

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
198-35 (LS)	Sabina Flores Perez	AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND.	8/29/19 8:51 a.m.	8/29/19	Committee on Environment, Revenue and Taxation, and Procurement	9/6/19 10:30 a.m.	9/24/19 10:02 a.m.	Request: 8/29/19 9/10/19	Exhibit A



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

September 18, 2019

The Honorable Tina Rose Muña Barnes

Speaker

I Mina'trentai Singko Na Liheslaturan Guáhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

PBL

VIA: The Honorable Regine Biscoe Lee

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 198-35 (LS)

Håfa adai Speaker Muña Barnes,

Transmitted herewith is the Committee Report on Bill No. 198-35 (LS), – “AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND.”

Committee votes are as follows:

- 4 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',

Sabina Flores Perez

Sabina Flores Perez



[Handwritten signature]

2019 SEP 24 AM 10:02



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA TRENDAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

COMMITTEE REPORT

Bill No. 198-35 (LS)

Introduced by Senator Sabina Flores Perez

**“AN ACT TO ADOPT THE RULES AND
REGULATIONS FOR THE GUAM
ENVIRONMENTAL PROTECTION AGENCY
RECYCLING REVOLVING FUND.”**



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN

35TH GUAM LEGISLATURE

September 18, 2019

MEMORANDUM

To: **All Members**
Committee on Environment, Revenue and Taxation, and Procurement

From: **Senator Sabina Flores Perez**
Committee Chairperson *SFP*

Subject: **Committee Report on Bill No. 198-35 (LS)**

Håfa Adai,

Transmitted herewith for your consideration is the Committee Report on Bill No. 198-35 (LS) – **“AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND.”**

This report includes the following:

- Copy of COR Referral of Bill No. 198-35 (LS)
- Notices of Public Hearing
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Testimonies and Supporting Documents
- Committee Report Digest
- Copy of Bill No. 198-35 (LS)
- Copy of Fiscal Note Request
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telen Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINATRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

August 29, 2019

Senator Clynton E. Ridgell,
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chair, Committee on Rules

Re: **Referral of Bill No. 198-35 (LS)**

Buenas yan Háfa adai.

As per my authority as Chair of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 198-35 (LS)**.

Please ensure that the subject bill is referred to the **Committee on Environment, Revenue and Taxation, and Procurement, chaired by Senator Sabina Flores Perez**.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,


Senator Régine Biscoe Lee
Chair, Committee on Rules

I Mina'trentai Singko Na Liheslaturan Guahan
BILL STATUS

Bill No.	Author	Description	Effective Date	Effective Time	Committee	Tracking	Amendments	Notes
198-35 (LS)	Sabina Flores Perez	AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND.	8/29/19 8:51 a.m.	8/29/19	Committee on Environment, Revenue and Taxation, and Procurement			Exhibit A

1st Notice of Public Hearing: Friday, September 6, 2019 at 10:30 a.m.

Office of Senator Sabina Perez <office@senatorperez.org>

Thu, Aug 29, 2019 at 3:43 PM

To: "Walter S. Leon Guerrero" <walter.leonguerrero@epa.guam.gov>, vilma.balajadia@epa.guam.gov, nic.rupley@epa.guam.gov, Conchita San Nicolas Taitano <Conchita.taitano@epa.guam.gov>, "Leevin T. Camacho" <law@guamag.org>, mcogadmin@teleguam.net, pegqcp1@yahoo.com, ecowarriorsguam@gmail.com, shelton@uog.edu, pyramidrecycling@gmail.com, grcguam@gmail.com

Cc: Sabrina Salas Matanane <sabrina@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, joan@kuam.com, news@sorensenmediagroup.com, reporters@postguam.com, news@guampdn.com, news@k57.com, phill@k57.com, rlimtiaco@guampdn.com, heugenio@guampdn.com, John O'Connor <johntaoconnor@gmail.com>, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofguam.com>, businesseditor@glimpsesofguam.com, assist_editor@glimpsesofguam.com, reporter2@glimpsesofguam.com, Guam Progress <guamprogress@yahoo.com>, colinperez@gmail.com, Gabejereza@gmail.com, aebenavente@gdoe.net, phnotice@guamlegislature.org

August 29, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson*

Subject: **1st Notice of Public Hearing: Friday, September 6, 2019 at 10:30 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Friday, September 6, 2019 at 10:30 a.m.** This public hearing will take place in *Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

10:30 a.m.

Bill No. 198-35 (LS) - Sabina Flores Perez -An act to *adopt* the rules and regulations for the Guam Environmental Protection Agency Recycling Revolving Fund.

Testimony on **Bill No. 198-35 (LS)** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4pm, September 6, 2019.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN

35TH GUAM LEGISLATURE

August 29, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson* *SFP*

Subject: **1st Notice of Public Hearing: Friday, September 6, 2019 at 10:30 a.m.**

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2nd Notice of Public Hearing: Friday, September 6, 2019 at 10:30 a.m.

Office of Senator Sabina Perez <office@senatorperez.org>

Wed, Sep 4, 2019 at 8:42 AM

To: "Walter S. Leon Guerrero" <walter.leonguerrero@epa.guam.gov>, vilma.balajadia@epa.guam.gov, nic.rupley@epa.guam.gov, Conchita San Nicolas Taitano <Conchita.taitano@epa.guam.gov>, "Leevin T. Camacho" <law@guamag.org>, mcogadmin@teleguam.net, pegqcp1@yahoo.com, ecowarriorsguam@gmail.com, shelton@uog.edu, pyramidrecycling@gmail.com, grcguam@gmail.com, lgast.gswa@gmail.com, duenas12@hotmail.com
Cc: Sabrina Salas Matanane <sabrina@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, joan@kuam.com, news@sorensenmediagroup.com, reporters@postguam.com, news@guampdn.com, news@k57.com, phill@k57.com, rlimtiaco@guampdn.com, heugenio@guampdn.com, John O'Connor <johntaoconnor@gmail.com>, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofiguam.com>, businesseditor@glimpsesofiguam.com, assist_editor@glimpsesofiguam.com, reporter2@glimpsesofiguam.com, Guam Progress <guamprogress@yahoo.com>, colinperez@gmail.com, Gabejereza@gmail.com, aebenavente@gdoe.net, phnotice@guamlegislature.org

September 4, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson*

Subject: **2nd Notice of Public Hearing: Friday, September 6, 2019 at 10:30 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Friday, September 6, 2019 at 10:30 a.m.** This public hearing will take place in *Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

10:30 a.m.

Bill No. 198-35 (LS) - Sabina Flores Perez -An act to *adopt* the rules and regulations for the Guam Environmental Protection Agency Recycling Revolving Fund.

Testimony on **Bill No. 198-35 (LS)** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4pm, September 6, 2019.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
I MINA TRENDAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

September 4, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson* *SFP*

Subject: **2nd Notice of Public Hearing: Friday, September 6, 2019 at 10:30 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Friday, September 6, 2019 at 10:30 a.m.** This public hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

10:30 a.m.

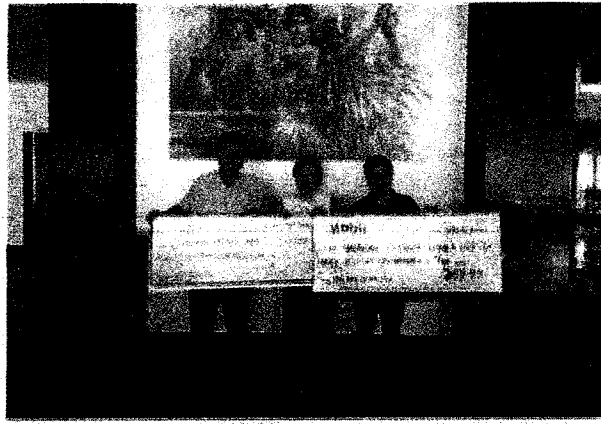
Bill No. 198-35 (LS) - Sabina Flores Perez- An act to *adopt* the rules and regulations for the Guam Environmental Protection Agency Recycling Revolving Fund.

Testimony on **Bill No. 198-35 (LS)** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4pm, September 6, 2019.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968.

K.O.	CURRENCY EXCHANGE RATES	Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.						
	On Sept. 3, \$1 was worth:	52.290 PHP	106.28 JPY	1,215.76 KRW	31.415 TWD NT\$	7.1863 CNY	1.4884 AUD A\$	0.9142 EUR €

Gas companies donate to Red Ball



FOR COMMUNITY EMERGENCIES: Exxon Mobil Guam and Blue Bay Petroleum are diamond sponsors of the 19th Annual Red Ball. Shown from left are: George Chiu, president of Blue Bay Petroleum; Chita Blaise, chief executive officer of American Red Cross, Guam Chapter; and Jimmy T.C. Hau, president of Exxon Mobil Guam. Photo courtesy of Chita Blaise

IT&E jingle contest deadline Sept. 6

IT&E has extended its song challenge deadline to Sept. 6 due to popular demand, according to a press release. Musicians on Guam and the CNMI have until Friday at midnight to compose and submit a song about the telecommunications company and mobile technology to win up to \$7,000 in cash and prizes. Contestants must be 18 years old or older, the release states. Entries will be judged based on universal appeal, originality, lyrics, melody, composition and relevance to theme, IT&E brand and IT&E products. To enter in the contest, go to www.ite.net, fill out the registration form, upload the song - which can be no more than five minutes long - along with a 60-second version and a 30-second version. *(Daily Post Staff)*

Hiring refugees is how to solve crisis, yogurt billionaire says

By Ezra Fieser
Bloomberg

Hamdi Ulukaya, a Turkish immigrant who used a small business loan to build a best-selling yogurt brand in the U.S., has a plan to solve the world's growing refugee crisis: Give them jobs. During a trip to Colombia, where he was meeting with business leaders and Venezuelan migrants, the billionaire founder of the Greek-style yogurt producer Chobani said companies have a responsibility to help solve the global refugee emergency. "The number one thing is hiring, a job," he said in an interview in Bogota. "For a refugee, it's day and night. That's the point at which they find their life can continue." Ulukaya, 46, is putting his money where his mouth is. Chobani has a policy of employing refugees at its U.S. plants, and he has pledged much of his personal fortune to the Tent

Partnership for Refugees, a charity he founded. Since then, he's been traveling to recruit business leaders, pushing them to give refugees equal consideration when hiring employees.



Hamdi Ulukaya

"It's good for the companies to be a part of this," he said. "Because people five years or 10 years from now are going to question 'What did you do about this? Why were you not part of this?'" The U.N. Refugee Agency estimates that the worldwide population of forcibly displaced people, which includes refugees and other migrants, has risen nearly 70% over the past decade, to roughly 71 million. About 4 million Venezuelans have fled an economic and humanitarian crisis in their homeland. Some 1.4 million have settled in Colombia, a country of 49 million that has called on international donors to help it cover growing costs. Ulukaya said a "significant" number

of businesses in the goods and services industries with operations in Latin America have agreed to join him in helping Venezuelan migrants in Colombia by providing employment and other initiatives. They will announce their commitments next month in New York to coincide with the first day of the United Nations General Assembly. Raised in a dairy-farming family in Turkey, Ulukaya bought a shuttered Kraft Foods factory in upstate New York and launched his company in 2007 using a loan from the U.S. Small Business Administration. He turned the thick-style Chobani yogurt into a household name in the U.S., where it is the No. 1 yogurt by sales, according to data compiled by Bloomberg. The closely held company has struggled in recent years as Greek yogurt sales dipped and competition increased. The yogurt maker's 2025 bond traded below 80 cents on the dollar at the end of 2018 before recovering to around 93 cents this month.

Private equity firm TPG Capital lent Chobani \$750 million in 2014 and received warrants that could have been converted into equity. Chobani paid off TPG last year by selling a 20% equity stake to Healthcare of Ontario Pension Plan, which Ulukaya described as a "long-term minority investor." Sales have improved in 2019, the company said, and annual revenues are around \$1.5 billion. For now, Ulukaya said he sees no need to take Chobani public, instead focusing on launching new products "in categories where we've never been before," without elaborating on the products or timing. "I'm not against an IPO," he said. "I just have to do it for the right reason and at the right time." Ulukaya's net worth was estimated at \$1.1 billion last year, according to the Bloomberg Billionaires Index. In 2015, he signed on to the Giving Pledge campaign, popularized by Bill Gates and Warren Buffett, and promised to commit the majority of his personal wealth to end the global refugee crisis.

THE GUAM PRESERVATION TRUST

REGULAR BOARD OF DIRECTORS MEETING

FRIDAY, SEPTEMBER 6, 2019

3:00 P.M.

GPT CONFERENCE ROOM,
167 PADRE PALOMO ST., HAGÁTÑA

PUBLIC IS INVITED

For Info Contact: 472-9439

Senator Sabina Flores Perez
Committee on Environment, Revenue and Taxation, and Procurement

Public Hearing Notice
Friday, September 6, 2019
1 Liheslaturan Guahan, Public Hearing Room

AGENDA

10:30am

Bill No. 198-35 (LS) - Sabina Flores Perez - An act to *adopt* the rules and regulations for the Guam Environmental Protection Agency Recycling Revolving Fund.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, Hagåtña, Guam 96910, via email to office@senatorperez.org, no later than 4pm, September 6, 2019.

Individuals requiring special accommodations should submit request to Office of Senator Sabina Flores Perez at 989-2968. Paid for by Committee funds.

I Mina'trentai Singko Na Liheslaturan Guåhan

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audre.hattori@guam.gov	diana.sensorsa@gmail.com
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I Mina'trentai Singko Na Liheslaturan Guåhan

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I Mina'trentai Singko Na Liheslaturan Guáhan

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Updated as of 8/6/19



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA TRENDAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

AGENDA

PUBLIC HEARING

Friday, September 6, 2019

I Liheslaturan Guahan, Public Hearing Room

The agenda is as follows:

10:30 am

Bill No. 198-35 (LS) - Sabina Flores Perez - An act to *adopt* the rules and regulations for the Guam Environmental Protection Agency Recycling Revolving Fund.



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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

Public Hearing

Friday, September 6, 2019, 10:30am

I Liheslaturan Guahan, Public Hearing Room

Bill No. 198-35 (LS) - Sabina Flores Perez - An act to adopt the rules and regulations for the Guam Environmental Protection Agency Recycling Revolving Fund.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Larry East	GSWA			✓		
Walter CH	GEPA			✓		
NIC RUPLEY WZ	GUAM EPA			✓		
David DAVIS	Mar Law & SEA	✓				487-3176
Bob Person	GEPA			✓		
Mayor Rudy Mafese	Mayor Yigo			✓		687-9447



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN

35TH GUAM LEGISLATURE

Public Hearing

Friday, September 6, 2019, 10:30am

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Bill No. 198-35 (LS) - Sabina Flores Perez - An act to adopt the rules and regulations for the Guam Environmental Protection Agency Recycling Revolving Fund.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Ann Roth	EPA			✓		789-1875



AHENSIAN PRUTEKSION LINA'LA GUĀHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

TESTIMONY OF GUAM EPA ADMINISTRATOR WALTER S. LEON GUERRERO:
BILL 198-35(LS) – FRIDAY · SEPTEMBER 6, 2019

The Guam Environmental Protection Agency (Guam EPA) fully supports Bill 198-35(LS). Many of us can agree that these rules and regulations are long overdue. If passed into law, the agency will be able to fully comply with 10 GCA §51307(c), so that the full potential of this fund can be realized by the entire island community.

We are pleased to be working with an administration and a legislature that understands the true gamut of the beneficial impacts that the RRF can bring to the community in terms of increased public involvement with recycling and waste management, and we are encouraged to continue working with you all throughout this administrative process.

The Recycling Industry Economic Stimulus Program and the Mayor's Council of Guam Islandwide Environmental Cleanup Program found in these proposed rules and regulations are just the starting point. Once we have the proper statutory mechanisms in place, we look forward to your continued support to allow these rules and regulations to evolve, with initiatives that will produce concrete results through the inclusion of the following:

- **Disaster Debris Management** – provides for hardened and permitted transition sites in times of post disaster recovery at the municipal level, while ensuring proper debris removal and recycling efforts with full compliance under FEMA's reimbursement eligibility requirements.
- **The Guam Beverage Container Act** – provides the proper funding mechanism to initiate, assist and encourage redemption of recyclable beverage containers in accordance with 10 GCA Chapter 44.
- **Green Waste Planning** – provides for a true and effective permitted composting program on Guam
- **The Integrated Solid Waste Management Plan** – providing funding opportunities to cost-effectively reduce illegal dumping, effectively manage waste reduction in the landfill, and protect human and environmental health.
- **A Zero Waste Grant Program** – provide competitive grant funding opportunities to educational institutions, non profit and non governmental agencies for projects, programs and studies that support Zero Waste.

It is critical that the Agency continue to demonstrate responsible use of this fund. This demonstration starts with these rules and regulations being passed into law.

Thank you for the opportunity to speak with you all today, my team and I are available to answer any questions that you may have.

/s/ Walter S. Leon Guerrero



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
I MINA TRENDAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 198-35 (LS), “AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND,” represents the final step of adopting such Rules and Regulations pursuant to 5 GCA Government Operations, Chapter 9 Administrative Adjudication Law, §9303 (a)(4).

Bill No. 198-35 (LS) was introduced on August 29, 2019 by Sabina Flores Perez and was subsequently referred by the Committee on Rules to the Committee on Environment, Revenue and Taxation, and Procurement on August 29, 2019.

The Committee on Environment, Revenue and Taxation, and Procurement convened a public hearing on Bill No. 198-35 (LS) on Friday, September 6, 2019 at 10:30 AM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via email to all Senators and all main media broadcasting outlets on August 29, 2019 and again on September 4, 2019. Publication was conducted in the **Guam Daily Post**, a newspaper of general circulation, fulfilling the 5-Day Notice and 48 Hour Notice of the Open Government Law requirements respectively.

Senators Present

Senator Sabina Flores Perez	<i>Committee Chairperson</i>
Senator Therese M. Terlaje	<i>Committee Member</i>
Vice Speaker Telen Cruz Nelson	<i>Committee Member</i>
Senator Kelly Marsh (Taitano), PhD.	<i>Committee Member</i>

II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 10:30AM.

Chairperson Perez: Bill No. 198-35, first of all, actually I want to thank everyone attending this public hearing. I would like to especially thank the staff at GuamEPA and the board members for their hard work and diligence in developing the rules and regulations for the Recycling Revolving Fund. In addition, I would like to thank the staff of the Bureau of Budget and Management Research, the Bureau of Statistics and Plans, Department of Administration, the Attorney General's Office, the Office of the Governor for doing their due diligence in their review of these rules per the Administrative Adjudication process. One would say that this bill is long overdue, and it definitely is a milestone. Bill 198-35 is an important bill to adopt the rules and regulations of the Recycling Revolving Fund that will promote recycling and environmental cleanup efforts and ensure the accountability of the use of these funds under the regulatory expertise of GuamEPA.

Bill 198-35 authorizes the Administrator of GuamEPA to manage, maintain and administer the funds deposited to the Recycling Revolving Fund through motor vehicle registration fees pursuant to Public Law 27-38. In order to fund the following priorities, the first priority is removal of junk vehicles, tires, batteries, waste oil, white goods and appliances. The second priority is paper, cardboard, plastic and glass. The third priority is other recyclables as determined by the Administrator. These priorities will be addressed through programs such as the Mayors Council of Guam's Island-wide Environmental Cleanup Program and the Recycling Industry Economic Stimulus Program. Bill 198-35 also bookmarks future programs to aid and expand recycling efforts. These include the Guam Beverage Container Recycling program, the Integrated Solid Waste Management Plan, the Green Waste Plan, the Disaster Debris Management and Zero Waste Grants program. Bill 198-35 also enables the revolving capability of the fund, which was subject to questionable appropriations. In 2015 a moratorium was recommended on the use of the funds for any items outside of those listed by the law after an audit by the Office of the Public Accountability. Bill 198 is an important milestone since the creation of the fund in 2003. To be clear the Bill 198-35 does not increase fees rather its purpose is to restore the functionality and accountability of the Recycling Revolving Fund and to increase recycling and cleanup efforts island-wide at this very critical time. I would like to acknowledge my colleagues who have joined me here today to my right is and the Vice-Chair is Senator Therese Terlaje and to my left is Senator Kelly Marsh Taitano of this committee. Thank you for joining me.

Chairperson Perez called up those who signed up to testify.

Walter Leon Guerrero, *Administrator, Guam Environmental Protection Agency*: Good morning Vice Speaker, Good morning Senator Perez, Senator Marsh Taitano. My name is Walter Leon Guerrero. I'm the Administrator GuamEPA, the agency's currently in charge of managing the Revolving Recycling Fund. I'd like to do the oral statement that matches the written statement.

The GuamEPA fully supports Bill 198-35. Many of us can agree that these rules and regulations are long overdue. If passage into law the agency would be able to fully comply with 10 GCA §51307(c), so that the full potential of this fund can be realized by the entire island community. We are pleased to be working with an administration and legislature that understands the true gamut of the beneficial impacts that the RRF can bring to the community in terms of increased public involvement with recycling and waste management. We're encouraged to continue working with you all throughout this administrative process. The Recycling Industries Economic Stimulus program and the Mayors Council of Guam Island-wide Environmental Cleanup Program found in these proposed rules and regulations are just the starting point. Once we have the proper statutory mechanisms in place we look forward to your continued support to allow these rules and regulations to evolve with initiatives that will produce concrete results through the inclusion of the following:

- Disaster Debris Management - provides for hardened and permitted transition sites in times of post disaster recovery at the municipal level, while ensuring proper debris removal and recycling efforts of full compliance under FEMA's reimbursement eligibility requirements.

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- Green Waste Planning - provides for a true and effective permitted and composting programming on Guam.
- The Integrated Solid Waste Management Plan - providing funding opportunities to cost effectively reduce illegal dumping, effectively manage waste reduction in a landfill and protect human and environmental health.
- Zero Waste Grant Program - provide competitive grant funding opportunities to educational institutions, nonprofit and governmental agencies for projects, programs and studies that support zero waste.

It is critical that the agency continue to demonstrate responsible use of this fund. This demonstration starts with these rules and regulations being passed into the law. I'd like to thank you for the opportunity to speak with you today, my team and I are available to answer any and all questions that you may have. Thank you.

Chairperson Perez: *Si Yu'os ma'åse'* Walter. I would like to also acknowledge one of my colleagues that is joining us today Vice Speaker Telena Nelson.

Dave Duenas: *Håfa adai*, good morning Madam Chair and Senators, Honorable Senators, Good morning. I'm here this morning in definite support of this bill. I think it's much needed, and it needs to be re-established and mandates stipulated and follow from when it finally gets passed. You said we're gonna be able to ask questions later on. I do have some questions in regard to the recycling funds that are collected. As we all know it's collected via vehicle registrations are, they...

Chairperson Perez: Sorry Dave this is an opportunity to testify. You may phrase it in the way of concerns rather than questions.

Mr. Duenas: The concern that I have in regard to the funds that are collected that they are dispersed promptly after, whether it be the physical year or such. I don't believe that has been historically the case. It has been dispersed, I know, recently 1.3 was dispersed at a Mayors Council for the removal of junk vehicles, white goods, etc. I would like to see... my concern is that the funds that are collected and that is in the priority as reading your bill, the number one priority of junk vehicles. So, the funds are released promptly, I don't think that's been the case recently. Thank you.

Chairperson Perez: Thank you Dave. Mayor Matanane.

Rudy Matanane, Mayor, Yigo: Good morning Senators, Senator Perez, Senator Nelson, Senator Terlaje and Senator Taitano. First of all, I want to just say that I appreciate that there's four ladies here that think the trash is very important in controlling here. I appreciate that because I think, and I know that *Yigo*... I'm sorry for the record I'm Mayor Matanane of *Yigo*. I think everybody knows that *Yigo* is a very popular village because of the trash and the stray dogs. I haven't really read the whole thing about this bill but I'm here to support bill 198-35.

I hope that we continue to work to make things easier in our villages as far as cleaning up the trash. That's all I have to say. I want to thank you again for your hard work and trying to just work on this bill. Thank you very much.

Chairperson Perez: *Si Yu'os ma'åse'* Mayor. Actually, a lot of the hard work was done by the staff at GuamEPA and the agencies involved. It was through their work. At this time, I'll open up the floor to my colleagues for questions.

Senator Marsh (Taitano): *Manana Si Yu'os* and thank you for taking the time to come here today. It's very good to see that with this bill that the right stakeholders have been part of establishing this. It's good to hear of some additional suggestions by EPA and of some of the concerns. I too like others, I'm here in support of this much-needed legislation and these much-needed rules and regulations. I will be continuing to look over the testimony you're providing and the bill itself to be making sure that as much as possible it's as strong as possible as we're moving forward with it.

Chairperson Perez: *Si Yu'os ma'åse'* Senator Marsh Taitano. Senator Therese Terlaje.

Senator Terlaje: Thank you, good morning everyone. Thank you for your testimony. I want to also thank EPA for their hard work on this. I know you've been working on this for years and we've all been looking forward to the results, so congratulations. Can I just ask the programs outlined in here of course are, seem very well thought about and beneficial but what happens immediately? When this bill is passed what will be the immediate result?

Mr. Leon Guerrero: If this bill is passed it'll give the opportunity for the Administrator, myself currently to identify. Again, when we first put this package together, we gave multiple options only to discover that maybe because we're not Senators and obviously not very good attorneys. The attorneys had to tell us we don't have the authorities to implement a lot of these things that we did. The two that we've listed, the stimulus and to give to the Mayors Council. We would sit down with the appropriate stakeholders, determine the amount of money that should be appropriated like through the authority that you guys would give the Administrator. That would be taken to the board, GuamEPA board, being our policy board and then they would either approve the recommendation or disapprove it. If it's approved, then we would go through the process of providing the money to try to make it simpler. If we decided to give the Mayors Council some money to continue the good work that they've done, removing vehicles this year, I would recommend a certain amount out of the money that we have for the fiscal year and present that to the board. Upon their approval or disapproval, if it's approved the money would be transferred to the Mayors Council.

Senator Terlaje: All right so um you'd have immediate access to the funds that, do you not have that right now?

Mr. Leon Guerrero: Per the statutes that the funding is in an account and outside of what's in the statutes we cannot touch it at all. As soon as you give the, if this bill passes into law then we have the authority to go ahead and start dispersing.

Senator Terlaje: All right great. For example, one of the examples and your work with the Mayors was to contract for the pick-up of the bulk items or the white goods and the cars, things like that. Will these rules allow you to use the funds for past debts?

Mr. Leon Guerrero: Currently as it's written no.

Senator Terlaje: All right and I see that you want or that you will be coming back for additional statutory authority for the other programs that you listed earlier. I want to congratulate you by the way on your forum, the conference that you had. It was excellent and you really did a good job of teaching us about these different programs that you have planned and are actually very close to implementing. I want to congratulate you.

Mr. Leon Guerrero: I appreciate that Senator but it's really the team's work. I will convey that to them. Thank you.

Senator Terlaje: All right. Well I wish you the best on this new venture and implementing these. I know you've got a lot of hard work behind it, so please let us know if there's anything else that we need to do.

Chairperson Perez: Thank You Senator Terlaje. Vice Speaker Nelson.

