and who 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) of this section, except that, as a minimum, it shall meet the requirements set out in paragraphs (a), (e), (g), (i), and (j) of that subsection.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, 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.

Review of environmental impact assessment report.

24. (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 terms of reference in **section 12. (6)** of this Act.

(2) Upon reviewing the report submitted under **section 14. (1)** of this Act, the planning authority may request additional information to be submitted by the applicant.

(3) Having reviewed the report and any additional information that may be submitted, the planning authority may

- (a) approve the report, with or without conditions or amendments;
- (b) require the applicant to complete additional work on the environmental impact assessment to meet specific concerns the planning authority identifies; or

(c) reject the report.

(4) The applicant shall, where required, undertake additional work to meet the concerns of the planning authority and submit the additional work.

(5) Following the approval of a report under **section 14. (3)** of this Act or the advice under **section 10. (5) (c)** of this Act, as the case may be, the planning authority shall make a recommendation to Cabinet on the manner in which Cabinet ought to discharge its functions under section 13. (1) of this Act in relation to the proposal.

Decision on environmental impact assessment report

25. (1) Upon receipt of the recommendation of the planning authority, Cabinet shall review the report and may approve the proposed development, with or without conditions, or reject the proposed development.

(2) The planning authority shall communicate Cabinet's decision to the applicant.

Monitoring and enforcement of impact assessment requirements.

26. (1) It shall be the responsibility of the applicant to implement any monitoring programme, protection plan, or mitigation measure that shall constitute the conditions of any approval granted under **section 13.(1)** of this Act.

(2) The Minister or a Scheduled agency designated by Cabinet for the approved proposal 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 shall constitute the conditions of any approval granted under **section 13. (1)** of this Act, and may issue an order to rectify any deficiency.

(3) Where an inspection under subsection (2) of this section reveals any deficiency, the Minister 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) A person who,
  - (a) prior to obtaining an approval under **section 13. (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 **section 13. (1)**, undertakes or constructs any facility under that approval but contravenes any condition;
  - (c) contravenes any order made under subsection (3); commits an offence, and is liable, on summary conviction, to a fine not exceeding \$ 120,000, or imprisonment for a term not exceeding twelve months.

Environmental impact assessment guidelines.

- 27. 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 statutory bodies;
  - (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.

Waste management plans required for development applications

28. (1) In its consideration of any development proposal, other than a proposal under section 10. (1), the planning authority shall consider waste generation and waste management considerations and the requirements of the National Waste Management Strategy under **section 5. (4)** of this Act.

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

(3) In submitting any application for commercial development, the applicant will also be required to identify action that will be taken to minimise waste generation, and to maximise reuse, recycling and composting, both during construction of the facility and in the course of its operation after completion of the construction.

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

Prohibition on  
unauthorised  
disposal of  
solid waste.

29. (1) Subject to subsection (2) and **section 33.(2)(b)** of this Act, a person shall not

- (a) deposit or knowingly cause to be deposited solid waste in or on any land, beach, foreshore, marine waters, rivers, or river banks without a waste management licence;
- (b) construct or operate any waste management facility without a waste management licence; or
- (c) treat, keep or dispose of solid waste in a manner likely to cause pollution of the environment or harm to human health.

(2) Subsection (1) of this section shall 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 curtilage of the dwelling or within the boundaries of the owner's property if no harm to human health, safety or the environment results from such activity; or
- (b) to any prescribed case.

(3) The Minister shall, in exercising his powers under **section 45**, in particular and without prejudice to the generality of the 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) of this section, or any condition of a waste management licence, commits an offence, and shall be liable,

(a) in the case of an individual, to a fine of not exceeding \$75,000 or imprisonment for not more than twelve months;

(b) in the case of a corporation, to a fine of not exceeding more than \$200,000.

Licences for existing facilities.

30. (1) Any owner of a waste management facility that is under construction or in operation at the coming into force of this Act shall, subject to **section 33. (2)(b)** of this Act, be required to apply to the Minister for a waste management licence under section 29. (1 )(a).

waste

(2) Any application for a waste management licence under this section shall be accompanied by an environmental protection plan addressing such issues as may be prescribed by regulations made by the Minister under this Act and a disaster preparedness response plan for actions 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 referred to in subsection (1) of this section, that owner shall be deemed, at the date of the commencement of this Act, to hold a waste management licence under section 29. (1 )(a), which licence shall expire one year after the commencement of this Act.

Licences for proposed waste management facility.

31. (1) In the case of a new or proposed waste management facility, other than one to which **section 33. (2)(b)** applies, the applicant shall, before obtaining an environmental impact assessment approval under **section 13. (1)** and prior to construction, first obtain a Waste Management Facility Licence from the Minister.

(2) The Minister may issue a licence upon an application made under subsection (1) of this section, except that the licence shall be subject to the following conditions, that is to say,

- (a) compliance with the environmental impact assessment requirements under **sections 9.(2), 10, 11, and 12(1)**; and
- (b) submission of a disaster preparedness response plan for actions 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.

Application for waste management licence.

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

(2) The Minister shall, subject to this section and **section 21**, grant a licence applied for under subsection (1) of this section within ninety days of the date on which the application is received, unless the Minister is satisfied that refusal to grant the licence 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 grant a licence if according to the National Waste Management Strategy under **section 5.(4)** of this Act, he considers that the grant could result in the proliferation of waste management facilities in excess of the needs of Saint Christopher and Nevis.

(4) The Minister may, subject to subsection (5), refuse to grant a licence for the operation of a landfill or incinerator, for the purpose of accepting or processing waste on contract, if he considers that the facilities should be reserved for operation by the Corporation.

(5) Subsections (3) and (4) of this section shall not apply to an application made under **section 18. (1)** of this Act.

(6) Where the Minister is to grant a licence, he shall, before granting the licence

- (a) refer the application, within fifteen days from the date of receiving the application, to the Scheduled agencies for their comments, which comments shall be in writing;

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

Issue of a waste management licence.

33. (1) A waste management licence shall specify as a condition of the licence the land on which the licensee is licensed to operate a waste management facility, and shall only be used in respect to a management facility operated on the land specified in the licence.

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

(3) Compliance with the general design and operating standards for waste management facilities as the minister may, by regulations, prescribe shall be a condition attached to a waste management licence.

(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 authority which will subject to **section 42** be responsible for monitoring the compliance of the applicant with that condition.

Licences to be inspected.

34. (1) A person who is issued a waste management licence shall retain the licence and produce it for inspection upon demand by an authorised officer.

(2) Subject to **sections 28.(7) and 29**, a holder of a waste management licence who fails to comply with the conditions attached to the licence by virtue of **section 21** commits an offence, and shall be liable, on conviction, to a fine not exceeding \$ 120,000 or imprisonment for a term not exceeding twelve months.

Waste haulage permit.

35. (1) Subject to subsection (2) and **section 29**, a person shall not transport waste in the course of business unless that person holds a current waste haulage licence issued by the Minister.

- (2) The requirement of subsection (1) shall not apply to
- (a) transportation of waste undertaken by the holder of a waste management licence;
  - (b) transportation of waste in vehicles of a weight of less than 5 tons by a person carrying on a business, which waste is generated in the course of the other activities of the business;
  - (c) transportation of waste generated by activity in the vehicle in which the waste is being transported;
  - (d) transportation of waste under such other exempted circumstances as may be prescribed by Regulations.

(3) An application for a waste haulage licence shall be made to the Minister, and the application shall be in the prescribed form and accompanied by the prescribed fees.

(4) The Minister shall, subject to this section and **section 24**, issue a waste haulage permit applied for under **section 23. (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) pollution 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 is to issue a waste haulage permit, he shall, before doing so,

- (a) refer the application to the Scheduled agencies for their comments, which comments shall be in a written form;
- (b) give notice of the application by publication in the Gazette, inviting comments to be received by the Minister within thirty days of the publication of the notice; and

- (c) consider any submission or representation made in relation to the application received.

Issue of waste  
haulage permit.

36. (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 National Waste Management Strategy under **section 5.(4)** of this Act.

(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), (2), and (3) and such additional conditions may include, any of the following:

- (a) requirements relating to the maintenance of vehicles in good operating condition;
- (b) requirements for the management of wastes during transportation to ensure the coverage of waste in the vehicle at all times sufficient to ensure that waste cannot blow out, fall or otherwise leave the vehicle except when deliberately 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 polluting accidents that might occur;
- (d) minimum requirements for driver qualification;
- (e) minimum requirements for training of drivers in management of accidents and disasters.

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

Display of permit.

37. (1) A holder of a waste haulage permit shall keep the permit displayed in the vehicle in a prescribed position so that the permit may be easily seen from the exterior of the vehicle.

(2) A holder of a permit issued under **section 23.(4)** who fails to comply with the conditions attached to the permit by virtue of **section 24** commits an offence, and shall be liable to a fine not exceeding \$ 50,000 or imprisonment for a term not exceeding six months.

Suspension and cancellation of licences and permits.

38. (1) 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 a waste management licence or a waste haulage permit, as the case may be, except that the period shall cease on any earlier expiry of the suspension.

(2) The Minister may suspend or cancel a waste management licence or a waste haulage permit in the event of a violation of a condition of the licence or permit, as the case may be, which violation poses an imminent danger of serious environmental damage.

(3) The Minister may give notice to the holder of any waste management licence or waste haulage permit requiring the holder to remedy a violation of the terms of the licence or permit, as the case may, within a period of fifteen days, at the expiry of which period the Minister may either suspend or cancel the licence or permit.

(4) A holder of a waste management licence that is suspended or cancelled under subsections (2) and (3) shall be responsible for the security of all waste, property and equipment affected by the cancellation or suspension of the licence during the off-licence period, and the authorisation of waste management under the cancelled or suspended licence shall apply notwithstanding the cancellation or suspension of action required by the licensee or former licensee under this section, but only to such action required.

(5) The Minister may, at any time, after the cancellation or during the period of suspension of a licence or permit under subsections 2) and (3), require the holder of the licence or permit that is suspended or cancelled to allow the collection of any waste as the Minister may direct.

(6) A person whose licence is suspended or cancelled who fails to secure waste, property or equipment as provided under subsection (4), or who fails to allow the collection of waste as provided under subsection (5) commits an offence, and shall be liable, on conviction, to a fine not exceeding \$100,000 or imprisonment for a term not exceeding twelve months.

(7) Where the Minister suspends or cancels a waste haulage permit under subsections (2) and (3), he shall give such directions as are necessary for the deposit of any waste into the waste management facility which is in the possession of the person whose permit is suspended or cancelled, and that person shall comply with those directions.

(8) A person who, after his permit is suspended, fails to comply with the directions given under subsection (7) or fails to allow the collection of waste as provided under subsection (5) commits an offence, and shall be liable, on conviction, to a fine not exceeding \$35,000 or imprisonment for a term not exceeding six months.

