

## **Recycling Program Regulations, August 2006**

1. **Authority.** These regulations are promulgated by the Director of KIRMA pursuant to Title 9, Chapter 22 of the Kosrae State Code. These regulations and any amendments hereto shall have the force and effect of law.
2. **Purpose.** The purpose of these regulations is to implement the Kosrae Recycling Program setting forth guidelines, procedures, requirements and standards for the operation of the Program and to enable fiscal control and accountability over all monies collected as Recycling Deposit Fees and all monies paid out in the course of collection of designated waste materials for recycling.
3. **Definitions.** In these regulations:
  - “**beverage**” means any liquid intended for human consumption by drinking;
  - “**designated collection point**” means any place agreed to be a place of collection for recyclable waste material in an agreement between the Recycling Agent and the State of Kosrae, or otherwise designated under these regulations.
  - “**PET**” means polyethelene terephalate.
  - “**Recycling Agent**” means the person or entity appointed by, or contracting with, the State of Kosrae to be responsible for the recycling of those waste materials designated under these regulations.
  - “**Recycling Deposit Fee**” means the fee charged by the State to importers of those items designated under these regulations.
  - “**Recycling Fund**” means the fund established under Title 10, Section 10.205 (1) (d) of the Kosrae State Code.
  - “**Recycling Material**” means those materials designated under Schedule A to these regulations.
  - “**Recycling Refund**” means the amount paid by the Recycling Agent in return for Recycling Material delivered to a designated collection point.
4. **Liability to Pay Recycling Deposit Fee.**
  - (a) The Recycling Deposit Fee must be paid by the importer of any Recycling Material designated under Schedule A of these regulations.

- (b) Liability for the Recycling Deposit Fee arises when Recycling Materials designated under these regulations are imported to Kosrae except where;
  - (i) The items are imported for the purpose of re-export; or
  - (ii) The items are imported for the purpose of transshipment.
- (c) The Recycling Deposit Fee shall be paid to any person authorized by the Director of Finance and Administration.
- (d) The amount of the Recycling Deposit Fee shall be for those Recycling Materials and in those amounts specified by Schedule A of these regulations.

**Schedule A**

| Number | Recycling Material                                    | Amount of Fee        |
|--------|---|----------------------|
| 1.     | Any beverage container made from aluminum             | \$0.06 per container |
| 2.     | Any glass beverage container                          | \$0.00 per container |
| 3.     | Any beverage container made from PET                  | \$0.00 per container |
| 4.     | Any cooking oil or other food container made from PET | \$0.00 per container |
| 5.     | Any type of lead acid battery                         | \$0.00 per battery   |

- 5. **Deposits to Recycling Fund.** All Recycling Deposit Fees collected shall be immediately deposited in the Recycling Fund. Money in the Recycling Fund may not be used for any purpose other than funding of the Kosrae Recycling Program.
- 6. **Payments by the Recycling Agent.** The Recycling Agent shall make payments in the amounts specified by Schedule B of these regulations, to persons or entities delivering Recycling Materials to a designated collection point at times established for collection of Recycling Material.
  - (a) For each category of Recycling Material the Recycling Agent will establish a minimum number of items for which a Recycling refund will be paid.
  - (b) For any number of aluminum beverage containers in excess of 50 cans, the number of cans collected will be calculated by volume.

- (c) Recycling Refunds will only be paid for Recycling Material that is whole and in reasonably clean condition.

**Schedule B**

| <b>Number</b> | <b>Recycling Material</b>                             | <b>Recycling Refund</b> | <b>Minimum No.</b> |
|---------------|---|-------------------------|--------------------|
| 1.            | Any beverage container made from aluminum             | \$0.05 per container    | 5 containers       |
| 2.            | Any glass beverage container                          | \$0.00 per container    | 5 containers       |
| 3.            | Any beverage container made from PET                  | \$0.00 per container    | 5 containers       |
| 4.            | Any cooking oil or other food container made from PET | \$0.00 per container    | 5 containers       |
| 5.            | Any type of lead acid battery                         | \$0.00 per battery      | 1 battery          |

7. **Responsibilities of Recycling Agent.** The Recycling Agent will be responsible for:
- (a) The establishing of designated collection points; and
  - (b) Scheduling regular collections from designated collection points; and
  - (c) Payment of Recycling Refunds; and
  - (d) Maintaining accurate accounts for all recycling transactions; and
  - (e) Crushing, baling or otherwise performing necessary processing of collected Recycling Material for sale and transport off island; and
  - (f) Contracting with other parties for the sale and transport off island of collected Recycling Material; and
  - (g) Hiring such staff are required to efficiently collect, process, sell and export Recycling Material; and
  - (h) Deposit of all funds received for the sale of Recycling Material into the Recycling Fund.
8. **Responsibility of the State of Kosrae.** The State of Kosrae will be responsible for:
- (a) Providing a suitable site within the Okat Port facility for the processing, secure storage of Recycling Material, and office requirements at such terms as shall be specified in any contract between the Recycling Agent and the State; and
    - (i) There will initially be no charge for the site.

- (b) Ensuring that money deposited into the Recycling Account is not commingled with other State monies and is used only for the Recycling Program; and
  - (c) Making such monies as are required by the Recycling Agent to fund Recycling Refunds available to the Recycling Agent, in cash, within one business day of the properly documented request being submitted to the Department of Finance and Administration.
9. **Funding for Recycling Program.** It is intended that all funding for the Recycling Program shall come from the collection of Recycling Deposit Fees and the sale of Recycling Material.
10. **Reporting.** The Recycling Agent, or if KIRMA is the Recycling Agent then the Program Manager appointed by KIRMA, shall prepare and deliver to KIRMA a monthly report detailing the amounts paid as Recycling Refunds, amounts received for the sale Recycling Material, other income and expenses in sufficient detail so that Director of KIRMA can prepare the reports required pursuant to Kosrae State Code Section 9.2208.