Vice Speaker Nelson: Thank you Madam Chair. I'm very pleased to hear that the rules are in place. Last term we were going through a bill that was trying to compensate an agency, a business for prior work done with the invoices seemingly already to have been paid out to this business. I appreciate the stopgap for that. We need to move forward and besides that business was not under the agreement of EPA. I really believe that it should not have come out of the Recycling Revolving Fund. I guess the concern I have is the, some of the programs that we have implemented in the past and some of the appropriations we have implemented, we have used portions of the Recycling Revolving Fund that are not stipulated now in these new rules. It's a challenge for us now to look for other ways to appropriate these certain agencies and how they function without the RRF money, but I suppose that's something that we need to look for. I think this is a long time waiting that EPA does, should have the authority to discern whether the Recycling Revolving Funds are to be used in certain areas of our community. Some of the challenges, also if we go, dig a little deeper is the removal of abandoned vehicles in some areas. Some Mayors say that they don't have the jurisdiction to remove an abandoned vehicle because they don't have the ownership of it even though the abandoned vehicle has been there for so long. The Recycling Revolving Fund rules allow this kind of adjudication process to take place so that these abandoned vehicles can be removed from the road?

Mr. Leon Guerrero: I could ensure my personal opinion. I would probably need to check with legal just to make sure but the way we've handled things in the past with abandoned vehicles, first and foremost if it's on a public easement then it's a public nuisance. I would assume that any government entity that has the ways and means and the proper authority to do it would, has the ability to take it, no matter who is the previous owner. What we try to do at Guam EPA is when we find vehicles that are on public easement, we'll try to find who the owner is, whether it's looking at the vin number or the license plate and cross-checking with

Rev and Tax. I'm assuming that maybe the Mayors that you have spoken to you are talking about vehicles that may be in people's properties. That's where it might get a little sticky because government agencies don't just have the right unless there is an environmental or health issue directly, that can be directly shown for those vehicles being there. Again, this is the part I'm not too sure of.

Vice Speaker Nelson: I think we need to look into it a little bit more because this is on government property. One of the vehicles is right by Island Girl Power, the homeless shelter there? There's a vehicle that's been sitting there for years and the Mayor says that they don't have the jurisdiction to remove that vehicle.

Mr. Leon Guerrero: Senator if you give me a second, I can check with my team. I know I've been there 25 years, but I don't know everything so maybe these guys have a better...

Vice Speaker Nelson: Perhaps something to say. Hello Mr. Guterrez.

Roland Gutierrez, Acting Air and Land Administrator, Guam Environmental Protection Agency: I've not heard of that, so as the Administrator stated when it's on public easement or public property, we do have the right to remove it as a nuisance. If it's on private property there's another way we can do it. Basically, we can write them a ticket for abandoning their vehicle on public or private property even or we can issue them on a notice of violation to remove the vehicle. One of the three ways but if the Mayor, specific Mayors having a problem they can come to us and we can help them address that. We've not heard that there's a problem, if they brought it to our attention then we would address it a number of ways.

Vice Speaker Nelson: Okay great because this vehicle I think is still there right in front of one of the GHURA housing and it's been abandoned. This is when we went to tour the homeless shelter last term.

Mr. Gutierrez: We'll take a look at it and we'll find out why it hasn't been removed or why they're saying that there's no means to remove it because there's definitely different venues that, I mean different ways that we can take care of that.

Vice Speaker Nelson: Okay and then also I believe there was some form of complaint with auto shop body placing abandoned vehicles here in *Agana* and these vehicles are just continuing to pile up. The *Agana* Mayor also expressed concerns that this is on government easement and they just don't know how to implement that process. I understand if we're going to also negotiate with the Mayors and give them a piece of the Recycling Revolving Fund perhaps, we also need to give them guidelines on their left and right limits. What they are allowed to do because they want to move it, it's just the challenges. What can they do within the statute that allows them to perform this process?

Mr. Leon Guerrero: With the money that goes through the Mayor there is an agreement that we signed and under program. We could definitely put in a stipulation to remind them that on easement and government property you have full authority. Again, the legality of if a business is putting it there and they want to say that's their property but yet they're using government

property that's something that we can work. We'll definitely work with them on and we'll get our, the AG's opinion through our legal counsel.

Vice Speaker Nelson: Okay well I'd like to congratulate you and finally getting this process done an adjudicative for last term. We were trying to convince our colleagues saying please wait before we make the certain decision because the RRF. EPA has been working very hard on making this happen. I'm very grateful for the work that you have done. I know it was years in the making and so congratulations to that and hope to see this pass come next session. Thank you. Thank you, Mr. Leon Guerrero. Thank you, Mr. Gutierrez.

Chairperson Perez: Thank you, Vice Speaker. I noticed also in the rules and regs it does fund the contracting for the zero-waste plan. Will EPA present that or is there a timeline when EPA is going to present that plan to the public, so we can get on board with the zero-waste initiative that EPA has created?

Mr. Leon Guerrero: Currently, we do have a contractor, Jacobs, that is working with GuamEPA and stakeholders to finalize the zero-waste plan. I do not have a set date yet on when it's going to be finalized. We'll work on getting that to you and that way you can. I apologize I don't have an answer for that right now Senator.

Chairperson Perez: Part of what my office is doing is we're working to kind of fill out the other parts of the rules and regs. Perhaps, I can create roundtables so we can get the public's input, as well as, maybe release some of that information that you guys have been working so hard on.

Senator Marsh (Taitano): I just had one small question. In reading through this it was mentioning that only recyclable materials generated on Guam are eligible for payment under this section. I can see a lot of reasons why that's in place. It's very important that we're dealing with our situation and we're not necessarily opening up additional doors but can somebody remind me maybe EPA if there are any of these materials that the military bring in from when there out of our boundaries or when they're running exercises up in Saipan, does any of that material that's not generated on Guam per se come in through the military?

Mr. Leon Guerrero: Our general policy at GuamEPA's we do not accept another islands' waste. We've brought that up and it may be the need may arise to relook at that but with the potential to the recycling and everything shutting down and trying to make Guam and our neighboring islands, whether it be the CNMI or the different island nations, if the only way to feasibly make a successful recycling area or region, we may have to start revisiting that policy. Currently, we don't allow, it gets flown through, the waste, but we do not allow it into our landfill or the recyclables. I've recently allowed some of them to come through to the recycling centers knowing that it's going to be moved through. We try not to take anything that would encumber on Guam itself but again that's something that may need to be revisited very soon.

Senator Marsh (Taitano): That's very important to hear. I'm glad you were able to share about that and there were two parts to that. One, it sounds like we're really taking a lot of measures to make sure that we're not getting that waste that's generated by the military if

they're running exercises or doing things elsewhere. I really liked hearing that we're working towards a regional plan. I know on the other islands they are working towards sustainable projects. They're working towards a greener usage of energy but also some recycling programs as well, but their population size may make a real difference. If Palau has 20,000 people on it there may be only so much that they can do individually. It's really good to hear that thought of a regional plan is in our minds and maybe something that we revisit. *Si Yu'os ma'åse'*.

Chairperson Perez: Thank you Senator Marsh Taitano. Senator Terlaje.

Senator Terlaje: Walter, did I hear you say that you're gonna revisit that because you want to allow it?

Mr. Leon Guerrero: To make something successful you have to unfortunately, you have to meet economic measures. To be able to bring in successful recycling companies because again the way the world economy is going right now no one's accepting, hardly anybody's accepting anything recyclable now. You almost have to do it yourself and to bring in the industry to Guam alone, we do not, it would be hard-pressed for our recyclables stream to entice a successful recyclable company to convert our recyclables. Yes, I am, I would be for it if things fall into place that the way it should. Again, there's a lot of factors that we would need to make sure occur. It's always, whether it's recyclable or used goods, it's always difficult to make sure that we get a clean product so that we don't have to deal with the side waste stream if it's not clean. In fact, that's been that's been the biggest problem of Asia and why they stopped doing the recycling posts. As they found out that the waste stream that they were developing when they got out the recyclables was bigger than they anticipated. They felt they were just collecting everybody's trash and that's why things are shutting down as far as recyclables.

Senator Terlaje: Yeah, definitely don't want that to happen to us. I can't imagine accepting other people's trash or industry's trash. I'm concerned about that, how would that show. Where would we see that if you decide to do that?

Mr. Leon Guerrero: Some of the industry has using plastics to develop... during the conference we had someone bring a bench. Just recently I was told that maybe that might not work here because of the heat and just the way it's done but there's other applications. If we were being able to bring in all our plastic recyclables and maybe even start off with CNMI as just a target and then maybe the company can produce more.

Senator Terlaje: I understand what your describing, the economics but are you going to decide that by yourself, is that going to be put before the board, is that going to be put before the public? How is that going to show to the public that you have decided to accept another people's trash.

Mr. Leon Guerrero: Well I would, definitely would not be by myself, Senator. It would be first internally with the team and we would of course bring it to the board and the Legislature. That is something that is, that's not normally done, so definitely we would not act as a solo

agency. We'd seek assistance from the Legislature to make sure that we could do things is that nature.

Senator Terlaje: Alright. If you discuss it with your legal and they tell you that you have that authority by yourself to agree to that, could you just bring it to our attention. It doesn't have to be anything formal, but I just want to know that exists, that type of authority exists.

Mr. Leon Guerrero: Senator if I'm still in this position I would not ever make that decision even if I had the legal authority to do it on my own because this is an island-wide issue and not just something that GuamEPA's Administrator should make on his own.

Senator Terlaje: All right, this may be a little bit off of these rules because this fund is not at all funded by citations is that correct?

Mr. Leon Guerrero: That is correct, Senator.

Senator Terlaje: Yeah but I know that in the news recently they were talking about the Mayors want, whether they issue citations, or they don't and other people in Guam, whether they are allowed to issue citations, or they don't. I know that EPA has said that there are other people in this community outside of EPA who are authorized to issue citations but up to now it's only EPA that's been issuing the citations and that's why it's a slow. Everybody's reaction is oh just punish them and that will cure our problem, but it seems we have a huge reluctance to actually issue a citation or do you think they need additional training as to who to issue the citation with that investigation part. I guess very briefly, I don't want to go far off the topic.

Mr. Leon Guerrero: To be honest, I don't say this very often, but I'm leery to speak for the Mayors Council or the Police Department or anybody else that has the authority to issue the little citations. I know GuamEPA's team, we strayed away from it, but we are attempting to utilize that again. When I say we strayed away from it that doesn't mean we totally dropped it. We actually went down the process of doing notice of violations instead of the litter citations but again with the new program manager, Glenn San Nicolas, he's actually started issuing citations again. We will see if that process still fills out and if there's any modifications to it or improvements we would come in and seek your assistance.

Senator Terlaje: Thank you very much. Thanks again.

Chairperson Perez: Thank you, Senator Terlaje. I just wanted another question. There was a question that was raised, what are the safeguards to ensure that the funds are expended accordingly to what's written in the rules and regs? Do you feel the board in itself would provide enough safeguards to ensure that?

Mr. Leon Guerrero: I do. I definitely do. The board, GuamEPA board chair is here. I hate to put him on the spot because he's kind of like my boss too, but I definitely would recommend it we call him up and you could speak to the board directly and get their take on it.

Chairperson Perez: Okay, yes Mr. Perron would you be willing?

Robert Perron, Chairperson, Guam Environmental Protection Agency Board of Directors: Morning, Senators. I do believe this is something that the board could handle. There's some real professional and well-meaning people on the board that would take the responsibilities very seriously about overseeing the fund and making sure it went to the places that it was authorized to go to. I don't see that as a as a problem. I think we could manage that pretty well.

Chairperson Perez: All right so basically, it's dependent upon who sits on the board?

Mr. Perron: Yeah, I would hope that you would confirm good honorable people to be on the board and you have.

Chairperson Perez: Good point. I don't have much questions. I am definitely, I'm gonna work with everybody, all the stakeholders.

Vice Speaker Nelson: Thank you, Madam Chair. Some of the programs that you have such as the Guam Beverage Container Recycling reserve, Integrated Solid Waste Management plan reserve, Green Waste Plan, Composting and Organics reserve, Disaster Debris Management reserve and the Zero-Waste Grant management reserve. Why is it in the state of reserve? I think Mrs. Sablan maybe you could explain it?

Mr. Leon Guerrero: I believe that as a team we work as a team.

Sabrina Sablan, Special Projects Coordinator, Guam Environmental Protection Agency: This, our RRF project is something that I've been working on for years. Vice Speaker to answer your question, you're asking why these things are on reserve because right now we don't have the statutory authority to put these plans in action. We're working with the Office of Senator Perez to make those amendments. Right now, the RRF rules that you have before you only show the stimulus program and the project for the Mayors Council for the island-wide cleanup. Those we have authority to move forward on right now. These other programs is something that we would like to do and once we make the amendments we're going to move forward with your support.

Mr. Leon Guerrero: If I could just add, Senator, Sabrina is in charge, she's our recycling manager. She has been working as you well know for a couple of years to get this done and she's done a great job. That's kind of why I forced her to come up here because she needs to be acknowledged. Thank you.

Vice Speaker Nelson: Yes, I'm concerned about that because we have the bottle bill that has yet to be implemented because of the funding sources not being able to, I guess, the funding source is not available to implement the bottle bill. I believe it's a very good bill that the Speaker Barnes introduced. It seems that it needs some kind of capital to initiate. Can you use the RRF capital to initiate the bottle bill program?

Mrs. Sablan: Right now, as it stands today, we can't. That is why we're trying to see if we can get amendments so that it would allow us because this bill, this law has been in place but as you all know there is no funding source to implement this. GuamEPA continues to get beat up on a regular basis about why we are not implementing this.

Vice Speaker Nelson: If this bill passes, this will help provide you an avenue to pursue this down the line to make changes and implement this kind of statute, is this one of the goals? It seems like this is one of the goals.

Mrs. Sablan: Yes, this is one of the goals to allow us to.

Vice Speaker Nelson: All right well we have to find an additional appropriation because it seems like in this bill that the RRF is going to be under the administrative authority of GuamEPA. We all know that we give pieces of RRF to the Mayors, perhaps maybe some other agencies for appropriation. It seems that this is a not necessarily a battle but something that we have to weigh out. I don't see any provision here for a full-time employee to administer these rules and regulations. This is a very tedious job. I think this rules and regulations is just scratching the surface of the many actions that need to be done in order to facilitate these RRF. Is there a way that you can implement a full-time position to administrate this RRF if this is given to the recommended administrative authority to EPA?

Mr. Leon Guerrero: First off, I totally agree with the statement you made. I'd like to say we, GuamEPA understands that this fund is not for GuamEPA. This fund is for the island of Guam and the community. We will treat that appropriately. We would work with who whoever the stakeholders may be to ensure that the community benefits from this money and this fund. Second, as far as the permanent position, the statutes allows for a position. We are currently working on trying to make permanize that position, even without this bill because the statute allows for funding for that position, but we are currently in the process.

Vice Speaker Nelson: Thank you, Mr. Leon Guerrero. Thank you, Mrs. Sablan.

Chairperson Perez: Thank you, Vice Speaker. It seems to me like the tide is turning and we recently are overcoming the receivership of the landfill and now we have a perfect complement to this, which is how do we divert things going to the landfill. I think this is a very powerful tool, the Recycling Revolving Fund. I think working with the stakeholders or the agencies, with my colleagues, we can definitely make this a reality. I think the timing is now. Again, congratulations on the hard work. It's definitely an important milestone we've reached today. *Si Yu'os ma'åse'!*

Mayor Matanane: Madam Chair, Senator Perez, can you give me the opportunity please to thank Mr. Walter Leon Guerrero and his team for such a fantastic job. I thank you for continuing to help the Mayors Council with all the trash that belongs to all of us, but I also wanted... You asked a question about this bill being able to pay prior obligations. I didn't hear his answer.

Mr. Leon Guerrero: Currently, the way it's written Mayor it does not allow.

Mayor Matanane: That's almost a perfect answer but I would like an answer that says no exactly not because we're in dire need for funds to get rid of the trash that we have today. I don't know what those prior obligations are and if it has anything to do with trash maybe that's worth talking about but if it doesn't, please we would like to keep the funds that are for getting rid of the trash just for that. Thank you.

Mr. Leon Guerrero: Mayor, just to clarify something. Part of the two options that are presented in this current bill is for us to provide money to the Mayors Council for recyclable goods. Now, if you just talk about trash in its definition, in our environmental world, recyclables are separated from trash. We do not pay for the disposal of the trash for the nearest villages, but we can provide the money for the recyclable goods.

Mayor Matanane: Does that include vehicles that are being dragged to the public roads and just parked there. Is there anything that we can do to kind of stop that. There're people that are just at night, I wish I had enough money to hire people to make sure that these people don't think that this is a game. I call that illegal dumping and let me tell you just *Yigo* alone, the roads have been decorated by illegal dumping with vehicles.

Chairperson Perez: Yes, I understand the frustration and my office is working on an amendment to this bill and rules and regs that would address that very same problem. I know we had a roundtable recently so we're working on bills that utilize the ideas that came from the Mayors Council.

Mayor Matanane: Ma'am, I'm not chastising the Senators or EPA. I'm just voicing out my problems that we run into. I thank all of you for trying to find solutions for all this, but people are getting out of hand here. I continue to repeat myself. I thank all of you for what you try to do for our beautiful island that we call paradise. Some of these people don't know what that means but I want to thank you and God bless all of you.

Chairperson Perez: Thank you too Mayor. In closing, I just want to thank everybody that's come out here today. I understand the urgency of this, and I think this is a first step in adopting these rules and regs. It only can get better from this point with your input and your passion. *Si Yu'os ma'åse'* everybody. Upon that if there are no further testimonies or questions the Committee on Environment, Revenue and Taxation, and Procurement is now adjourned it is now 11:15 am.

Written Testimonies:

- Walter Leon Guerrero, *Administrator, Guam Environmental Protection Agency*

III. FINDINGS AND RECOMMENDATION

The Committee on Environment, Revenue and Taxation, and Procurement finds that prior to introduction of Bill No. 198-35 (LS), the Office of the Attorney General of Guam completed

their review of the proposed Rules and Regulations on June 10, 2019, and approved them as to form, constitutionality, and compliance with the Administrative Adjudication Law and Guam EPA's statutory authority. And, on July 9, 2019, the Office of the Governor approved the Rules and Regulations as to policy. The Rules and Regulations were then received by the Guam Legislature on July 12, 2019, as 35GL-19-0742, for consideration and action as per the Administrative Adjudication Law, which has resulted in Bill No. 198-35 (LS).

The Committee further finds the following support for Bill No. 198-35 (LS), based on the testimony submitted at the public hearing:

- Guam Environmental Protection Agency fully supports Bill No. 198-35 (LS). If passed into law, the agency will be able to fully comply with 10 GCA §51307(c), so that the full potential of this fund can be realized by the entire island community. It is critical that the Agency continue to demonstrate responsible use of this fund. This demonstration starts with these rules and regulations being passed into law.

The Committee on Environment, Revenue and Taxation, and Procurement hereby reports out Bill No. 198-35 (LS), **“AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND,”** with the recommendation TO DO PASS.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 198-35(LLS)

Introduced by:

Sabina Flores Perez SFP

**AN ACT TO ADOPT THE RULES AND
REGULATIONS FOR THE GUAM
ENVIRONMENTAL PROTECTION AGENCY
RECYCLING REVOLVING FUND.**

2019 NOV 29 AM 8:51
SFP

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

2 **Section 1.** *I Liheslaturan Guåhan* does hereby adopt the Rules and
3 Regulations from the Guam Environmental Protection Agency Recycling Revolving
4 Fund, attached as “Exhibit A.”

5 **Section 2. Effective Date.** This Act shall be effective upon enactment.



Exhibit A - Bill No. 198-35(LS)

AHENSIAŃ PRUTEKSION LINA'LA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

July 11, 2019

35GL-19-0742
Speaker Tina Rose Muña Barnes

Honorable Tina Muña Barnes
Speaker
I Mina'Trentai Singko na Liheslaturan Guáhan
163 Chalan Santo Papa
Hagatna, Guam 96913

JUL 12 2019
Time 3:25 (1)AM 4PM
Received By: Matt

RE: This is a Transmittal to I Liheslaturan Guáhan of Proposed Rules and Regulations pursuant to the Administrative Adjudication Law

Hafa Adai Speaker Muña Barnes ,

The Guam Environmental Protection Agency (Guam EPA) hereby transmits the proposed Rules and Regulations for the Recycling Revolving Fund (RRF) pursuant to 5 GCA Government Operations, Chapter 9 Administrative Adjudication Law, §9303 (a)(4).

On June 10, 2019, the Office of the Attorney General of Guam (OAG) completed their review of the proposed Rules and Regulations for the RRF. They have approved the proposed rules as to form, constitutionality, and compliance with the Administrative Adjudication Law and Guam EPA's statutory authority to promulgate rules.

Subsequently, on July 2, 2019, the proposed Rules and Regulations for the RRF was transmitted to the Office of the Governor for their review. On July 9, 2019 the Office of the Governor approved the Rules and Regulations as to policy.

Please feel free to contact me or Sabrina Cruz Sablan at 300.4751 or email: Walter.leonguerrero@epa.guam.gov or Sabrina.cruzsablan@epa.guam.gov should you have any questions. We look forward to working with you.

Si Yu'os Ma'ase,

Walter S. Leon Guerrero
Administrator

CC: Attachments
Guam EPA Board of Directors
Office of Public Accountability

0742

2019 JUL 12 PM 3:42

19-1521

UFISINAN I MAGA'HAGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MALA'LANI • LIEUTENANT GOVERNOR

July 9, 2019

Transmitted via Central Files

Walter S. Leon Guerrero, Administrator
Guam Environmental Protection Agency
17-3304 Mariner Avenue
Tiyán Barrigada, Guam 96913-1617

RECEIVED

2019 07 09
JR 12:50P
Guam Environmental
Protection Agency

Re: Proposed Rules and Regulations for the Recycling Revolving Fund


Dear Mr. Leon Guerrero,

Thank you for submitting the proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics by the Guam Environmental Protection Agency. In reviewing the documents, I was pleased to see the attention and detail that was afforded in their preparation. These rules and regulations, in describing the minimum standards for the administration of the Recycling Revolving Fund, play a significant role in ensuring that the Recycling Revolving Fund is administered responsibly.

I encourage you to continue the good work in protecting the natural resources of our island.

Now, therefore, I, Joshua F. Tenorio, *I Ákto Maga'láhen Guahan*, Acting Governor of Guam, pursuant to Title 5, Chapter 9, Article 3, am approving these rules and regulations as to policy.

Sincerely,


JOSHUA F. TENORIO
Ákto Maga'láhen Guahan
Acting Governor of Guam

Enclosure(s): EPA letter dated 07/02/2019 with enclosed rules and regulations

cc: Honorable Lourdes A. Leon Guerrero, *I Maga'hagan Guahan* (via email)
Honorable Joshua F. Tenorio, *I Sigundo Maga'láhen Guahan* (via email)

OFFICE OF THE GOVERNOR • COMPLEX OF AGUANA, GUAM 96910
P.O. BOX 2150 • HAGATNA, GUAM 96910
671-471-8951 • 671-471-8952



Tina Sanchez
RCVD AT CENTRAL FILE
JUL 2 '19 PM4:51

AHENSIAN PRUTEKSION LINA'LA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA E. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

July 2, 2019

The Honorable Lourdes A. Leon Guerrero
Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagatna, Guam 96910

Hafa Adai Governor Leon Guerrero,

In accordance with 5 Guam Code Annotated (GCA), Chapter 9, §9303, Guam Environmental Protection Agency (Guam EPA) is submitting for your review and approval the proposed "Rules and Regulations for the Recycling Revolving Fund". The attached rules were developed pursuant to 10 GCA Chapter 51 §51307 (c).

On June 10, 2019, the Office of the Attorney General of Guam (OAG) completed their review of the proposed Rules and Regulations for the Recycling Revolving Fund. They have approved the proposed rules as to form, constitutionality, and compliance with the Administrative Adjudication Law and Guam EPA's statutory authority to promulgate rules.

The proposed rules and regulations were posted on the Guam EPA website (www.epa.guam.gov) on December 6, 2018. Five copies of the draft rules and regulations were on file at reception desk of the Guam EPA Administration building through December 19, 2018.

A public hearing was held on December 19, 2018 on the proposed rules. An announcement was published in the Guam Daily Post on December 6, 2018. Only one member of the public attended the public hearing and provided oral comments. The transcript of the public meeting is attached.

The following materials are included:

- Hard copy of proposed Rules and Regulations for Recycling Revolving Fund
- Hardcopy of the public hearing notice on the Guam Daily Post December 6, 2018.
- Hardcopy of transcript of the public hearing on December 19, 2018.
- Hardcopy of the Preliminary Cost Impact Statement

- Hardcopy of the Economic Impact Statement
- Hardcopy of all correspondence with BBMR, DOA and BSP
- Hardcopy of Board Resolution No# 19-001(A)
- Hardcopy of Attorney General approval letter dated June 10, 2019
- Computer disk with the electronic copy of all documents.

Should you have any questions, please feel to contact me directly at 300.4759 or email: walter.leonguerrero@epa.guam.gov.

Senseramente,



Walter S. Leon Guerrero
Administrator

Attachments

19-1333

Scan sent
to Bob, Terry,
Leevin as
contribution



Office of the Attorney General of Guam

590 S. Marine Corps Drive, Suite 901 ♦ Tamuning, GU 96911
Phone 671.475.3324 extension 5015 ♦ Fax 671.477-4703 ♦ Email law@guamag.org

Hon. Leevin Taitano Camacho
Attorney General of Guam

June 10, 2019

RECEIVED

Robert A. Perron
Board Chairman
Guam Environmental Protection Agency
17-3304 Mariner Avenue
Tiyan, Guam 96913-1617

JUN 12 2019
Guam Environmental
Protection Agency

Re: Approval of Proposed Rules and Regulations Governing the Adoption of Recycling Revolving Fund Rules and Regulations (Ref. GEPA 19-0182)

Dear Chairman Perron:

The Office of the Attorney General has completed its review of the Guam Environmental Protection Agency (GEPA) proposed Rules and Regulations Governing the Adoption of Recycling Revolving Fund Rules and Regulations received in this office April 5, 2019.

Pursuant to 5 GCA § 9303(a)(4) of the Administrative Adjudication Law (AAL), as amended by P.L. 34-032 (July 13, 2017), I am approving the proposed Rules as to form, constitutionality, compliance with the requirements of the AAL, and compliance with the GEPA's statutory authority to promulgate rules.

Please be reminded that the AAL's current rule-making procedures require the Board to file the proposed Rules, together with the written approval of *I' Maga'håga* as to policy and approval of the Attorney General as to compliance with the law, with the Speaker of *I Liheslatura* in a format and manner specified in 5 GCA § 9303(a)(4). Section 9303(c) further provides that no rule shall become effective until after ninety (90) calendar days have elapsed from the date of filing with the Speaker of *I Liheslatura* during which time and within seventy-five (75) calendar days from the date of filing of the rules with the Speaker, the legislative committee with oversight of the subject matter or the Committee of the Whole shall have conducted one or more public hearings on the proposed rules. After the public hearing and within the 90-day time period, *I Liheslatura* may approve, disapprove, or amend the proposed rules by the passage of a bill into law. In the event *I Liheslatura* declines to formally approve, disapprove, or amend the proposed rules by the passage of a bill into law, the Speaker may certify and the Legislative Secretary may attest to the default approval of compliant rules.

If you have any questions, please contact Deputy Attorney General of the Solicitor Division Karl P. Espaldon at (671) 475-3324, extension 3115.

Sincerely,

LEEVIN TAITANO CAMACHO
Attorney General

COPY



AIHENSIAŃ PRUTEKSIÓN LINA'LA GUÁHAN

LOURDES A. LEÓN GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEÓN GUERRERO, ADMINISTRATOR

May 3, 2019

Honorable Leevin T. Camacho
Attorney General
590 South Marine Corps Drive
ITC Building, Suite 901
Tamuning, GU. 96913

Hafa Adai Attorney General Camacho,

On April 5, 2019, Guam EPA submitted an adjudication record for the Recycling Revolving Fund Rules and Regulations. After the submittal, we were made aware of some issues that needed to be resolved. The Agency with the ratification from the Board has since made the necessary changes, we request that this record, Guam EPA Board Resolution no. 19-001 (A), dated April 30, 2019, be considered for your review.

In accordance with 5 Guam Code Annotated (GCA), Chapter 9, §9303, Guam Environmental Protection Agency (Guam EPA) is submitting for your review and approval the proposed "Rules and Regulations for the Recycling Revolving Fund". The attached rules were developed pursuant to 10 GCA Chapter 51 §51307 (c).

The proposed rules and regulations were posted on the Guam EPA website (www.epa.guam.gov) on December 6, 2018. Five copies of the draft rules and regulations were on file at reception desk of the Guam EPA Administration building through December 19, 2018.

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The following materials are included:

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- Hardcopy of transcript of the public hearing on December 19, 2018.
- Hardcopy of the Preliminary Cost Impact Statement

RECEIVED 5/8/19
OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATION

GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
TODU Y NILALA Y TANO MAN UNO • ALL LIVING THINGS ARE ONE

 Like and follow [guamepa](https://www.facebook.com/guamepa)

Doc. No. 35GL-19-0742.

Y9103

- Hardcopy of the Economic Impact Statement
- Hardcopy of all correspondence with BBMR, DOA and BSP
- Hardcopy of Board Resolution No# 19-001(A)
- Computer disk with the electronic copy of all documents.

Should you have any questions, please feel to contact me directly at 300.4759 or email: walter.leonguerrero@epa.guam.gov.

Senseramente,



Walter S. Leon Guerrero
Administrator

Attachments



AGENSIA PRUTEKSION LINALA GUÁHAN
LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

THE GUAM ENVIRONMENTAL PROTECTION AGENCY
BOARD OF DIRECTORS

In Accordance with
10 Guam Code Annotated, Chapter 51, Article 3, §51307 (c)

Hereby approves the amended
Rules and Regulations for the Recycling Revolving Fund
Version April 30, 2019

Approved this day: April 30, 2019

Resolution Number # 19-001-A

ROBERT A. PERRON
Guam EPA Board Chairman

As Witnessed This Day By:

TERRENCE BROOKS
Guam EPA Board Vice Chairman

Arlene Acfalle
Guam EPA Board Secretary

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**GUAM'S RECYCLING REVOLVING FUND
RULES AND REGULATIONS
Title 22, Division 4, Chapter 24, Article 3**

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**GUAM'S RECYCLING REVOLVING FUND
RULES AND REGULATIONS
Title 22, Division 4, Chapter 24, Article 3**

25 **SECTION 24301. GENERAL PROVISIONS**

26 §24301.1 Purpose and Applicability

27 The purpose of this Chapter is to clarify existing statute, provide a uniform competitive business
28 environment to all, and establish the minimum standards to properly implement and administer
29 Guam's Recycling Revolving Fund in accordance with Title 10 of the Guam Code Annotated
30 (GCA), Chapter 51, Article 3, under the authority granted by 10 GCA §51307(c).

31

32 §24301.2 Definitions

33 For the purposes of this Chapter, the terms defined in 10 GCA, Chapter 51 Article 3, §51301 shall
34 have the meaning ascribed to them therein, and the following words and phrases, together with all
35 of the common derivations thereof, shall have the meaning ascribed to them as follows:

36

37 (a) **"Beneficial Use"** shall mean the substitution of materials, either as generated or
38 following additional processing, for some or all of the virgin materials in a natural or
39 commercial product in a way that: provides a functional benefit; meets product
40 specifications; and does not pose concerns to human health or the environment.

41 (b) **"Best Available Technology"** shall mean a recognized and approved technology by
42 United States Environmental Protection Agency.

43 (c) **"Board"** shall mean the Board of Directors of the Guam Environmental Protection
44 Agency.

45 (d) **"Disaster Debris"** shall mean any items and materials broken, destroyed, or displaced
46 by a natural or man-made federally or locally declared disaster. Examples of disaster
47 debris include, but are not limited to, trees, construction and demolition material, and
48 personal property.

- 49 (e) **“Disaster Debris Management”** shall mean the removal and disposal of debris that
50 was generated by a disaster and which presents an immediate threat to the public
51 interest.
- 52 (f) **“Electronic Waste”** or **“E-Waste”** shall mean electrical and electronic equipment that
53 is dependent on electric currents or electromagnetic fields in order to function
54 (including all components, subassemblies and consumables, which are part of the
55 original equipment at the time of discarding). For example e-waste may include
56 consumer/entertainment electronics such as televisions, DVD players and tuners;
57 Devices of office, information and communications technology such as computers,
58 circuit boards, telephones and mobile phones.
- 59 (g) **“Import”** shall mean to bring in, or accept delivery of recyclable materials from any
60 source outside of Guam.
- 61 (h) **“Person”** or **“Persons”** shall mean any individual, partnership, co-partnership, firm,
62 company, corporation, association, joint stock company, trust, estate, or any agency,
63 department, or instrumentality of the Federal or local government, or any other legal
64 representatives, agents or assigns.
- 65 (i) **“Priority Materials”** shall mean all those materials identified by the Fund, in the order
66 specified in section 24302.1(b) of this Article.
- 67 (j) **“Recovered Resources”** shall mean material or solid waste that has been diverted from
68 disposal for the purpose of recycling, composting or mulching. This term does not
69 include incineration or those materials that are generated and normally reused on-site
70 for manufacturing purposes.
- 71 (k) **“Recycling Industry Economic Stimulus Program”** shall mean a program that
72 provides economic stimulus to local recycling companies that ship recyclable materials
73 off island.
- 74 (l) **“Solid Waste Management Facility”** means any facility, or any machinery,
75 equipment, vehicles, structures or any part of accessories thereof installed or acquired
76 for the primary purpose of collection, transportation, storage, recycling, processing or
77 disposal of solid waste, and shall include sanitary landfills or resource recovery
78 facilities.

- 79 (m) **“Stimulus Certification Form”** shall mean a form officially issued by Guam EPA to
80 be completed by the Economic Stimulus Program Participants to disclose and certify
81 the types and quantities of recyclable materials shipped off-island to a recycling
82 facility.
- 83 (n) **“Sustainable Materials Management”** means a systemic approach to using and
84 reusing materials more productively over their entire lifecycles.
- 85 (o) **“Special Waste”** means white goods, household hazardous waste, automotive batteries
86 and abandoned vehicles.
- 87 (p) **“Zero Waste”** means a holistic approach to addressing the problem of unsustainable
88 resource flows. Zero Waste encompasses waste eliminated at the source through
89 product design and producer responsibility, and waste reduction strategies further down
90 the supply chain such as recycling, reuse and composting.

91

92 **SECTION 24302. ADMINISTRATION OF RECYCLING REVOLVING FUND**

- 93 (a) Monies in the Recycling Revolving *Fund* shall be administered, managed, and maintained
94 by the GEPA Administrator for the implementation of 10 GCA Chapter 51, Article 3, in
95 accordance with the requirements of the Article.
- 96 (b) The Administrator may use the *Fund* for the recycling initiatives described under §24303
97 in these Regulations with the following priorities:
- 98
- 99 First Priority: junk vehicles, tires, batteries, waste oil, white goods/appliances;
100 Second Priority: paper, cardboard, plastic and glass;
101 Third Priority: other recyclables as determined by the Administrator, and
102
- 103 (c) The Administrator shall determine the funding for each of the recycling initiatives and
104 submit the determination to the Board for approval by March 31st of each year. The
105 approved funding will be effective on the following fiscal year.

106

107 **SECTION 24303. RECYCLING INITIATIVES**
108 §24303.1 Mayor's Council of Guam (MCOG) Island-wide Environmental Cleanup Program
109 (IECP)
110 (a) The Administrator may approve contracts between the MCOG and recycling companies
111 for the collection, recycling, disposal and processing or any combination thereof, of
112 automobiles, buses, heavy equipment, trucks, batteries, tires, white goods, and other
113 recyclable materials in accordance with Articles 3 and 4 of Title 10 GCA, Chapter 51, and
114 24303.1(b) to implement an IECP with the following conditions:

115 1. All applicable procurement laws must be followed;
116 2. Each contract must be conditioned upon proof that the recycling company has current
117 permits for the work it is to perform, including, but not limited to, solid waste facility
118 permits, solid waste collection permits, certifications, or other permits or licenses
119 required to collect, remove, recycle or dispose of solid waste
120 3. Each contract must be conditioned upon compliance with all solid waste rules and
121 regulations; and
122 4. Each contract must require the recycling company to report all recyclables collected
123 per village under this program to Guam EPA upon submittal of invoices to MCOG for
124 payment.
125
126 (b) In each fiscal year, prior to any collection, processing, or storage of recyclable materials
127 under a contract pursuant to this section, a comprehensive *Operation Plan* for the
128 contractual work described in §24303.1(a) must be submitted by the MCOG to Guam EPA
129 and receive approval from the Administrator. The Administrator shall only approve the
130 *Operation Plan* if the *Operation Plan* contains in detail the operational systems that address
131 collection, processing, storage, emergency procedures, health and safety, reporting and
132 closeout procedures for each municipality.
133
134 (c) The Administrator may use funds to support the recycling initiatives in this Section subject
135 to the following conditions:

- 136 1. Funds may be expended only in accordance with valid contracts approved under this
137 Section;
138 2. No funds shall be disbursed prior to the Administrator's approval of the Operation Plan
139 described in §24303.1(b); and
140 3. Unused funds must be returned to the Recycling Revolving Fund every fiscal year.

141 §24303.2. Recycling Industry Economic Stimulus Program Applicability and Eligibility

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

144

- 145 1. Possess a valid license from the Guam Department of Revenue and taxation to conduct
146 business of Guam;
147 2. Possess a valid solid waste management facility permit from Guam EPA for processing
148 and storage;
149 3. Provide a bill of lading or similar documentation detailing the types of recyclable
150 materials shipped, quantity in tons, and name of receiving facility;
151 4. Complete and submit all applicable Stimulus Certification Forms provided by Guam
152 EPA; and
153 5. Remain in compliance with all solid waste rules and regulations.

154

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

158

159 §24303.3. Recycling Industry Economic Stimulus Program Payment Calculation

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

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

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

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

174

175 1. A base stimulus payment calculation per recyclable material expressed as follows: Base
176 Stimulus Payment [dollars per ton] = Shipping Cost - Market Price.

177

178 i. "Shipping cost" is calculated using the World Freight Rates Freight
179 Calculator or comparable shipping cost resource for port-to-port
180 containerized ocean shipments and the U.S. EPA Office of Resource
181 Conservation and Recovery Volume-to-Weight Conversion Factors; and

182 ii. "Market price" is equivalent to the RecycleNet scrap index or comparable
183 market index material sale price on the first day of the quarter preceding the
184 start of the next fiscal year.

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

188 3. The Administrator shall determine the funding levels of stimulus payments to be paid
189 subject to the availability of funds and funding priorities.

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

192

RRF – Rules and Regulations

Draft v 4.30.19

Page 6 of 7

- 193 §24303.4 **Guam Beverage Container Recycling- RESERVE**
- 194 §24303.5 **Integrated Solid Waste Management Plan- RESERVE**
- 195 §24303.6 **Green Waste Plan- Composting and Organics RESERVE**
- 196 §24303.7 **Disaster Debris Management- RESERVE**
- 197 §24303.8 **Zero Waste Grant Program – RESERVE**



AHENSIAN PRUTEKSION LINALA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA E. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

**ECONOMIC IMPACT STATEMENT FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY**

April 29, 2019

EXECUTIVE SUMMARY

The Recycling Revolving Fund (RRF) was created as a separate Government of Guam (GovGuam) fund by Public Law (P.L.) 27-381 in November 2003. The spirit of the RRF sought to improve upon the existing Abandoned Vehicle and Streetlight Fund (AVSF) by addressing the AVSF's inefficiencies in funding abandoned vehicle removal, and to address the island's worsening solid waste management issues. The Guam Environmental Protection Agency (Agency) was authorized to execute contracts with recycling companies to collect, remove, and dispose recyclable materials.

The RRF originated as a fund under the administration of the Department of Public Works (DPW). In September 2009, Guam P.L. 30-55 reverted RRF revenue appropriation from DPW to the Agency. This appropriation exists to fund the costs of the administration and implementation of the RRF statutes.

Today, the Agency proposed rules and regulations for the RRF seeks to provide a uniform competitive business environment to all, and establish the minimum standards to properly implement and administer Guam's Recycling Revolving Fund in accordance with Title 10 of the Guam Code Annotated (GCA), Chapter 51, Article 3, under the authority granted by 10 GCA §51307(c). Title 10 GCA Chapter 51, Article 3 § 51307 (c) states that the Agency "shall promulgate the necessary rules and regulations, in accordance with the Administrative Adjudication Law, to properly implement this Article."

With the adoption of these rules and regulations, the Agency will not seek to impose or raise any fees to the public. These proposed rules and regulations seek to provide the legally required administrative mechanism to expend annual appropriations from the RRF that have been set forth in 10 GCA Chapter 51 §51305 and enacted by Guam P.L. 28-58. The RRF is funded by the authorization that is given to the Department of Revenue and Taxation (DRT) to levy recycling fees from the annual renewal of motor vehicle registrations on Guam. These rules and regulations do not seek to raise or impose any other fees outside of what is already authorized by Guam P.L. 28-580.

This administrative mechanism also serves to satisfy concerns from a report issued by the Guam Office of the Public Auditor (OPA) in 2015. The OPA questioned expenditures funded by the RRF and

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subsequently made recommendation to place a moratorium on funding for any items outside of those listed in 10 GCA Chapter 51 §51303(1-4).

The recycling initiatives sought in the Agency's proposed rules and regulations are as follows: Mayor's Council of Guam (MCOG) Island-wide Environmental Cleanup Program (IECP), Recycling Industry Economic Stimulus Program (RIESP) Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan and the Recycling Industry Economic Stimulus Program Payment Calculation.

BENEFICIAL IMPACTS:

In accordance with 5 GCA Chapter 9 §9301(f), the Agency sought consultation from the Bureau of Budget and Management Research (BBMR) in conducting a preliminary cost impact assessment to determine if these rules and regulations would exceed \$500,000 in cost impacts to the community, and if the Agency would be exempt from performing an economic impact statement (Attachment A). BBMR was able to affirm \$1.2M of fiscal impacts, based on the estimated annual cost of the RIESP established by a legislative fiscal note issued for Guam P.L. 33-136. The note reported data that reflected 40,000 tons of materials are recycled annually and that the RRF will pay out \$30.00 per ton of eligible materials, to eligible RIESP participants.

The table below reflects the fiscal activity, relative to the RRF for the last three (3) fiscal years:

FY	RRF APPROPRIATION	RIESP PAYMENT	MATERIAL VOLUME	MCOG APPROPRIATION
2016	\$2,801,597	\$329,390	10,979 TONS	-
2017	\$2,859,696	\$1,004,911	33,497 TONS	-
2018	\$2,931,296	\$275,000	9,166 TONS	\$2,181,296

Throughout the last three FYs, the removal of approximately 53,642 eligible tons of materials from the island should serve as significant beneficial impact to the public. Considerations for this activity include:

- Significant diversion of materials from both the landfill and our jungles
- Increase in GovGuam's Business Privilege Tax (BPT) revenue
- Overall solid waste management industry growth on the island – two additional recycling companies have opened for business in the last 3 FYs.
 - FY16 saw 11 permits issued
 - FY17 saw 16 permits issued
 - FY18 saw 8 permits issued

In FY18, the 34th Guam Legislature appropriated \$2,181,296 to the MCOG for the IECP. This appropriation was funded by the Agency's \$2,931,296 appropriation to the RRF. The IECP enabled the 19 different municipalities to execute contracts with recycling companies for the sole purpose of the removal, processing and disposal of eligible materials from each respective municipality. In the

past, Guam P.L. 29-116 authorized the MCOG to execute contracts with recycling companies. This appropriation affected the funding available for use in the RIESP.

With the promulgation of these rules and regulations, the Agency seeks to empower and authorize the MCOG to return to executing contracts recyclers, based on availability of funds and in determination with the Agency Administrator and Board of Directors (BOD).

ADVERSE IMPACTS:

BBMR advised the Agency to seek guidance from other GovGuam agencies to further assess a determination to as to any cost-related impact to the public that exceeded \$500,000. The Agency chose to consult with the Bureau of Statistics and Plans (BSP) and enlist the services and expertise of BSP's chief economist (Attachment B).

It was the intention of the Agency to demonstrate that there would not be any negative impacts to the general public with the promulgation of these rules and regulations. In determining any negative impacts to general public, the agency chose to consider the following [pursuant to 5 GCA Chapter 9 §9301(f)]:

- **The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.**
 - *10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51, contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF.*
 - *This is a legal and administrative mechanism that serves to satisfy concerns from a report issued by the OPA in 2015. The OPA questioned expenditures funded by the RRF and subsequently made recommendation to place a moratorium on funding for any items outside of those listed in 10 GCA Chapter 51 §51303(1-4), until the Agency has officially promulgated rules and regulations for the RRF.*
- **The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.**
 - *The agency's proposed rules and regulations for the RRF may enhance the revenues of permitted recycling facilities that participate in the Recycling Industry Economic Stimulus Program. In FY16, FY17 and FY18, \$329,390, \$1,004,911 and \$275,000 respectively, were paid to qualified facilities at a rate of \$30.00 per ton. The authorized levy of recycling fees collected by DRT on motor vehicle registrations remains unchanged.*

- *A slight increase in GovGuam's BPT revenues could be realized as a result of increased income for all permitted participants of RIESP, and all permitted recycling companies who are contracted by the MCOG for the IECF.*
- *From FY16-18, the RRF has an average appropriation of \$2,864,196.33. This appropriation is funded by a reliable revenue stream that originates from the renewal of motor vehicle registrations. The Agency does not intend to increase or adjust the recycling fee that is associated with these motor vehicle registration renewals.*
- **Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF.*
- **Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF.*
 - *The recycling industry could experience some growth if more companies open for business in order to avail themselves of the RIESP and contracts with the MCOG for the IECF. This growth in the industry could mean more job opportunities, and a positive impact on GovGuam's tax revenue stream.*
- **Any increase or decrease in the cost of doing business as an enterprise or industry on Guam, or any increase or decrease in doing business in general, which is attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF. Though funding the RIESP and the MCOG IECF could create a modest competitive market in terms of the cost of service to the general public.*
- **Any adverse or beneficial economic impact, which is attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF. Given the \$ 1,361,801 amount paid to qualified and permitted facilities for their participation in the RIESP, the Agency sees*

a beneficial economic impact to the recycling industry that will likely continue in a similar manner, as a result of the proposed rules and regulations for the RRF.

- *The rules and regulations seek to increase recycling activity on Guam. As of November 2018, Guam' recycling rate is listed as 39.16% - up 6.82 percentage points over last year's reported recycling rate. In 2011, the Agency began tracking our island's recycling activity and reported a 17.85% recycling rate in 2012.*
- *A stimulus could serve as a catalyst for the recycling industry, and could generate positive social change by way of increased recycling activity. Economic benefits could also be realized by freeing up land resources on Guam, by ridding of the recyclable materials from the island.*

The agency has determined that financial activity by way of collections, appropriations and expenditures exceeds a \$500,000 annual impact on the general public, though it is unlikely that any adverse cost impacts will burden the general public since fees will neither be imposed or raised. Given the Agency's findings, it remains unlikely that the general public would have to bear any adverse economic impacts that would result from the adoption of these proposed rules and regulations.

ATTACHMENTS:

A – August 28, 2018 Agency correspondence with BBMR and BBMR's September 21, 2018 reply to the Agency

B – November 13, 2018 Agency correspondence with BSP and BSP's November 15, 2018 reply to the Agency

**ATTACHMENT A:
August 28, 2018 Agency
correspondence with BBMR
and BBMR's September 21,
2018 reply to the Agency**

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GOVERNOR OF GUAM

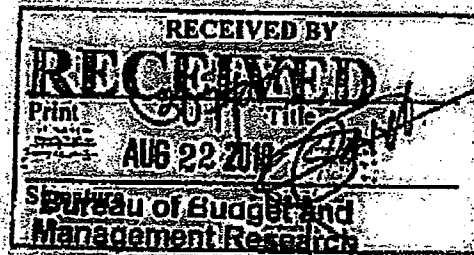
RAY TENORIO
LT. GOVERNOR OF GUAM

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August 22, 2018

Mr. Lester Carlson Jr.
Acting Director
Bureau of Budget and Management Research
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910



RE: BBMR review, recommendations and guidance

Haga Adai Acting Director Carlson!

The Guam Environmental Protection Agency (Guam EPA) is seeking your review, recommendation and guidance with our draft economic impact statement for our proposed rules and regulations for the Recycling Revolving fund (RRF). Attached herewith are the agency's drafts of the economic impact statement and the proposed rules and regulations.

Pursuant to 9 GCA Chapter 9 §9301(i), an exemption from an economic impact statement may be granted "if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees."

We are seeking BBMR's opinion on whether an exemption to the aforementioned statute may apply to the agency. If the bureau determines that the agency may not be exempt, we request your guidance in producing a statement that will satisfy the legislative requirements.

While it is not the agency's intention to impose or raise any fees since Guam P.L. 27-38 authorizes the levy of recycling fees for deposit into the RRF, we have determined that economic activity, as drafted in our proposed rules and regulations could potentially exceed \$500,000, as evidenced by the payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY 16 and FY 17.

The agency looks forward to you and the bureau's financial expertise in assisting us in our efforts to promulgate rules and regulations. Additionally, BBMR's review and/or concurrence will be placed in our administrative adjudication law record for both public review and upon submittal to *I Liheslaturan Guahan*.

If you have any questions or concerns, or should require assistance, please feel free to contact me at your earliest convenience. We look forward to hearing from you soon.

Very Respectfully,

NIC RUPLEY LEE
Acting Administrator

Guam Environmental Protection Agency

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18-1586



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
DEPUTY DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

SEP 21 2018

RECEIVED

SEP 24 2018

MEMORANDUM

To: Administrator, Guam Environmental Protection Agency (GEPA) **Guam Environmental Protection Agency**
From: Deputy Director, Bureau of Budget and Management Research (BBMR)
Subject: Guidance on Draft Economic Impact Statement

The Bureau has reviewed your request for a preliminary fiscal (cost) impact assessment on GEPA's Draft Economic Impact Statement (EIS) for the proposed rules and regulations for the Recycling Revolving Fund (RRF).

As was mentioned in your letter dated August 22, 2018, GEPA had determined that the economic activity, as drafted in the proposed rules and regulations could potentially exceed \$500,000, based on payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY16 in the amount of \$329,390.78 and \$1,004,911.25 in FY17. Therefore, the Bureau is of the opinion that the proposed rules and regulations does not qualify for the exemption under 5 GCA Article 3 Chapter 9 §9301 as the annual economic impact to the general public is projected to be more than \$500,000.

The Bureau does agree that the adoption of the proposed rules and regulations is to comply with Public Law Nos. 29-116:4 and 33-136:4 which provides for the promulgation of the necessary rules and regulations by GEPA as required by those respective measures, and in accordance with the Administrative Adjudication Act.

However, at this time, the Bureau is only able to, affirm that the estimated annual cost of the stimulus would be approximately \$1.2 million based upon the legislative committee report on Bill No. 241-33, now P.L. 33-136. This fiscal cost impact was based on statistics from GEPA that showed that 40,000 tons are recycled annually. Using the data as a base and at \$30.00 per ton, the estimated annual cost would be \$1.2 million or half the projected annual revenues of the Recycling Revolving Fund.

Based on the provisions of the law, both BBMR and the department are granted the discretion to conduct a preliminary cost impact assessment relative to the proposed change in rule, regulation, fee, or increase of fees or services as mandated by P.L. No. 34-22. Due to the Bureau's limited staff expertise and funding resources, it is recommended that GEPA conduct its own preliminary economic cost impact analysis to determine if in fact, the estimated impact to the general public exceeds \$500,000. The Bureau also recommends GEPA seek the assistance of preparing an EIS from the Department of Labor, the Bureau of Statistics and Plans, and/or the Guam Economic Development Authority, as these agencies have Chief Economists on staff.

**ATTACHMENT B:
November 13, 2018 Agency
correspondence with BSP and
BBSP's November 15, 2018
reply to the Agency**

GUAM ENVIRONMENTAL PROTECTION AGENCY

AGENSIA PROTEKSION LINA LA GUAMAN



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GOVERNOR OF GUAM

RAY TENORIO
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November 13, 2018

Mr. Carl V. Dominguez
Director
Bureau of Statistics and Plans
Ricardo J. Bordallo Governor's Complex
513 West Marine Corps Drive
Hagåtña, Guam 96910

Transmitted via hand delivery

RE: Request for Assistance - Economic Impact Statement

Hafa Adai Director Dominguez,

The Guam Environmental Protection Agency (Guam EPA) is seeking your review, recommendation and guidance with our draft economic impact statement for our proposed rules and regulations for the Recycling Revolving fund (RRF). Attached herewith are the agency's drafts of the economic impact statement and the proposed rules and regulations.

Pursuant to 9 GCA Chapter 9 §9301(i), an exemption from an economic impact statement may be granted "if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees."

While it is not the agency's intention to impose or raise any fees since Guam P.L. 28-58 authorizes the levy of recycling fees for deposit into the RRF, we have determined that economic activity, as drafted in our proposed rules and regulations could potentially exceed \$500,000, as evidenced by the payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY 16 and FY 17.

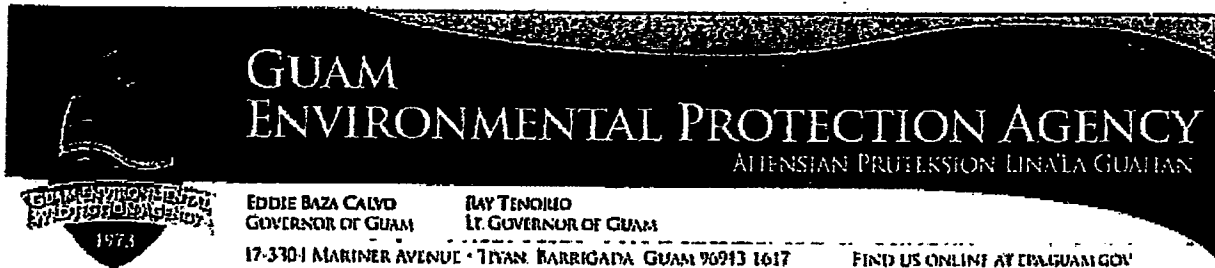
After consulting with BBMR, Guam EPA was advised to reach out to Bureau of Statistics and Plans for assistance in the agency's efforts to in producing an economic impact statement so that it may entered into our adjudication record for public comment and public hearing. The agency looks forward to you and the BSP's planning expertise in assisting us in our efforts to promulgate rules and regulations.

If you have any questions or concerns, or should require assistance, please feel free to contact me at your earliest convenience. We look forward to hearing from you soon.


WALTER S. LEON GUERRERO
Administrator, Guam EPA

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**ECONOMIC IMPACT STATEMENT FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY
THE GUAM ENVIRONMENTAL PROTECTION AGENCY**

AUGUST 16, 2018

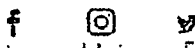
Guam EPA's proposed rules and regulations for the Recycling Revolving Fund (RRF) will not seek to impose any fees, nor will it seek to impose raising any fees to the public. Continuing appropriations into this fund have been set forth in 10 GCA Chapter 51 §51305 and enacted by Guam P.L. 28-58, where authorization is given to the Department of Revenue and Taxation (DRT) levies recycling fees from the annual renewal of motor vehicle registrations. In FY16 and FY17, recycling fees levied by DRT are \$2,801,597.77 and \$2,859,696.33 respectively.