Contingency plans.

39. (1) A holder of a waste management licence shall review his disaster preparedness response plan referred to under **sections 18.(2) or 19.(2)** in every calendar year and not later than March of that 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 Corporation shall seek to ensure that those plans are in conformity with the National Disaster Preparedness and Response Plan prepared under the National Disaster Management Act, No.5 of 1998.

Liability in the event of accident.

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

- (a) any person injured, for damages; and
- (b) the Crown for
  - (i) compensatory damages for loss to Crown property; and

- (ii) compensation to the Crown 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 a 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 31**, the holder of the licence or permit shall be liable as provided in subsection (1).

(3) The onus of proving the exercise of due diligence or special care under this section shall lie on the holder of the licence or permit.

(4) In the event of a spillage of waste in the course of the transportation of that 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 that type of waste.

(5) If the waste management facility referred to in subsection (4) is not available, then the operator of any waste management facility to which the holder of the waste haulage permit transports the waste shall co-operate with the holder of the haulage permit to ensure the safe storage of the spilled material and the management of the spilled material until a waste management facility becomes available which is permitted to accept that type of waste.

(6) Any costs incurred by the operator of the waste management facility who temporarily stores waste as provided by subsection (5) shall be met by the holder of the waste haulage permit referred to under that subsection.

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

Emergency powers.

41. (1) During any state of emergency declared under the Constitution, the Minister responsible for health 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 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 of any solid waste that needs management or transportation, the Minister shall ensure that the waste is

managed or transported, as the case may be, and any person acting under the Minister's authority under this subsection shall, while so acting, be authorised to manage or transport, as the case may be, any solid waste.

(3) Any person acting pursuant to subsection (1) or (2) shall be entitled to recover from the Crown the expenses incurred by that person in compliance with either of the provisions of those subsections.

***PART VI - WASTE MANAGEMENT OPERATIONS***

Prohibition on importation of waste.

42. (1) No person shall import into Saint Christopher and Nevis any waste, other than

- (a) waste governed by the Marine Pollution Management Act imported under conditions authorised by that Act;
- (b) waste generated on board any aircraft landing in Saint Christopher and Nevis no earlier than twenty-four hours before the time of such landing;
- (c) any secondary resource which is imported under conditions prescribed by regulations for the purposes of any manufacturing process.

(2) Any person who imports any hazardous waste contrary to subsection (1) of this section commits an offence, and shall be liable,

- (a) on summary conviction, to a fine not exceeding \$250,000;
- (b) on conviction on indictment, to a fine not exceeding \$5,000,000 and imprisonment for a term not exceeding ten years.

(3) Any person who imports any waste, other than hazardous waste, in contravention of subsection (1) of this section commits an offence, and shall be liable,

- (a) on summary conviction, to a fine not exceeding \$ 250,000; or
- (b) on indictment, to a fine not exceeding \$1,000,000, and imprisonment for a term not exceeding five years.

Liability for and ownership of waste.

43. (1) When solid waste, which is not in any container, is moved from a place occupied by the owner of the solid waste to a place occupied by another person with the consent of the owner of the solid waste and of that other person, ownership and possession of the solid waste shall, in the absence of an agreement to the contrary, pass to that other person at the time when the solid waste is moved from the property of the original owner of the solid waste.

(2) When solid waste, which is in a container, is moved from that container or detached and placed in or on another person's container or property with the consent of the owner of the solid waste and of that other person, ownership and possession of the solid waste shall, in the absence of an agreement to the contrary, pass to that other person at the time when the solid waste is moved from the original container.

(3) When solid waste is being transferred from any property or container, the person undertaking the transfer of the solid waste shall

- (a) ensure that the transfer is undertaken in such a manner so as to prevent the risk of harm to human health, safety or the environment; and
- (b) be liable for any harm to human health, safety or the environment that results from the transfer of the solid waste.

Requirements for waste handling etc

44. (1) Every occupier of land and every person in control of a vehicle shall comply with the following requirements, that is to say,

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

that may be prescribed by this Act or by regulations made by the Minister.

(2) Any person who fails to comply with a requirement prescribed by this Act, or regulations made under the Act, or imposed by the Minister commits an offence, and shall be liable, on conviction, to a fine not exceeding \$50,000, or imprisonment for a term not exceeding twelve months or both.

Industrial, commercial and institutional

45. (1) Persons who conduct industrial, commercial and institutional operations in the course of which waste is generated shall make their own arrangements for their waste management, and shall ensure that any waste

waste generators. generated does not present a risk to human health, safety, or the environment.

(2) For the purpose of giving effect to the requirements of subsection (1), any person who conducts industrial, commercial and institutional operations in the course of which waste is generated may, in addition to or instead of contracting with other holders of licences or permits,

- (a) transport waste to a waste management facility themselves, subject to the permit requirements Specified in this Act;
- (b) construct and operate an on-site waste management facility that is approved by the Minister; on condition that the management, transportation and disposal of wastes in all circumstances shall comply with the standards and guidelines made by the Minister by regulations.

(3) In the event that appropriate facilities are not available in Saint Christopher and Nevis for managing hazardous or any other class of waste, any person who conducts 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.

Waste storage requirements.

46. (1) Every occupier of premises in which waste is at any time stored shall store that waste in containers that prevent the escape of wastes, 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 regulation for making that waste available for collection for transportation to a waste management facility.

Management of used oil.

47. (1) Within 12 months after the commencement of this Act, the Corporation 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 St. Christopher and Nevis.

