

A BILL FOR AN ACT

To empower the Environmental Quality Protection Board to regulate the abstraction of water, and for other related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Title. This Act shall be known as and may be cited as “The Water Abstraction Act.”

Section 2. Legislative Findings. The Olbil Era Kelulau hereby finds that the effective management and conservation of the water resources in the Republic of Palau is vital to the economy, health, and environment of the Republic. The Olbil Era Kelulau further finds that amendments to the Environmental Quality Protection Act (codified in Title 24 of the Palau National Code) shall facilitate a more effective management and regulatory regime relating to the water resources of Palau through the formulation and implementation of a National Water Resources Management Plan, and appropriate controls over the utilization of the water resources. All entities that abstract water from any source shall be monitored by the Environmental Quality Protection Board in order to protect the environment from the over drafting of water.

Section 3. Amendment. Section 129 of the Environmental Quality Protection Act, codified in Title 24 of the Palau National Code is hereby amended to state as follows:

“§ 129. Powers and duties.

(a) . . .

(b) . . .

(c) The Board shall establish and provide for the continuing administration of a permit system, whereby persons who abstract fresh water from a reservoir, lake, stream, waterfall, river, well, bore, and any other natural source of water in the Republic of Palau may do so only in accordance with the provisions of a National Water Resources Management Plan approved by the adoption of a Joint Resolution of the Olbil Era Kelulau.

(1) The National Water Resources Management Plan shall confirm

that priority for water abstractions shall be given to water used for the supply of water and sanitation services to the general public, and shall ensure that overdrafts of water from any water source shall not occur. Palau Public Utilities Corporation shall be given priority for water abstractions.

(2) The Board shall develop a procedure regarding the issuance, modification, suspension, revocation, and termination of such permits.

(3) No person or entity shall be exempt from the permitting process for the abstracting of water, except that the Environmental Protection Quality Board may, by regulation, prescribe a level below which a subsistence level of drafting of water is permissible without a permit for subsistence level living.

(4) The Board shall monitor and ensure that any water abstraction that takes place under a valid permit does not result in the over drafting of a water source such that the water source is unacceptably reduced below a level specified by the Board in conformity with the National Water Resources Management Plan.

(5) The Board shall develop regulations for standards of quality for water and wastewater in compliance with the National Water Resources Management Plan.

(6) The Board shall develop regulations for abandonment of water sources that have been decommissioned.

(d) ...

(e) ...

(f) ...

(g) ...”

Section 4. Amendment. Section 143 of Title 24 of the Palau National Code is hereby amended as follows:

“§ 143. Same; environmental impact statements.

(a) ...

(b) ...

(c) Whether or not an action requires an environmental impact statement, the applicant shall pay a non-refundable Environmental Impact Fee. The Environmental Impact Fee shall be paid within thirty days after the applicant has obtained all necessary permits to commence an action, but prior to the commencement of any construction relative to the action. The Environmental Impact Fee shall be paid by check, payable to the National Treasury of the Republic of Palau, and shall be assessed at the greater of the rates as follows:

(1) A rate based on the estimated construction cost of a project based on the following schedule:

(A) \$0, when the estimated cost of the project is less than or equal to \$50,000;

(B) \$20, when the estimated cost of the project is greater than \$50,000 and less than or equal to \$100,000;

(C) \$250, when the estimated cost of the project is greater than \$100,000 and less than or equal to \$500,000;

(D) \$500, when the estimated cost of the project is greater than \$500,000 but less than or equal to \$1,000,000;

(E) a rate of 0.15% of the estimated cost of the project when the estimated cost of the project is greater than \$1,000,000; or

(2) A fee which is generated by the Board based on an examination of the project's environmental impact statement.

(d) No Environmental Impact Fee will be charged to the national or state government for projects that are financed entirely with national or state government funds, including Palau Public Utilities Corporation. Where a project is a joint venture between the national government or state government and a third party, the project shall be subject to the Environmental Impact Fee, regardless of who applies for the Environmental Quality Protection Board permit."

Section 5. Amendment. 37 PNC § 411, as amended by RPPL No. 9-4, is hereby amended as follows: