







I Mina'trentai Singko 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
362-35 (LS)	Sabina Flores Perez Tina Rose Muña Barnes Kelly Marsh (Taitano), PhD Clynton E. Ridgell Telena Cruz Nelson William M. Castro	AN ACT TO <i>AMEND</i> ARTICLE 3 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, AND <i>AMEND</i> ARTICLE 3 OF CHAPTER 24, DIVISION 4, TITLE 22, GUAM RULES AND REGULATIONS, RELATIVE TO CREATING THE ZERO WASTE REVOLVING FUND AND PROMOTING RECYCLING AND ZERO WASTE INITIATIVES, AND SHALL BE KNOWN AS THE "GUAM ZERO WASTE ACT."	6/1/20 4:54 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 362-35 (LS)

Introduced by:

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AN ACT TO *AMEND* ARTICLE 3 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, AND *AMEND* ARTICLE 3 OF CHAPTER 24, DIVISION 4, TITLE 22, GUAM RULES AND REGULATIONS, RELATIVE TO CREATING THE ZERO WASTE REVOLVING FUND AND PROMOTING RECYCLING AND ZERO WASTE INITIATIVES, AND SHALL BE KNOWN AS THE “GUAM ZERO WASTE ACT.”

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the global recycling industry has changed significantly in the 16 years since the
4 Recycling Revolving Fund (RRF) was established. While traditional recycling
5 models are no longer financially sustainable, newer “zero waste” initiatives are
6 proving successful. “Zero waste” expands upon principles of recycling by focusing
7 on overall waste reduction, and the approach is a cost-effective means of preserving
8 resources and building resiliency against the negative impacts of climate change.

9 With the drastic economic impacts of the continuing global pandemic, it is
10 imperative that measures be taken now to improve the management of waste streams

1 and reduce their financial impact on our community. The Guam Zero Waste Act
2 modernizes local statutes, improves recycling and cleanup processes that are
3 currently costly and inefficient, and establishes of a series of significant zero waste
4 measures, as outlined below.

5 *I Liheslatura* finds that the Zero Waste Guam Working Group (ZGWGWG),
6 recently established by Executive Order 2019-28, is responsible for developing and
7 implementing the Guam Zero Waste Master Plan. Chaired by the First Gentleman,
8 the ZGWGWG also includes the leadership of the Guam Environmental Protection
9 Agency (GEPA), the Guam Bureau of Statistics and Plans, the Port Authority of
10 Guam, the Guam Department of Public Works. Given the mission and expertise of
11 ZGWGWG, this Act seeks to further enable the working group to develop critical zero
12 waste plans, including a number of long-envisioned government projects, such as a
13 Compost Master Plan, a Food Resource Recovery Plan, a Greening Roadways
14 Initiative, a Recycling Enterprise Zone (as authorized by PL 31-20), and an update
15 of the Guam Zero Waste Master Plan. This Act aims to provide ZGWGWG the proper
16 resources to see these and other long-awaited projects through to completion.

17 *I Liheslatura* finds that the Guam Beverage Container Recycling Act
18 (GBCRA) laid a strong foundation for a bottle deposit program that will significantly
19 reduce the amount of waste entering Guam’s landfill. However, in the nine years
20 since enactment, implementation of the GBCRA has hit financial roadblocks. This
21 Act will provide seed funding to launch the program within two years, after which
22 the GBCRA will reimburse the Zero Waste Revolving Fund for the full amount
23 using revenues from the established program.

24 *I Liheslatura* further finds that the island-wide cleanup program undertaken
25 by the Mayors’ Council of Guam (MCOG) is a valuable tool in combating litter and
26 cleaning illegal dump sites. This Act affords the option of utilizing the Department
27 of Public Works to contract private recycling companies on behalf of MCOG.

1 *I Liheslatura* finds that natural disaster recovery efforts often struggle with
2 debris management, further threatening public health and the environment. This Act
3 incorporates zero waste practices into government disaster debris management
4 efforts, including development of safe transition sites to collect disaster debris and
5 sort out recyclable, compostable, and beneficial use waste streams.

6 With this Act, *I Liheslatura* authorizes the purchase of technology to support
7 the Integrated Solid Waste Management Plan, including glass grinders and tire
8 shredders to reduce material going to the landfill while creating aggregate for use in
9 greening Guam’s roadway infrastructure.

10 *I Liheslatura* recognizes the importance of community participation when
11 establishing zero waste initiatives. This Act creates the Zero Waste Ambassadors
12 Program, to train and support a network of zero waste community advocates. It
13 further authorizes funding and development of Zero Waste Stations, facilities run by
14 non-profits to educate and implement zero waste initiatives in our villages, and
15 establishes the Zero Waste Pledge to benchmark and recognize local businesses that
16 adopt environmentally responsible practices.

17 *I Liheslatura*, with this Act, authorizes GEPA to award competitive grants and
18 loans to promising, local zero waste initiatives. The Zero Waste Grant Program aims
19 to fund non-profits and local educational institutions conducting zero waste research
20 and community projects. The Zero Waste Revolving Loan Program, implemented in
21 partnership with the Guam Economic Development Authority, will provide low-
22 interest and no-interest loans to local businesses and non-profits seeking to develop
23 zero waste cottage industries. Both programs will competitively select awardees
24 based on the estimated positive impact to our island community, and will prioritize
25 ventures operated by or employing senior citizens or the disabled.

26 In addition to protecting the environment, *I Liheslatura* aims to implement
27 zero waste measures as a means of saving taxpayer funds and diversifying Guam’s

1 economy. This Act will reduce the amount of trash sent to our landfill, extending its
2 lifespan, and implement food recovery programs to feed at-risk populations. New
3 zero waste grants and loans will spark investment in cottage industries that promote
4 transition toward a circular economy. And, better funding of island cleanups will
5 reduce litter and benefit Guam’s tourism industry. Additionally, this Act moves the
6 Fund’s fee schedule into Guam Annotated Rules and Regulations, which was the
7 original intent of the law, but the fees are not being adjusted at this time.

8 *I Liheslaturan Guåhan* intends to modernize the RRF into the Zero Waste
9 Revolving Fund and establish a series of far-reaching, impactful zero waste
10 initiatives to promote new cottage industries, save taxpayer funds by extending the
11 life of Guam’s landfill, and safeguard the environment.

12 **Section 2.** This Act shall be known and may be cited as the “Guam Zero
13 Waste Act.”

14 **Section 3.** Article 3 of Chapter 51, Title 10, Guam Code Annotated is
15 hereby *amended* to read as follows:

16 **“ARTICLE 3**

17 **RECYCLING ZERO WASTE ACT AND REVOLVING FUND**

- 18 § 51301. Definitions.
- 19 § 51302. ~~Recycling~~ Zero Waste Revolving Fund.
- 20 § 51303. Continuing Appropriation and Use of Funds.
- 21 § 51304. Administration of the ~~Recycling~~ Zero Waste Revolving Fund
- 22 § 51305. Levy and Collection of Recycling Fees.
- 23 ~~§ 51306. Recycling Fees.~~
- 24 § 513067. Authorization for Department of Public Works (“DPW”) and the
25 Mayors’ Council of Guam to Contract with Recycling
26 Companies.
- 27 § 513078. Adjustment of Recycling Fees.

1 § 513089. Recycling Industry Economic Stimulus Program.

2 **§ 51301. Definitions.**

3 As used in this Article, and except as otherwise provided, the following words
4 and phrases shall mean:

5 (a) ‘Administrator’ shall mean the Administrator of the Guam
6 Environmental Protection Agency, or his designee.

7 (b) ‘Beneficial Use’ shall mean the substitution of materials, either
8 as generated or following additional processing, for some or all of the virgin
9 materials in a natural or commercial product in a way that: provides a
10 functional benefit; meets product specifications; and does not pose concerns
11 to human health or the environment.