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

(3) The scheme, when approved by the Minister under subsection

(2), with or without amendment, shall be treated as a variation of the National Waste Management Strategy referred to under **section 9 of this Act**.

(4) With effect from one year after the variation of the National Waste Management Strategy referred to under subsection (3) is approved, the operator of any garage, facility selling motor oil and petroleum products, or service station shall provide used oil storage facilities and equipment for pumping out used oil, which equipment shall meet such standards as shall be prescribed by regulations.

(5) With effect from one year after the variation of the National Waste Management Strategy referred to under subsection (3) is approved as required by **section 5.(5)**, the planning authority shall not grant development approval for the construction of any garage, facility selling motor oil and petroleum products, or service station which does not, in the construction, provide for used oil storage facilities and equipment for pumping out used oil, which storage facilities and equipment shall meet such standards as may be prescribed by regulations made by the Minister.

Dumping of  
waste.

48. A person who dumps any waste commits an offence, and shall be liable, on conviction, to a fine not exceeding \$5,000 or imprisonment for a term not exceeding one month.

Public events.

49. (1) A person who holds any gathering, meeting, or event which is open to the public and takes wholly or in part on Crown land shall apply 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 gathering, meeting or event.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction,

- (a) to a fine not exceeding \$ 15,000;
- (b) to an order ordering him to undertake, for a period not exceeding three months, such tasks by way of community service as the court may order; or
- (c) to both the fine and order.

Derelict vehicles etc.

50. (1) A person who owns a derelict vehicle, white goods, or other scrap metal shall take such vehicle, goods, or metal scrap to an approved landfill site or another site approved for the purpose of managing such vehicles, goods or metal scrap.

- (2) An authorised officer may order a person referred to in subsection (1) to remove a vehicle referred to in that subsection, if he considers that
- (a) the vehicle is parked in an area such that its location detracts from the quality of the amenities enjoyed by a person who owns property in which the vehicle is located when he is not the owner of the vehicle;
  - (b) the vehicle, in its location, constitutes a nuisance in law or is otherwise a hazard to human health or the environment.

(3) Where a person who owns a vehicle referred to in sub-section (2) cannot be identified, the authorised officer shall arrange for the removal of the vehicle and take it to a site referred to in subsection (1).

(4) The Minister may, with the approval of the Minister responsible for finance, purchase derelict vehicles from persons who own such vehicles for the purpose of resale to the operators referred to in subsection (1) of this section.

#### ***PART VI - MONITORING AND ENFORCEMENT***

Monitoring and  
audit.

51. (1) A person or authority empowered to monitor 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, as the case may be, that allows a third party, considered to be suitably qualified, experienced, and independent, to monitor such compliance on behalf of the holder of the licence or permit and the authorised person or authority.

(2) Where audits or inspections are carried out by a third party pursuant to subsection (1), the third party shall submit reports simultaneously to both the holder of the licence or permit and the authorised person or authority.

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

Authorised officers.

52. The Minister may designate public officers, and officers of government agencies as authorised officers for purposes of this Act, and without prejudice to the generality of the foregoing, any police officer shall, for the purposes of this Act, be an authorised officer.

Powers of authorised  
officers.

53. (1) An authorised officer may, at any time, enter and inspect any waste management facility to verify whether the operator of the facility is operating it in compliance with this Act.

(2) Where an authorised officer satisfies the magistrate that there is reasonable cause to suspect that an inspection of domestic property referred to in section 17.(2)(a) of this Act would reveal evidence of contravention of this Act the magistrate may issue an order authorising the inspection of that property.

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

(4) An authorised officer may, on the direction of the Minister, inspect any aeroplane or ship to

- (a) verify whether the aeroplane or ship has waste on board; and
- (b) take such measures as are necessary to ensure that any waste on board is not off-loaded contrary to the provisions of this Act or any other law.

(5) An authorised officer, other than a police officer in uniform, shall produce identification on demand before conducting any inspection pursuant to the powers conferred on him by this section.

(6) The means of identification referred to in subsection (5) shall be by an official identity card bearing the photograph of the authorised officer duly authenticated by the signature of a public officer authorised for the purpose by the Minister.

(7) A person who assaults or obstructs an authorised officer, while the authorised officer is discharging his functions under this Act, commits an offence, and shall be liable, on conviction to a fine not exceeding \$ 50,000 or imprisonment for a term not exceeding twelve months or both.

Due diligence  
defence.

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

(2) In the event of a default by the holder of a waste management licence, it shall suffice to establish due diligence if the holder of the licence shows compliance with the list of compilation of standards referred to in sub-section (1).

***PART VII - LITTER ABATEMENT***

Prohibition on  
deposit of litter etc.

55. (1) No person shall
- (a) deposit litter in a public place except in a receptacle provided for the purpose under section 62 or in a place designated for the purpose under that section;
  - (b) deposit litter in a public place at any time other than the time prescribed for the deposit of that litter;
  - (c) interfere with any receptacle, whether public or private, in which litter is placed for collection, or interfere with the contents of the receptacle or remove any litter from the receptacle without the consent of the owner of the receptacle;
  - (d) transport litter in such manner that it is scattered or is likely to be scattered in a public place while it is being transported;
  - (e) permit unreasonable accumulation of litter on premises under his occupation or control;
  - (f) discharge or permit the discharge of any litter from a moving or stationery vehicle;
  - (g) wilfully break a bottle, glass or article of glass in or on a public place without lawful authority or reasonable excuse or without the express consent (the proof of which shall lie on the accused person ) of the person public body or authority having the control or management of the place;
  - (h) unreasonably erect, display, whether by writing or marking or otherwise, deposit or affix anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place such circumstances as to cause, contribute to or tend to the defacement of that place, building, wall, fence or structure as the case may be.