The recycling initiatives delineated in proposed rules and regulations are: Mayor's Council of Guam Island-wide Environmental Cleanup Program (IECP), Recycling Industry Economic Stimulus Program Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan, Guam Beverage Container Recycling, Integrated Solid Waste Management Plan, Green Waste Plan, Disaster Debris Management, Zero Waste Grant Program and a Subsidization of the Recycling/Tipping Fees for Low Income Household. Throughout these initiatives, the agency will not be imposing or raising any fees.

In the pursuit of agency compliance with transparency and open governance, Guam EPA will address items, pursuant to 5 GCA Chapter 9 §9301(f):

1. The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.

10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51, contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF. Additionally, a report issued by the Guam Office of the Public Auditor in 2015 questioned expenditures funded by the RRF and subsequently made a recommendation to place a moratorium on funding for items outside of those listed in 10 GCA Chapter 51



§51303(1-4).

2. The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.

The agency's proposed rules and regulations for the RRF may enhance the revenues of permitted recycling facilities that participate in the Recycling Industry Economic Stimulus Program. In FY16 and FY17, \$329,390.78 and \$1,004,911.25 respectively, were paid to qualified facilities at a rate of \$30.00 per ton. The authorized levy of recycling fees collected by DRT on motor vehicle registrations remains unchanged.

3. Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF.

4. Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.

The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF.

5. Any increase or decrease in the cost of doing business as an enterprise or industry on Guam, or any increase or decrease in doing business in general, which is attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF.

6. Any adverse or beneficial economic impact, which is attributable to the proposed rule or regulation.

The agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF. Given the \$1,334,302.03 amount paid to qualified and permitted facilities for their participation in the Recycling Industry Economic Stimulus Program, the agency sees a beneficial economic impact to the recycling industry that will likely continue in a similar manner, as a result of the proposed rules and regulations for the RRF.


()

While the agency has determined that financial activity by way of collections, appropriations and expenditures exceeds the \$500,000 annual impact on the general public, the agency seeks an exemption from §9301(j) since fees will neither be imposed nor raised.



Eddie Baza Calvo
Governor of Guam

Roy Tenorio
Lieutenant Governor

**BUREAU OF
STATISTICS & PLANS**
SAGAN PLANU SIHA YAN EMI OTMASION
Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812



Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

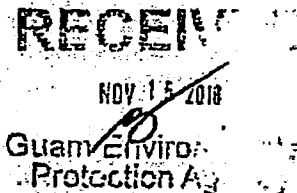
November 15, 2018

MEMORANDUM

To: Administrator, Guam EPA

From: Director, Bureau of Statistics and Plans

Subject: Proposed Rules and Regulations: Assistance with Economic Impact Statement



Thank you for requesting our assistance in completing an assessment as to whether or not GEPA is required to perform an Economic Impact Statement pursuant to 9 GCA Chapter 9 §9301(i), as it proceeds to formally adopt its rules and regulations for its Recycling Revolving Fund through the Administrative Adjudication Act. As this proposed change is administrative in nature and does not affect existing fees we find no significant economic costs imposed onto the general public or relevant participants of the Recycling Revolving Fund.

We agree that GEPA is exempt from the EIS requirement and I am submitting to you findings and justifications collaboratively developed by your staff and the Bureau's Chief Economist for your official use. As GEPA is the lead agency, we recommend incorporating language in the attached Preliminary Cost Impact Assessment re-titled as justification to be exempt from producing the EIS for public record and discussion.

If you have any questions or concerns, please feel free to contact me at 472-4201.


CARL V. DOMINGUEZ

Attachment: Preliminary Cost Impact Assessment

**PRELIMINARY COST IMPACT STATEMENT
FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY THE
GUAM ENVIRONMENTAL PROTECTION AGENCY***

Guam EPA is required by law to adopt proposed rules and regulations for the Recycling Revolving Fund (RRF) pursuant to 10 GCA Chapter 51 §51307(c). Furthermore, the adoption of said rules and regulations will not affect nor impact statutory fees currently sufficient for such purposes. Therefore, GEPA will not seek to raise or adjust existing fees pursuant to 10 GCA Chapter 51 §51308.

The recycling initiatives delineated in proposed rules and regulations are: Mayor's Council of Guam Island-Wide Environmental Cleanup Program (II CP), Recycling Industry Economic Stimulus Program Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan, Guam Beverage Container Recycling, Integrated Solid Waste Management Plan, Green Waste Plan, Disaster Debris Management, Zero Waste Grant Program and a Subsidization of the Recycling Tipping Fees for Low Income Household.

Appropriations into the RRF are set forth in 10 GCA Chapter 51 §51305 and §51306, as enacted by Guam Public Law No. 28-58, where authorization is given to the Department of Revenue and Taxation (DRT) to levy recycling fees on annual motor vehicle registration renewals. The Recycling fee is imposed on payers of vehicle registrations, the funds collected of which are deposited as a continuing appropriation into the RRF account separate and apart for this purpose. The proposed rules and regulations do not affect nor impact vehicle registration renewal fees as levied by the Department of Revenue and Taxation.

In FY2016 and FY2017, recycling fees levied by DRT were \$2,801,597.77 and \$2,859,696.33, respectively. Funds disbursed in this program in FY2016 and FY2017 were \$329,390.78 and \$1,004,911.25, respectively. Thus far there are sufficient revenues generated, and GEPA expects that there will be sufficient revenues in FY2018 and FY2019 to fulfill the objectives of this program.

5 Guam Code Annotated, Chapter 9 Administrative Adjudication Law, Article 3 Rule Making Procedures, §9301(i): Exemptions. Any proposed rule, change, change of rule, regulation or request to impose or raise fees or rates shall be exempted from the economic impact statement requirements of Subsection (d),(e),(f),(g) and (h) of this Section if the annual economic impact to the general public is Five hundred Thousand Dollars (\$500,000) or less as determined by a preliminary cost impact assessment performed by the Bureau of Budget Management Research, or by the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fee. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules and regulations, and must be transmitted to *Likheslatura* (the Legislature) as part of the Agency Record.

Therefore, Guam Environmental Protection Agency has determined that the requirement of §9301(d),(e), (f), (g) and (h) is not applicable to the proposed Recycling Revolving Fund Rules and

Regulations as there are no newly proposed fees or fee increases and will not have a measurable economic impact to the general public of Five Hundred Thousand Dollars (\$500,000) or less.

The preliminary Economic Cost Statement will address the following:

1. The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.

The enabling statute, 10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51, contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF. Additionally, a report issued by the Guam Office of the Public Auditor in 2015 questioned expenditures funded by the RRF and subsequently made a recommendation to place a moratorium on funding for items outside of those listed in 10 GCA Chapter 51 §51303(1-4). The proposed rules and regulations, as adopted, will address and resolve issues noted by the Office of the Public Auditor and allow GEPA to hire the program Administrator.

2. The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.

The RRF revenues are collected from vehicle registration renewal fees by the Department of Revenue and Taxation pursuant to 10 GCA Chapter 51 §51305 and §51306. The RRF have consistently averaged \$2.8 million over the past two years and have proven to be a stable source of revenues. Due to enforcement activities and the mandatory liability insurance law, compliance with Guam's vehicle registration program remains a success.

The proposed rules and regulations are administrative in nature and will have no additional financial burden to payers of this fee nor the general public. The GEPA has reviewed the fee and has elected not to adjust the fee at this time. Fees collected are adequate to fulfill program objectives at this time.

Upon adoption of the rules and regulations GEPA expects expenditures made for this program to increase as participating recycling facilities join the Recycling Industry Economic Stimulus Program.

3. Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF. The vehicle registration renewal fee has been imposed several years ago, is negligible relative to the total cost of vehicle ownership and is required by law. Consumers are accustomed to it and budget accordingly.

4 *Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.*

The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF. While there may be an increase in participating recyclers it is expected employment within the industry to remain constant in the short term. Waste and recycling efforts respond to shifts in net migration which are typically modest over time.

5 *Any increase or decrease in the cost of doing business as an enterprise or industry on Guam or any increase or decrease in doing business in general which is attributable to the proposed rule or regulation.*

The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF. It is expected that the adoption will lead to programmatic and administrative efficiencies, nevertheless.

6 *Any adverse or beneficial economic impact which is attributable to the proposed rule or regulation*

Upon enactment of this 10 GCA Chapter 51 as described above, expenditures to stimulate and or encourage recycling companies to "export" local reusable solid waste abroad serves a positive social and economic means to an end that preserves real estate values, frees up land otherwise destined as a solid waste landfill and improves our quality of life in the years to come. This program results in a net economic benefit to the residents of Guam.

Given the preliminary findings discussed above, the agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF.

*Assistance provided by the Bureau of Statistics and Plans

GUAM ENVIRONMENTAL PROTECTION AGENCY

AGENCIAN DE LA PROTECCION AMBIENTAL DE GUAM



EDDIE BAZA CALVO GOVERNOR OF GUAM
 RAY FENORIO LT. GOVERNOR OF GUAM
 17-33 TARRIGADA BARRIGADA, GUAM 96913-1617

FIND US ONLINE AT EPA.GUAM.GOV

RECEIVED
 AUG 22 2018
 DEPT OF ADMINISTRATION August 22, 2018
 DIRECTOR'S OFFICE

Mr. Edward Birn
 Director
 Department of Administration
 590 South Marine Corps Drive Suite 215
 Tamuning, Guam 96913

RECEIVED BY	
Print	Title
Signature	Date

Transmitted hand delivery

Re: §9301(e) 5 GCA - Adoption, Repeal, Rescission or Amendment of Rules: Procedure.

Hafa Adai Director Birn,

The Guam Environmental Protection Agency (Guam EPA) has completed a draft of proposed rules and regulations for the use and codified administration of Recycling Revolving Fund (RRF), pursuant to §51307(c) 10 GCA that states:

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

Pursuant to 10 GCA Chapter 51 §51303(2), the RRF appropriates funding towards not more than one (1) full-time (FTE) employee at Guam EEPA whose time is solely dedicated to administering and implementing Article 3 of 10 GCA Chapter 51. While it is the understanding of the agency that the proposed draft of the rules and regulations for RRF do not include any classifications specifications or wage and benefit determination, our intention is to fully comply with §9301(e) 5 GCA, which requires a review from the Department of Administration prior to its transmittal to / Lleslaturan Guåhan. The agency seeking DOA's written concurrence, or approval with our proposed draft so that we may enter it as part of our administrative adjudication record.

For your kind consideration and expeditious review, attached herewith are the agency's proposed rules and regulations. We understand that your department is not without its own personnel challenges, but we appreciate your assistance in helping our agency meets its mission in protecting human and environmental health.

If you have any questions about this matter, please contact Nic Rupley Lee at 671-300-4753. We look forward to hearing from you soon.

Very Respectfully,

Nic Rupley Lee
 Acting Administrator, Guam EPA

Cc: Shane Ngata

TODO Y NILALAY TANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE.



GUAM ENVIRONMENTAL PROTECTION AGENCY

AGENCIAN PROTEKSION LINGKARAN GUAM

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENDRIO
LT GOVERNOR OF GUAM

17-3304 MARINER AVENUE • TIYAN, BARRIGADA, GUAM 96913-1617

FIND US ONLINE AT EPA.GUAM.GOV

August 22, 2018

Mr. Shane Ngata
Personnel Services Administrator
Department of Administration
590 South Marine Corps Drive Suite 215
Tamuning, Guam 96913

Transmitted hand delivery

RECEIVED BY	
Print	Title
Winona	
Signature	Date
	8/22/18

Re: §9301(e) 5 GCA - Adoption, Repeal, Rescission or Amendment of Rules: Procedure.

Hafa Adol Mr. Ngata,

The Guam Environmental Protection Agency (Guam EPA) has completed a draft of proposed rules and regulations for the use and codified administration of Recycling Revolving Fund (RRF), pursuant to §51307(c) 10 GCA that states:

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

Pursuant to 10 GCA Chapter 51 §51303(2), the RRF appropriates funding towards not more than one (1) full-time (FTE) employee at Guam EEPA whose time is solely dedicated to administering and implementing Article 3 of 10 GCA Chapter 51. While it is the understanding of the agency that the proposed draft of the rules and regulations for RRF do not include any classifications specifications or wage and benefit determination, our intention is to fully comply with §9301(e) 5 GCA, which requires a review from the Department of Administration prior to its transmittal to *Liheslaturan Gudhan*. The agency seeking DOA's written concurrence, or approval with our proposed draft so that we may enter it as part of our administrative adjudication record.

For your kind consideration and expeditious review, attached herewith are the agency's proposed rules and regulations. We understand that your department is not without its own personnel challenges, but we appreciate your assistance in helping our agency meets its mission in protecting human and environmental health.

If you have any questions about this matter, please contact Nic Rupley Lee at 671-300-4753. We look forward to hearing from you soon.

Very Respectfully,

Nic Rupley Lee
Acting Administrator, Guam EPA

Cc: Edward Bim

Department of Administration Human Resources Division
AUG 22 2018
Records Branch

TODO Y NILALA Y TANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE.



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Government of Guam
(Gubainomention Guahan)
Department of Administration
(Dipattamenton Atmenestration)
Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1221/1250 * Fax: (671) 477-6788



Edward M. Birn
Director
Vincent P. Arriola
Deputy Director

DEC 11 2018

HRD NO.: 18-725

MEMORANDUM

To: Administrator, Guam Environmental Protection Agency

From: Director, Department of Administration

Subject: Request for Review Proposed Rules for Recycling Revolving Fund
RE: §9301 (e) 5 GCA – Adoption, Repeal, Rescission or Amendment of Rules:
Procedure

12/11/18

Buenas yan Háfa Adai! This is in reference to your memorandum dated August 22, 2018, requesting a review of your proposed rules and regulations for the use and codified administration of the Recycling Revolving Fund (RRF) pursuant to §51307 (c) of Title 10 Guam Code Annotated (GCA).

A review was conducted in accordance with Title 5 GCA, Chapter 9, Administrative Adjudication Law, and it has been determined that the Guam's Recycling Revolving Fund Rules and Regulations are not personnel related in nature and do not pertain to employment. Therefore, approval from our Department is not necessary. Please refer to the Administrative Adjudication Law for further compliance. Should you have any questions, please do not hesitate to contact our Regulatory and Compliance Branch at 475-1132 or 1174. *Dangkolo na Agradesimiento!*

EDWARD M. BIRN

cc: Director's Office, Regulatory & Compliance Branch

**PRELIMINARY COST IMPACT STATEMENT
FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY THE
GUAM ENVIRONMENTAL PROTECTION AGENCY***

Guam EPA is required by law to adopt proposed rules and regulations for the Recycling Revolving Fund (RRF) pursuant to 10 GCA Chapter 51 §51307(c). Furthermore, the adoption of said rules and regulations will not affect nor impact statutory fees, currently sufficient for such purposes. Therefore, GEPA will not seek to raise or adjust existing fees pursuant to 10 GCA Chapter 51 §51308.

The recycling initiatives delineated in proposed rules and regulations are: Mayor's Council of Guam Island-Wide Environmental Cleanup Program (IICP), Recycling Industry Economic Stimulus Program Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan, Guam Beverage Container Recycling, Integrated Solid Waste Management Plan, Green Waste Plan, Disaster Debris Management, Zero Waste Grant Program and a Subsidization of the Recycling Tipping Fees for Low Income Household.

Appropriations into the RRF are set forth in 10 GCA Chapter 51 §51305 and §51306, as enacted by Guam Public Law No. 28-58, where authorization is given to the Department of Revenue and Taxation (DRT) to levy recycling fees on annual motor vehicle registration renewals. The Recycling Fee is imposed on payers of vehicle registrations; the funds collected of which are deposited as a continuing appropriation into the RRF account separate and apart for this purpose. The proposed rules and regulations do not affect nor impact vehicle registration renewal fees as levied by the Department of Revenue and Taxation.

In FY2016 and FY2017, recycling fees levied by DRT were \$2,801,597.77 and \$2,859,696.33, respectively. Funds disbursed in this program in FY2016 and FY2017 were \$329,390.78 and \$1,004,911.25, respectively. Thus far there are sufficient revenues generated, and GEPA expects that there will be sufficient revenues in FY2018 and FY2019 to fulfill the objectives of this program.

5 Guam Code Annotated, Chapter 9 Administrative Adjudication Law, Article 3 Rule Making Procedures, §9301(i): Exemptions. Any proposed rule, change, change of rule, regulation or request to impose or raise fees or rates shall be exempted from the economic impact statement requirements of Subsection (d),(e),(f),(g) and (h) of this Section if the annual economic impact to the general public is Five hundred Thousand Dollars (\$500,000) or less as determined by a preliminary cost impact assessment performed by the Bureau of Budget Management Research, or by the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fee. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules and regulations, and must be transmitted to *I Liheslatura* (the Legislature) as part of the Agency Record.

Therefore, Guam Environmental Protection Agency has determined that the requirement of §9301(d),(e), (f), (g) and (h) is not applicable to the proposed Recycling Revolving Fund Rules and

Regulations as there are no newly proposed fees or fee increases and will not have a measurable economic impact to the general public of Five Hundred Thousand Dollars (\$500,000) or less.

The preliminary Economic Cost Statement will address the following:

1. --The purpose and the need for the rule or regulation: an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.

The enabling statute, 10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51. contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF. Additionally, a report issued by the Guam Office of the Public Auditor in 2015 questioned expenditures funded by the RRF and subsequently made a recommendation to place a moratorium on funding for items outside of those listed in 10 GCA Chapter 51 §51303(1-4). The proposed rules and regulations, as adopted, will address and resolve issues noted by the Office of the Public Auditor and allow GEPA to hire the program Administrator.

2. The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.

The RRF revenues are collected from vehicle registration renewal fees by the Department of Revenue and Taxation pursuant to 10 GCA Chapter 51 §51305 and §51306. The RRF have consistently averaged \$2.8 million over the past two years and have proven to be a stable source of revenues. Due to enforcement activities and the mandatory liability insurance law, compliance with Guam's vehicle registration program remains a success.

The proposed rules and regulations are administrative in nature and will have no additional financial burden to payers of this fee nor the general public. The GEPA has reviewed the fee and has elected not to adjust the fee at this time. Fees collected are adequate to fulfill program objectives at this time.

Upon adoption of the rules and regulations GEPA expects expenditures made for this program to increase as participating recycling facilities join the Recycling Industry Economic Stimulus Program.

3. Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF. The vehicle registration renewal fee has been imposed several years ago, is negligible relative to the total cost of vehicle ownership and is required by law. Consumers are accustomed to it and budget accordingly.

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The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF. While there may be an increase in participating recyclers it is expected employment within the industry to remain constant in the short term. Waste and recycling efforts respond to shifts in net migration which are typically modest over time.

5. Any increase or decrease in the cost of doing business as an enterprise or industry on Guam, or any increase or decrease in doing business in general, which is attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF. It is expected that the adoption will lead to programmatic and administrative efficiencies, nevertheless.

6. Any adverse or beneficial economic impact, which is attributable to the proposed rule or regulation.

Upon enactment of this 10 GCA Chapter 51 as described above, expenditures to stimulate and/or encourage recycling companies to "export" local reusable solid waste abroad serves a positive social and economic means to an end that preserves real estate values, frees up land otherwise destined as a solid waste landfill and improves our quality of life in the years to come. This program results in a net economic benefit to the residents of Guam.

Given the preliminary findings discussed above, the agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF.

*Assistance provided by the Bureau of Statistics and Plans

GUAM DAILY POST • THURSDAY, DECEMBER 6, 2018

Guam Republicans announce legislative leadership

By Kevin Kerrigan
kevin@postguam.com

The Republican Party of Guam has announced that Sen. Wil Castro will be the party's minority leader in the 35th Guam Legislature. Sen. Louise Borja Muna will serve as assistant minority leader.

According to a release from the party, the GOP caucus recently met and unanimously elected the two incumbent senators to those leadership positions.

"I am most humbled and privileged to be chosen as minority leader," said Castro in the release. "I stand committed to working with my colleagues ... as well as the new administration in Adelup."

Returning Sen. Telo Taitague was chosen as minority whip, and fresh-

man-elect Sen. Jim Moylan, who was the top GOP vote-getter among Republicans in the primary election, will serve as assistant minority whip.

Incumbent Sen. Mary Torres, who was elected to her third term in the legislature, will have the longest consecutive tenure as a senator, in either party, when the members of the 35th Legislature are sworn in.

Torres was not selected to a leadership position. She is named a "minority member." She told The Guam Daily Post she was one of three senators who sought the minority leadership position.

"Each of us had a chance to express



Wil Castro



Louise Muna

our interest, and what we thought were our strong points," said Torres. "Unfortunately, I didn't have the votes."

"I respect the process," Torres added, "and I did whatever I could to facilitate it so that we could come to some decision about the leadership in a timely manner."

Republican Party of Guam Chairman Jerry Cristostomo congratulated the caucus "for coming together to elect their leadership team."

The Guam leadership in the 35th Guam Legislature:

- Sen. Wil Castro - minority leader
- Sen. Louise Borja Muna - assistant minority leader

• Sen.-elect Telo Taitague - minority whip

• Sen.-elect Jim Moylan - assistant minority whip

• Sen. Mary C. Torres - minority member

The Republicans will control only five of the 15 seats in the next legislature, one less than they currently hold.

That puts them at a disadvantage in the face of the 10 seats won by Democrats who now hold a super-majority.

A super-majority means that the Democrats have enough votes to override a veto by the governor, which may not often be necessary as Gov.-elect Lou Leon Guerrero is also a Democrat.

The Democratic Party has yet to announce its legislative leadership lineup.

Guardsmen fail to withdraw recruitment fraud guilty pleas

Chief Judge Frances Tydingco-Gatewood of the District Court of Guam denied a motion to withdraw guilty pleas and dismiss criminal charges against Anthony T. Ngrirarols and Roderick Y. Ngrimekur.

In the order, Tydingco-Gatewood said the defendants bore the burden of establishing that the withdrawal of their guilty plea was warranted.

Ngrirarols argued that a case recently decided by the 6th U.S.

Circuit Court of Appeals constituted a change in the law, which rendered the accusations against the defendant null. In *United States v. Osborne*, the appellate court held that, in a trial of a defendant who allegedly stole from the Guard Recruiting Assistance Program, or G-RAP, the government failed to produce sufficient evidence that program funds belonged to the United States.


That case was decided after the court had already accepted the defendants' guilty pleas.

Ngrirarols and Ngrimekur pleaded guilty in 2016 to theft of government property. Ngrirarols additionally pleaded to wire fraud. Ngrirarols' indictment accused him of knowingly stealing and converting to his own use \$19,500 from the Department of Defense, and of aiding and abetting Ngrimekur.

While Ngrimekur argued the government failed to provide sufficient evidence in the *Osborne* case, Tydingco-Gatewood did not believe that would mean the government would be unable to produce evidence in a trial against these defendants.

The court held the defendants failed to show a "fair and just reason" for requesting the withdrawal of their guilty pleas and denied the motions.

(Daily Post Staff)



DEPARTMENT OF LABOR
DIRAÑTMENTON HUMOTNAT • Sen. Mabil, Ph.D., Director • Cecilia S. Sosa, Deputy Director

NOTICE OF PUBLIC HEARING


The Guam Department of Labor (GDL) is seeking public input on the update of the Guam Registered Apprenticeship Program Demand Occupations Listing.

A public hearing will be conducted on Friday, December 14, 2018, at 10:00 a.m., in the GDL American Job Center conference room, 3rd floor, Bell Tower Plaza in Anigwa. The public is invited to attend and provide testimony on which areas need additional professional and skilled technical trade workers. Written testimony may also be sent via email to apprenticeship@dol.guam.gov or by fax to 475-6811 until close of business on December 14, 2018.

Copies of the prior year's approved Guam Registered Apprenticeship Program Demand Occupations Listing are on file and available for examination at the GDL Director's Office located on the 4th floor of the GDL Building in Hagåtña.

For more information, please contact GDL at 300-4572. Requests for reasonable accommodations must be made at least 72 hours in advance.

This ad is paid with Apprenticeship Expansion Grant federal funds administered by the Guam Department of Labor



GUAM ENVIRONMENTAL PROTECTION AGENCY
AÑENSIAN PROTEUSION LINGALA GUARIAN

NOTICE OF PUBLIC HEARING
PROPOSED RULES AND REGULATIONS FOR THE RECYCLING REVOLVING FUND

In accordance with §9301(a), Chapter 9, Title 5 of the Guam Code Annotated, Guam Environmental Protection Agency (Guam EPA) invites the general public and all interested parties to a public hearing on the agency's proposed rules and regulations for the Recycling Revolving Fund.

PUBLIC HEARING IS SCHEDULED FOR
Wednesday • December 19, 2018 • 5:00 p.m.
at the Guam EPA Administration Building Conference Room located at 17-3304 Mariner Avenue, Tiyen.

Documentation relevant to this public hearing can be reviewed at the agency's administration building in Tiyen from 8:00 a.m. to 4:30 p.m. on business days, beginning on Thursday, December 6, 2018. Documentation will also be available on-line at www.epa.guam.gov.

Written comments are welcomed and must be received by the agency via hand delivery or mail and should be addressed to: Walter S. Leon Guerrero
c/o Guam EPA: 17-3304 Mariner Avenue Tiyen Barrigada, Guam 96913-1617
Written comments must be received no later than 5:00 p.m. on December 19, 2018.
Facsimile or electronic copy submissions will not be accepted.

/s/ Walter S. Leon Guerrero, Administrator
Individuals requiring special accommodations, auxiliary aids or services should contact Guam EPA by calling 300-4751/2.

TODO Y NILALAY TANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE

#GUAMEPA @guamepa epa.guam.gov

Get results in our **CLASSIFIEDS** 



Guam EPA 1000 G. P.O. Box 1000
 Agaña, GUAM 96909

GUAM ENVIRONMENTAL PROTECTION AGENCY

PUBLIC HEARING

DRAFT RECYCLING REVOLVING FUND RULES AND REGULATIONS
 Deadline to receive written public comments via hand delivery or mail is 5:00 p.m. December 19, 2018.
 Public Hearing begins on Wednesday, December 19, 2018 at 5:00 p.m.
 Location: Guam EPA, Main Office Program: Solid Waste Management Program

	Name	Position / Title	Company / Agency	Mailing Address	Phone No.	E-mail	Facsimile No.
1	Sabrina Cruz Sablan	SFC	Guam EPA		300-4751	sabracruz.sablan@epa.guam.gu	
2	Conchita sv Tartario	PH	Guam EPA				
3	Robert Pomon	GM	Greenblatt & Pugh		777-5320	rpomon@mirubachman.com	
4	Kristan K Finney						
5	NR PUPUN UBE	ACTING DEPUTY	GUAM EPA		300-7753		
6							
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12							
13	Geny V. San Nicolas	SOMP	GUAM EPA		777-2373	geny.sannicolas@epa.guam.gu	
14							
15							
16							

**Draft Recycling Revolving Fund Comments
Public Hearing December 19, 2018**

Company	Comments	Guam EPA Response
Guahan Waste Control: Bob Perron	So has the sliding scale been released yet?	The Sliding scale was received and prepared by our contractor Jacobs and was received last week and will be made available as part of the administrative record to the community.
	Where, which market? Is it the market in the States or in China? I think they need to modify based on what's going on here, because like I said.	Contractor was using the consumer index which was not specific to Guam, it was going to be destination wide.
	Uh, cardboard lets see, I have to ask our shipper what he's paying. Unintelligible. We do 26 tons per container, so 26 times 83.	Section on the Stimulus Payment Calculation E4, explains where they got the calculations based on World Freight Rates.
	END OF COMMENTS	

TRANSCRIPT OF DRAFT RECYCLING REVOLVING FUND RULES AND REGULATIONS
PUBLIC HEARING ON DECEMBER 19, 2018

Hafa Adai; Good Afternoon, my name is Sabrina Cruz Sablan, I'm a Special Projects Coordinator here at Guam EPA. We are here today at the Administration conference room for the public hearing on the Draft Recycling Rules and Regulations it is now 5:01 pm, December 19, 2018. In compliance with the open government law this was noticed on December 6, 2018, in the Guam Daily Post. The floor is open for anybody to make comments please and ask for everybody present to please sign in even though it is all Guam EPA. The floor is open would anybody like to make comment or review the draft? This public hearing will remain open until 5:30 pm, December 19, 2018 and if there are no interested parties we will close the public hearing and public comment period.