12 (c) ‘Best Available Technology’ shall mean a recognized and
13 approved technology by the United States Environmental Protection Agency.

14 (d) ‘Board’ shall mean the Board of Directors of the Guam
15 Environmental Protection Agency.

16 (e) ‘Compost’ or ‘Composting’ shall mean a mixture that consists
17 largely of decayed organic matter and is used for fertilizing and conditioning
18 land or to convert a material, such as plant debris, to compost.

19 (bf) ‘DPW’ shall mean the Department of Public Works.

20 (eg) ‘Director’ shall mean the Director of the Department of Public
21 Works.

22 (h) ‘Disaster Debris’ shall mean any items and materials broken,
23 destroyed, or displaced by a natural or man-made Federally or locally declared
24 disaster. Examples of disaster debris include, but are not limited to, trees,
25 construction and demolition material, and personal property.

1 (i) ‘Disaster Debris Management’ shall mean the removal and
2 disposal of debris that was generated by a disaster and which presents an
3 immediate threat to the public interest.

4 (j) ‘Electronic Waste’ or ‘E-Waste’ shall mean electrical and
5 electronic equipment that is dependent on electric currents or electromagnetic
6 fields in order to function (including all components, subassemblies and
7 consumables, which are part of the original equipment at the time of
8 discarding). E-waste may include, but is not limited to, consumer electronics,
9 entertainment devices, televisions, DVD players and tuners, office devices,
10 information and communications technology, computers, circuit boards,
11 telephones and mobile phones.

12 ~~(dk)~~ ‘Enameled wWhite gGoods’ shall mean appliances for home or
13 commercial use including, but not limited to, refrigerators, water heaters, air
14 conditioners, washers, dryers, and stoves.

15 ~~(el)~~ ‘GEPA’ or ‘Guam EPA’ shall mean the Guam Environmental
16 Protection Agency.

17 ~~(fm)~~ ‘Gross Vehicle Weight’ or ‘Gross Vehicle Weight Rating’ means
18 the value specified by the manufacturer as the loaded weight of a single
19 vehicle.

20 ~~(gn)~~ ‘Heavy Equipment’ shall mean any equipment, motor vehicle or
21 motor carrier, or non-road motor vehicle with a gross weight or gross vehicle
22 weight of five (5) tons or more.

23 (o) ‘Import’ shall mean to bring in or accept delivery of recyclable
24 materials from any source outside of Guam.

25 ~~(hp)~~ ‘Junk Vehicle’ means a motor vehicle, regardless of operating
26 condition, that the registered owner has declared to have no value or no use,
27 or that is abandoned by being placed, discarded, or disposed of on public or

1 private property without approval by owners of said property for more than
2 seven (7) calendar days, or that is no longer registered in accordance with
3 Chapter 7 of Title 16 GCA.

4 (iq) ‘Motor Vehicle’ or ‘motorized vehicle’ shall mean automobiles,
5 automobile trucks, automobile wagons, buses, trucks, motorcycles or other
6 self-propelled wheeled conveyances that are primarily for use on Guam’s
7 public streets, roads, and highways that are required to be registered with the
8 Motor Vehicles Division, Department of Revenue and Taxation, Government
9 of Guam.

10 (jr) ‘Municipal Solid Waste’ is a subset of solid waste and is defined
11 as durable goods (e.g., appliance, batteries, tires), nondurable goods (e.g.,
12 newspapers, books, magazines), containers and packaging, food wastes, yard
13 trimmings, and miscellaneous organic wastes from residential, commercial,
14 and industrial non-process sources.

15 (s) ‘Person’ or ‘Persons’ shall mean any individual, partnership, co-
16 partnership, firm, company, corporation, association, joint stock company,
17 trust, estate, or any agency, department, or instrumentality of the Federal or
18 local government, or any other legal representatives, agents or assigns.

19 (t) ‘Recovered Resources’ shall mean material or solid waste that
20 has been diverted from disposal for the purpose of recycling, composting or
21 mulching. This term does not include incineration or those materials that are
22 generated and normally reused on-site for manufacturing purposes.

23 (ku) ‘Recyclable ~~m~~Materials’ means materials which still have useful
24 physical or chemical properties after serving a specific purpose for the same
25 or other purpose. Recyclable materials are as follows:

- 26 (1) batteries (i.e., lead-acid, portable computer batteries,
27 nickel-cadmium, sealed types for power backup);

- 1 (2) automobiles, buses, and trucks or any motor vehicle;
- 2 (3) tires (passenger/commercial);
- 3 (4) enameled white goods;
- 4 (5) home appliances (other small appliances that are not
- 5 considered enameled white goods);
- 6 (6) glass and plastic bottles;
- 7 (7) foam padding;
- 8 (8) lead;
- 9 (9) metals (ferrous/non-ferrous);
- 10 (10) organic material (i.e., tree trimmings, palm fronds, grass,
- 11 food waste, soiled cardboard);
- 12 (11) paper products;
- 13 (12) wood pallets and scrap wood;
- 14 (13) construction and demolition debris ('C&D');
- 15 (14) x-ray film;
- 16 (15) automobile oil and fluids;
- 17 (16) freon and other refrigerant gases;
- 18 (17) electronic waste (i.e., computers, circuit boards,
- 19 televisions, and portable phones);
- 20 (18) heavy equipment; and
- 21 (19) other recyclable materials deemed recyclable by GEPA
- 22 pursuant to its rules and regulations.

23 (~~1v~~) 'Recycle or Recycling' means a method by which recovered
24 resources are converted for use as raw materials or feedstock to make new
25 products, as defined in § 51102(ii) of Chapter 51 of Title 10 GCA.

26 (~~mw~~) 'Recycling Company' shall mean any business licensed by the
27 Department of Revenue and Taxation, and permitted, as required in § 51104

1 of Chapter 51 of Title 10 GCA, by the Guam Environmental Protection
2 Agency to conduct business on Guam.

3 (~~nx~~) 'Recycling Facility' shall mean all contiguous land, structures,
4 and other appurtenances, and improvements on land used for the collection,
5 separation, recovery, and sale or reuse of recovered resources that would
6 otherwise be disposed of as municipal solid waste, and is an integral part of a
7 manufacturing process aimed at producing a marketable product made of
8 post-consumer material.

9 (ey) 'Recycling ~~f~~Fee' shall mean an annual fee levied upon the
10 registered owner of a motor vehicle to assist in the recycling and disposal of
11 motor vehicles and other recyclable materials in accordance with this Article.

12 (z) 'Recycling Industry Economic Stimulus Program' shall mean a
13 program that provides economic stimulus to local recycling companies that
14 ship recyclable materials off-island.

15 (aa) 'Reuse' shall mean to use again, including in a different way or
16 after reclaiming or reprocessing.

17 (bb) 'Solid Waste Management Facility' means any facility, or any
18 machinery, equipment, vehicles, structures or any part of accessories thereof
19 installed or acquired for the primary purpose of collection, transportation,
20 storage, recycling, processing or disposal of solid waste, and shall include
21 sanitary landfills or resource recovery facilities.

22 (cc) 'Stimulus Certification Form' shall mean a form officially issued
23 by Guam EPA to be completed by an eligible Recycling Facility to disclose
24 and certify the types and quantities of recyclable materials shipped off-island
25 to a recycling facility.

26 (dd) 'Sustainable Materials Management' means a systemic approach
27 to using and reusing materials more productively over their entire lifecycles.

1 (ee) “Upcycle” or “Upcycling” shall mean to recycle material in such
2 a way that the resulting product is of a higher value than the component
3 materials.