(2) For the purposes of subsection (1)(d), a receptacle is a public receptacle if it is provided under section 62.(1) for public use, and a receptacle other than a public receptacle is a private receptacle.

(3) Where any person, on behalf of some other person employing him or recruiting him for the purpose, does any act in contravention of subsection (1) then the person employing or recruiting him also commits an offence under this part unless he proves that the act was contrary to his expressed instructions and that the act, if performed as instructed, would not have been in contravention of this section.

(4) In any proceedings under this section, it shall be a defence to prove that the act, the subject matter of the proceedings, was authorized by law or was done with the consent of the owner or occupier of the public place or building, wall, fence or structure, as the case may be.

(5) If a company contravenes any provision of this Part, a director, manager, secretary, or other similar officer of that company commits an offence if the act or omission constituting the offence occurred with his knowledge.

Receptacles and  
places for disposal  
of litter.

56. (1) The Minister may authorize the provision of receptacles for the depositing of litter in such places as the Minister considers necessary.

(2) In addition to the provision of receptacles under subsection (1) the Minister may, by notice published in the *Gazette* or by any other public medium, designate places as disposal sites for litter that is collected.

Litter Wardens.

57. (1) The following persons shall be *ex-officio* Litter Wardens:

- (a) a Public Health Inspector;
- (b) a member of the Police Force;
- (c) the General Manager of the Solid Waste Management Corporation;
- (d) the Operations Manager of the Solid Waste Management Corporation; and
- (e) Member of the Board of the Solid Waste Management Corporation.

(2) The Minister may, by instrument in writing, appoint other persons to be Litter Wardens.

(3) The instrument of appointment referred to under subsection 2) shall specify whether the appointment is for remuneration or is voluntary.

(4) An appointment of a Litter Warden under subsection (2) shall be published in the *Gazette* and in the Press.

(5) Except for an *ex-officio* Litter Warden, the post of Litter Warden shall be a non-established and a non-pensionable post.

(6) The Minister shall, with the approval of the Minister of Finance, make arrangement for the payment of allowances to Litter Warden who are to be paid remuneration.

Functions and  
powers of Litter  
Wardens.

58. (1) The Litter Wardens shall be responsible for the following:

- (a) preventing contravention of any provision of this Part;
- (b) ensuring enforcement of the provisions of this Part where any of its provision is contravened;
- (c) assisting generally in administering the provisions of this Part.

(2) Subject to this section, a Litter Warden may, upon production of a duly authenticated document showing his identity and authority, if required to do so, enter any premises at all reasonable hours during the day for the purposes of this Part.

(3) A Litter Warden who enters any premises by virtue of this section may take with him such other persons as may be necessary, and the Litter Warden shall, on leaving any unoccupied premises which he has entered, leave such premises as effectively secured against trespassers as he found them.

Litter removal  
order.

59. (1) Where a Litter Warden finds a person contravening any provision of section 55. (1) the Litter Warden may

- (a) require the person to state his true name and place of residence for the purpose of instituting proceedings against that person in accordance with the provisions of this Act;  
or

Schedule 4

( ) issue to the person a litter removal order, set out as Form B in the Schedule 4 to this Act, requiring the person to remove the litter within such period as may be specified in the order.

(2) Where a Litter Warden issues a litter removal order under subsection (1) (b) and the person to whom it is addressed fails to comply with the terms of the order that person commits an offence and the Litter Warden may institute legal proceedings against that person.

(3) Where a person complies with the terms of a litter removal order no legal proceedings in respect of the offence shall be instituted against that person.

Vacant land to be kept clean etc.

60. (1) A person who owns or is in charge of vacant land shall keep that land clean and free of overgrown grass, bush, or trees, and shall not allow that land to be used as a place for the dumping of litter.

(2) A Litter Warden may, in accordance with the provisions of section 59. (1) (b), issue a litter removal order to a person referred to in subsection (1).

(3) Where a person who is issued a litter removal order under subsection (2) fails to comply with the terms of the order the Litter Warden may clean the vacant land and recover the expenses incurred in cleaning up the land as a civil debt owing to the Government in a court.

Dilapidated buildings etc.

61. (1) After obtaining the approval of the Development Control and Planning Board a Litter Warden shall issue a notice in writing to the owner, occupier, or person in charge of a building that has become dilapidated, ruinous, injurious to health, or unfit for human habitation requiring any of those persons, as the case may be, to demolish the building specified in the notice to the satisfaction of the Litter Warden.

(2) The notice referred to in subsection (1) shall in such form as may be prescribed, and the Litter Warden shall also affix a copy of the notice to the building that is required to be demolished.

(3) Where a person referred to in subsection (1) fails or neglects to comply with the notice served on him within the the time specified in the notice the Litter Warden may make a complaint in respect of the non-compliance before a Magistrate and the Magistrate may order the person to comply with the notice within such time as the Magistrate may specify in the order.

(4) If the order made by the Magistrate under subsection (3) is not complied with in the time that was specified by the Magistrate the Litter Warden may, without prejudice to the right to prosecute the person who has failed to comply with the order, enter the building or the land on which the building stands and authorize the demolition of the building.