Bob Perron: So has the sliding scale been released yet?

Conchita Taitano: The sliding scaled was received and was prepared by our contractor Jacobs, and was received last week and it will be made available as part of the administrative record to the community. The deadline is five o'clock today to receive written comments. After the completion of the public comment period our process would be to consolidate and collate all written comments and then make it available to the public. We will incorporate it to the existing draft regulations and later present it to the Board of Directors for their review and consideration.

Kristan Finney: Just for reference where in the rules is the sliding scale you are talking about reference?

Conchita Taitano: It would be under the Stimulus.

Sabrina: The sliding scale that rules that we put out after the publication Kristen, as Conchita said we just received it last week so this was received after we made the publication and that is why we have them available now.

Conchita: But it would be...page 9?

Bob: It is on page 7.

Conchita: It would be page 7, if you to look for it and it would be under the Stimulus provision.

Sabrina: We also received some language for the zero waste grants.

Conchita: Oh, okay, so why don't we give her this one.

Kristen: Okay, because I am looking under this and I don't see it.

Bob: Page 7

Conchita: It's under the Recycling Industry Economic Stimulus, so you see all of this?

Kristen: Oh...

Conchita: That's the sliding scale that we are talking about.

Kristen: Can I see I where it's like

Conchita: So it starts here, it's incorporated here, because remember we had gone back and forth about developing a sliding scale and we didn't have the details so now we have the details.

Sabrina: What version do you have Bob?

Bob: The one you gave me.

Sabrina: That's right because it came in after.

Bob: Is this releasable to me?

Sabrina: Yes, this is the public hearing.

Kristen: So this refers to Section 24303.3, there is an additional proposed Section E and F.

Conchita: Yes

Kristen: That describes how this, how the payments be calculated and

Conchita: Correct

Kristen: and proposes a sliding scale starting on January 1, 2019?

Conchita: We can always adjust that based on how long it would get to the Legislature. We can always say that we can have that actually that effective 60 days after the regulations are promulgated.

Kristen: Right

Conchita: Maybe to be safe.

Kristen: Right

Conchita: Because what that will do, when we say January 2019, Bri, the problem is it may create a problem.

Sabrina: Yes, we can change that date

Conchita: Yea, I would change that to 30 days whatever is reasonable

Kristen: Based on whenever

Sabrina: Whenever it's passed.

Conchita: Very good point

Kristen: So then, just to clarify, in Section C: this 24303.C it says "The Administrator may determine the dollar amount of the stimulus to be disbursed to the eligible recycling facilities." This is different from E and F?

Conchita: Well because if you look at the table, under here Stimulus payout, it's to be determined which is TBD1, which is it really comes down to what can we pay. Because if you look amount, based on the shipping cost that was determined, the market value, and this is what the Stimulus payout per dollar, per ton should be. That doesn't necessary mean the amount that we can pay.

Kristen: So this goes back to the beginning, or this other part where says here is all these initiatives and the Administrator is going to determine how much is available for each of these.

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Conchita and Sabrina: Right

Kristen: The Administrator is going to determine how much total is available for this Section, Stimulus program. Is that correct?

Conchita: I would think so.

Kristen: And then the specific amounts will come from this calculation:

Conchita: That's right

Kristen: And the F sets it out for the first cycle.

Conchita: Yea, when this is promulgated, that's what I'm thinking.

Kristen: I'm just making sure I'm understanding.

Conchita: What did you think about that Bob, because obviously the shipping companies have to...

Bob: Uh, cardboard lets see, I have to ask our shipper what he's paying. Unintelligible. We do 26 tons per container, so 26 times 83.

Sabrina: Well Bob, it also if you see E4, it tells you where they got the calculations.

Conchita: It's roughly,

Bob: To China

Conchita: This is where they are saying they got it, they are making reference to world freight rates

Sabrina: World Freight rates

Conchita: World Freight rates with comparable shipping cost from port to port containers and EPA is the volume to weight, so there really was a lot of effort.

Bob: But port to port, going to which port to which port?

Conchita: I don't know

Bob: Oh okay.

Conchita: But I'm just saying that roughly what they are looking at

Bob: This seems to be pretty good, I think if it goes to China

Conchita: But that the market that's the shipping cost that does not include the market price. So there is the market price and then so in terms of the Stimulus payout dollars right now they are getting zero, but it gives the Administrator.

Bob: Right, I think it should be zero right now, we don't need it

Conchita: To be... exactly

Bob: This one needs help cos uh, this is ugh this is Zero

Conchita: The market price is wrong and mind you it all depends like right now

Bob: It's been zero for a long long time, so I would like to see where they get that

Conchita: And that is a very good question

Bob: I think they are paying they might be getting, like 1 cent a pound or something

Conchita: and that is a very good question and maybe this is a question that you can come in as a community member saying that I want to know how did they arrive at this?

Bob: Yea and so, cos some even tires is to much, if you pay that much

Conchita: Right, but that is a very good question, and so again, you should ask that question, you should register as somebody coming in as industry.

Bob: Yea, cos I just want it to be right, fair

Sabrina: Your welcome to come in, this is the public hearing

Kristen: One other question I have is Section D on page 6

Sabrina: Shssh, Section D page 6

Kristen: Yea, of this original I just got.

Sabrina: The Agency shall develop a program payment calculation?

Kristen: Yea, Is that supposed to be taken out and replaced by a Section E?

Sabrina: I suppose so, I think we need to change some of that language because it's says shall develop and we are already showing you we did develop it.

Kristen: So it just looked like maybe it was a replacement that I have unintelligible.

Sabrina: As I said we just received it, I haven't had time to really digest it and I wanted to wait until we had the public hearing so we can share this with everyone.

Conchita: Right, we didn't want to make any changes until everybody looked at it and hacked it to death. Laughter... unintelligible So yes, I recommend that you weigh in as a recycler.

Bob: If you like I can put you guys or Jacobs or whoever in touch with Jim Fagelson our commodity guy because he pays the shipping cost, he's got a good shipping price because of the amount of containers he ships.

Conchita: No what it is, is this, is that. You know, you present the question and what will happen is we will send it over to Jacobs.

Bob: Oh, okay.

Conchita: So they will be able to respond, it's a valid question. How did you arrive at this?

Bob: right, right.

Conchita: Because the quantity is there, the sliding scale.

Bob: Oh I mean the commodities, some of our

Conchita: Like plastics, plastics is a dead giveaway because right now plastics isn't worth anything

Bob: the plastics

Glenn: They are going with the market

Bob: Where? Which market? Is it the market in the states or the market in China?

Glenn: so that, I'm hoping that they

Sabrina: I think what they were saying in our discussion is they were going to use the consumer index and it was not specific to Guam, it was going to be a destination wide.

Bob: I think they need to modify based on what's going on here, because like I said

Conchita: I agree, I agree

Sabrina: Can you guys all speak loud so can make sure all your comments are heard.

Glenn: Because of a lot of the commodities are going overseas already, then those numbers are readily available, but they should be able to separate the overseas market versus the local CONUS markets, right?

Bob: Sure

Glenn: So they'll be using market index for those commodities along with the shipping index for our area.

Conchita: But I think that is the key phrase "our area" and and that's where you question, where they came up with these values and whether or not unintelligible are these values representative of the region?

Bob: Right

Conchita: Versus the national, because there are two different sets of the numbers

Bob: Right, Right because I can give you invoices and shipping documents to show you exactly

Conchita: No no no, you don't need to do that, it's the job of the Agency to explain this.

Bob: Yea, maybe it might behoove the Agency or Jacobs to go gather local data as far as how much shipping cost are from here to market. Because from here if it goes to China right now, I think it's in the low two's like twenty two hundred maybe. If it goes to Japan or Korea, it's over three thousand, so it just depends on what market is open and China has been so fickle, I can't ship to China this month, anything, so we're froze.

Sabrina: I think Bob, when the contractor's paid a visit to us in October, that's what they did they didn't touch every recycler but they did go to recyclers and talked to them about their shipping cost.

Bob: um hum

Conchita: But that's a valid question, put that in your comment.

Bob: Yea

Sabrina: Oh no no, I'm just...absolutely

Glenn: Yea, So in addition to that sliding scale maybe the Agency should put language in there that's says maybe it will be done uh you know quarterly as opposed to every time it the market drops because we're going to be changing every time

Bob: Every day

Glenn: So we need to say at least once a year or whatever the Administrator decides

Bob: uh hum

Sabrina: And approved by the Board

Glenn: Yea, and approved by the Board that is adequate that is fair.

Bob: Yea Yea

Glenn: Because otherwise we are changing the scale

Bob: Because cardboard I agree, we should get zero because right now we could get close to one sixty if it goes to China, if it goes to Taiwan or anywhere else, it's about sixty dollars it's such a big variance depending on where it has to go, but I think it's doing okay now, stimulus really isn't required. Paper is required, paper, we stop doing paper we don't do it, because we gotta pay to have someone accept paper.

Conchita: Well that's where the stimulus is needed

Bob: Exactly

Conchita: Just like the plastics

Bob: Right

Conchita: That's where the stimulus really is needed because but then again stimulus for that and we can also work on markets here on the island

Sabrina: So you were saying... I'm Sorry

Conchita: And that part of the Rules and Regulations, we have it reserved but that's where we need to change the Statute that will authorize the Agency to give out grants. Because right now we don't have that but it's reserved, you'll see in that section there, even though there are details in it, it's reserve because we are not authorized to give grants. We should have something final though, we should have a good draft for the 10 GCA chapter 51 by they are targeting by the end of January. So you'll see that to. We'll get that to you Kristen.

Glenn: And that will be specific to uh the

Conchita: That and our assessment report

Glenn: To the RRF

Conchita: Yup, well it's RRF and a bunch of other things, remember there was some stuff there you said needed to be cleaned up. So it's like the RRF, the Zero Waste, I think there is a number of things that they need to include, it's really quite extensive, I think.

Sabrina: Before everybody forgets, can I please just remind everybody to sign in again.

Conchita: Oh yes

Bob: You want me to sign in?

Sabrina: Yes

Bob: As recycler?

Conchita: Yea, you gotta give the community a face.

Listening to the Legislature voting on bills.

Sabrina: Kristen, can you sign in please

Conchita: Young lady, you need to sign in

Bob: Like for tires, um, it's all a function of what the recyclers will charge the tire shop. So if the recycler charges five or six dollars a tire then there wouldn't be a need for stimulus to help that commodity. But if you wanted to charge like three dollars then you would need a subsidy, so we need to figure out how that works.

Glenn: Because I think it's going to be based on the market

Bob: Without taking any

Glenn: They are not going to be doing any O & M, because O & M is going to be different across the board. You know, Mr. Rubbishman's O & M may be higher than Viba recycling who is only two man operation, I mean that's only a Mom and Pop.

Bob: What affects me mainly is just talking to one is they are paying too much, like cardboard is at zero it's fine for now, it's gotta, I'm not sure like paper makes a small amount right now, which probably makes it viable but plastic has got nothing, plastic really needs it. The government is subsidizing it right now at twelve grand a month.

Glenn: Yea, I think like plastics on this side of the house, we need to make it, you know if it's truly zero waste we could process petroleum product or something or something that we can use on island.

Bob: Yea, like a plastic to oil system yea cause if there was a stimulus I could probably buy one of those systems because that has to be subsidized there is no way we could deal with plastics.

Glenn: yea, you know that is something, that is something that we could entertain, that's that is truly zero waste. But one of the ideas that the Agency should pursue is require uh, an advance disposal fee for the uh for trash bins. And the recyclable bins for trash service

Sabrina: We have five more minutes,

Nic: Seven and some change

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Sabrina: Okay, we'll go by my clock and it says 5:23, so we have seven more minutes. Oh, we're going by the camera? Why thank you so we won't dispute that.

Glenn continues to chatter in the background unintelligible.

Glenn: We would have, you know pay the utility and then they pay for the trash bins by default so everybody has a trash bin plus a recyclable bin, that should curb a lot of unintelligible and illegal dumping. And then private sector, you the commercial that can concentrate on multi units, commercial buildings like they're doing right now. That would increase the revenue for the GSWA, the collection portion of it.

Bob: Uh, huh. Like the tires, if there was a \$433 dollar subsidy as what's contemplated, we could do a tire disposal at a buck and half to two dollars a tire to the community. If they use the number that is listed.

Glenn: It's either that they use an advance disposal fee so that there won't be an excuse for oh no I'm going to use this tire. How many times do they say I'm going to use this tire because they don't want to pay the disposal fee.

Bob: They just throw it in the jungle or in the dumpster.

Glenn: But Senator Respicio passed this tire thread use, reuse tires, who enforces that?

Bob: Is it in the law now?

Glenn: It is the law.

Bob: The one he did was the six, anything over 6 years old, I don't remember that

Glenn: Unintelligible

Bob: That's under the safety inspection law, when you do the safety inspection and we do it, if your under a certain amount of the thread, we don't pass you. We get yelled at by some people.

Glenn: I mean no body is really enforcing that, is what I'm saying is that Guam EPA's responsibility now, not that tires there is a tire debt?

Conchita: The tires a debt, boy did I hear that a lot.

Nic: five minutes

Sabrina: We have 5 more minutes if anyone wants to put any real comments on.

Conchita: Sahil we do roll call?

Sabrina: Glenn, can you sign.

Conchita: Glenn will talk

Sabrina: Thank God there is a limit on that, we're down to three minutes Glenn.

Nic: We can show Glenn how to turn the camera off.

Kristan: Other than the sliding scale there was no other written comments?

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Sabrina: No, the sliding scale and as we mentioned the Zero Waste grants, but that's just still on reserve, even though we are already doing some work on it.

Conchita: But they're comments were receive so we can't ignore that

Sabrina: But then I will go back and clean it up based on these little things that you mentioned.

Conchita: The redundancies, we'll eliminate the redundancies.

Background chatter...

Sabrina: We have about two minutes before we close but if I haven't stated already, Guam EPA did not receive any written comments during the ten day period that it was published.

Conchita: We did

Sabrina: No, from the public, no only the comments from our Contractor, no, what I'm saying is that nobody came in a picked up a packet or anything like that.

Conchita: Okay

Sabrina: It's been out in the front

Nic: Five copies right?

Sabrina: Correct

Background chatter

Nic: How do they do it down at the Legislature though?

Conchita: Which one?

Nic: If no on shows up

Sabrina: I don't think there has ever been a case were no one should up

Nic: I've seen it

Sabrina: Oh, you have?

Conchita: But not for our stuff, we cango through an entire public comment period and get nothing and then all of a sudden the cry, the outcry comes out when it gets to the Legislature.

Nic: You know, this is why we are following the law, we are complying with the open government rules

Conchita: No we're fine, I'm just saying I'm not shocked but the will come out when it goes before the Legislatre, because then the sense of realism kicks in

Nic: So I think this, that, plus whatever I forgot to mention that becasue all of you were talking, she has to transpose all of that.

Sabrina: You forgot to mention what?

Nic: Because they were all speaking you have to transpose all of that

Kristan: Transcribe

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Nic: Transcribe, rather, you have to transcribe the entire conversation and that gets entered into the adjudication record that goes to

Conchita: The conversation that is germane that is relative to the document.

Nic: that's two thirds of out banter today

Conchita: yea but track more like two thirds mor like ten percent we discussed that.

Nic: Okay that's it.

Sabrina: Kkay don't turn it off yet Nic, tell me the time

Nic: 5:31

Sabrina: The time is 5:31, December 19, 2018, the public hearing for the draft Recycling Rules and Regulations is now closed. Thank you everyone for coming, which is all the Guam EPA staff and our one recycler.

GUAM DAILY POST • THURSDAY, DECEMBER 6, 2018

Guam Republicans announce legislative leadership

By Kevin Kerrigan
kevin@postguam.com

The Republican Party of Guam has announced that Sen. Wil Castro will be the party's minority leader in the 35th Guam Legislature. Sen. Louise Borja Muna will serve as assistant minority leader.

According to a release from the party, the GOP caucus recently met and unanimously elected the two incumbent senators to those leadership positions.

"I am most humbled and privileged to be chosen as minority leader," said Castro in the release. "I stand committed to working with my colleagues ... as well as the new administration in Adelup."

Returning Sen. Telo Taitague was chosen as minority whip, and fresh-

man-elect Sen. Jim Moylan, who was the top GOP vote-getter among Republicans in the primary election, will serve as assistant minority whip.

Incumbent Sen. Mary Torres, who was elected to her third term in the legislature, will have the longest consecutive tenure as a senator, in either party, when the members of the 35th Legislature are sworn in.

Torres was not selected to a leadership position. She is named a "minority member." She told The Guam Daily Post she was one of three senators who sought the minority leadership position.

"Each of us had a chance to express



Wil Castro



Louise Muna

our interest, and what we thought were our strong points," said Torres. "Unfortunately, I didn't have the votes."

"I respect the process," Torres added, "and I did whatever I could to facilitate it so that we could come to some decision about the leadership in a timely manner."

Republican Party of Guam Chairman Jerry Crisostomo congratulated the caucus "for coming together to elect their leadership team."

The Republican leadership in the 35th Guam Legislature:

- Sen. Wil Castro - minority leader
- Sen. Louise Borja Muna - assistant minority leader

• Sen.-elect Telo Taitague - minority whip

• Sen.-elect Jim Moylan - assistant minority whip

• Sen. Mary C. Torres - minority member

The Republicans will control only five of the 15 seats in the next legislature, one less than they currently hold.

That puts them at a disadvantage in the face of the 10 seats won by Democrats who now hold a super-majority.

A super-majority means that the Democrats have enough votes to override a veto by the governor, which may not often be necessary as Gov.-elect Lou Leon Guerrero is also a Democrat.

The Democratic Party has yet to announce its legislative leadership lineup.

Guardsmen fail to withdraw recruitment fraud guilty pleas

Chief Judge Frances Tydingco-Gatewood of the District Court of Guam denied a motion to withdraw guilty pleas and dismiss criminal charges against Anthony T. Ngirariois and Roderick Y. Ngirmekur.

In the order, Tydingco-Gatewood said the defendants bore the burden of establishing that the withdrawal of their guilty plea was warranted.

Ngirariois argued that a case recently decided by the 6th U.S.

Circuit Court of Appeals constituted a change in the law, which rendered the accusations against the defendant null. In United States v. Osborne, the appellate court held that, in a trial of a defendant who allegedly stole from the Guard Recruiting Assistance Program, or G-RAP, the government failed to produce sufficient evidence that program funds belonged to the United States.

That case was decided after the court had already accepted the defendants' guilty pleas.

Ngirariois and Ngirmekur pleaded guilty in 2016 to theft of government property. Ngirariois additionally pleaded to wire fraud. Ngirariois' indictment accused him of knowingly stealing and converting to his own use \$19,500 from the Department of Defense, and of aiding and abetting Ngirmekur.

While Ngirmekur argued the government failed to provide sufficient evidence in the Osborne case, Tydingco-Gatewood did not believe that would mean the government would be unable to produce evidence in a trial against these defendants.

The court held the defendants failed to show a "fair and just reason" for requesting the withdrawal of their guilty pleas and denied the motions.

(Daily Post Staff)

 DEPARTMENT OF LABOR
DEPARTAMENTON HUMOTNAT • Sen. Sabina, Ph.D., Director • Cecilia B. Suka, Deputy Director

NOTICE OF PUBLIC HEARING


The Guam Department of Labor (GDOL) is seeking public input on the update of the Guam Registered Apprenticeship Program Demand Occupations Listing.

A public hearing will be conducted on Friday, December 14, 2018, at 10:00 a.m., in the GDOL American Job Center conference room, 3rd floor, Bell Tower Plaza in Anigua. The public is invited to attend and provide testimony on which areas need additional professional and skilled technical trade workers. Written testimony may also be sent via email to apprenticeship@dol.guam.gov or by fax to 475-6811 until close of business on December 14, 2018.

Copies of the prior year's approved Guam Registered Apprentice Program Demand Occupations Listing are on file and available for examination at the GDOL Director's Office located on the 4th floor of the GCIC Building in Hagåtña.

For more information, please contact GDOL at 300-4572. Requests for reasonable accommodations must be made at least 72 hours in advance.

This ad is paid with Apprenticeship Expansion Grant federal funds administered by the Guam Department of Labor

 GUAM ENVIRONMENTAL PROTECTION AGENCY
AHEÑSIAN PROTÈKSION LINGLA GUAJIAN

NOTICE OF PUBLIC HEARING
PROPOSED RULES AND REGULATIONS FOR THE RECYCLING REVOLVING FUND

In accordance with §9301(a), Chapter 9, Title 5 of the Guam Code Annotated, Guam Environmental Protection Agency (Guam EPA) invites the general public and all interested parties to a public hearing on the agency's proposed rules and regulations for the Recycling Revolving Fund.


PUBLIC HEARING IS SCHEDULED FOR
Wednesday • December 19, 2018 • 5:00 p.m.
at the Guam EPA Administration Building Conference Room located at 17-3304 Mariner Avenue, Tiyon.

Documentation relevant to this public hearing can be reviewed at the agency's administration building in Tiyon from 8:00 a.m. to 4:30 p.m. on business days, beginning on Thursday, December 6, 2018. Documentation will also be available on-line at www.epa.guam.gov.

Written comments are welcomed and must be received by the agency via hand delivery or mail and should be addressed to: Walter S. Leon Guerrero
c/o Guam EPA: 17-3304 Mariner Avenue Tiyon Barrigada, Guam 96913-1617
Written comments must be received no later than 5:00 p.m. on December 19, 2018. Facsimile or electronic copy submittals will not be accepted.

/s/ Walter S. Leon Guerrero, Administrator
Individuals requiring special accommodations, auxiliary aids or services should contact Guam EPA by calling 300-4751/2.

TODO Y NILALAYTANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE


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GUAM ENVIRONMENTAL PROTECTION AGENCY

PUBLIC HEARING

DRAFT RECYCLING REVOLVING FUND RULES AND REGULATIONS

Deadline to receive written public comments via hand delivery or mail is 5:00 p.m. December 19, 2018.

Public Hearing begins on Wednesday, December 19, 2018 at 5:00 p.m.

Location: Guam EPA, Main Office Program: Solid Waste Management Program

	Name	Position / Title	Company / Agency	Mailing Address	Phone No.	E-mail	Facsimile No.
1	Sabrina Cruz Soblan	SAC	Guam EPA		300-4751	sabrina.cruz.soblan@epa.guam.gov	
2	Conchita St. Tartaro	PH	Guam EPA				
3	Robert Perron	GM	Guam Waste Reg.		777-5320	rperron@merubishnao.com	
4	Kristen K Finney						
5	NO PUPUY USE	ACTING DEPUTY	GUAM EPA		300-4753		
6							
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10							
11							
12							
13	Geny V. San Nicolas	SIOMP	GUAM EPA		777-2773	geny.sannicolas@epa.guam.gov	
14							
15							
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TRANSCRIPT OF DRAFT RECYCLING REVOLVING FUND RULES AND REGULATIONS
PUBLIC HEARING ON DECEMBER 19, 2018

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Bob: Page 7

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Sabrina: That's right because it came in after.

Bob: Is this releasable to me?

Sabrina: Yes, this is the public hearing.

Kristen: So this refers to Section 24303.3, there is an additional proposed Section E and F.

Conchita: Yes

Kristen: That describes how this, how the payments be calculated and

Conchita: Correct

Kristen: and proposes a sliding scale starting on January 1, 2019?

Conchita: We can always adjust that based on how long it would get to the Legislature. We can always say that we can have that actually that effective 60 days after the regulations are promulgated.

Kristen: Right

Conchita: Maybe to be safe.

Kristen: Right

Conchita: Because what that will do, when we say January 2019, Bri, the problem is it may create a problem.

Sabrina: Yes, we can change that date

Conchita: Yea, I would change that to 30 days whatever is reasonable

Kristen: Based on whenever

Sabrina: Whenever it's passed.

Conchita: Very good point

Kristen: So then, just to clarify, in Section C: this 24303.C it says "The Administrator may determine the dollar amount of the stimulus to be disbursed to the eligible recycling facilities." This is different from E and F?

Conchita: Well because if you look at the table, under here Stimulus payout, it's to be determined which is TBD1, which is it really comes down to what can we pay. Because if you look amount, based on the shipping cost that was determined, the market value, and this is what the Stimulus payout per dollar, per ton should be. That doesn't necessary mean the amount that we can pay.

Kristen: So this goes back to the beginning, or this other part where says here is all these initiatives and the Administrator is going to determine how much is available for each of these.

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Conchita and Sabrina: Right

Kristen: The Administrator is going to determine how much total is available for this Section, Stimulus program. Is that correct?

Conchita: I would think so.

Kristen: And then the specific amounts will come from this calculation.

Conchita: That's right

Kristen: And the F sets it out for the first cycle.

Conchita: Yea, when this is promulgated, that's what I'm thinking.

Kristen: I'm just making sure I'm understanding.

Conchita: What did you think about that Bob, because obviously the shipping companies have to...

Bob: Uh, cardboard lets see, I have to ask our shipper what he's paying. Unintelligible. We do 26 tons per container, so 26 times 83.

Sabrina: Well Bob, it also if you see E4, it tells you where they got the calculations.

Conchita: It's roughly,

Bob: To China

Conchita: This is where they are saying they got it, they are making reference to world freight rates

Sabrina: World Freight rates

Conchita: World Freight rates with comparable shipping cost from port to port containers and EPA is the volume to weight, so there really was a lot of effort.

Bob: But port to port, going to which port to which port?

Conchita: I don't know

Bob: Oh okay.

Conchita: But I'm just saying that roughly what they are looking at

Bob: This seems to be pretty good, I think if it goes to China .

Conchita: But that the market that's the shipping cost that does not include the market price. So there is the market price and then so in terms of the Stimulus payout dollars right now they are getting zero, but it gives the Administrator.

Bob: Right, I think it should be zero right now, we don't need it

Conchita: To be... exactly

Bob: This one needs help cos uh, this is ugh this is Zero

Conchita: The market price is wrong and mind you it all depends like right now

Bob: It's been zero for a long long time, so I would like to see where they get that

Conchita: And that is a very good question

Bob: I think they are paying they might be getting, like 1 cent a pound or something

Conchita: and that is a very good question and maybe this is a question that you can come in as a community member saying that I want to know how did they arrive at this?

Bob: Yea and so, cos some even tires is to much, if you pay that much

Conchita: Right, but that is a very good question, and so again, you should ask that question, you should register as somebody coming in as industry.

Bob: Yea, cos I just want it to be right, fair

Sabrina: Your welcome to come in, this is the public hearing

Kristen: One other question I have is Section D on page 6

Sabrina: Shssh, Section D page 6

Kristen: Yea, of this original I just got.

Sabrina: The Agency shall develop a program payment calculation?

Kristen: Yea, is that supposed to be taken out and replaced by a Section E?