4 (ff) ‘Zero Waste’ means a holistic approach to addressing the
5 problem of unsustainable resource flows. Zero Waste encompasses waste
6 eliminated at the source through product design and producer responsibility,
7 and waste reduction strategies further down the supply chain such as
8 recycling, upcycling, reuse and composting.

9 **§ 51302. Reeyeling Zero Waste Revolving Fund.**

10 There is hereby created the Reeyeling Zero Waste Revolving Fund (Fund),
11 which shall be maintained separate and apart from any other funds, including the
12 General Fund of the government of Guam, and independent records and accounts
13 shall be maintained thereof. The Reeyeling Zero Waste Revolving Fund shall not be
14 commingled with the General Fund and shall be kept in a separate bank account. All
15 revenue generated from recycling fees collected pursuant to this Article, including
16 interest earned, shall be deposited into the Reeyeling Zero Waste Revolving Fund
17 and shall be expended exclusively for the purposes authorized in Article 3 of Chapter
18 51 of Title 10, Guam Code Annotated. The funds deposited into the Reeyeling Zero
19 Waste Revolving Fund shall not be subject to the transfer authority of *I Maga’låhen*
20 *Guåhan*.

21 **§ 51303. Continuing Appropriation and Use of Funds.**

22 (a) All revenues from the Reeyeling Zero Waste Revolving Fund are
23 hereby appropriated to the Guam Environmental Protection Agency to fund the
24 following:

25 ~~(1) the Reeyeling Industry Economic Stimulus Program authorized~~
26 ~~in § 51309 of this Article;~~

27 (1) Planning and Administration:

1 (2A) ~~n~~Not more than one (1) full-time (~~FTE~~) employee (FTE)
2 at the Guam Environmental Protection Agency ~~whose time is solely~~
3 ~~dedicated~~ to administering and implementing this Article;

4 (B) In addition to the FTE authorized in this subsection (A),
5 the Administrator is authorized to administer not more than ten percent
6 (10%) of the Fund towards the additional employment of staff within
7 the Agency's Solid Waste Management Program to administer,
8 manage, and audit use of the funds for authorized programs and Board
9 approved activities to implement any of the initiatives authorized by
10 this Article or described under Guam's Zero Waste Plan; provide
11 relevant training, supplies and equipment to staff authorized by this
12 subsection (1); to engage in zero waste and recycling outreach and
13 education activities; and to conduct permitting, compliance and
14 enforcement on recycling facilities, or other persons, facilities, or
15 entities regulated by this Article.

16 (3C) an amount determined by the Administrator and approved
17 by the Board, not to exceed One Hundred Thousand Dollars
18 (\$100,000), to contract professional services of an experienced private
19 ~~company~~ entity to promote recycling in the community subject to 5
20 GCA Chapter 5. The Administrator may seek the promotion of
21 recycling through cooperative agreements with other government
22 agencies and outlined in Memorandum of Agreements. Reports and
23 deliverables shall be presented at Board meetings. Teleconferencing
24 shall be made available to non-local entities;

25 (4D) An amount determined by the Administrator and approved
26 by the Board, not to exceed ~~€~~Three Hundred Thousand Dollars
27 (\$300,000), to contract the professional and technical services of a

1 private ~~company~~ entity to further develop and implement the priorities
2 delineated in the Guam Zero Waste Plan (2013), including but not
3 limited to the Integrated Solid Waste Management Plan, and is subject
4 to 5 GCA Chapter 5. ~~And~~ Reports and deliverables shall be presented
5 during Board meetings. Teleconferencing shall be made available to
6 non-local corporations;

7 (E) Funds may be expended to support the Zero Waste Guam
8 Working Group, as established through Executive Order 2019-28, to
9 plan and develop, with various stakeholders and the general public,
10 recommendations for the following:

11 (i) Guam Zero Waste Master Plan, in partnership with
12 the Guam Bureau of Statistics and Plans;

13 (ii) Compost Master Plan, in partnership with the Guam
14 Department of Agriculture and the Guam Bureau of Statistics
15 and Plans, to include benchmarks and best practices for an
16 island-wide composting initiative and zero waste agriculture and
17 aquaculture methodologies;

18 (iii) Outreach and public education components
19 required to raise public awareness on zero waste initiatives,
20 goals, and other related matters;

21 (iv) Circular economy studies and projects, and
22 strategies for establishing extended producer responsibility on
23 Guam;

24 (v) Recycling Enterprise Zone, as established by
25 Article 7, Chapter 15, Title 12 Guam Code Annotated, in
26 partnership with the Guam Bureau of Statistics and Plans, Port

1 Authority of Guam, and Guam Economic Development
2 Authority;

3 (vi) Food Resource Recovery Plan to reduce food waste
4 through best practices such as food recovery and sustainable food
5 management, and shall include recommendations for a food bank
6 and food donation program in partnership with the Guam Bureau
7 of Statistics and Plans and the Guam Department of Public
8 Health and Social Services;

9 (vii) Initiatives to incorporate more environmentally
10 sustainable practices in roadway infrastructure in partnership
11 with the Guam Bureau of Statistics and Plans and the Guam
12 Department of Public Works;

13 (viii) Zero waste community projects;

14 (ix) Strategies to enhance materials management
15 infrastructure, inclusive of identifying gaps and needed
16 investments, and strengthen secondary material markets,
17 inclusive of developing options for incentive-based programs
18 focused on increasing recycling as well as the demand for post-
19 consumer recyclable materials; and,

20 (xi) Other projects and programs delineated in this
21 Article as needed.

22 (2) Government Zero Waste Initiatives:

23 (A) Funds may be expended for any best available
24 technologies recognized and approved by USEPA and programs that
25 encourage recycling, composting and waste reduction opportunities,
26 which support the Integrated Solid Waste Management System, as

1 described in the most current version of Guam’s Integrated Solid Waste
2 Management Plan;

3 (B) The Mayors’ Council of Guam (MCOG) Island-wide
4 Environmental Cleanup Program (IECP);

5 (C) the Recycling Industry Economic Stimulus Program
6 authorized in § 51308 of this Article;

7 (D) Funds may be expended for activities that directly support,
8 promote and encourage zero waste activities in the management of
9 disaster debris, including siting of transition sites approved that are
10 permitted by Guam EPA and meet design specifications by the Federal
11 Emergency Management Agency (FEMA). Funds used to recover or
12 salvage materials from disaster debris for beneficial uses may only be
13 expended to offset the cost of the eligible recovery or salvage work not
14 covered by the revenues received from the sale of the debris and not
15 reimbursed through the FEMA; Disaster debris recovery, salvage and
16 management shall not be eligible for funding under the Recycling
17 Industry Economic Stimulus Program in §51308 of this Article;

18 (E) Funds may be expended to initiate, assist and encourage
19 the redemption of recyclable beverage containers pursuant to 10 GCA
20 Chapter 44, Guam Beverage Container Recycling Act (GBCRA) in the
21 following activities: Funding of administrative, audit, and compliance
22 activities associated with collection and payment of the deposits of the
23 Beverage Container Recycling Deposit Act; Conducting of recycling
24 outreach education, capacity building and demonstration projects;
25 Promotion and marketing of recycling-related activities; This funding
26 has a limited term, which shall not exceed three (3) full fiscal years
27 following adoption of this Act. The Agency is authorized to seek

1 financial and legal mechanisms for reimbursement for all funds
2 expended from the Zero Waste Revolving Fund for the purposes of this
3 subsection from revenues of the GBCRA within three (3) full fiscal
4 years following implementation of the GBCRA Program;

5 (3) Community Zero Waste Initiatives:

6 (A) Funds may be expended toward development and
7 implementation of a Zero Waste Grant Program overseen by the Guam
8 Environmental Protection Agency to promote, support and encourage
9 zero waste opportunities, projects, studies and programs, including
10 development and/or operation of new waste diversion pilot projects,
11 infrastructure, learning, training and assistance in zero waste initiatives
12 within the community. Priority consideration shall be given to ventures
13 operated by or employing senior citizens or the disabled;

