

I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
165-36 (COR) As amended on the Floor	Therese M. Terlaje Sabina Flores Perez Clynton E. Ridgell Joanne Brown Telo T. Taitague	AN ACT TO <i>AMEND</i> §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.	7/30/21 11:16 a.m.	8/9/21	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	9/2/21 9:00 a.m.	9/15/21 10:26 a.m.	Request: 8/10/21  8/12/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	9/24/21	AN ACT TO <i>AMEND</i> § 10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTIES FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.	10/4/21	10/6/21	10/18/21				



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*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*  
Thirty-Sixth Guam Legislature

October 6, 2021

The Honorable Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*  
*Ufisinan I Maga'håga*  
*Hagåtña, Guam 96910*

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 116-36 (COR)** and **165-36 (COR)** which were passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on October 4, 2021.

Sincerely,

AMANDA L. SHELTON  
Legislative Secretary

Enclosure (2)

*gperaz kushnigues*  
RCVD AT CENTRAL FILES  
OCT 6 '21 PM12:44

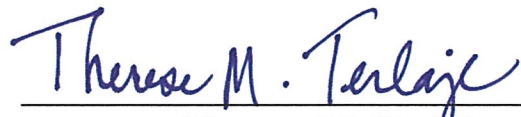


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*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*  
2021 (FIRST) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN**

This is to certify that **Bill No. 165-36 (COR), "AN ACT TO AMEND § 10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTIES FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS,"** was on the 4<sup>th</sup> day of October 2021, duly and regularly passed.



Therese M. Terlaje  
Speaker

Attested:



Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 6<sup>th</sup> day of October,  
2021, at 12:44 o'clock P.M.



Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

  
RCVD AT CENTRAL FILE!  
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***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 165-36 (COR)**

As amended on the Floor.

Introduced by:

Therese M. Terlaje  
Sabina Flores Perez  
Clynton E. Ridgell  
Joanne M. Brown  
Telo T. Taitague  
V. Anthony Ada  
Frank Blas Jr.  
Christopher M. Dueñas  
James C. Moylan  
Tina Rose Muña Barnes  
Telen Cruz Nelson  
Joe S. San Agustin  
Amanda L. Shelton  
Jose "Pedro" Terlaje  
Mary Camacho Torres

**AN ACT TO *AMEND* § 10115(a)(2) OF CHAPTER 10,  
TITLE 22, GUAM ADMINISTRATIVE RULES AND  
REGULATIONS, RELATIVE TO REMOVING THE CAP  
ON CIVIL PENALTIES FOR VIOLATIONS OF THE  
GUAM SOIL EROSION AND SEDIMENT CONTROL  
REGULATIONS.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1.** § 10115(a)(2) of Chapter 10, Title 22, Guam Administrative  
Rules and Regulations, is hereby *amended* to read:

“(2) Administrative. Whenever on the basis of any information  
available the Administrator reasonably determines that any person has  
violated the provisions of these rules and regulations or a lawful order, or has

1 violated any permit condition or limitation, the Administrator may assess a  
2 civil penalty that may not exceed Ten Thousand Dollars (\$10,000.00) per day  
3 per violation that the violation continues.

4 (A) Before issuing an order assessing a civil penalty, the  
5 Administrator shall give to the person to be assessed such penalty,  
6 written notice of the Administrator's proposal to issue such order and  
7 the opportunity to request, within thirty (30) days of the date the notice  
8 is received by such person, a hearing on the proposed order. Hearing  
9 will be conducted as provided under the Administrative Adjudication  
10 Law (AAL). In lieu of an order, the Agency may require that alleged  
11 violator or violators appear before the Agency for a hearing at a time  
12 and place specified in the notice and answer the charges complained of,  
13 or the Agency may initiate action pursuant to Section 10114 of these  
14 regulations.

15 (i) If, after a hearing held pursuant to the AAL, the  
16 Board finds that a violation or violations have occurred, it shall  
17 affirm or modify the order previously issued or issue an  
18 appropriate order or orders for the prevention, abatement, or  
19 control of the pollution or discharges involved or for the taking  
20 of such other correction action as may be appropriate.

21 (ii) If, after hearing on an order contained in a notice,  
22 the Board finds that no violation has occurred or is occurring, it  
23 shall rescind the order.

24 (iii) Any order issued as part of a notice or after hearing  
25 may prescribe the date or dates by which the violation or  
26 violations shall cease may prescribe timetables for the necessary

1           action in preventing, abating or controlling the pollution or  
2           discharge.

3           (B)   In determining the amount of any penalty assessed, the  
4           Administrator shall take into account the nature, circumstances, extent  
5           and gravity of the violation or violations and with respect to the  
6           violation, ability to pay, any prior history of such violations, the degree  
7           of culpability, economic benefit or savings if any resulting from the  
8           violation, and such other matters as justice may require.

9           (C)   If any person fails to pay an assessment of a civil penalty  
10          after the order making the assessment has become final, or after a Court  
11          in an action has entered a final judgment in favor of the Administrator,  
12          the Administrator shall request the Attorney General to bring a civil  
13          action to recover the amount assessed. In such an action, the validity,  
14          amount, and appropriateness of such penalty shall not be subject to  
15          review.

16          (D)   The Administrator may settle, modify or release, with or  
17          without conditions, any administrative penalty which may be imposed  
18          under this Section.”