Sabrina: I suppose so, I think we need to change some of that language because it's says shall develop and we are already showing you we did develop it.

Kristen: So it just looked like maybe it was a replacement that I have unintelligible.

Sabrina: As I said we just received it, I haven't had time to really digest it and I wanted to wait until we had the public hearing so we can share this with everyone.

Conchita: Right, we didn't want to make any changes until everybody looked at it and hacked it to death. Laughter... unintelligible So yes, I recommend that you weigh in as a recycler.

Bob: If you like I can put you guys or Jacobs or whoever in touch with Jim Fagelson our commodity guy because he pays the shipping cost, he's got a good shipping price because of the amount of containers he ships.

Conchita: No what it is, is this, is that. You know, you present the question and what will happen is we will send it over to Jacobs.

Bob: Oh, okay.

Conchita: So they will be able to respond, it's a valid question. How did you arrive at this?

Bob: right, right.

Conchita: Because the quantity is there, the sliding scale.

Bob: Oh I mean the commodities, some of our

Conchita: Like plastics, plastics is a dead giveaway because right now plastics isn't worth anything

Bob: the plastics

Glenn: They are going with the market

Bob: Where? Which market? Is it the market in the states or the market in China?

Glenn: so that, I'm hoping that they

Sabrina: I think what they were saying in our discussion is they were going to use the consumer index and it was not specific to Guam, it was going to be a destination wide.

Bob: I think they need to modify based on what's going on here, because like I said

Conchita: I agree, I agree

Sabrina: Can you guys all speak loud so can make sure all your comments are heard.

Glenn: Because of a lot of the commodities are going overseas already, then those numbers are readily available, but they should be able to separate the overseas market versus the local CONUS markets, right?

Bob: Sure

Glenn: So they'll be using market index for those commodities along with the shipping index for our area.

Conchita: But I think that is the key phrase "our area" and and that's where you question, where they came up with these values and whether or not unintelligible are these values representative of the region?

Bob: Right

Conchita: Versus the national, because there are two different sets of the numbers

Bob: Right, Right because I can give you invoices and shipping documents to show you exactly

Conchita: No no no, you don't need to do that, it's the job of the Agency to explain this.

Bob: Yea, maybe it might behoove the Agency or Jacobs to go gather local data as far as how much shipping cost are from here to market. Because from here if it goes to China right now, I think it's in the low two's like twenty two hundred maybe. If it goes to Japan or Korea, it's over three thousand, so it just depends on what market is open and China has been so fickle, I can't ship to China this month, anything, so we're froze.

Sabrina: I think Bob, when the contractor's paid a visit to us in October, that's what they did they didn't touch every recycler but they did go to recyclers and talked to them about their shipping cost.

Bob: um hum

Conchita: But that's a valid question, put that in your comment.

Bob: Yea

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Sabrina: Oh no no, I'm just...absolutely

Glenn: Yea, So in addition to that sliding scale maybe the Agency should put language in there that's says maybe it will be done uh you know quarterly as opposed to every time it the market drops because we're going to be changing every time

Bob: Every day

Glenn: So we need to say at least once a year or whatever the Administrator decides

Bob: uh hum

Sabrina: And approved by the Board

Glenn: Yea, and approved by the Board that is adequate that is fair.

Bob: Yea Yea

Glenn: Because otherwise we are changing the scale

Bob: Because cardboard I agree, we should get zero because right now we could get close to one sixty if it goes to China, if it goes to Taiwan or anywhere else, it's about sixty dollars it's such a big variance depending on where it has to go, but I think it's doing okay now, stimulus really isn't required. Paper is required, paper, we stop doing paper we don't do it, because we gotta pay to have someone accept paper.

Conchita: Well that's where the stimulus is needed

Bob: Exactly

Conchita: Just like the plastics

Bob: Right

Conchita: That's where the stimulus really is needed because but then again stimulus for that and we can also work on markets here on the island

Sabrina: So you were saying... I'm Sorry

Conchita: And that part of the Rules and Regulations, we have it reserved but that's where we need to change the Statute that will authorize the Agency to give out grants. Because right now we don't have that but it's reserved, you'll see in that section there, even though there are details in it, it's reserve because we are not authorized to give grants. We should have something final though, we should have a good draft for the 10 GCA chapter 51 by they are targeting by the end of January. So you'll see that to. We'll get that to you Kristen.

Glenn: And that will be specific to uh the

Conchita: That and our assessment report

Glenn: To the RRF

Conchita: Yup, well it's RRF and a bunch of other things, remember there was some stuff there you said needed to be cleaned up. So it's like the RRF, the Zero Waste, I think there is a number of things that they need to include, it's really quite extensive, I think.

Sabrina: Before everybody forgets, can I please just remind everybody to sign in again.

Conchita: Oh yes

Bob: You want me to sign in?

Sabrina: Yes

Bob: As recycler?

Conchita: Yea, you gotta give the community a face.

Listening to the Legislature voting on bills.

Sabrina: Kristen, can you sign in please

Conchita: Young lady, you need to sign in

Bob: Like for tires, um, it's all a function of what the recyclers will charge the tire shop. So if the recycler charges five or six dollars a tire then there wouldn't be a need for stimulus to help that commodity. But if you wanted to charge like three dollars then you would need a subsidy, so we need to figure out how that works.

Glenn: Because I think it's going to be based on the market

Bob: Without taking any

Glenn: They are not going to be doing any O & M, because O & M is going to be different across the board. You know, Mr. Rubbishman's O & M may be higher than Viba recycling who is only two man operation, I mean that's only a Mom and Pop.

Bob: What affects me mainly is just talking to one is they are paying too much, like cardboard is at zero it's fine for now, it's gotta, I'm not sure like paper makes a small amount right now, which probably makes it viable but plastic has got nothing, plastic really needs it. The government is subsidizing it right now at twelve grand a month.

Glenn: Yea, I think like plastics on this side of the house, we need to make it, you know if it's truly zero waste we could process petroleum product or something or something that we can use on island.

Bob: Yea, like a plastic to oil system yea cause if there was a stimulus I could probably buy one of those systems because that has to be subsidized there is no way we could deal with plastics.

Glenn: yea, you know that is something, that is something that we could entertain, that's that is truly zero waste. But one of the ideas that the Agency should pursue is require uh, an advance disposal fee for the uh for trash bins. And the recyclable bins for trash service

Sabrina: We have five more minutes,

Nic: Seven and some change

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Sabrina: Okay, we'll go by my clock and it says 5:23, so we have seven more minutes. Oh, we're going by the camera? Why thank you so we won't dispute that.

Glenn continues to chatter in the background unintelligible.

Glenn: We would have, you know pay the utility and then they pay for the trash bins by default so everybody has a trash bin plus a recyclable bin, that should curb a lot of illegal dumping. And then private sector, you the commercial that can concentrate on multi units, commercial buildings like they're doing right now. That would increase the revenue for the GSWA, the collection portion of it.

Bob: Uh, huh. Like the tires, if there was a \$433 dollar subsidy as what's contemplated, we could do a tire disposal at a buck and half to two dollars a tire to the community. If they use the number that is listed.

Glenn: It's either that they use an advance disposal fee so that there won't be an excuse for oh no I'm going to use this tire. How many times do they say I'm going to use this tire because they don't want to pay the disposal fee.

Bob: They just throw it in the jungle or in the dumpster.

Glenn: But Senator Respcio passed this tire thread use, reuse tires, who enforces that?

Bob: Is it in the law now?

Glenn: It is the law.

Bob: The one he did was the six, anything over 6 years old, I don't remember that

Glenn: Unintelligible

Bob: That's under the safety inspection law, when you do the safety inspection and we do it, if your under a certain amount of the thread, we don't pass you. We get yelled at by some people.

Glenn: I mean no body is really enforcing that, is what I'm saying is that Guam EPA's responsibility now, not that tires there is a tire debt?

Conchita: The tires a debt, boy did I hear that a lot.

Nic: five minutes

Sabrina: We have 5 more minutes if anyone wants to put any real comments on.

Conchita: Shall we do roll call?

Sabrina: Glenn, can you sign.

Conchita: Glenn will talk

Sabrina: Thank God there is a limit on that, we're down to three minutes Glenn.

Nic: We can show Glenn how to turn the camera off.

Kristan: Other than the sliding scale there was no other written comments?

Sabrina: No, the sliding scale and as we mentioned the Zero Waste grants, but that's just still on reserve, even though we are already doing some work on it.

Conchita: But they're comments were receive so we can't ignore that

Sabrina: But then I will go back and clean it up based on these little things that you mentioned.

Conchita: The redundancies, we'll eliminate the redundancies.

Background chatter...

Sabrina: We have about two minutes before we close but if I haven't stated already, Guam EPA did not receive any written comments during the ten day period that it was published.

Conchita: We did

Sabrina: No, from the public, no only the comments from our Contractor, no, what I'm saying is that nobody came in a picked up a packet or anything like that.

Conchita: Okay

Sabrina: It's been out in the front

Nic: Five copies right?

Sabrina: Correct

Background chatter

Nic: How do they do it down at the Legislature though?

Conchita: Which one?

Nic: If no on shows up

Sabrina: I don't think there has ever been a case were no one should up

Nic: I've seen it

Sabrina: Oh, you have?

Conchita: But not for our stuff, we cango through an entire public comment period and get nothing and then all of a sudden the cry, the outcry comes out when it gets to the Legislature.

Nic: You know, this is why we are following the law, we are complying with the open government rules

Conchita: No we're fine, I'm just saying I'm not shocked but the will come out when it goes before the Legislatre, because then the sense of realism kicks in

Nic: So I think this, that, plus whatever I forgot to mention that becasue all of you were talking, she has to transpose all of that.

Sabrina: You forgot to mention what?

Nic: Because they were all speaking you have to transpose all of that

Kristan: Transcribe

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Nic: Transcribe, rather, you have to transcribe the entire conversation and that gets entered into the adjudication record that goes to

Conchita: The conversation that is germane that is relative to the document.

Nic: that's two thirds of out banter today

Conchita: yea but track more like two thirds mor like ten percent we discussed that.

Nic: Okay that's it.

Sabrina: Kkay don't turn it off yet Nic, tell me the time

Nic: 5:31

Sabrina: The time is 5:31, December 19, 2018, the public hearing for the draft Recycling Rules and Regulations is now closed. Thank you everyone for coming, which is all the Guam EPA staff and our one recycler.

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**GUAM'S RECYCLING REVOLVING FUND
RULES AND REGULATIONS
Title 22, Division 4, Chapter 24, Article 3**

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GUAM'S RECYCLING REVOLVING FUND
RULES AND REGULATIONS
Title 22, Division 4, Chapter 24, Article 3

25 **SECTION 24301. GENERAL PROVISIONS**

26 §24301.1 Purpose and Applicability

27 The purpose of this Chapter is to clarify existing statute, provide a uniform competitive business
28 environment to all, and establish the minimum standards to properly implement and administer
29 Guam's Recycling Revolving Fund in accordance with Title 10 of the Guam Code Annotated
30 (GCA), Chapter 51, Article 3, under the authority granted by 10 GCA §51307(c).

31

32 §24301.2 Definitions

33 For the purposes of this Chapter, the terms defined in 10 GCA, Chapter 51 Article 3, §51301 shall
34 have the meaning ascribed to them therein, and the following words and phrases, together with all
35 of the common derivations thereof, shall have the meaning ascribed to them as follows:

36

37 (a) **"Beneficial Use"** shall mean the substitution of materials, either as generated or
38 following additional processing, for some or all of the virgin materials in a natural or
39 commercial product in a way that: provides a functional benefit; meets product
40 specifications; and does not pose concerns to human health or the environment.

41 (b) **"Best Available Technology"** shall mean a recognized and approved technology by
42 United States Environmental Protection Agency.

43 (c) **"Board"** shall mean the Board of Directors of the Guam Environmental Protection
44 Agency.

45 (d) **"Disaster Debris"** shall mean any items and materials broken, destroyed, or displaced
46 by a natural or man-made federally or locally declared disaster. Examples of disaster
47 debris include, but are not limited to, trees, construction and demolition material, and
48 personal property.

- 49 (e) **“Disaster Debris Management”** shall mean the removal and disposal of debris that
50 was generated by a disaster and which presents an immediate threat to the public
51 interest.
- 52 (f) **“Electronic Waste”** or **“E-Waste”** shall mean electrical and electronic equipment that
53 is dependent on electric currents or electromagnetic fields in order to function
54 (including all components, subassemblies and consumables, which are part of the
55 original equipment at the time of discarding). For example e-waste may include
56 consumer/entertainment electronics such as televisions, DVD players and tuners;
57 Devices of office, information and communications technology such as computers,
58 circuit boards, telephones and mobile phones.
- 59 (g) **“Import”** shall mean to bring in, or accept delivery of recyclable materials from any
60 source outside of Guam.
- 61 (h) **“Person”** or **“Persons”** shall mean any individual, partnership, co-partnership, firm,
62 company, corporation, association, joint stock company, trust, estate, or any agency,
63 department, or instrumentality of the Federal or local government, or any other legal
64 representatives, agents or assigns.
- 65 (i) **“Priority Materials”** shall mean all those materials identified by the Fund, in the order
66 specified in section 24302.1(b) of this Article.
- 67 (j) **“Recovered Resources”** shall mean material or solid waste that has been diverted from
68 disposal for the purpose of recycling, composting or mulching. This term does not
69 include incineration or those materials that are generated and normally reused on-site
70 for manufacturing purposes.
- 71 (k) **“Recycling Industry Economic Stimulus Program”** shall mean a program that
72 provides economic stimulus to local recycling companies that ship recyclable materials
73 off island.
- 74 (l) **“Solid Waste Management Facility”** means any facility, or any machinery,
75 equipment, vehicles, structures or any part of accessories thereof installed or acquired
76 for the primary purpose of collection, transportation, storage, recycling, processing or
77 disposal of solid waste, and shall include sanitary landfills or resource recovery
78 facilities.

- 79 (m) **“Stimulus Certification Form”** shall mean a form officially issued by Guam EPA to
80 be completed by the Economic Stimulus Program Participants to disclose and certify
81 the types and quantities of recyclable materials shipped off-island to a recycling
82 facility.
- 83 (n) **“Sustainable Materials Management”** means a systemic approach to using and
84 reusing materials more productively over their entire lifecycles.
- 85 (o) **“Special Waste”** means white goods, household hazardous waste, automotive batteries
86 and abandoned vehicles.
- 87 (p) **“Zero Waste”** means a holistic approach to addressing the problem of unsustainable
88 resource flows. Zero Waste encompasses waste eliminated at the source through
89 product design and producer responsibility, and waste reduction strategies further down
90 the supply chain such as recycling, reuse and composting.
91

92 **SECTION 24302. ADMINISTRATION OF RECYCLING REVOLVING FUND**

- 93 (a) Monies in the Recycling Revolving *Fund* shall be administered, managed, and maintained
94 by the GEPA Administrator for the implementation of 10 GCA Chapter 51, Article 3, in
95 accordance with the requirements of the Article.
- 96 (b) The Administrator may use the *Fund* for the recycling initiatives described under §24303
97 in these Regulations with the following priorities:
98
99 First Priority: junk vehicles, tires, batteries, waste oil, white goods/appliances;
100 Second Priority: paper, cardboard, plastic and glass;
101 Third Priority: other recyclables as determined by the Administrator, and
102
- 103 (c) The Administrator shall determine the funding for each of the recycling initiatives and
104 submit the determination to the Board for approval by March 31st of each year. The
105 approved funding will be effective on the following fiscal year.
106

107 **SECTION 24303. RECYCLING INITIATIVES**
108 §24303.1 Mayor’s Council of Guam (MCOG) Island-wide Environmental Cleanup Program
109 (IECP)

110 (a) The Administrator may approve contracts between the MCOG and recycling companies
111 for the collection, recycling, disposal and processing or any combination thereof, of
112 automobiles, buses, heavy equipment, trucks, batteries, tires, white goods, and other
113 recyclable materials in accordance with Articles 3 and 4 of Title 10 GCA, Chapter 51, and
114 24303.1(b) to implement an IECP with the following conditions:

- 115 1. All applicable procurement laws must be followed;
- 116 2. Each contract must be conditioned upon proof that the recycling company has current
117 permits for the work it is to perform, including, but not limited to, solid waste facility
118 permits, solid waste collection permits, certifications, or other permits or licenses
119 required to collect, remove, recycle or dispose of solid waste
- 120 3. Each contract must be conditioned upon compliance with all solid waste rules and
121 regulations; and
- 122 4. Each contract must require the recycling company to report all recyclables collected
123 per village under this program to Guam EPA upon submittal of invoices to MCOG for
124 payment.

125

126 (b) In each fiscal year, prior to any collection, processing, or storage of recyclable materials
127 under a contract pursuant to this section, a comprehensive *Operation Plan* for the
128 contractual work described in §24303.1(a) must be submitted by the MCOG to Guam EPA
129 and receive approval from the Administrator. The Administrator shall only approve the
130 *Operation Plan* if the *Operation Plan* contains in detail the operational systems that address
131 collection, processing, storage, emergency procedures, health and safety, reporting and
132 closeout procedures for each municipality.

133

134 (c) The Administrator may use funds to support the recycling initiatives in this Section subject
135 to the following conditions:

- 136 1. Funds may be expended only in accordance with valid contracts approved under this
137 Section;
- 138 2. No funds shall be disbursed prior to the Administrator's approval of the Operation Plan
139 described in §24303.1(b); and
- 140 3. Unused funds must be returned to the Recycling Revolving Fund every fiscal year.

141 §24303.2. Recycling Industry Economic Stimulus Program Applicability and Eligibility

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

144

- 145 1. Possess a valid license from the Guam Department of Revenue and taxation to conduct
146 business of Guam;
- 147 2. Possess a valid solid waste management facility permit from Guam EPA for processing
148 and storage;
- 149 3. Provide a bill of lading or similar documentation detailing the types of recyclable
150 materials shipped, quantity in tons, and name of receiving facility;
- 151 4. Complete and submit all applicable Stimulus Certification Forms provided by Guam
152 EPA; and
- 153 5. Remain in compliance with all solid waste rules and regulations.

154

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

158

159 §24303.3. Recycling Industry Economic Stimulus Program Payment Calculation

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

- 163 (b) Stimulus payments will be made in the order that completed forms are received by Guam
164 EPA until approved funding has been exhausted.
- 165 (c) By March 31st of each year, the Administrator may select the eligible recycling materials
166 for the next fiscal year based on global market trends, and submit a written
167 recommendation to the Board for its approval. If the Board does not approve any eligible
168 recycling materials for a particular year, no stimulus payments will be made in that year.
- 169 (d) Each year, the Administrator may determine the dollar amount per recyclable material to
170 be disbursed to the eligible recycling facilities and submit a written recommendation to the
171 Board for its approval. The dollar amount per recyclable material shall based on factors
172 including the prioritization of materials, market conditions, economic analyses, and
173 operational, transportation, and processing costs in its assessment, and
174
- 175 1. A base stimulus payment calculation per recyclable material expressed as follows: Base
176 Stimulus Payment [dollars per ton] = Shipping Cost - Market Price.
- 177
- 178 i. "Shipping cost" is calculated using the World Freight Rates Freight
179 Calculator or comparable shipping cost resource for port-to-port
180 containerized ocean shipments and the U.S. EPA Office of Resource
181 Conservation and Recovery Volume-to-Weight Conversion Factors; and
- 182 ii. "Market price" is equivalent to the RecycleNet scrap index or comparable
183 market index material sale price on the first day of the quarter preceding the
184 start of the next fiscal year.
- 185 2. A stimulus payment may be issued for recyclable materials when the calculated
186 Stimulus Payment exceeds zero dollars (\$0.00) per ton (i.e., stimulus will not be paid
187 when the recycled material is revenue positive); and
- 188 3. The Administrator shall determine the funding levels of stimulus payments to be paid
189 subject to the availability of funds and funding priorities.
- 190 (e) For the fiscal year beginning October 1, 2019, the Administrator may select the eligible
191 materials, subject to Board approval and applicable stimulus payments.
- 192

- 193 §24303.4 Guam Beverage Container Recycling- RESERVE
- 194 §24303.5 Integrated Solid Waste Management Plan- RESERVE
- 195 §24303.6 Green Waste Plan- Composting and Organics RESERVE
- 196 §24303.7 Disaster Debris Management- RESERVE
- 197 §24303.8 Zero Waste Grant Program – RESERVE

GUAM ENVIRONMENTAL PROTECTION AGENCY

MISSION: PROTECT AND ENHANCE THE ENVIRONMENT



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Re: §9301(e) 5 GCA - Adoption, Repeal, Rescission or Amendment of Rules: Procedure.

Hafa Adai Director Bim,

The Guam Environmental Protection Agency (Guam EPA) has completed a draft of proposed rules and regulations for the use and codified administration of Recycling Revolving Fund (RRF), pursuant to §51307(c) 10 GCA that states:

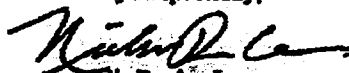
The Guam Environmental Protection Agency shall promulgate the necessary rules and regulations, in accordance with the Administrative Adjudication Law, to properly implement this Article.

Pursuant to 10 GCA Chapter 51 §51303(2), the RRF appropriates funding towards not more than one (1) full-time (FTE) employee at Guam EEPA whose time is solely dedicated to administering and implementing Article 3 of 10 GCA Chapter 51. While it is the understanding of the agency that the proposed draft of the rules and regulations for RRF do not include any classifications specifications or wage and benefit determination, our intention is to fully comply with §9301(e) 5 GCA, which requires a review from the Department of Administration prior to its transmittal to *Lilheslaturan Gudhan*. The agency seeking DOA's written concurrence, or approval with our proposed draft so that we may enter it as part of our administrative adjudication record.

For your kind consideration and expeditious review, attached herewith are the agency's proposed rules and regulations. We understand that your department is not without its own personnel challenges, but we appreciate your assistance in helping our agency meets its mission in protecting human and environmental health.

If you have any questions about this matter, please contact Nic Rupley Lee at 671-300-4753. We look forward to hearing from you soon.

Very Respectfully,


 Nic Rupley Lee
 Acting Administrator, Guam EPA

Cc: Shae Ngata

TODO Y NILALA Y TANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE.



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Government of Guam
(Gubetnomenton Guahan)
Department of Administration
(Dipattamenton Atmenestration)
Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1221/1250 * Fax: (671) 477-6788



Edward M. Birn
Director
Vincent P. Arriola
Deputy Director

DEC 11 2018

HRD NO.: 18-725

MEMORANDUM

To: Administrator, Guam Environmental Protection Agency

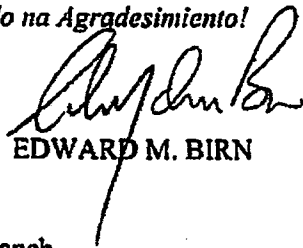
From: Director, Department of Administration

Subject: Request for Review Proposed Rules for Recycling Revolving Fund
RE: §9301 (e) 5 GCA – Adoption, Repeal, Rescission or Amendment of Rules:
Procedure

12-11-18

Buenas yan Håfa Adai! This is in reference to your memorandum dated August 22, 2018, requesting a review of your proposed rules and regulations for the use and codified administration of the Recycling Revolving Fund (RRF) pursuant to §51307 (c) of Title 10 Guam Code Annotated (GCA).

A review was conducted in accordance with Title 5 GCA, Chapter 9, Administrative Adjudication Law, and it has been determined that the Guam’s Recycling Revolving Fund Rules and Regulations are not personnel related in nature and do not pertain to employment. Therefore, approval from our Department is not necessary. Please refer to the Administrative Adjudication Law for further compliance. Should you have any questions, please do not hesitate to contact our Regulatory and Compliance Branch at 475-1132 or 1174. *Dångkolo na Agradesimiento!*



EDWARD M. BIRN

cc: Director’s Office, Regulatory & Compliance Branch

GUAM ENVIRONMENTAL PROTECTION AGENCY

AMENSIAK PUNTIKSION LINATA GUAHAN



EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT. GOVERNOR OF GUAM

17-3304 MARINER AVENUE • TIYAN, BARRIGADA, GUAM 96913-1617

FIND US ONLINE AT EPA.GUAM.GOV

August 22, 2018

Mr. Lester Carlson Jr.
Deputy Director BBMR
Bureau of Budget and Management Research
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

RECEIVED

AUG 22 2018

Bureau of Budget and
Management Research

RE: BBMR review, recommendations and guidance

Hafa Adai Acting Director Carlson!

The Guam Environmental Protection Agency (Guam EPA) is seeking your review, recommendation and guidance with our draft economic impact statement for our proposed rules and regulations for the Recycling Revolving fund (RRF). Attached herewith are the agency's drafts of the economic impact statement and the proposed rules and regulations.

Pursuant to 9 GCA Chapter 9 §9301(i), an exemption from an economic impact statement may be granted "if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees."

We are seeking BBMR's opinion on whether an exemption to the aforementioned statute may apply to the agency. If the bureau determines that the agency may not be exempt, we request your guidance in producing a statement that will satisfy the legislative requirements.

While it is not the agency's intention to impose or raise any fees since Guam P.L. 27-38 authorizes the levy of recycling fees for deposit into the RRF, we have determined that economic activity, as drafted in our proposed rules and regulations could potentially exceed \$500,000, as evidenced by the payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY 16 and FY17.

The agency looks forward to you and the bureau's financial expertise in assisting us in our efforts to promulgate rules and regulations. Additionally, BBMR's review and/or concurrence will be placed in our administrative adjudication law record for both public review and upon submittal to *I Liheslaturan Guåhan*.

If you have any questions or concerns, or should require assistance, please feel free to contact me at your earliest convenience. We look forward to hearing from you soon.

Very Respectfully,

NIC RUPLEY LEE
Acting Administrator

Guam Environmental Protection Agency

TODO Y NILALA Y TANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE.



Doc. No. 19-0742



PRELIMINARY COST IMPACT STATEMENT
FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY THE
GUAM ENVIRONMENTAL PROTECTION AGENCY*

Guam EPA is required by law to adopt proposed rules and regulations for the Recycling Revolving Fund (RRF) pursuant to 10 GCA Chapter 51 §51307(c). Furthermore, the adoption of said rules and regulations will not affect nor impact statutory fees, currently sufficient for such purposes. Therefore, GEPA will not seek to raise or adjust existing fees pursuant to 10 GCA Chapter 51 §51308.

The recycling initiatives delineated in proposed rules and regulations are: Mayor's Council of Guam Island-Wide Environmental Cleanup Program (IICP), Recycling Industry Economic Stimulus Program Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan, Guam Beverage Container Recycling, Integrated Solid Waste Management Plan, Green Waste Plan, Disaster Debris Management, Zero Waste Grant Program and a Subsidization of the Recycling Tipping Fees for Low Income Household.

Appropriations into the RRF are set forth in 10 GCA Chapter 51 §51305 and §51306, as enacted by Guam Public Law No. 28-58, where authorization is given to the Department of Revenue and Taxation (DRT) to levy recycling fees on annual motor vehicle registration renewals. The Recycling fee is imposed on payers of vehicle registrations, the funds collected of which are deposited as a continuing appropriation into the RRF account separate and apart for this purpose. The proposed rules and regulations do not affect nor impact vehicle registration renewal fees as levied by the Department of Revenue and Taxation.

In FY2016 and FY2017, recycling fees levied by DRT were \$2,801,597.77 and \$2,859,696.33, respectively. Funds disbursed in this program in FY2016 and FY2017 were \$329,390.78 and \$1,004,911.25, respectively. Thus far there are sufficient revenues generated, and GEPA expects that there will be sufficient revenues in FY2018 and FY2019 to fulfill the objectives of this program.