14 (B) Funds may be expended toward development and
15 implementation of a Zero Waste Revolving Loan Program overseen by
16 the Guam Environmental Protection Agency to provide low-interest
17 and no-interest loans to support the growth of cottage industries reusing
18 or recycling recyclable materials or whose activities are significantly
19 focused on zero waste. The Guam Environmental Protection Agency
20 may partner with the Guam Economic Development Authority for
21 assistance in developing and implementing the Zero Waste Revolving
22 Loan Program. Priority consideration shall be given to ventures
23 operated by or employing senior citizens or the disabled;

24 (C) Funds may be used to support a Zero Waste Ambassadors
25 Program that recruits, trains, and supports community advocates
26 (Ambassadors) to promote zero waste and environmentally responsible
27 best practices and to assist in the implementation and success of zero

1 waste initiatives outlined in this Article. The recruitment and selection
2 processes of Ambassadors shall be approved by the Guam EPA Board
3 of Directors. Support for Ambassadors may include stipends as
4 approved by the Guam EPA Board of Directors. Ambassadors, whether
5 receiving a stipend or not, shall not be considered employees of the
6 Government of Guam by virtue of the position; however, Government
7 of Guam employees may serve as Ambassadors;

8 (D) Funds may be expended to develop and implement Zero
9 Waste Stations in multiple municipalities to support the Zero Waste
10 Ambassadors Program. At the Administrator’s discretion, such Zero
11 Waste Stations may be operated by non-profit organizations or village
12 Mayors Offices under the oversight of Guam EPA. If the need arises,
13 the Administrator may use such Zero Waste Stations as interim
14 collection areas for recycling events or as disaster debris transition sites
15 for recyclables and green wastes;

16 (E) Funds may be expended to develop and implement a
17 program at schools that targets the reduction of food waste and non-
18 recyclables;

19 (F) Funds may be expended to develop and implement a Zero
20 Waste Pledge program that establishes benchmarks and recognizes
21 organizations for striving to operate in an environmentally responsible
22 manner, facilitates opportunities for industry members to share best
23 practices for environmental sustainability, and helps organizations
24 adopt environmentally beneficial best practices, particularly for zero
25 waste; and,

26 (54) all other purposes stipulated in Article 3; provided, that the rules
27 and regulations regarding the ~~Recycling~~ Zero Waste Revolving Fund have

1 been promulgated by the Guam Environmental Protection Agency and
2 adopted in accordance with the Administrative Adjudication Act.

3 ~~(b) In Fiscal Year 2007, the Director of Public Works shall expend monies~~
4 ~~from the Recycling Revolving Fund to pay current obligations of the Department of~~
5 ~~Public Works arising from the ongoing Island Wide Collection and Off Island~~
6 ~~Disposal of Abandoned Vehicles, White Goods, Tires, and Batteries program~~
7 ~~pursuant to GSA Bid No. 038-05.~~

8 (eb) The Department of Administration shall prepare and transmit to the
9 Guam Environmental Protection Agency a weekly report on the current balance and
10 transactions of the ~~Reecycling~~ Zero Waste Revolving Fund. The Guam
11 Environmental Protection Agency shall post this information on its website as it
12 becomes available.

13 **§ 51304. Administration of the ~~Reecycling~~ Zero Waste Revolving**
14 **Fund.**

15 The Administrator shall administer the Fund and shall encumber all amounts
16 available in the Fund as expeditiously as possible for the purposes of assisting and
17 encouraging recycling of recyclable materials and zero waste initiatives. The
18 Administrator shall administer the Fund in accordance with this Article to cause the
19 following material/waste to be recycled or otherwise disposed according to the
20 following priority:

21 (a) First Priority - junk vehicles, tires, batteries, waste oil, white
22 goods/appliances,

23 (b) Second Priority - paper, cardboard, plastic, and glass,

24 (c) Third Priority - other recyclable materials as determined by
25 the Administrator and waste that can be reduced, reused, recycled, or
26 prevented.

1 ~~(d) Not more than one (1) FTE employee at Guam Environmental~~
2 ~~Protection Agency to administer this Article.~~

3 (d) Priorities may be modified based on the most updated Integrated
4 Solid Waste Management Plan, Guam Zero Waste Master Plan, Waste
5 Characterization Studies, Compost Master Plan, Food Resource Recovery
6 Plan, and other plans and studies, as recognized and approved by GEPA.

7 ~~In Fiscal Year 2009 the Administrator shall expend monies from the~~
8 ~~Recycling Revolving Fund to first pay any remaining unpaid debt including any and~~
9 ~~all prior year obligations related to GSA 038-05 before any other expenditures are~~
10 ~~made to ensure that all previous accounts have been satisfied accordingly. The~~
11 ~~Administrator shall then pay current obligations of the Department of Public Works~~
12 ~~arising from the ongoing Island Wide Collection and Off-Island Disposal of~~
13 ~~Abandoned Vehicles, White Goods, Tires, and Batteries program pursuant to GSA~~
14 ~~Bid No. 038-05. Any remaining unpaid debt shall be assumed by the Administrator.~~

15 ~~The Administrator, no later than ten (10) days after the end of each fiscal year,~~
16 ~~shall transfer from the Recycling Revolving Fund three percent (3%) of the total~~
17 ~~amount collected during that fiscal year to fund one (1) FTE employee at the Guam~~
18 ~~Environmental Protection Agency. The Fund shall be subject to audits by the Public~~
19 ~~Auditor.~~

20 **§ 51305. Levy and Collection of Recycling Fees.**

21 The Director of Revenue and Taxation is hereby authorized to levy a
22 Recycling Fee on individuals who are renewing their annual motor vehicle
23 registration with the Department of Revenue and Taxation Division of Motor
24 Vehicles, through the vehicle registration system. The Director of Revenue and
25 Taxation shall collect the Recycling Fees mandated by this Article and transmit the
26 fees to the ~~Director of DPW~~ Administrator for deposit in the Recycling Zero Waste
27 Revolving Fund.

1 ~~§ 51306. — Recycling Fees.~~

2 ~~The Recycling Fees authorized in § 51305 are hereby imposed as follows:~~

3 ~~(a) — Twenty Five Dollars (\$25.00) annually for each automobile, bus~~
4 ~~and truck registered by the Department of Revenue and Taxation through the~~
5 ~~annual vehicle registration system.~~

6 ~~(b) — Three Dollars (\$3.00) for each motorcycle and trailer registered~~
7 ~~by the Department of Revenue and Taxation through the annual vehicle~~
8 ~~registration system.~~

9 ~~(c) — Thirty Dollars (\$30.00) for each piece of heavy equipment~~
10 ~~registered by the Department of Revenue and Taxation through the annual~~
11 ~~vehicle registration system.~~

12 ~~(d) — The Recycling Fee in Subsection (a) shall be waived upon initial~~
13 ~~issuance and subsequent renewal of vehicle license and registration for any~~
14 ~~Veteran determined by the U.S. Department of Veterans Affairs (USDVA) to~~
15 ~~be 100% Disabled or Individually Unemployable due to military service-~~
16 ~~connected injuries. The fee shall be waived for one (1) non-commercial~~
17 ~~passenger vehicle, which includes sedans, coupes, pick-up trucks,~~
18 ~~motorcycles and station wagons manufactured primarily for the purpose of~~
19 ~~carrying passengers, and including those passenger cars pulling other light~~
20 ~~trailers, registered to the veteran, or legal guardian applying for benefits under~~
21 ~~this Section. A document issued by the USDVA or a U.S. military ID card,~~
22 ~~which certifies the disability rating, must be furnished to the Department of~~
23 ~~Revenue and Taxation in order to waive the annual Recycling Fee.~~

24 **§ 513067. Authorization for the Department of Public Works (“DPW”)**
25 **and the Mayors’ Council of Guam to Contract with Recycling Companies.**

26 (a) The Department of Public Works (DPW) and the Mayors’ Council of
27 Guam (MCOG), in accordance with the applicable procurement laws and with the

1 approval of the Administrator, ~~is~~ are authorized to enter into contracts with recycling
2 companies for the collection, recycling, interim storage, disposal, and processing, or
3 any combination thereof, of automobiles, buses, heavy equipment, trucks, batteries,
4 tires, white goods, and other recyclable materials, and as required by, or in
5 accordance with, Articles 3 and 4 of Title 10 GCA, Chapter 51.