(5) Where the owner, occupier, or person in charge of a building that has become dilapidated, ruinous, injurious to health, or unfit for human habitation cannot be identified and the building appears to be abandoned the Litter Warden shall affix a notice to the building indicating that after a period of thirty days or such shorter period as the Minister may determine the Litter Warden intends to authorise the demolition of the building.

(6) After the period referred to in subsection (5) has elapsed the Litter Warden shall proceed to have the building demolished.

(7) All expenses incurred by the Litter Warden by virtue of this section may be recovered from the owner, occupier, or person in charge of the demolished building as a civil debt owing to the Government in any court.

(8) In this section, the term "building" includes a part of a building or a structure.

#### ***PART VI- MISCELLANEOUS PROVISIONS***

Register of licences and permits. 62. (1) The Minister shall maintain a register of licences and permits granted under this Act.

(2) The register maintained pursuant to subsection (1) shall be available for public inspection, during normal working hours, on payment of the prescribed fee.

Nuisance not authorised. 63. A licence or permit granted under this Act shall not authorise the commission of any nuisance.

Offences and penalties. 64. (1) A person who

- (a) removes any solid waste from a sanitary landfill site or from any place under the control of the Corporation;
- (b) interferes or tampers with the operation of any sanitary landfill site or any place under the control of the Corporation;

- (c) assaults, obstructs or otherwise interferes with any person in the execution of his or her functions or duties under this Act;
- (d) personates or pretends to be a person carrying out functions under this Act;
- (e) knowingly supplies any false or misleading information with respect to any levy or fee payable under this Act;
- (f) after being required by a Litter Warden to state his true name and place of residence
  - (i) refuses to give his name and place of residence or gives a false name or place of residence; or
  - (ii) gives such general description of his place of residence as is illusory for the purpose of discovery;

commits an offence.

(2) A person who commits an offence referred to in subsection (1) shall be liable, on summary conviction,

- (a) in the case of an individual, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months;
- (b) in the case of a company or an agent or employee of a company, to a fine of \$10,000.

(3) A person who contravenes sections 60 (1) 66, 67 or 69 commits an offence and is liable, on summary conviction, to

- (a) a fine not exceeding \$2,000;
- (b) a period of service to the community; or
- (c) imprisonment for a period not exceeding three months.

(4) Notwithstanding subsection (3), where any person contravenes sections 60 (1), 65, 67, 68 or 69 a Litter Warden may serve on the person, a notice affording the person an opportunity of discharging any liability that would arise out of a conviction for the contravention, and the notice shall be in the form set out in Form "A" of Schedule 5.

(5) A person on whom a notice is served under subsection (4) shall be exempted from any further liability in respect of the contravention if,

- (a) before the expiration of a period of seven days from the date of the notice or such longer period as may be specified in the notice; or
- (b) before the date on which proceedings are commenced against him or her in respect of the contravention;

he or she pays the fixed penalty prescribed in subsection (8).

(6) No proceedings shall be brought against a person on whom a notice has been served under subsection (4) until after the expiration of a period of seven days from the date of the notice and if a longer period is specified in the notice as being the period allowed for payment of the fixed penalty, no proceedings shall be brought until after the expiration of that period.

(7) Payment of a fixed penalty under this section shall be made to the Clerk of the Magistrate's Court specified in the notice and the payment shall be treated for all purposes as payment of a fine imposed after a summary conviction, and a certificate by the Clerk of the Court to the effect of the payment or non-payment of the fixed penalty shall be prima facie evidence of all the facts stated in the certificate.

(8) The fixed penalty referred to in this section shall be \$500, and the Minister may, by Order, amend the fixed penalty.

(9) A notice referred to in subsection (4) shall be prepared in triplicate, that is to say,

- (a) the original, which shall be served on the offender;
- (b) a second copy, which the Litter Warden shall send to the Clerk of the Magistrate's Court, and which shall be deemed to be a complaint laid before a Magistrate and the summons issued by the Magistrate for the purposes of the Magistrate's Code of Procedure Act; and
- (c) a third copy, which shall be retained by the Litter Warden.

(10) The notice referred to in subsection (4) shall be served personally and shall

- (a) contain a statement of the alleged contravention with particulars sufficient to inform the offender adequately of the allegation;
- (b) specify the period allowed for payment of the fixed penalty after the expiration of which proceedings will be brought;
- (c) specify the amount of the fixed penalty; and
- (d) specify the Magistrate's Court to which the fixed penalty shall be paid.

(11) Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the manner prescribed by the Magistrate's Code of Procedure Act.

(12) A person who commits an offence under this Act or regulations made under this Act in respect of which offence no penalty is prescribed shall be liable,

- (a) on first conviction, to a fine not exceeding \$7, 500 or imprisonment for a term not exceeding twelve months; and
- (b) on any subsequent conviction, to a fine not exceeding \$15, 000 or imprisonment for a term not exceeding twenty-four months.

(13) An offence under this Act or regulations made under this Act, which is a continuing offence, may be charged as a separate offence for each day the offence continues.

Regulations.