5 Guam Code Annotated, Chapter 9 Administrative Adjudication Law, Article 3 Rule Making Procedures, §9301(i): Exemptions. Any proposed rule, change, change of rule, regulation or request to impose or raise fees or rates shall be exempted from the economic impact statement requirements of Subsection (d),(e),(f),(g) and (h) of this Section if the annual economic impact to the general public is Five hundred Thousand Dollars (\$500,000) or less as determined by a preliminary cost impact assessment performed by the Bureau of Budget Management Research, or by the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fee. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules and regulations, and must be transmitted to *Liheslatura* (the Legislature) as part of the Agency Record.

Therefore, Guam Environmental Protection Agency has determined that the requirement of §9301(d),(e), (f), (g) and (h) is not applicable to the proposed Recycling Revolving Fund Rules and

Regulations as there are no newly proposed fees or fee increases and will not have a measurable economic impact to the general public of Five Hundred Thousand Dollars (\$500,000) or less.

The preliminary Economic Cost Statement will address the following:

1. The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.

The enabling statute, 10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51. contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF. Additionally, a report issued by the Guam Office of the Public Auditor in 2015 questioned expenditures funded by the RRF and subsequently made a recommendation to place a moratorium on funding for items outside of those listed in 10 GCA Chapter 51 §51303(1-4). The proposed rules and regulations, as adopted, will address and resolve issues noted by the Office of the Public Auditor and allow GEPA to hire the program Administrator.

2. The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.

The RRF revenues are collected from vehicle registration renewal fees by the Department of Revenue and Taxation pursuant to 10 GCA Chapter 51 §51305 and §51306. The RRF have consistently averaged \$2.8 million over the past two years and have proven to be a stable source of revenues. Due to enforcement activities and the mandatory liability insurance law, compliance with Guam's vehicle registration program remains a success.

The proposed rules and regulations are administrative in nature and will have no additional financial burden to payers of this fee nor the general public. The GEPA has reviewed the fee and has elected not to adjust the fee at this time. Fees collected are adequate to fulfill program objectives at this time.

Upon adoption of the rules and regulations GEPA expects expenditures made for this program to increase as participating recycling facilities join the Recycling Industry Economic Stimulus Program.

3. Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF. The vehicle registration renewal fee has been imposed several years ago, is negligible relative to the total cost of vehicle ownership and is required by law. Consumers are accustomed to it and budget accordingly.

4. Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.

The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF. While there may be an increase in participating recyclers it is expected employment within the industry to remain constant in the short term. Waste and recycling efforts respond to shifts in net migration which are typically modest over time.

5. Any increase or decrease in the cost of doing business as an enterprise or industry on Guam, or any increase or decrease in doing business in general, which is attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF. It is expected that the adoption will lead to programmatic and administrative efficiencies, nevertheless.

6. Any adverse or beneficial economic impact, which is attributable to the proposed rule or regulation

Upon enactment of this 10 GCA Chapter 51 as described above, expenditures to stimulate and/or encourage recycling companies to "export" local reusable solid waste abroad serves a positive social and economic means to an end that preserves real estate values, frees up land otherwise destined as a solid waste landfill and improves our quality of life in the years to come. This program results in a net economic benefit to the residents of Guam.

Given the preliminary findings discussed above, the agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF.

*Assistance provided by the Bureau of Statistics and Plans

18-1586



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
DEPUTY DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

SEP 21 2018

RECEIVED

SEP 24 2018

MEMORANDUM

To: Administrator, Guam Environmental Protection Agency (GEPA)

Guam Environmental
Protection Agency

From: Deputy Director, Bureau of Budget and Management Research (BBMR)

Subject: Guidance on Draft Economic Impact Statement

The Bureau has reviewed your request for a preliminary fiscal (cost) impact assessment on GEPA's Draft Economic Impact Statement (EIS) for the proposed rules and regulations for the Recycling Revolving Fund (RRF).

As was mentioned in your letter dated August 22, 2018, GEPA had determined that the economic activity, as drafted in the proposed rules and regulations could potentially exceed \$500,000, based on payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY16 in the amount of \$329,390.78 and \$1,004,911.25 in FY17. Therefore, the Bureau is of the opinion that the proposed rules and regulations does not qualify for the exemption under 5 GCA Article 3 Chapter 9 §9301 as the annual economic impact to the general public is projected to be more than \$500,000.

The Bureau does agree that the adoption of the proposed rules and regulations is to comply with Public Law Nos. 29-116:4 and 33-136:4 which provides for the promulgation of the necessary rules and regulations by GEPA as required by those respective measures, and in accordance with the Administrative Adjudication Act.

However, at this time, the Bureau is only able to, affirm that the estimated annual cost of the stimulus would be approximately \$1.2 million based upon the legislative committee report on Bill No. 241-33, now P.L. 33-136. This fiscal cost impact was based on statistics from GEPA that showed that 40,000 tons are recycled annually. Using the data as a base and at \$30.00 per ton, the estimated annual cost would be \$1.2 million or half the projected annual revenues of the Recycling Revolving Fund.

Based on the provisions of the law, both BBMR and the department are granted the discretion to conduct a preliminary cost impact assessment relative to the proposed change in rule, regulation, fee, or increase of fees or services as mandated by P.L. No. 34-22. Due to the Bureau's limited staff expertise and funding resources, it is recommended that GEPA conduct its own preliminary economic cost impact analysis to determine if in fact, the estimated impact to the general public exceeds \$500,000. The Bureau also recommends GEPA seek the assistance of preparing an EIS from the Department of Labor, the Bureau of Statistics and Plans, and/or the Guam Economic Development Authority, as these agencies have Chief Economists on staff.

Should you have any questions on this matter, please contact the Bureau at (671) 475-9412.



LESTER L. CARLSON, JR.



AHENSIAN PRUTEKSION LIN'ALA GU'AHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

**ECONOMIC IMPACT STATEMENT FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY**

April 29, 2019

EXECUTIVE SUMMARY:

The Recycling Revolving Fund (RRF) was created as a separate Government of Guam (GovGuam) fund by Public Law (P.L.) 27-381 in November 2003. The spirit of the RRF sought to improve upon the existing Abandoned Vehicle and Streetlight Fund (AVSF) by addressing the AVSF's inefficiencies in funding abandoned vehicle removal, and to address the island's worsening solid waste management issues. The Guam Environmental Protection Agency (Agency) was authorized to execute contracts with recycling companies to collect, remove, and dispose recyclable materials.

The RRF originated as a fund under the administration of the Department of Public Works (DPW). In September 2009, Guam P.L. 30-55 reverted RRF revenue appropriation from DPW to the Agency. This appropriation exists to fund the costs of the administration and implementation of the RRF statutes.

Today, the Agency proposed rules and regulations for the RRF seeks to provide a uniform competitive business environment to all, and establish the minimum standards to properly implement and administer Guam's Recycling Revolving Fund in accordance with Title 10 of the Guam Code Annotated (GCA), Chapter 51, Article 3, under the authority granted by 10 GCA §51307(c). Title 10 GCA Chapter 51, Article 3 § 51307 (c) states that the Agency "shall promulgate the necessary rules and regulations, in accordance with the Administrative Adjudication Law, to properly implement this Article."

With the adoption of these rules and regulations, the Agency will not seek to impose or raise any fees to the public. These proposed rules and regulations seek to provide the legally required administrative mechanism to expend annual appropriations from the RRF that have been set forth in 10 GCA Chapter 51 §51305 and enacted by Guam P.L. 28-58. The RRF is funded by the authorization that is given to the Department of Revenue and Taxation (DRT) to levy recycling fees from the annual renewal of motor vehicle registrations on Guam. These rules and regulations do not seek to raise or impose any other fees outside of what is already authorized by Guam P.L. 28-580.

This administrative mechanism also serves to satisfy concerns from a report issued by the Guam Office of the Public Auditor (OPA) in 2015. The OPA questioned expenditures funded by the RRF and

subsequently made recommendation to place a moratorium on funding for any items outside of those listed in 10 GCA Chapter 51 §51303(1-4).

The recycling initiatives sought in the Agency’s proposed rules and regulations are as follows: Mayor’s Council of Guam (MCOG) Island-wide Environmental Cleanup Program (IECP), Recycling Industry Economic Stimulus Program (RIESP) Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan and the Recycling Industry Economic Stimulus Program Payment Calculation.

BENEFICIAL IMPACTS:

In accordance with 5 GCA Chapter 9 §9301(f), the Agency sought consultation from the Bureau of Budget and Management Research (BBMR) in conducting a preliminary cost impact assessment to determine if these rules and regulations would exceed \$500,000 in cost impacts to the community, and if the Agency would be exempt from performing an economic impact statement (Attachment A). BBMR was able to affirm \$1.2M of fiscal impacts, based on the estimated annual cost of the RIESP established by a legislative fiscal note issued for Guam P.L. 33-136. The note reported data that reflected 40,000 tons of materials are recycled annually and that the RRF will pay out \$30.00 per ton of eligible materials, to eligible RIESP participants.

The table below reflects the fiscal activity, relative to the RRF for the last three (3) fiscal years:

FY	RRF APPROPRIATION	RIESP PAYMENT	MATERIAL VOLUME	MCOG APPROPRIATION
2016	\$2,801,597	\$329,390	10,979 TONS	-
2017	\$2,859,696	\$1,004,911	33,497 TONS	-
2018	\$2,931,296	\$275,000	9,166 TONS	\$2,181,296

Throughout the last three FYs, the removal of approximately 53,642 eligible tons of materials from the island should serve as significant beneficial impact to the public. Considerations for this activity include:

- Significant diversion of materials from both the landfill and our jungles
- Increase in GovGuam’s Business Privilege Tax (BPT) revenue
- Overall solid waste management industry growth on the island – two additional recycling companies have opened for business in the last 3 FYs.
 - FY16 saw 11 permits issued
 - FY17 saw 16 permits issued
 - FY18 saw 8 permits issued

In FY18, the 34th Guam Legislature appropriated \$2,181,296 to the MCOG for the IECP. This appropriation was funded by the Agency’s \$2,931,296 appropriation to the RRF. The IECP enabled the 19 different municipalities to execute contracts with recycling companies for the sole purpose of the removal, processing and disposal of eligible materials from each respective municipality. In the

past, Guam P.L. 29-116 authorized the MCOG to execute contracts with recycling companies. This appropriation affected the funding available for use in the RIESP.

With the promulgation of these rules and regulations, the Agency seeks to empower and authorize the MCOG to return to executing contracts recyclers, based on availability of funds and in determination with the Agency Administrator and Board of Directors (BOD).

ADVERSE IMPACTS:

BBMR advised the Agency to seek guidance from other GovGuam agencies to further assess a determination to as to any cost-related impact to the public that exceeded \$500,000. The Agency chose to consult with the Bureau of Statistics and Plans (BSP) and enlist the services and expertise of BSP's chief economist (Attachment B).

It was the intention of the Agency to demonstrate that there would not be any negative impacts to the general public with the promulgation of these rules and regulations. In determining any negative impacts to general public, the agency chose to consider the following [pursuant to 5 GCA Chapter 9 §9301(f)]:

- **The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.**
 - *10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51, contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF.*
 - *This is a legal and administrative mechanism that serves to satisfy concerns from a report issued by the OPA in 2015. The OPA questioned expenditures funded by the RRF and subsequently made recommendation to place a moratorium on funding for any items outside of those listed in 10 GCA Chapter 51 §51303(1-4), until the Agency has officially promulgated rules and regulations for the RRF.*
- **The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.**
 - *The agency's proposed rules and regulations for the RRF may enhance the revenues of permitted recycling facilities that participate in the Recycling Industry Economic Stimulus Program. In FY16, FY17 and FY18, \$329,390, \$1,004,911 and \$275,000 respectively, were paid to qualified facilities at a rate of \$30.00 per ton. The authorized levy of recycling fees collected by DRT on motor vehicle registrations remains unchanged.*

- *A slight increase in GovGuam's BPT revenues could be realized as a result of increased income for all permitted participants of RIESP, and all permitted recycling companies who are contracted by the MCOG for the IECP.*
- *From FY16-18, the RRF has an average appropriation of \$2,864,196.33. This appropriation is funded by a reliable revenue stream that originates from the renewal of motor vehicle registrations. The Agency does not intend to increase or adjust the recycling fee that is associated with these motor vehicle registration renewals.*
- **Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF.*
- **Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF.*
 - *The recycling industry could experience some growth if more companies open for business in order to avail themselves of the RIESP and contracts with the MCOG for the IECP. This growth in the industry could mean more job opportunities, and a positive impact on GovGuam's tax revenue stream.*
- **Any increase or decrease in the cost of doing business as an enterprise or industry on Guam, or any increase or decrease in doing business in general, which is attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF. Though funding the RIESP and the MCOG IECP could create a modest competitive market in terms of the cost of service to the general public.*
- **Any adverse or beneficial economic impact, which is attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF. Given the \$ 1,361,801 amount paid to qualified and permitted facilities for their participation in the RIESP, the Agency sees*

a beneficial economic impact to the recycling industry that will likely continue in a similar manner, as a result of the proposed rules and regulations for the RRF.

- *The rules and regulations seek to increase recycling activity on Guam. As of November 2018, Guam' recycling rate is listed as 39.16% - up 6.82 percentage points over last year's reported recycling rate. In 2011, the Agency began tracking our island's recycling activity and reported a 17.85% recycling rate in 2012.*
- *A stimulus could serve as a catalyst for the recycling industry, and could generate positive social change by way of increased recycling activity. Economic benefits could also be realized by freeing up land resources on Guam, by ridding of the recyclable materials from the island.*

The agency has determined that financial activity by way of collections, appropriations and expenditures exceeds a \$500,000 annual impact on the general public, though it is unlikely that any adverse cost impacts will burden the general public since fees will neither be imposed or raised. Given the Agency's findings, it remains unlikely that the general public would have to bear any adverse economic impacts that would result from the adoption of these proposed rules and regulations.

ATTACHMENTS:

A – August 28, 2018 Agency correspondence with BBMR and BBMR's September 21, 2018 reply to the Agency

B – November 13, 2018 Agency correspondence with BSP and BSP's November 15, 2018 reply to the Agency

**ATTACHMENT A:
August 28, 2018 Agency
correspondence with BBMR
and BBMR's September 21,
2018 reply to the Agency**

GUAM ENVIRONMENTAL PROTECTION AGENCY

EDDIE BAZA CALVO
GOVERNOR OF GUAM

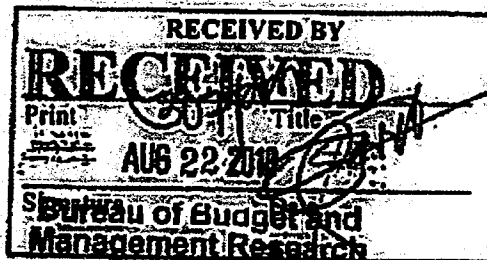
RAY TENORIO
LT. GOVERNOR OF GUAM

17-3304 MARINER AVENUE • TIYAN, BARRIGADA, GUAM 96913-1617

FIND US ONLINE AT EPA.GUAM.GOV

August 22, 2018

Mr. Lester Carlson Jr.
Acting Director
Bureau of Budget and Management Research
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910



RE: BBMR review, recommendations and guidance

Hafa Adai Acting Director Carlson!

The Guam Environmental Protection Agency (Guam EPA) is seeking your review, recommendation and guidance with our draft economic impact statement for our proposed rules and regulations for the Recycling Revolving fund (RRF). Attached herewith are the agency's drafts of the economic impact statement and the proposed rules and regulations.

Pursuant to 9 GCA Chapter 9 §9301(i), an exemption from an economic impact statement may be granted "if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees."

We are seeking BBMR's opinion on whether an exemption to the aforementioned statute may apply to the agency. If the bureau determines that the agency may not be exempt, we request your guidance in producing a statement that will satisfy the legislative requirements.

While it is not the agency's intention to impose or raise any fees since Guam P.L. 27-38 authorizes the levy of recycling fees for deposit into the RRF, we have determined that economic activity, as drafted in our proposed rules and regulations could potentially exceed \$500,000, as evidenced by the payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY 16 and FY 17.

The agency looks forward to you and the bureau's financial expertise in assisting us in our efforts to promulgate rules and regulations. Additionally, BBMR's review and/or concurrence will be placed in our administrative adjudication law record for both public review and upon submittal to *I Liheslaturan Gudhan*.

If you have any questions or concerns, or should require assistance, please feel free to contact me at your earliest convenience. We look forward to hearing from you soon.

Very Respectfully,

NIC RUPLEY LEE
Acting Administrator

Guam Environmental Protection Agency

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18-1586



BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
DEPUTY DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

SEP 21 2018

RECEIVED

SEP 24 2018

MEMORANDUM

To: Administrator, Guam Environmental Protection Agency (GEPA) **Guam Environmental Protection Agency**
From: Deputy Director, Bureau of Budget and Management Research (BBMR)
Subject: Guidance on Draft Economic Impact Statement

The Bureau has reviewed your request for a preliminary fiscal (cost) impact assessment on GEPA's Draft Economic Impact Statement (EIS) for the proposed rules and regulations for the Recycling Revolving Fund (RRF).

As was mentioned in your letter dated August 22, 2018, GEPA had determined that the economic activity, as drafted in the proposed rules and regulations could potentially exceed \$500,000, based on payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY16 in the amount of \$329,390.78 and \$1,004,911.25 in FY17. Therefore, the Bureau is of the opinion that the proposed rules and regulations does not qualify for the exemption under 5 GCA Article 3 Chapter 9 §9301 as the annual economic impact to the general public is projected to be more than \$500,000.

The Bureau does agree that the adoption of the proposed rules and regulations is to comply with Public Law Nos. 29-116:4 and 33-136:4 which provides for the promulgation of the necessary rules and regulations by GEPA as required by those respective measures, and in accordance with the Administrative Adjudication Act.

However, at this time, the Bureau is only able to, affirm that the estimated annual cost of the stimulus would be approximately \$1.2 million based upon the legislative committee report on Bill No. 241-33, now P.L. 33-136. This fiscal cost impact was based on statistics from GEPA that showed that 40,000 tons are recycled annually. Using the data as a base and at \$30.00 per ton, the estimated annual cost would be \$1.2 million or half the projected annual revenues of the Recycling Revolving Fund.

Based on the provisions of the law, both BBMR and the department are granted the discretion to conduct a preliminary cost impact assessment relative to the proposed change in rule, regulation, fee, or increase of fees or services as mandated by P.L. No. 34-22. Due to the Bureau's limited staff expertise and funding resources, it is recommended that GEPA conduct its own preliminary economic cost impact analysis to determine if in fact, the estimated impact to the general public exceeds \$500,000. The Bureau also recommends GEPA seek the assistance of preparing an EIS from the Department of Labor, the Bureau of Statistics and Plans, and/or the Guam Economic Development Authority, as these agencies have Chief Economists on staff.

Should you have any questions on this matter, please contact the Bureau at (671) 475-9412.


LESTER L. CARLSON, JR.

**ATTACHMENT B:
November 13, 2018 Agency
correspondence with BSP and
BBSP's November 15, 2018
reply to the Agency**

GUAM ENVIRONMENTAL PROTECTION AGENCY

AGENSIA PROTEKSION LINA LA GUAMAN



EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT GOVERNOR OF GUAM

17-3304 MARINER AVENUE • TIYAN BARRIGADA GUAM 96913-1617

FIND US ONLINE AT EPA.GUAM.GOV

November 13, 2018

Mr. Carl V. Domínguez
Director
Bureau of Statistics and Plans
Ricardo J. Bordallo Governor's Complex
513 West Marine Corps Drive
Hagåtña, Guam 96910

Transmitted via hand delivery

RE: Request for Assistance – Economic Impact Statement

Hafa Adai Director Dominguez,

The Guam Environmental Protection Agency (Guam EPA) is seeking your review, recommendation and guidance with our draft economic impact statement for our proposed rules and regulations for the Recycling Revolving fund (RRF). Attached herewith are the agency's drafts of the economic impact statement and the proposed rules and regulations.

Pursuant to 9 GCA Chapter 9 §9301(i), an exemption from an economic impact statement may be granted "if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees."

While it is not the agency's intention to impose or raise any fees since Guam P.L. 28-58 authorizes the levy of recycling fees for deposit into the RRF, we have determined that economic activity, as drafted in our proposed rules and regulations could potentially exceed \$500,000, as evidenced by the payments made to permitted and qualified recycling facilities who participated in the Recycling Industry Stimulus Program in FY 16 and FY 17.

After consulting with BBMR, Guam EPA was advised to reach out to Bureau of Statistics and Plans for assistance in the agency's efforts to in producing an economic impact statement so that it may entered into our adjudication record for public comment and public hearing. The agency looks forward to you and the BSP's planning expertise in assisting us in our efforts to promulgate rules and regulations.

If you have any questions or concerns, or should require assistance, please feel free to contact me at your earliest convenience. We look forward to hearing from you soon.

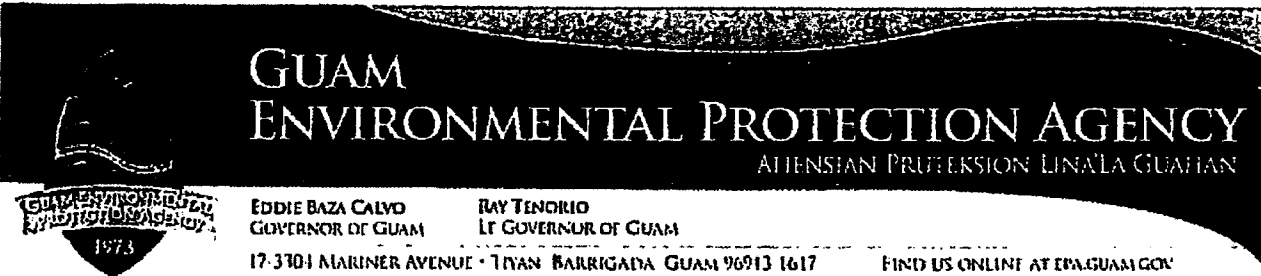

WALTER S. LEON GUERRERO
Administrator, Guam EPA

FOR YOUR ASSISTANCE AND GUIDANCE, PLEASE CONTACT THE FOLLOWING:



16GuamEPA 16GuamEPA 23446EPA

Doc. No. 35GL-19-0742.*



**ECONOMIC IMPACT STATEMENT FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY
THE GUAM ENVIRONMENTAL PROTECTION AGENCY**

AUGUST 16, 2018

Guam EPA's proposed rules and regulations for the Recycling Revolving Fund (RRF) will not seek to impose any fees, nor will it seek to impose raising any fees to the public. Continuing appropriations into this fund have been set forth in 10 GCA Chapter 51 §51305 and enacted by Guam P.L. 28-58, where authorization is given to the Department of Revenue and Taxation (DRT) levies recycling fees from the annual renewal of motor vehicle registrations. In FY16 and FY17, recycling fees levied by DRT are \$2,801,597.77 and \$2,859,696.33 respectively.

The recycling initiatives delineated in proposed rules and regulations are: Mayor's Council of Guam Island-wide Environmental Cleanup Program (IECP), Recycling Industry Economic Stimulus Program Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan, Guam Beverage Container Recycling, Integrated Solid Waste Management Plan, Green Waste Plan, Disaster Debris Management, Zero Waste Grant Program and a Subsidization of the Recycling/Tipping Fees for Low Income Household. Throughout these initiatives, the agency will not be imposing or raising any fees.

In the pursuit of agency compliance with transparency and open governance, Guam EPA will address items, pursuant to 5 GCA Chapter 9 §9301(f):

1. The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.

10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51, contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF. Additionally, a report issued by the Guam Office of the Public Auditor in 2015 questioned expenditures funded by the RRF and subsequently made a recommendation to place a moratorium on funding for items outside of those listed in 10 GCA Chapter 51



§51303(1-4).

2. The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.

The agency's proposed rules and regulations for the RRF may enhance the revenues of permitted recycling facilities that participate in the Recycling Industry Economic Stimulus Program. In FY16 and FY17, \$329,390.78 and \$1,004,911.25 respectively, were paid to qualified facilities at a rate of \$30.00 per ton. The authorized levy of recycling fees collected by DRT on motor vehicle registrations remains unchanged.

3. Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF.

4. Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.

The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF.

5. Any increase or decrease in the cost of doing business as an enterprise or industry on Guam, or any increase or decrease in doing business in general, which is attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF.

6. Any adverse or beneficial economic impact, which is attributable to the proposed rule or regulation.

The agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF. Given the \$1,334,302.03 amount paid to qualified and permitted facilities for their participation in the Recycling Industry Economic Stimulus Program, the agency sees a beneficial economic impact to the recycling industry that will likely continue in a similar manner, as a result of the proposed rules and regulations for the RRF.


()

While the agency has determined that financial activity by way of collections, appropriations and expenditures exceeds the \$500,000 annual impact on the general public, the agency seeks an exemption from §9301(j) since fees will neither be imposed nor raised.



Eddie Baza Calvo
Governor of Guam

Raj Tenorio
Lieutenant Governor

**BUREAU OF
STATISTICS & PLANS**
SAGAN PIANU SIHA YAN EMIOGTMASION

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812



Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

November 15, 2018

MEMORANDUM

To: Administrator, Guam EPA
From: Director, Bureau of Statistics and Plans
Subject: Proposed Rules and Regulations: Assistance with Economic Impact Statement

RECEIVED

NOV 15 2018

Guam Environment
Protection Agency

Thank you for requesting our assistance in completing an assessment as to whether or not GEPA is required to perform an Economic Impact Statement pursuant to 9 GCA Chapter 9 §9301(i), as it proceeds to formally adopt its rules and regulations for its Recycling Revolving Fund through the Administrative Adjudication Act. As this proposed change is administrative in nature and does not affect existing fees we find no significant economic costs imposed unto the general public or relevant participants of the Recycling Revolving Fund

We agree that GEPA is exempt from the EIS requirement and I am submitting to you findings and justifications collaboratively developed by your staff and the Bureau's Chief Economist for your official use. As GEPA is the lead agency, we recommend incorporating language in the attached Preliminary Cost Impact Assessment re-titled as justification to be exempt from producing the EIS for public record and discussion.

If you have any questions or concerns, please feel free to contact me at 472-4201.


CARL V. DOMINGUEZ

Attachment: Preliminary Cost Impact Assessment

**PRELIMINARY COST IMPACT STATEMENT
FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY THE
GUAM ENVIRONMENTAL PROTECTION AGENCY***

Guam EPA is required by law to adopt proposed rules and regulations for the Recycling Revolving Fund (RRF) pursuant to 10 GCA Chapter 51 §51307(c). Furthermore, the adoption of said rules and regulations will not affect nor impact statutory fees currently sufficient for such purposes. Therefore, GEPA will not seek to raise or adjust existing fees pursuant to 10 GCA Chapter 51 §51308.

The recycling initiatives delineated in proposed rules and regulations are: Mayor's Council of Guam Island-Wide Environmental Cleanup Program (IICP), Recycling Industry Economic Stimulus Program Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan, Guam Beverage Container Recycling, Integrated Solid Waste Management Plan, Green Waste Plan, Disaster Debris Management, Zero Waste Grant Program and a Subsidization of the Recycling Tipping Fees for Low Income Household.

Appropriations into the RRF are set forth in 10 GCA Chapter 51 §51305 and §51306, as enacted by Guam Public Law No. 28-58, where authorization is given to the Department of Revenue and Taxation (DRT) to levy recycling fees on annual motor vehicle registration renewals. The Recycling Fee is imposed on payers of vehicle registrations, the funds collected of which are deposited as a continuing appropriation into the RRF account separate and apart for this purpose. The proposed rules and regulations do not affect nor impact vehicle registration renewal fees as levied by the Department of Revenue and Taxation.