6 (b) At a minimum, DPW and MCOG ~~the Mayors' Council~~ shall require
7 that all ~~offerors~~ bidders include, as part of their written ~~offers~~ bids, proof of current
8 approved permits, certification of compliance with Title 10, GCA, Chapter 51 from
9 GEPA and a plan to remove collected recyclable materials, including abandoned
10 vehicles, from Guam's waste stream. Contractors employed under this Section shall
11 perform all work under this Article in compliance with all applicable laws, including
12 those of this Chapter, and the applicable Rules and Regulations of GEPA.

13 (c) The Guam Environmental Protection Agency shall promulgate the
14 necessary rules and regulations, in accordance with the Administrative Adjudication
15 Law, to properly implement this Article.

16 (d) It is at the discretion of the Administrator to approve DPW, MCOG, or
17 both to contract for services as provided by this §51306, and such approval may be
18 revoked by the Administrator at any time.

19 **§ 51307~~8~~.** **Adjustment of Recycling Fees.**

20 The Administrator shall review the fee authorized by § 51306~~5~~, supra, every
21 twenty-four (24) months and is authorized to adjust the fee by not more than twenty-
22 five percent (25%) in accordance with the Administrative Adjudication Law.

23 **§ 51308~~9~~.** **Recycling Industry Economic Stimulus Program.**

24 There is hereby created a Recycling Industry Economic Stimulus Program
25 (Program) to be administered by the Guam Environmental Protection Agency. The
26 purpose of the Program is to provide economic stimulus funding to local recycling
27 companies to support their recycling efforts. To qualify for this Program, a recycling

1 company has to be licensed to do business in Guam and hold a valid permit from the
2 Guam Environmental Protection Agency for the processing, temporary storage, and
3 beneficial reuse of recyclable materials solely generated on Guam. Recycling
4 companies who qualify under this Program shall receive subsidies for the off-island
5 shipment of recyclables to recycling facilities, pending funding availability and
6 based on an economic sliding scale developed by Guam EPA that is based on factors
7 such as fair market value and transportation ~~Thirty Dollars (\$30.00) for each ton of~~
8 ~~solid waste recycled by the respective company as documented with a bill of lading~~
9 ~~or similar documentation.~~ Qualified companies must provide documentation such as
10 with a bill of lading or similar document. Solid waste or recyclables imported into
11 Guam shall not qualify under this Program. The Administrator of the Guam
12 Environmental Protection Agency shall make quarterly and annual reports to *I*
13 *Maga'hagån Guåhan* and *I Liheslaturan Guåhan* on the condition of, and activity
14 within, the Program.”

15 **Section 4.** Article 3 of Chapter 24, Division 4, Title 22, Guam Annotated
16 Rules and Regulations, is hereby *amended* to read as follows:

17 ~~“§ SECTION 24301. General Provisions~~

18 **§ 24301.1. Purpose and Applicability**

19 The purpose of this Chapter is to clarify existing statute, provide a uniform
20 competitive business environment to all, and establish the minimum standards to
21 properly implement and administer Guam’s ~~Recycling~~ Zero Waste Revolving Fund
22 in accordance with Title 10 of the Guam Code Annotated (GCA), Chapter 51, Article
23 3, under the authority granted by 10 GCA §51307(c).

24 **§ 24301.2. Definitions**

25 For the purposes of this Chapter, the terms defined in 10 GCA, Chapter 51,
26 Article 3, §51301 shall have the meaning ascribed to them therein, and the following

1 words and phrases, together with all of the common derivations thereof, shall have
2 the meaning ascribed to them as follows:

3 (a) ‘Administrator’ shall mean the Administrator of the Guam
4 Environmental Protection Agency, or his designee.

5 (ab) “Beneficial Use” shall mean the substitution of materials, either
6 as generated or following additional processing, for some or all of the virgin
7 materials in a natural or commercial product in a way that; provides a
8 functional benefit; meets product specifications; and does not pose concerns
9 to human health or the environment.

10 (bc) “Best Available Technology” shall mean a recognized and
11 approved technology by the United States Environmental Protection Agency.

12 (cd) “Board” shall mean the Board of Directors of the Guam
13 Environmental Protection Agency.

14 (e) ‘Compost’ or ‘Composting’ shall mean a mixture that consists
15 largely of decayed organic matter and is used for fertilizing and conditioning
16 land or to convert a material, such as plant debris, to compost.

17 (f) ‘DPW’ shall mean the Department of Public Works.

18 (g) ‘Director’ shall mean the Director of the Department of Public
19 Works.

20 (dh) “Disaster Debris” shall mean any items and materials broken,
21 destroyed, or displaced by a natural or man-made federally or locally declared
22 disaster. Examples of disaster debris include, but are not limited to, trees,
23 construction and demolition material, and personal property.

24 (ei) “Disaster Debris Management” shall mean the removal and
25 disposal of debris that was generated by a disaster and which presents an
26 immediate threat to the public interest.

1 (fj) “Electronic Waste” or “E-Waste” shall mean electrical and
2 electronic equipment that is dependent on electric currents or electromagnetic
3 fields in order to function (including all components, subassemblies and
4 consumables, which are part of the original equipment at the time of
5 discarding). ~~For example eE-waste may include, but is not limited to,~~
6 ~~consumer electronics, /entertainment devices, electronics such as~~ televisions,
7 DVD players and tuners,~~; D office devices of office,~~ information and
8 communications technology, ~~such as~~ computers, circuit boards, telephones
9 and mobile phones.

10 (k) ‘Enameled wWhite gGoods’ shall mean appliances for home or
11 commercial use including, but not limited to, refrigerators, water heaters, air
12 conditioners, washers, dryers, and stoves.

13 (l) ‘GEPA’ or ‘Guam EPA’ shall mean the Guam Environmental
14 Protection Agency.

15 (m) ‘Gross Vehicle Weight’ or ‘Gross Vehicle Weight Rating’ means
16 the value specified by the manufacturer as the loaded weight of a single
17 vehicle.

18 (n) ‘Heavy Equipment’ shall mean any equipment, motor vehicle or
19 motor carrier, or non-road motor vehicle with a gross weight or gross vehicle
20 weight of five (5) tons or more.

21 (go) “Import” shall mean to bring in, or accept delivery of, recyclable
22 materials from any source outside of Guam.

23 (p) ‘Junk Vehicle’ means a motor vehicle, regardless of operating
24 condition, that the registered owner has declared to have no value or no use,
25 or that is abandoned by being placed, discarded, or disposed of on public or
26 private property without approval by owners of said property for more than

1 seven (7) calendar days, or that is no longer registered in accordance with
2 Chapter 7 of Title 16 GCA.

3 (q) ‘Motor Vehicle’ or ‘motorized vehicle’ shall mean automobiles,
4 automobile trucks, automobile wagons, buses, trucks, motorcycles or other
5 self-propelled wheeled conveyances that are primarily for use on Guam’s
6 public streets, roads, and highways that are required to be registered with the
7 Motor Vehicles Division, Department of Revenue and Taxation, Government
8 of Guam.