65. (1) The Minister may generally make regulations to give effect to the provisions of this Act, and without prejudice to the generality of the foregoing, the Minister may, in particular, make regulations

- (a) providing for the establishment of fiscal incentives and inducements required to implement the National Waste Management Strategy and the provisions of this Act;
- (b) respecting the development and updating of the National Waste Management Strategy;

- (c) implementing any waste division and waste reduction policy as set out in the National Waste Management Strategy;
  - (d) respecting waste management strategies and operations;
  - (e) establishing the licensing system for the regulation of waste management facilities or equipment and waste haulage;
  - (f) respecting the conduct of environmental impact assessments for waste management facilities;
  - (g) respecting enforcement mechanisms for prohibitions against dumping and littering;
  - (h) establishing standards and requirements for waste handling, separation and processing;
  - (i) regulating or restricting the import of used, second-hand, refurbished or reconditioned materials or goods;
  - (j) prescribing fees for the issue of licences, inspections and other services related to waste management;
  - (k) respecting the training of human resources for the purposes of this Act;
  - (l) respecting public education in waste management and the production of secondary resources.
- (2) The Minister may, after consultation with the Board, make regulations
- (a) for developing administrative procedures to govern the Corporation;
  - (b) designating the opening or closing of solid waste disposal sites;
  - (c) respecting the frequency of solid waste collection and type of solid waste collected.

**WALFORD V. GUMBS**  
*Speaker*

Passed by the National Assembly this      *day* of      2000.

**F. ALPHONSO LEWIS**  
*Clerk of the National Assembly*

***Schedule 1***  
***(Section 2)***

Wastes Classified as Hazardous Wastes

ANNEX 1  
*Waste Streams*

- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics
- Y2 Wastes from the production and preparation of pharmaceutical 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 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste 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 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical 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 Wastes of an explosive nature subject to other legislation
- Y16 Wastes 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

*Wastes 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 phosphorous 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 of polychlorinated dibenzo-turan
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44).
- Y46 Wastes collected from households
- Y47 Residues arising from the incineration of household wastes  
Other Radioactive Wastes

## ANNEX II

## LIST OF HAZARDOUS CHARACTERISTICS

UN Class Code Characteristic  
1H1 Explosive

An explosive substance or waste is a solid or liquid 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**  
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 degree C. op en-cup test. (Since the results of op en-cut tests and of closed-cup tests 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 catch fire.
- 4.3           **H4.3   Substances or wastes which, in contact with water, emit flammable gases**  
Substances or wastes 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 material which spontaneously emit a significant radiation and of which the specific activity is greater than  $70\text{ kBq/kg}$  ( $2\text{ nCi/g}$ ).
- 8           **H8 Corrosives**  
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, 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. possesses any of the characteristics listed above.**

**Schedule 2**  
**( Section 2 )**  
**Scheduled Agencies**

1. The Ministry of Health and the Environment.
2. The Saint Christopher and Nevis Solid Waste Mangement Corporation.
3. The Saint Christopher Air and Sea Ports Authority.
4. The Nevis Air and Sea Ports Authority.
5. The Ministry of Health and Departnrnt of Environment (Nevis Island Administration).

**Schedule 3**  
**(Section 5. (5) )**

**Meetings of the Board etc.**

1.
  - (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Board may determine.
  - (2) The Chairperson may, at any time, call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by three members of the Board.
  - (3) The Chairperson shall preside at all meetings of the Board at which he is present and in case of the absence of the Chairperson the Vice-Chairperson shall preside, and in case of the absence of both the Chairperson and the Vice-Chairperson the members present and forming a quorum shall elect one of their number to preside at the meeting.
2.
  - (1) The Chairperson and three other members shall form a quorum.
  - (2) In the case of an equality of votes on any question at a meeting the Chairperson shall have a casting vote in respect of that question.
3. Minutes of each meeting of the Board shall be kept and shall be kept in such form as the Minister may determine.
4. Subject to the provisions of this Schedule, the Board may regulate its own procedure.
5.
  - (1) The Seal of the Corporation shall be authenticated by the signatures of the Chairperson or a member of the Board authorized to act in that behalf and an officer of the Corporation so authorized.
  - (2) All documents, other than those required by law to be under seal, made by, and all decisions of , the Board may be signified in under the hand of the Chairperson or a member of the Board authorized to act in that behalf or an officer of the Corporation so authorized.
  - (3) The Seal of the Corporation shall be kept in the custody of the Chairperson or the Solid Waste Manager of the Corporation.

**Schedule 4**  
**( Sections 50. (2) and 59. (1)(b) )**  
**Solid Waste Management Act, 2001**

Fixed Penalty Notice  
**Form A**

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2001 at \_\_\_\_\_

Name of Offender: \_\_\_\_\_

Address: \_\_\_\_\_

**COMMITTED THE FOLLOWING OFFENCE**

Statement of Offence:

Deposited litter in a Public Place in contravention of Section 55. (1) (a).

Deposited litter in a Private Place without thereof being so authorised by the occupier in contravention of section 55. (1)(b).

Interfered with a receptacle for litter collection or its contents in contravention of section 55. (1)(c).

Transported litter in a manner that it be scattered or was likely to be scattered in a Public Place in contravention of section 55. (1)(d).

Permitted the accumulation of litter on premises under your occupation or control in contravention of section 55. (1)(e).

Discharged litter from a moving vehicle in contravention of section 55. (1)(f).

Failing to comply with a litter removal order under section 59. (2).

Failing to make private arrangements for disposal of commercial litter under section 48.

Failing to keep vacant land clean and free of overgrown grass, bush and trees under section 60.

Failing to demolish ruinous or dilapidated buildings which are beyond repair under section 61.

Payment to be made within 14 days of a penalty of \$500.00 at the Magistrate's Court, \_\_\_\_\_

Signature and identification of  
Litter Warden.

