

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
404-35 (COR)	Régine Biscoe Lee	AN ACT TO ADD A NEW § 48104(b)(5) and § 48104(e), BOTH OF CHAPTER 48, TITLE 10, AND TO AMEND § 62104(b) OF CHAPTER 62, TITLE 21, ALL OF GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ANY FURTHER USE OF SEPTIC TANKS ON CERTAIN LOTS LOCATED IN THE GROUNDWATER PROTECTION ZONE (GPZ), REGARDLESS OF WHETHER SAID LOTS ARE PART OF PARENTAL SUBDIVISIONS.	9/23/20 6:17 p.m.						

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

Bill No. 404-35 (COR)

Introduced by:

Régine Biscoe Lee 

AN ACT TO *ADD* A NEW § 48104(b)(5) and § 48104(e), BOTH OF CHAPTER 48, TITLE 10, AND TO *AMEND* § 62104(b) OF CHAPTER 62, TITLE 21, ALL OF GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ANY FURTHER USE OF SEPTIC TANKS ON CERTAIN LOTS LOCATED IN THE GROUNDWATER PROTECTION ZONE (GPZ), REGARDLESS OF WHETHER SAID LOTS ARE PART OF PARENTAL SUBDIVISIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

finds that residential septic systems pose a threat to the Groundwater Protection Zone (GPZ) of the Northern Guam Lens Aquifer (NGLA), which supplies eighty percent (80%) of Guam's drinking water. A 2019 study by the University of Guam's Water and Environmental Research Institute of the Western Pacific (WERI) found increasing nitrate concentrations in the NGLA over the course of two decades. Increased nitrates in Guam's groundwater is a byproduct of the rise of unsewered development resulting primarily from the use of septic systems. Nitrates and like contaminants pose a threat to environmental and human health. Thus, the careful regulation of waste water disposal including septic tanks is necessary to ensure the long-term health of our groundwater. *I Liheslatura* therefore finds that in order to maximize the protection of our groundwater system, we must prohibit any further use of septic systems in the GPZ, while

1 accommodating for the difference in situations where public sewer is available
2 and where it is not.

3 *I Liheslatura* further finds that the prohibition on any further use of septic
4 tanks in the GPZ is also necessary in light of the fact that some owners of real
5 property in Guam have used the parental subdivision exception to effectively
6 circumvent the general rule that, depending on the size of one’s lot, one is legally
7 required to connect to public sewer. Thus, it is the intent of *I Liheslatura* to
8 expressly provide that the parental subdivision exception may not be used to
9 evade compliance with this rule.

10 **Section 2.** § 48104(b)(5) is hereby *added* to Chapter 48 of Title 10,
11 Guam Code Annotated, to read:

12 “(5) When a public sewer is available, no new Type 2 facility shall be
13 constructed, located or maintained on any lot located in the Groundwater
14 Protection Zone, regardless of the size of the lot and regardless of whether or not
15 the lot is a part of a parental subdivision within the meaning of The Subdivision
16 Law (codified at 21 GCA § 62101 *et seq.*). The Administrator shall have no
17 discretion to waive the requirement that any new user who applies for water and
18 wastewater services for such a lot connect to the public sewer.”

19 **Section 3.** § 48104(e) is hereby *added* to Chapter 48 of Title 10, Guam
20 Code Annotated, to read:

21 “(e) When a public sewer is not available, no new Type 2 facility shall be
22 constructed, located or maintained on any lot that is located in the Groundwater
23 Protection Zone and that is less than one half (1/2) of one acre in size, regardless
24 of whether or not the lot is a part of a parental subdivision within the meaning of
25 The Subdivision Law (codified at 21 GCA § 62101 *et seq.*). The Administrator
26 shall have no discretion to waive this Subsection.”

1 **Section 4.** § 62104(b) of Chapter 62, Title 21, Guam Code Annotated,
2 is hereby *amended* to read:

3 “(b) Article 5 of this Chapter shall also not apply to land which has been
4 owned in fee simple by a person who divides said land among his living children
5 or their descendants by way of inter-vivos gift; provided, however, that such land
6 shall be deeded to said children or descendants in fee simple and said deeds shall
7 contain alienation clauses to the effect that the children or descendants shall not
8 give, sell, or convey in fee simple such lots for a period of at least five (5) years;
9 and further provided, that the Territorial Planner or Commission shall require
10 street and utility easements on said land to insure lot divisions consistent with
11 the general plan and that the minimum size of each lot, including that retained
12 by the grantor, if any, shall be no less than seven thousand two hundred (7,200)
13 square feet. Where the streets and alleys have not been improved within the
14 subdivision, the subdivider, for the purposes of having his subdivision map
15 approved and recorded by Land Management, shall be required either to secure
16 a bond for the said improvement, or to sign an affidavit stating to the effect that
17 the said improvement shall be accomplished within a reasonable period. The
18 government of Guam shall not be held responsible for making the said
19 improvement. The deed transferring the property may provide that the children
20 or descendants may mortgage the property for the purpose of constructing a
21 residence on the property.

22 When a public sewer is not available, nothing in this subsection shall
23 authorize any agency or instrumentality of the government of Guam, including
24 but not limited to the Department of Land Management, the Department of
25 Public Works, and the Guam Environmental Protection Agency, to approve,
26 grant or issue a permit for a Type 2 facility (as defined in 10 GCA § 48104(a))

1 on any lot that is located in the Groundwater Protection Zone and that is less than
2 one half (1/2) of one acre in size.”

3 **Section 5. Effective Date.** This Act *shall* become effective upon
4 enactment.