9 (r) ‘Municipal Solid Waste’ is a subset of solid waste and is defined
10 as durable goods (e.g., appliance, batteries, tires), nondurable goods (e.g.,
11 newspapers, books, magazines), containers and packaging, food wastes, yard
12 trimmings, and miscellaneous organic wastes from residential, commercial,
13 and industrial non-process sources.

14 ~~(hs)~~ “Person” or “Persons” shall mean any individual, partnership,
15 co-partnership, firm, company, corporation, association, joint stock company,
16 trust, estate, or any agency, department, or instrumentality of the Federal or
17 local government, or any other legal representatives, agents or assigns.

18 ~~(it)~~ “Priority Materials” shall mean all those materials identified by
19 the Fund, in the order specified in ~~section~~ §24302-1(b) of this Article.

20 ~~(ju)~~ “Recovered Resources” shall mean material or solid waste that
21 has been diverted from disposal for the purpose of recycling, composting or
22 mulching. This term does not include incineration or those materials that are
23 generated and normally reused on-site for manufacturing purposes.

24 (v) ‘Recyclable Materials’ means materials which still have useful
25 physical or chemical properties after serving a specific purpose for the same
26 or other purpose. Recyclable materials are as follows:

1 (1) batteries (i.e., lead-acid, portable computer batteries,
2 nickel-cadmium, sealed types for power backup);

3 (2) automobiles, buses, and trucks or any motor vehicle;

4 (3) tires (passenger/commercial);

5 (4) enameled white goods;

6 (5) home appliances (other small appliances that are not
7 considered enameled white goods);

8 (6) glass and plastic bottles;

9 (7) foam padding;

10 (8) lead;

11 (9) metals (ferrous/non-ferrous);

12 (10) organic material (i.e., tree trimmings, palm fronds, grass,
13 food waste, soiled cardboard);

14 (11) paper products;

15 (12) wood pallets and scrap wood;

16 (13) construction and demolition debris ('C&D');

17 (14) x-ray film;

18 (15) automobile oil and fluids;

19 (16) freon and other refrigerant gases;

20 (17) electronic waste (i.e., computers, circuit boards,
21 televisions, and portable phones);

22 (18) heavy equipment; and

23 (19) other recyclable materials deemed recyclable by GEPA
24 pursuant to its rules and regulations.

25 (w) 'Recycle or Recycling' means a method by which recovered
26 resources are converted for use as raw materials or feedstock to make new
27 products, as defined in § 51102(ii) of Chapter 51 of Title 10 GCA.

1 (x) ‘Recycling Company’ shall mean any business licensed by the
2 Department of Revenue and Taxation, and permitted, as required in § 51104
3 of Chapter 51 of Title 10 GCA, by the Guam Environmental Protection
4 Agency to conduct business on Guam.

5 (y) ‘Recycling Facility’ shall mean all contiguous land, structures,
6 and other appurtenances, and improvements on land used for the collection,
7 separation, recovery, and sale or reuse of recovered resources that would
8 otherwise be disposed of as municipal solid waste, and is an integral part of a
9 manufacturing process aimed at producing a marketable product made of
10 post-consumer material.

11 (z) ‘Recycling Fee’ shall mean an annual fee levied upon the
12 registered owner of a motor vehicle to assist in the recycling and disposal of
13 motor vehicles and other recyclable materials in accordance with this Article.

14 ~~(kaa)~~ “Recycling Industry Economic Stimulus Program” shall mean a
15 program that provides economic stimulus to local recycling companies that
16 ship recyclable materials off-island.

17 ~~(lbb)~~ “Solid Waste Management Facility” means any facility, or any
18 machinery, equipment, vehicles, structures or any part of accessories thereof
19 installed or acquired for the primary purpose of collection, transportation,
20 storage, recycling, processing or disposal of solid waste, and shall include
21 sanitary landfills or resource recovery facilities.

22 ~~(mcc)~~ “Stimulus Certification Form” shall mean a form officially
23 issued by Guam EPA to be completed by the Economic Stimulus Program
24 Participants to disclose and certify the types and quantities of recyclable
25 materials shipped off-island to a recycling facility.

1 (ddd) “Sustainable Materials Management” means a systemic
2 approach to using and reusing materials more productively over their entire
3 lifecycles.

4 (eee) “Special Waste” means white goods, household hazardous
5 waste, automotive batteries and abandoned vehicles.

6 (ff) “Upcycle” or “Upcycling” shall mean to recycle material in such
7 a way that the resulting product is of a higher value than the component
8 materials.

9 (ggg) “Zero Waste” means a holistic approach to addressing the
10 problem of unsustainable resource flows. Zero Waste encompasses waste
11 eliminated at the source through product design and producer responsibility,
12 and waste reduction strategies further down the supply chain such as
13 recycling, upcycling, reuse and composting.

14 **§ 24301.3. Fees.**

15 The Recycling Fees authorized in § 51305 are hereby imposed as follows:

16 (a) Twenty-Five Dollars (\$25.00) annually for each automobile, bus
17 and truck registered by the Department of Revenue and Taxation through the
18 annual vehicle registration system.

19 (b) Three Dollars (\$3.00) for each motorcycle and trailer registered
20 by the Department of Revenue and Taxation through the annual vehicle
21 registration system.

22 (c) Thirty Dollars (\$30.00) for each piece of heavy equipment
23 registered by the Department of Revenue and Taxation through the annual
24 vehicle registration system.

25 (d) The Recycling Fee in Subsection (a) shall be waived upon initial
26 issuance and subsequent renewal of vehicle license and registration for any
27 Veteran determined by the U.S. Department of Veterans Affairs (USDVA) to

1 be 100% Disabled or Individually Unemployable due to military service-
2 connected injuries. The fee shall be waived for one (1) non-commercial
3 passenger vehicle, which includes sedans, coupes, pick-up trucks,
4 motorcycles and station wagons manufactured primarily for the purpose of
5 carrying passengers, and including those passenger cars pulling other light
6 trailers, registered to the veteran, or legal guardian applying for benefits under
7 this Section. A document issued by the USDVA or a U.S. military ID card,
8 which certifies the disability rating, must be furnished to the Department of
9 Revenue and Taxation in order to waive the annual Recycling Fee.

10 **~~SECTION 24302. ADMINISTRATION OF RECYCLING REVOLVING~~**
11 **~~FUND~~**

12 **§ 24302. Administration and Plans.**

13 **§ 24302.1. Administration of Zero Waste Revolving Fund.**

14 (a) Monies in the ~~Recycling~~ Zero Waste Revolving *Fund* shall be
15 administered, managed, and maintained by the GEPA Administrator for the
16 implementation of 10 GCA Chapter 51, Article 3, in accordance with the
17 requirements of the Article.

18 (b) The Administrator may use the *Fund* for the ~~recycling initiatives~~
19 purposes described under §24302.2, §24303, and §24304 in these Regulations
20 with the following priorities:

21 (1) First Priority: junk vehicles, tires, batteries, waste oil,
22 white goods/appliances;

23 (2) Second Priority: paper, cardboard, plastic and glass;

24 (3) Third Priority: other recyclables as determined by the
25 Administrator, and

26 (4) Priorities may be modified based on the most updated
27 Integrated Solid Waste Management Plan, Guam Zero Waste Master

1 Plan, Waste Characterization Studies, Compost Master Plan, Food
2 Resource Recovery Plan, and other plans and studies, as recognized and
3 approved by GEPA.

4 (c) The Administrator shall determine the funding for each of the
5 ~~recycling~~ zero waste initiatives and submit the determination to the Guam
6 EPA Board of Directors for approval by March 31st of each the current fiscal
7 year. The approved funding will be effective on the following fiscal year.