In FY2016 and FY2017, recycling fees levied by DRT were \$2,801,597.77 and \$2,859,696.33, respectively. Funds disbursed in this program in FY2016 and FY2017 were \$329,390.78 and \$1,004,911.25, respectively. Thus far there are sufficient revenues generated, and GEPA expects that there will be sufficient revenues in FY2018 and FY2019 to fulfill the objectives of this program.

5 Guam Code Annotated, Chapter 9 Administrative Adjudication Law, Article 3 Rule Making Procedures, §9301(i): Exemptions. Any proposed rule, change, change of rule, regulation or request to impose or raise fees or rates shall be exempted from the economic impact statement requirements of Subsection (d),(e),(f),(g) and (h) of this Section if the annual economic impact to the general public is Five hundred Thousand Dollars (\$500,000) or less as determined by a preliminary cost impact assessment performed by the Bureau of Budget Management Research, or by the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fee. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules and regulations, and must be transmitted to *Lihaslatura* (the Legislature) as part of the Agency Record.

Therefore, Guam Environmental Protection Agency has determined that the requirement of §9301(d),(e), (f), (g) and (h) is not applicable to the proposed Recycling Revolving Fund Rules and

Regulations as there are no newly proposed fees or fee increases and will not have a measurable economic impact to the general public of Five Hundred Thousand Dollars (\$500,000) or less.

The preliminary Economic Cost Statement will address the following:

1. The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.

The enabling statute, 10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51. contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF. Additionally, a report issued by the Guam Office of the Public Auditor in 2015 questioned expenditures funded by the RRF and subsequently made a recommendation to place a moratorium on funding for items outside of those listed in 10 GCA Chapter 51 §51303(1-4). The proposed rules and regulations, as adopted, will address and resolve issues noted by the Office of the Public Auditor and allow GEPA to hire the program Administrator.

2. The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.

The RRF revenues are collected from vehicle registration renewal fees by the Department of Revenue and Taxation pursuant to 10 GCA Chapter 51 §51305 and §51306. The RRF have consistently averaged \$2.8 million over the past two years and have proven to be a stable source of revenues. Due to enforcement activities and the mandatory liability insurance law, compliance with Guam's vehicle registration program remains a success.

The proposed rules and regulations are administrative in nature and will have no additional financial burden to payers of this fee nor the general public. The GEPA has reviewed the fee and has elected not to adjust the fee at this time. Fees collected are adequate to fulfill program objectives at this time.

Upon adoption of the rules and regulations GEPA expects expenditures made for this program to increase as participating recycling facilities join the Recycling Industry Economic Stimulus Program.

3. Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF. The vehicle registration renewal fee has been imposed several years ago, is negligible relative to the total cost of vehicle ownership and is required by law. Consumers are accustomed to it and budget accordingly.

4 Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.

The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF. While there may be an increase in participating recyclers it is expected employment within the industry to remain constant in the short term. Waste and recycling efforts respond to shifts in net migration which are typically modest over time.

5 Any increase or decrease in the cost of doing business as an enterprise or industry on Guam or any increase or decrease in doing business in general which is attributable to the proposed rule or regulation.

The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF. It is expected that the adoption will lead to programmatic and administrative efficiencies, nevertheless.

6 Any adverse or beneficial economic impact which is attributable to the proposed rule or regulation

Upon enactment of this 10 GCA Chapter 51 as described above, expenditures to stimulate and or encourage recycling companies to "export" local reusable solid waste abroad serves a positive social and economic means to an end that preserves real estate values, frees up land otherwise destined as a solid waste landfill and improves our quality of life in the years to come. This program results in a net economic benefit to the residents of Guam.

Given the preliminary findings discussed above, the agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF.

* Assistance provided by the Bureau of Statistics and Plans



GUAM ENVIRONMENTAL PROTECTION AGENCY

AGENSAN PUTEKSION LIHALA Y TANO

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT GOVERNOR OF GUAM

17-3304 MARINER AVENUE • TIYAN BARRIGADA, GUAM 96913-1617

FIND US ONLINE AT EPA.GUAM.GOV

August 22, 2018

Mr. Shane Ngata
Personnel Services Administrator
Department of Administration
590 South Marine Corps Drive Suite 215
Tamuning, Guam 96913

Transmitted hand delivery

RECEIVED BY	
Print	Title
Winona	
Signature	Date
	8/22/18

Re: §9301(e) 5 GCA - Adoption, Repeal, Rescission or Amendment of Rules: Procedure.

Hafa Adai Mr. Ngata,

The Guam Environmental Protection Agency (Guam EPA) has completed a draft of proposed rules and regulations for the use and codified administration of Recycling Revolving Fund (RRF), pursuant to §51307(c) 10 GCA that states:

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

Pursuant to 10 GCA Chapter 51 §51303(2), the RRF appropriates funding towards not more than one (1) full-time (FTE) employee at Guam EEPA whose time is solely dedicated to administering and implementing Article 3 of 10 GCA Chapter 51. While it is the understanding of the agency that the proposed draft of the rules and regulations for RRF do not include any classifications specifications or wage and benefit determination, our intention is to fully comply with §9301(e) 5 GCA, which requires a review from the Department of Administration prior to its transmittal to / *Liheslaturan Gudhan*. The agency seeking DOA's written concurrence, or approval with our proposed draft so that we may enter it as part of our administrative adjudication record.

For your kind consideration and expeditious review, attached herewith are the agency's proposed rules and regulations. We understand that your department is not without its own personnel challenges, but we appreciate your assistance in helping our agency meets its mission in protecting human and environmental health.

If you have any questions about this matter, please contact Nic Rupley Lee at 671-300-4753. We look forward to hearing from you soon.

Very Respectfully,

Nic Rupley Lee
Acting Administrator, Guam EPA

Cc: Edward Bim

Department of Administration Human Resources Division
AUG 22 2018
Records Branch

TODO Y NILALA Y TANO MAN UNO - ALL LIVING THINGS OF THE EARTH ARE ONE.



AHENSIAN PRUTEKSION LINA'LA GUÅHAN
LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

THE GUAM ENVIRONMENTAL PROTECTION AGENCY
BOARD OF DIRECTORS

In Accordance with
10 Guam Code Annotated, Chapter 51, Article 3, §51307 (c)

Hereby approves the amended
Rules and Regulations for the Recycling Revolving Fund
Version April 30, 2019

Approved this day: April 30, 2019

Resolution Number # 19-001-A

ROBERT A. PERRON
Guam EPA Board Chairman

As Witnessed This Day By:

TERRENCE BROOKS
Guam EPA Board Vice Chairman

Arlene Acfalle
Guam EPA Board Secretary

Scan sent
to Bob, Terry,
Lorin & Conchita, and
Alvin

19-1333



Office of the Attorney General of Guam

590 S. Marine Corps Drive, Suite 901 ♦ Tamuning, GU 96911
Phone 671.475.3324 extension 5015 ♦ Fax 671.477-4703 ♦ Email law@guamag.org

Hon. Leevin Taitano Camacho
Attorney General of Guam

June 10, 2019

RECEIVED

Robert A. Perron
Board Chairman
Guam Environmental Protection Agency
17-3304 Mariner Avenue
Tiyan, Guam 96913-1617

JUN 12 2019
Guam Environmental
Protection Agency

Re: Approval of Proposed Rules and Regulations Governing the Adoption of Recycling Revolving Fund Rules and Regulations (Ref. GEPA 19-0182)

Dear Chairman Perron:

The Office of the Attorney General has completed its review of the Guam Environmental Protection Agency (GEPA) proposed Rules and Regulations Governing the Adoption of Recycling Revolving Fund Rules and Regulations received in this office April 5, 2019.

Pursuant to 5 GCA § 9303(a)(4) of the Administrative Adjudication Law (AAL), as amended by P.L. 34-032 (July 13, 2017), I am approving the proposed Rules as to form, constitutionality, compliance with the requirements of the AAL, and compliance with the GEPA's statutory authority to promulgate rules.

Please be reminded that the AAL's current rule-making procedures require the Board to file the proposed Rules, together with the written approval of *I' Maga'håga* as to policy and approval of the Attorney General as to compliance with the law, with the Speaker of *I Liheslatura* in a format and manner specified in 5 GCA § 9303(a)(4). Section 9303(c) further provides that no rule shall become effective until after ninety (90) calendar days have elapsed from the date of filing with the Speaker of *I Liheslatura* during which time and within seventy-five (75) calendar days from the date of filing of the rules with the Speaker, the legislative committee with oversight of the subject matter or the Committee of the Whole shall have conducted one or more public hearings on the proposed rules. After the public hearing and within the 90-day time period, *I Liheslatura* may approve, disapprove, or amend the proposed rules by the passage of a bill into law. In the event *I Liheslatura* declines to formally approve, disapprove, or amend the proposed rules by the passage of a bill into law, the Speaker may certify and the Legislative Secretary may attest to the default approval of compliant rules.

If you have any questions, please contact Deputy Attorney General of the Solicitor Division Karl P. Espaldon at (671) 475-3324, extension 3115.

Sincerely,

LEEVIN TAITANO CAMACHO
Attorney General

OFISINAN I MAGA'HAHA
OFFICE OF THE GOVERNOR

19-1521

LOURDES A. LEON GUERRERO
MAGA'HAHA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LAHI • LIEUTENANT GOVERNOR

July 9, 2019

Transmitted via Central Files

RECEIVED

JR 12:50P
Guam Environmental
Protection Agency

Walter S. Leon Guerrero, Administrator
Guam Environmental Protection Agency
17-3304 Mariner Avenue
Tiyán Barrigada, Guam 96913-1617

Re: Proposed Rules and Regulations for the Recycling Revolving Fund


Dear Mr. Leon Guerrero,

Thank you for submitting the proposed Rules and Regulations Governing the Adoption of Codes of Professional Conduct/Ethics by the Guam Environmental Protection Agency. In reviewing the documents, I was pleased to see the attention and detail that was afforded in their preparation. These rules and regulations, in describing the minimum standards for the administration of the Recycling Revolving Fund, play a significant role in ensuring that the Recycling Revolving Fund is administered responsibly.

I encourage you to continue the good work in protecting the natural resources of our island.

Now, therefore, I, Joshua F. Tenorio, *I Ákto Maga'láhen Guahan*, Acting Governor of Guam, pursuant to Title 5, Chapter 9, Article 3, am approving these rules and regulations as to policy.

Sensereamente


JOSHUA F. TENORIO
Ákto Maga'láhen Guahan
Acting Governor of Guam

Enclosure(s): EPA letter dated 07/02/2019 with enclosed rules and regulations

cc: Honorable Lourdes A. Leon Guerrero, *I Maga'hagan Guahan* (via email)
Honorable Joshua F. Tenorio, *I Sigundo Maga'láhen Guahan* (via email)

OFFICE OF THE GOVERNOR • GOVERNOR • J. ANTONIO GONZALEZ
P.O. BOX 2140 • HENRIETTA • GUAM 96910
671-674-8001 • 671-677-8933



Tina Sanchez
RCVD AT CENTRAL FI
JUL 2 '19 PM 4:51

AIHENSIAN PRUTEKSION LINA'LA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

July 2, 2019

The Honorable Lourdes A. Leon Guerrero
Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagatna, Guam 96910

Hafa Adai Governor Leon Guerrero,

In accordance with 5 Guam Code Annotated (GCA), Chapter 9, §9303, Guam Environmental Protection Agency (Guam EPA) is submitting for your review and approval the proposed "Rules and Regulations for the Recycling Revolving Fund". The attached rules were developed pursuant to 10 GCA Chapter 51 §51307 (c).

On June 10, 2019, the Office of the Attorney General of Guam (OAG) completed their review of the proposed Rules and Regulations for the Recycling Revolving Fund. They have approved the proposed rules as to form, constitutionality, and compliance with the Administrative Adjudication Law and Guam EPA's statutory authority to promulgate rules.

The proposed rules and regulations were posted on the Guam EPA website (www.epa.guam.gov) on December 6, 2018. Five copies of the draft rules and regulations were on file at reception desk of the Guam EPA Administration building through December 19, 2018.

A public hearing was held on December 19, 2018 on the proposed rules. An announcement was published in the Guam Daily Post on December 6, 2018. Only one member of the public attended the public hearing and provided oral comments. The transcript of the public meeting is attached.

The following materials are included:

- Hard copy of proposed Rules and Regulations for Recycling Revolving Fund
- Hardcopy of the public hearing notice on the Guam Daily Post December 6, 2018.
- Hardcopy of transcript of the public hearing on December 19, 2018.
- Hardcopy of the Preliminary Cost Impact Statement

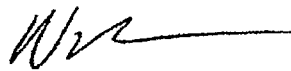
GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
TODU Y NILALA Y TANO MAN UNO • ALL LIVING THINGS ARE ONE

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-
- Hardcopy of the Economic Impact Statement
 - Hardcopy of all correspondence with BBMR, DOA and BSP
 - Hardcopy of Board Resolution No# 19-001(A)
 - Hardcopy of Attorney General approval letter dated June 10, 2019
 - Computer disk with the electronic copy of all documents.

Should you have any questions, please feel to contact me directly at 300.4759 or email: walter.leonguerrero@epa.guam.gov.

Senseramente,



Walter S. Leon Guerrero
Administrator

Attachments

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telen Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

September 10, 2019

Senator Clynton E. Ridgely,
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Terlapan,
Member

Senator Therese M. Terlapan,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chair, Committee on Rules

Re: Fiscal Note

Buenas yan Håfa adai.

Attached, please find the fiscal note for the following bill:

Bill No. 198-35 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 198-35 (LS)**

AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Environmental Protection Agency	Dept./Agency Head: Walter Leon Guerrero, Administrator
Department's General Fund (GF) appropriation(s) to date:	\$0
Department's Other Fund (Specify) appropriation(s) to date: Air Pollution Control Fund-\$230,673; Guam Environmental Trust Fund-\$409,266; Pesticide Management Fund-\$133,038; Water Protection Fund-\$61,844; Water Research and Development Fund-\$67,811; Solid Waste Operation Landfills-\$202,992; Tourist Attraction Fund-\$108,289; Recycling Revolving Fund-\$2,895,965	4,109,878
Total Department/Agency Appropriation(s) to date:	\$4,109,878

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund (specify)	Total:
FY 2018 Unreserved Fund Balance		\$0	\$0
FY 2019 Adopted Revenues	\$0	\$0	\$0
FY 2019 Appro. (P.L. 34-116 thru P.L. 34-162)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2019 (if applicable)	FY 2020	FY 2021	FY 2022	FY 2023
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
GEPA Recycling Revolving Fund 1/	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? / / N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/ x / Requested agency comments not received by due date / / Other:

Analyst: <u>Diana E. Pobre</u> Date: <u>9/5/19</u>	Director: <u>Lester L. Carlson, Jr.</u> Date: <u>SEP 10 2019</u>
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Footnotes: See attached Economic Impact Statement for the Recycling Revolving Fund Proposed Rules and Regulations as determined by GEPA dated April 29, 2019 and as part of Exhibit A to Bill 198-35 (LS).



Exhibit A - Bill No. 198-35(LS)

AHENSIAŃ PRUTEKSIÓN LINA'LA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

July 11, 2019

35GL-19-0742
Speaker Tina Rose Muña Barnes

Honorable Tina Muña Barnes
Speaker
I Mina'Trentai Singko na Liheslaturan Guáhan
163 Chalan Santo Papa
Hagatna, Guam 96913

JUL 12 2019
Time 3:25 () AM () PM
Received By: Matt

RE: This is a Transmittal to I Liheslaturan Guáhan of Proposed Rules and Regulations pursuant to the Administrative Adjudication Law

Hafa Adai Speaker Muña Barnes ,

The Guam Environmental Protection Agency (Guam EPA) hereby transmits the proposed Rules and Regulations for the Recycling Revolving Fund (RRF) pursuant to 5 GCA Government Operations, Chapter 9 Administrative Adjudication Law, §9303 (a)(4).

On June 10, 2019, the Office of the Attorney General of Guam (OAG) completed their review of the proposed Rules and Regulations for the RRF. They have approved the proposed rules as to form, constitutionality, and compliance with the Administrative Adjudication Law and Guam EPA's statutory authority to promulgate rules.

Subsequently, on July 2, 2019, the proposed Rules and Regulations for the RRF was transmitted to the Office of the Governor for their review. On July 9, 2019 the Office of the Governor approved the Rules and Regulations as to policy.

Please feel free to contact me or Sabrina Cruz Sablan at 300.4751 or email: Walter.leonguerrero@epa.guam.gov or Sabrina.cruzsablan@epa.guam.gov should you have any questions. We look forward to working with you.

Si Yu'os Ma'ase,

Walter S. Leon Guerrero
Administrator

CC: Attachments
Guam EPA Board of Directors
Office of Public Accountability

0742

35GL-19-0742



AHENSIAŃ PRUTEKSION LINAĻA GUĀHAN

**LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA E. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR**

**ECONOMIC IMPACT STATEMENT FOR THE RECYCLING REVOLVING FUND
PROPOSED RULES AND REGULATIONS
AS DETERMINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY**

April 29, 2019

EXECUTIVE SUMMARY:

The Recycling Revolving Fund (RRF) was created as a separate Government of Guam (GovGuam) fund by Public Law (P.L.) 27-381 in November 2003. The spirit of the RRF sought to improve upon the existing Abandoned Vehicle and Streetlight Fund (AVSF) by addressing the AVSF's inefficiencies in funding abandoned vehicle removal, and to address the island's worsening solid waste management issues. The Guam Environmental Protection Agency (Agency) was authorized to execute contracts with recycling companies to collect, remove, and dispose recyclable materials.

The RRF originated as a fund under the administration of the Department of Public Works (DPW). In September 2009, Guam P.L. 30-55 reverted RRF revenue appropriation from DPW to the Agency. This appropriation exists to fund the costs of the administration and implementation of the RRF statutes.

Today, the Agency proposed rules and regulations for the RRF seeks to provide a uniform competitive business environment to all, and establish the minimum standards to properly implement and administer Guam's Recycling Revolving Fund in accordance with Title 10 of the Guam Code Annotated (GCA), Chapter 51, Article 3, under the authority granted by 10 GCA §51307(c). Title 10 GCA Chapter 51, Article 3 § 51307 (c) states that the Agency "shall promulgate the necessary rules and regulations, in accordance with the Administrative Adjudication Law, to properly implement this Article."

With the adoption of these rules and regulations, the Agency will not seek to impose or raise any fees to the public. These proposed rules and regulations seek to provide the legally required administrative mechanism to expend annual appropriations from the RRF that have been set forth in 10 GCA Chapter 51 §51305 and enacted by Guam P.L. 28-58. The RRF is funded by the authorization that is given to the Department of Revenue and Taxation (DRT) to levy recycling fees from the annual renewal of motor vehicle registrations on Guam. These rules and regulations do not seek to raise or impose any other fees outside of what is already authorized by Guam P.L. 28-580.

This administrative mechanism also serves to satisfy concerns from a report issued by the Guam Office of the Public Auditor (OPA) in 2015. The OPA questioned expenditures funded by the RRF and

subsequently made recommendation to place a moratorium on funding for any items outside of those listed in 10 GCA Chapter 51 §51303(1-4).

The recycling initiatives sought in the Agency's proposed rules and regulations are as follows: Mayor's Council of Guam (MCOG) Island-wide Environmental Cleanup Program (IECP), Recycling Industry Economic Stimulus Program (RIESP) Applicability and Eligibility, Economic Stimulus and Sustainability Recycling Adjustment Plan and the Recycling Industry Economic Stimulus Program Payment Calculation.

BENEFICIAL IMPACTS:

In accordance with 5 GCA Chapter 9 §9301(f), the Agency sought consultation from the Bureau of Budget and Management Research (BBMR) in conducting a preliminary cost impact assessment to determine if these rules and regulations would exceed \$500,000 in cost impacts to the community, and if the Agency would be exempt from performing an economic impact statement (Attachment A). BBMR was able to affirm \$1.2M of fiscal impacts, based on the estimated annual cost of the RIESP established by a legislative fiscal note issued for Guam P.L. 33-136. The note reported data that reflected 40,000 tons of materials are recycled annually and that the RRF will pay out \$30.00 per ton of eligible materials, to eligible RIESP participants.

The table below reflects the fiscal activity, relative to the RRF for the last three (3) fiscal years:

FY	RRF APPROPRIATION	RIESP PAYMENT	MATERIAL VOLUME	MCOG APPROPRIATION
2016	\$2,801,597	\$329,390	10,979 TONS	-
2017	\$2,859,696	\$1,004,911	33,497 TONS	-
2018	\$2,931,296	\$275,000	9,166 TONS	\$2,181,296

Throughout the last three FYs, the removal of approximately 53,642 eligible tons of materials from the island should serve as significant beneficial impact to the public. Considerations for this activity include:

- Significant diversion of materials from both the landfill and our jungles
- Increase in GovGuam's Business Privilege Tax (BPT) revenue
- Overall solid waste management industry growth on the island – two additional recycling companies have opened for business in the last 3 FYs.
 - FY16 saw 11 permits issued
 - FY17 saw 16 permits issued
 - FY18 saw 8 permits issued

In FY18, the 34th Guam Legislature appropriated \$2,181,296 to the MCOG for the IECP. This appropriation was funded by the Agency's \$2,931,296 appropriation to the RRF. The IECP enabled the 19 different municipalities to execute contracts with recycling companies for the sole purpose of the removal, processing and disposal of eligible materials from each respective municipality. In the

past, Guam P.L. 29-116 authorized the MCOG to execute contracts with recycling companies. This appropriation affected the funding available for use in the RIESP.

With the promulgation of these rules and regulations, the Agency seeks to empower and authorize the MCOG to return to executing contracts recyclers, based on availability of funds and in determination with the Agency Administrator and Board of Directors (BOD).

ADVERSE IMPACTS:

BBMR advised the Agency to seek guidance from other GovGuam agencies to further assess a determination to as to any cost-related impact to the public that exceeded \$500,000. The Agency chose to consult with the Bureau of Statistics and Plans (BSP) and enlist the services and expertise of BSP's chief economist (Attachment B).

It was the intention of the Agency to demonstrate that there would not be any negative impacts to the general public with the promulgation of these rules and regulations. In determining any negative impacts to general public, the agency chose to consider the following [pursuant to 5 GCA Chapter 9 §9301(f)]:

- **The purpose and the need for the rule or regulation; an assessment of the risk and the cost of the imposed rule or regulation. In addition, government agencies proposing a new rule or regulation must include with the assessment, the justification for the new rule or regulation.**
 - *10 GCA Chapter 51 §51303 authorizes the agency to fund the Recycling Industry Economic Stimulus Program, one (1) full time employee to administer the fund and implement Article 3 of 10 GCA Chapter 51, contractual services for recycling outreach and contractual services to implement the 2013 Guam Zero Waste Plan. Funding for all other expenditures outside of those referenced above are prohibited until the agency promulgates rules and regulations for the RRF.*
 - *This is a legal and administrative mechanism that serves to satisfy concerns from a report issued by the OPA in 2015. The OPA questioned expenditures funded by the RRF and subsequently made recommendation to place a moratorium on funding for any items outside of those listed in 10 GCA Chapter 51 §51303(1-4), until the Agency has officially promulgated rules and regulations for the RRF.*
- **The financial impact of the proposed rule or regulation upon those persons or corporate entities directly affected by the proposed rule or regulation, and upon the people and the economy of Guam.**
 - *The agency's proposed rules and regulations for the RRF may enhance the revenues of permitted recycling facilities that participate in the Recycling Industry Economic Stimulus Program. In FY16, FY17 and FY18, \$329,390, \$1,004,911 and \$275,000 respectively, were paid to qualified facilities at a rate of \$30.00 per ton. The authorized levy of recycling fees collected by DRT on motor vehicle registrations remains unchanged.*

- *A slight increase in GovGuam's BPT revenues could be realized as a result of increased income for all permitted participants of RIESP, and all permitted recycling companies who are contracted by the MCOG for the IECP.*
- *From FY16-18, the RRF has an average appropriation of \$2,864,196.33. This appropriation is funded by a reliable revenue stream that originates from the renewal of motor vehicle registrations. The Agency does not intend to increase or adjust the recycling fee that is associated with these motor vehicle registration renewals.*
- **Any potential increase or decrease in the cost of living on Guam, or any specific increase or decrease in the price or availability of any good or service on Guam directly or indirectly attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any increase or decrease in the cost of living, nor does it anticipate any specific increase or decrease in the price or availability of any good or service on Guam, as a result of the proposed rules and regulations for the RRF.*
- **Any direct or indirect impact upon employment on Guam or any increase or decrease in the availability of a particular job or jobs, or jobs in general, attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any negative impact upon employment on Guam, nor does it anticipate any decrease in a particular job or jobs, or jobs in general, as a result of the proposed rules and regulations for the RRF.*
 - *The recycling industry could experience some growth if more companies open for business in order to avail themselves of the RIESP and contracts with the MCOG for the IECP. This growth in the industry could mean more job opportunities, and a positive impact on GovGuam's tax revenue stream.*
- **Any increase or decrease in the cost of doing business as an enterprise or industry on Guam, or any increase or decrease in doing business in general, which is attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any increase or decrease in the cost of doing business as an enterprise or industry, nor does it anticipate any increase or decrease in general, as a result of the proposed rules and regulations for the RRF. Though funding the RIESP and the MCOG IECP could create a modest competitive market in terms of the cost of service to the general public.*
- **Any adverse or beneficial economic impact, which is attributable to the proposed rule or regulation.**
 - *The agency does not anticipate any adverse economic impact as a result of the proposed rules and regulations for the RRF. Given the \$ 1,361,801 amount paid to qualified and permitted facilities for their participation in the RIESP, the Agency sees*

a beneficial economic impact to the recycling industry that will likely continue in a similar manner, as a result of the proposed rules and regulations for the RRF.

- *The rules and regulations seek to increase recycling activity on Guam. As of November 2018, Guam' recycling rate is listed as 39.16% - up 6.82 percentage points over last year's reported recycling rate. In 2011, the Agency began tracking our island's recycling activity and reported a 17.85% recycling rate in 2012.*
- *A stimulus could serve as a catalyst for the recycling industry, and could generate positive social change by way of increased recycling activity. Economic benefits could also be realized by freeing up land resources on Guam, by ridding of the recyclable materials from the island.*

The agency has determined that financial activity by way of collections, appropriations and expenditures exceeds a \$500,000 annual impact on the general public, though it is unlikely that any adverse cost impacts will burden the general public since fees will neither be imposed or raised. Given the Agency's findings, it remains unlikely that the general public would have to bear any adverse economic impacts that would result from the adoption of these proposed rules and regulations.

ATTACHMENTS:

A – August 28, 2018 Agency correspondence with BBMR and BBMR's September 21, 2018 reply to the Agency

B – November 13, 2018 Agency correspondence with BSP and BSP's November 15, 2018 reply to the Agency



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA TRENDAI SINGKO NA LIHESLATURAN GUÁHAN

35TH GUAM LEGISLATURE

COMMITTEE VOTE SHEET

Bill No. 198-35 (LS) – “AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND.”

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR SABINA FLORES PEREZ Chairperson	<i>SFP</i> 9/18/19	✓				
SENATOR THERESE M. TERLAJE Vice Chairperson						
VICE SPEAKER TELENA CRUZ NELSON Member						
SPEAKER TINA ROSE MUÑA BARNES Member	<i>Tina</i>	✓				
SENATOR KELLY G. MARSH (TAITANO), Ph.D. Member	<i>Kelly Marsh</i> 9/18/19	✓				
SENATOR TELO T. TAITAGUE Member	<i>Telo</i> 9/18/19	✓				
SENATOR MARY CAMACHO TORRES Member						