Date \_\_\_\_\_

**Form B**

Solid Waste Management Act, 2001  
Litter Removal Order

Name \_\_\_\_\_

Address \_\_\_\_\_

Take Notice that pursuant to section 7 of the Solid Waste Management Act, 2001 you are hereby ordered to remove the litter unlawfully deposited by you at \_\_\_\_\_

\_\_\_\_\_

The removal of such litter must be completed within \_\_\_\_\_ days or a summons may be issued with respect to the offence.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2001

Litter Warden.

*The Solid Waste Management Bill, 2000*

**OBJECTS AND REASONS**

The Bill seeks to provide for the management of solid waste in conformity with the best environmental practices, and to provide for related or incidental matters, and is divided into six parts.

Part I of the Bill deals with matters of a preliminary nature, that is to say, the short title of the Bill, and the interpretation of some of the important words used in the Bill.

Part II of the Bill deals with waste management planning. Under this part the St. Kitts/ Nevis Solid Waste Management Corporation is obliged, within three months from the date of the coming into force of this Act, to undertake and complete an inventory and characterisation of waste generated in St. Kitts/ Nevis; and the inventory is to be revised every five years.

The Bill also, under this part, makes provision for the formulation of the National Waste Management Strategy by the Minister within a period of one year from the date of the coming into force of this Act. The Minister is required to carry out the broadest consultation possible in the preparation of National Waste Management Strategy, and in particular he shall consult the Scheduled agencies.

The Bill sets out what should be included in the National Waste Management Strategy as follows:

- (a) a summary of the inventory of national waste resources classified under type, volume and area of generation;
- (b) an evaluation of historic, current or proposed activities that impact upon the volume or type of waste generated in Saint Christopher and Nevis;
- (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 Saint Christopher and Nevis;
- (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.

Further, the National Waste Management Strategy shall, in particular, specify the matters spelt out in section 4. (3) of the Bill. Provision is also made for the review of the Strategy by the public by the Minister submitting the same to the public (see 5. 5.(1)).

The National Waste Management Strategy shall provide the basis for evaluating waste management options relating to all development approvals, and the licensing of waste management facilities under the Act.

The National Waste Management Strategy shall be kept under review by the Minister responsible for planning in consultation with the Minister responsible for health and environment and, in any event, the Minister shall undertake the review of the Strategy within 5 years from the date of its approval by Cabinet (see s.8).

Part III deals with establishment of waste management facilities, and waste management licences and permits. Under this part, it is made a requirement for any who wishes to establish a waste management facility, other than exempted ones, to produce first an environmental impact assessment pre-valuation. Provision is made for the process to be followed before the facility is established. Also the Bill spells out what should be included in the environmental impact assessment report, and how it can be reviewed. Provision is made for the monitoring and enforcement of the environmental impact assessment requirements.

The Bill, under this part, makes provision for the grant of licences and permits in respect to waste management and waste haulage. Consequently, the disposal of solid waste to any place, or operation of a waste management facility without the requisite licence or the transportation of solid waste without the requisite permit is prohibited. See sections 17, 18, 19, 20, 21, 23,24. It is important to note that an applicant for a waste management licence has, before being granted a licence, to submit to the Minister a disaster preparedness response plan (contingency plan) before being issued the licence, and to review such plan in every calendar year after being issued the licence (see sections 18, 19, and 27). Provision is made for the suspension and cancellation of licences and permits in the event of a violation of the condition of the licence or permit.

Under this part, provision is also made for liability in the event of an accident, that is to say, in the event of any harm to human health, safety, or the environment caused through the failure of a licensee or holder of a waste permit to exercise due diligence in the management or transportation of waste, then the licensee or permit holder should be liable. The Bill also seeks to give the Minister responsible for health, during a state of emergency, power to require any person to take such action as he considers reasonably necessary in the circumstances for the safe management of solid waste.

Part IV of the Bill deals with waste management operations. Thus, it provides for the

- (a) prohibition of the importation of wastes;
- (b) liability for and ownership of waste;
- (c) requirements for waste handling;
- (d) management of waste generated as a result of industrial, commercial, or institutional operations;
- (e) waste storage requirements;
- (f) management of used oil; and
- (g) management of litter and derelict vehicles etc.

Part V deals with monitoring and enforcement. Thus, it seeks to ensure that holders of waste management licences and waste haulage permit comply with the conditions attached to their licences. In this vein the Bill provides for the appointment of authorised officers and their powers, and also for the publication of a recognised compilation of standards for the purpose of measuring due diligence in the event of a default by the holder of a waste management licence.

Part VI deals with matters of a miscellaneous nature. Thus, it provides for matters like maintenance of Register of licences and permits; prohibition of nuisance; and penalties. More importantly, provision is made for the making of regulations generally by the Minister for the purpose of giving effect to the provisions of the Act and, in particular, to make regulations

- (a) providing for the establishment of fiscal incentives and inducements required to implement the National Waste Management Strategy and the provisions of the Act;
- (b) respecting the development and updating of the National Waste Management Strategy;
- (c) implementing any waste division and waste reduction policy as set out in the National Waste Management Strategy;
- (d) respecting waste management strategies and operations;
- (e) establishing the licensing system for the regulation of waste management facilities or equipment and waste haulage;
- (f) respecting the conduct of environmental impact assessments for waste management facilities;
- (g) respecting enforcement mechanisms for prohibitions against dumping and littering;
- (h) establishing standards and requirements for waste handling, separation and processing;
- (i) regulating or restricting the import of used, second-hand, refurbished or reconditioned materials or goods;
- (j) prescribing fees for the issue of licences, inspections and other services related to waste management;
- (k) respecting the training of human resources for the purposes of the Act;