8 (d) The Administrator shall administer no more than ten percent
9 (10%) of the Fund towards a portion of the salaries and benefits, supplies,
10 equipment, and training directly related to Zero Waste for the Solid Waste
11 Management Program, provided that at minimum the Administrator is
12 authorized to utilize the fund for the salary and benefits of up to one (1) full-
13 time employee (FTE) at the Guam Environmental Protection Agency to
14 administer and implement this Article.

15 **§ 24302.2. Zero Waste Guam Working Group**

16 Funds may be expended to support the Zero Waste Guam Working Group, as
17 established through Executive Order 2019-28, to plan and develop, with various
18 stakeholders and the general public, recommendations for the following:

19 (a) Guam Zero Waste Master Plan, in partnership with the Bureau
20 of Statistics and Plans;

21 (b) Compost Master Plan, in partnership with the Guam Department
22 of Agriculture and the Guam Bureau of Statistics and Plans, to include
23 benchmarks and best practices for an island-wide composting initiative and
24 zero waste agriculture and aquaculture methodologies;

25 (c) Outreach and public education components required to raise
26 public awareness on zero waste initiatives, goals, and other related matters;

1 (d) Circular economy studies and projects, and strategies for
2 establishing extended producer responsibility on Guam;

3 (e) Recycling Enterprise Zone, as established by Article 7, Chapter
4 15, Title 12 Guam Code Annotated in partnership with the Port Authority of
5 Guam and Guam Economic and Development Authority;

6 (f) Food Resource Recovery Plan to reduce food waste through best
7 practices such as food recovery and sustainable food management, and shall
8 include recommendations for a food bank and food donation program in
9 partnership with the Guam Department of Public Health and Social Services;

10 (g) Initiatives to incorporate more environmentally sustainable
11 practices in roadway infrastructure in partnership with the Department of
12 Public Works;

13 (h) Zero waste community projects;

14 (i) Strategies to enhance materials management infrastructure,
15 inclusive of identifying gaps and needed investments, and strengthen
16 secondary material markets, inclusive of developing options for incentive-
17 based programs focused on increasing recycling as well as the demand for
18 post-consumer recyclable materials; and,

19 (j) Other projects and programs delineated in Article 3 of Chapter
20 51, Title 10, Guam Code Annotated, as needed.

21 **~~SECTION 24303. RECYCLING INITIATIVES~~**

22 **§ 24303. Government Zero Waste Initiatives**

23 **§ 24303.1. ~~Mayor's~~ Mayors' Council of Guam (MCOG) Island-wide** 24 **Environmental Cleanup Program (IECP)**

25 (a) The Administrator may approve contracts between the
26 Department of Public Works (DPW) or the Mayors' Council of Guam
27 (MCOG) and recycling companies for the collection, recycling, interim

1 storage, disposal and processing or any combination thereof, of automobiles,
2 buses, heavy equipment, trucks, batteries, tires, white goods, and other
3 recyclable materials in accordance with Articles 3 and 4 of Title 10 GCA,
4 Chapter 51, and §24303.1(b) of this Article, to implement an Island-wide
5 Environmental Cleanup Program (IECP) on behalf of the Mayors' Council of
6 Guam with the following conditions:

7 (1) All applicable procurement laws must be followed; and

8 (2) Each contract must be conditioned upon proof that the
9 recycling company has current permits for the work it is to perform,
10 including, but not limited to, solid waste facility permits, solid waste
11 collection permits, certifications, or other permits or licenses required
12 to collect, remove, recycle or dispose of solid waste; and

13 (3) Each contract must be conditioned upon compliance with
14 all solid waste rules and regulations; and

15 (4) Each contract must require the recycling company to
16 report all recyclables collected per village under this program to Guam
17 EPA upon submittal of invoices to DPW or MCOG, as outlined in the
18 contract approved by the Administrator, for payment.

19 (b) In each fiscal year, prior to any collection, processing, or storage
20 of recyclable materials under contract pursuant to this section, a
21 comprehensive *Operation Plan* for the contractual work described in
22 §24303.1(a) must be submitted by DPW or the MCOG, as outlined in the
23 contract approved by the Administrator, to Guam EPA and receive approval
24 from the Administrator. The Administrator shall only approve the *Operation*
25 *Plan* if the *Operation Plan* contains in detail the operational systems that
26 address collection, processing, storage, emergency procedures, health and
27 safety, reporting and closeout procedures for each municipality.

1 (c) The Administrator may use funds to support the ~~recycling~~ zero
2 waste initiatives in this Section subject to the following conditions:

3 (1) Funds may be expended only in accordance with valid
4 contracts approved under this Section; and

5 (2) No funds shall be disbursed prior to the Administrator's
6 approval of the Operation Plan described in §24303.1(b); and

7 (3) Unused funds must be returned to the ~~Recycling~~ Zero
8 Waste Revolving Fund every fiscal year.

9 **§ 24303.2. Recycling Industry Economic Stimulus Program,**
10 **Applicability and Eligibility**

11 (a) Potential Recycling Industry Economic Stimulus Program
12 Participants must establish eligibility by meeting all of the following criteria:

13 (1) Possess a valid license from the Guam Department of
14 Revenue and ~~T~~taxation to conduct business ~~of~~ on Guam; and

15 (2) Possess a valid solid waste management facility permit
16 from Guam EPA for processing and storage; and

17 (3) Provide a bill of lading or similar documentation detailing
18 the types of recyclable materials shipped, quantity in tons, and name of
19 receiving facility; and

20 (4) Complete and submit all applicable Stimulus Certification
21 Forms provided by Guam EPA; and

22 (5) Remain in compliance with all solid waste rules and
23 regulations.

24 (b) Only recyclable materials generated on Guam are eligible for
25 payments under this Section. Recyclable materials imported into Guam for
26 purposes such as, but not limited to, transit, transshipment or consolidation
27 shall not qualify under this Program.

1 **§ 24303.3. Recycling Industry Economic Stimulus Program, Payment**
2 **Calculation**

3 (a) Recycling Industry Economic Stimulus Program participants
4 who establish eligibility by meeting all the criteria specified in ~~Section~~
5 §24303.2(a) may receive an economic stimulus payment for each ton of
6 recyclable material transported off Guam to a recycling facility.

7 (b) Stimulus payments will be made in the order that completed
8 forms are received by Guam EPA until approved funding has been exhausted.

9 (c) By March 31st of each year, the Administrator may select the
10 eligible recycling materials for the next fiscal year based on global market
11 trends, and submit a written recommendation to the Board for its approval. If
12 the Board does not approve any eligible recycling materials for a particular
13 year, no stimulus payments will be made in that year.

14 (d) Each year, the Administrator may determine the dollar amount
15 per recyclable material to be disbursed to the eligible recycling facilities and
16 submit a written recommendation to the Board for its approval. The dollar
17 amount per recyclable material shall be based on factors including the
18 prioritization of materials, market conditions, economic analyses, and
19 operational, transportation, and processing costs in its assessment, and:

20 (1) A base stimulus payment calculation per recyclable
21 material express as follows: Base Stimulus Payment [dollars per ton] =
22 Shipping Cost - Market Price.

23 i. “Shipping cost” is calculated using the World
24 Freight Rates Freight Calculator or comparable shipping cost
25 resource for port-to-port containerized ocean shipments and the U.S.
26 EPA Office of Resource Conservation and Recovery Volume-to-
27 Weight Conversion Factors; and

1 ii. “Market price” is equivalent to the RecycleNet
2 scrap index or comparable market index material sale price on the
3 first day of the quarter preceding the start of the next fiscal year.

4 (2) A stimulus payment may be issued for recyclable
5 materials when the calculated Stimulus Payment exceeds zero dollars
6 (\$0.00) per ton (i.e., stimulus will not be paid when the recycled
7 material is revenue positive); and

8 (3) The Administrator shall determine the funding levels of
9 stimulus payments to be paid subject to the availability of funds and
10 funding priorities.

11 (e) For the fiscal year beginning October 1, 2019, the Administrator
12 may select the eligible materials, subject to Board approval and applicable
13 stimulus payments.

14 **§ 24303.4. Guam Beverage Container Recycling—RESERVE**

15 (a) Upon promulgation of the Rules and Regulations pursuant to 10
16 GCA Chapter 44, Guam Beverage Container Recycling Act (GBCRA), funds
17 may be expended to initiate, assist and encourage redemption of recyclable
18 beverage containers in the following activities:

19 (1) Funding of administrative, audit, redemption and
20 compliance activities associated with collection and payment of the
21 deposits of the GBCRA;

22 (2) Conducting of recycling outreach education, capacity
23 building and demonstration projects; and

24 (3) Promotion and marketing of recycling-related activities.

25 (b) Funds may only be expended under this section for the first two
26 full fiscal years following the date that rules and regulations promulgated
27 pursuant to the GBCRA first become effective.

1 (c) Within two (2) full fiscal years following implementation of the
2 program, revenues from the program shall be used to reimburse the Zero
3 Waste Revolving Fund for the funds expended under §24303.4.

4 **§ 24303.5. Integrated Solid Waste Management Plan –RESERVE**

5 Funds may be expended by the Administrator for any best available
6 technologies recognized by USEPA, for programs that encourage recycling,
7 composting, waste reduction, and zero waste opportunities in support of the most
8 current Integrated Solid Waste Management Plan, adopted by the Guam EPA Board.

9 **§ 24303.67. Disaster Debris Management –RESERVE**

10 Funds may be used for activities that directly support, promote and encourage
11 zero waste activities in the management of disaster debris, including siting of
12 transition sites, as follows:

13 (a) Funds may be used towards the siting and development of
14 transition sites for recyclable, compostable, or beneficial use waste streams
15 provided such transition sites are approved and permitted by Guam EPA and
16 meet design specifications by the Federal Emergency Management Agency
17 (FEMA);

18 (b) Only individuals, entities or companies licensed to do business
19 on Guam are eligible to receive funds;

20 (c) Funds used to recover or salvage materials from disaster debris
21 for beneficial uses may only be expended to offset the cost of the eligible
22 recovery or salvage work not covered by the revenues received from the sale
23 of the debris and not reimbursed through the Federal Emergency Management
24 Agency (FEMA); and,

25 (d) Funds may not be used on any activity that qualifies for funding
26 or reimbursement by FEMA or the Recycling Industry Economic Stimulus
27 Program provided by this Chapter.

1 § 24304. Community Zero Waste Initiatives

2 ~~§ 24303.6. Green Waste Plan – Composting and Organics RESERVED~~

3 § 24304.1. Zero Waste Ambassadors Program

4 Funds may be used to support a Zero Waste Ambassadors Program that
5 recruits, trains, and supports community advocates (Ambassadors) to promote zero
6 waste and environmentally responsible best practices and to assist in the
7 implementation and success of zero waste initiatives, including supporting and
8 encouraging the reduction and diversion of food and organic waste.

9 (b) The Guam EPA Board of Directors shall establish measurable
10 milestones for the Zero Waste Ambassadors Program. Guam EPA personnel
11 with oversight of Ambassadors shall provide, at minimum, quarterly reports
12 to the Guam EPA Board of Directors on progress made toward said
13 milestones.

14 (b) Recruitment and selection of Ambassadors shall be based on
15 selection criteria developed by Guam EPA and approved by the Guam EPA
16 Board of Directors.

17 (c) The Administrator may authorize stipends of up to \$5,000 per
18 year per individual. Criteria for such stipends shall be approved by the Guam
19 EPA Board of Directors and shall be fairly afforded to all Ambassadors.
20 Stipends may be paid on a quarterly or monthly basis, may be withheld if an
21 Ambassador fails to meet program requirements. Ambassadors, whether
22 receiving a stipend or not, shall not be considered employees of the
23 Government of Guam by virtue of the position; however, Government of
24 Guam employees may serve as Ambassadors if competitively selected
25 through the established process approved by the Guam EPA Board of
26 Directors under §24304.1 (b).

1 (d) The Administrator may construct Zero Waste Stations at
2 multiple municipalities, which may be operated by non-profit organizations
3 or village Mayors Offices under the oversight of Guam EPA, to enhance zero
4 waste education, support recycling and zero waste efforts by village Mayors,
5 and promote green living at the grassroots level. If the need arises, the
6 Administrator may use such Zero Waste Stations as interim collection areas
7 for recycling events or as disaster debris transition sites for recyclables and
8 green wastes;

9 (e) Implement a green lunch program at schools that targets the
10 reduction of food waste and non-recyclables; and,

11 (f) Develop a Zero Waste Pledge program that establishes
12 benchmarks and recognizes organizations for striving to operate in an
13 environmentally responsible manner, facilitates opportunities for industry
14 members to share best practices for environmental sustainability, and helps
15 organizations adopt environmentally beneficial best practices, particularly for
16 zero waste.

17 ~~§ 24303.8. Zero Waste Grant Program – RESERVE~~

18 **§ 24304.2. Zero Waste Grant Program**

19 The Administrator may use the funds for a Zero Waste Grant Program to
20 promote, support and encourage zero waste opportunities, projects, studies and
21 programs for research, including development and/or operation of new waste
22 diversion pilot projects, infrastructure, learning, training and assistance in zero waste
23 initiatives within the community.

24 (a) Only non-governmental organizations, educational institutions,
25 or non-profit organizations licensed on Guam are eligible to participate in this
26 Program.

1 (b) The Administrator may authorize up to ten (10) competitive
2 grants and not to exceed twenty-five thousand dollars (\$25,000) each, for a
3 combined total of two hundred fifty thousand dollars (\$250,000) annually, for
4 the purposes of this grant program.

5 (c) Selection of proposals for grant awards will be based on selection
6 criteria developed by Guam EPA and approved by the Guam EPA Board of
7 Directors. At a minimum, the selection criteria must include a direct benefit,
8 long-term and short-term, to the community. Priority consideration shall be
9 given to ventures operated by or employing senior citizens or the disabled.

10 **§ 24304.3. Zero Waste Revolving Loan Program**

11 The Administrator may use the funds for a Zero Waste Revolving Loan
12 Program to provide low-interest and no-interest loans to support the growth of
13 cottage industries reusing or recycling recyclable materials or whose activities are
14 significantly focused on zero waste.

15 (a) Only non-government agencies, educational institutions, or non-
16 profit organizations licensed on Guam are eligible to participate in this
17 Program.

18 (b) The Administrator may authorize up to ten (10) competitive low-
19 interest or no-interest loans and not to exceed fifty thousand dollars (\$50,000)
20 each, for a combined total of five hundred thousand dollars (\$500,000)
21 annually, for the purposes of this loan program.

22 (c) Selection of proposals for grant awards shall be based on
23 selection criteria developed by Guam EPA and approved by the Guam EPA
24 Board of Directors. At a minimum, the selection criteria must include a direct
25 benefit, long-term and short-term, to the community. Priority consideration
26 shall be given to ventures operated by or employing senior citizens or the
27 disabled.

1 (d) Guam EPA may partner with the Guam Economic Development
2 Authority (GEDA) for assistance in developing and jointly implementing this
3 loan program. In such case, Guam EPA and GEDA shall first enter into an
4 MOU detailing the roles and responsibilities of each.”

5 **Section 5. Effective Date.** This Act shall be effective upon enactment into
6 law.

7 **Section 6. Severability.** If any provision of this Act or its application to
8 any person or circumstance is found to be invalid or contrary to law, such invalidity
9 *shall not* affect other provisions or applications of this Act that can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.