



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary
DEC 18 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuattro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>12:46pm</u>
Date	<u>12-21-98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 655 (LS), "AN ACT MANDATING THE GOVERNMENT OF GUAM TO REDUCE SOLID WASTE AND TO ASSIST THE COMMUNITY IN BECOMING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION", which I have signed into law today as **Public Law No. 24-304**.

As evaluated by the Guam Environmental Protection Agency, this legislation is needed to establish a Solid Waste Management Program apart from the current Solid and Hazardous Waste Program established in prior law. The legislation is necessary for Guam to obtain delegated authorization of Resource Conservation Recovery Act (RCRA) Subtitle D (Solid Waste Authorization) from USEPA, Region IX. It will allow Guam to be able to permit the construction and operation of a new RCRA Subtitle D Municipal Landfill meeting all current design and operation standards.

A difficulty which remains is that there is no funding identified in the legislation for positions and other needs to develop the program. This will result in a delayed program development under the circumstances, since GEPA will be unable to develop the appropriate services without the additional qualified personnel.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 12/18/98
Time: 3:11 P
Rec'd by: [Signature]
Print Name: LAURIE

Attachment: copy attached for signed bill
original attached for vetoed bill

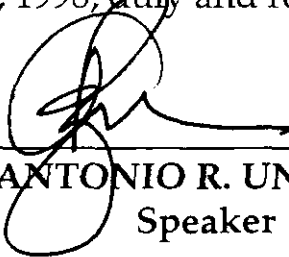
11120

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 655 (LS), "AN ACT MANDATING THE GOVERNMENT OF GUAM TO REDUCE SOLID WASTE AND TO ASSIST THE COMMUNITY IN BECOMING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION," was on the 3rd day of December, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 7th day of December, 1998,
at 1:20 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


CARL T. C. GUTIERREZ

I Maga'lahaen Guahan

Date: 12-18-98

Public Law No. 24-304

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 655 (LS)

As amended by the Author
and further substituted by the
Committee on Natural Resources,
and amended on the Floor.

Introduced by:

E. J. Cruz
J. M.S. Brown
J. C. Salas
L. F. Kasperbauer
Felix P. Camacho
A. C. Blaz
Francisco P. Camacho
Frank B. Aguon, Jr.
W. B.S.M. Flores
T. C. Ada
M. C. Charfauros
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. A. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT MANDATING THE GOVERNMENT OF
GUAM TO REDUCE SOLID WASTE AND TO
ASSIST THE COMMUNITY IN BECOMING
INVOLVED IN MUNICIPAL SOLID WASTE
REDUCTION.**

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

2 **Section 1. Legislative Finding and Intent.** Public Law Number 21-
3 73 provided for the recycling of aluminum beverage containers by the
4 government of Guam. *I Liheslaturan Guahan* has reaffirmed that recycling,
5 composting and source reduction are effective and meaningful tools in the
6 preservation of natural resources and the management of municipal solid
7 waste. Public Law Number 24-272 (Solid Waste Management Alternative Act,
8 Bill No. 520) establishes that our community can and shall achieve a
9 minimum of twenty percent (20%) or more recycling of all solid waste.

10 It is the intent of *I Liheslaturan Guahan* to have the entire government of
11 Guam, the biggest consumer of recyclable products, lead the community in
12 reducing our solid waste for the protection of our environment and health.
13 Furthermore, *I Liheslaturan Guahan* is establishing policies to promote and
14 assist the community in solid waste reduction, with special consideration for
15 the schools.

16 **Section 2. Short Title.** This Act shall be known as the
17 "*Government of Guam Solid Waste Reduction Act.*"

18 **Section 3. General Provisions.** All government of Guam
19 departments, agencies and instrumentalities, including autonomous agencies,
20 and any other government of Guam entities: (1) shall make every effort to
21 solid waste reduction; (2) shall make every effort for source reduction by
22 using recyclable products from recycled sources, and using biodegradable
23 products; (3) shall allow composting whenever feasible; and (4) shall
24 implement the rules and regulations promulgated for this Act by the Guam
25 Environmental Protection Agency ("GEPA").

1 Each director, manager or agency head shall ensure regular collection
2 periods and maintain a record of weight or volume, type of recyclable items
3 and amount of monies received. Monies received from the sales of such
4 collections shall be used to offset the cost of implementing this Act, to
5 contribute to an employees association fund, student activities fund, to
6 supplement a petty cash fund, or a combination thereof, at the discretion of
7 each responsible director, manager or agency head.

8 The collection record shall be forwarded to GEPA to compile an Annual
9 Summary Report and made available to the public. The report shall include,
10 but not be limited to, the name of the government of Guam entity, type of
11 recyclable items, weight and dollar amount received.

12 GEPA, at least annually, shall publish in a widely circulated medium(s),
13 based on criteria determined by GEPA, the top five (5) and bottom (5)
14 government of Guam entities solid waste reduction efforts, or as best
15 determined by the Administrator for publishing such findings. When funds
16 are available GEPA shall publish the entire listing.

17 **Section 4. Special Provision for Schools.** Notwithstanding any
18 provisions of the law, all public schools for the purpose of this Act may be
19 treated like an agency. Schools shall mean all elementary schools, middle
20 schools, high schools, the Guam Community College and the University of
21 Guam. The principal or the president of the individual school may be
22 designated as the agency head by the school board. All provisions in §3 shall
23 apply to the individual schools. GEPA shall collect all data and publish the
24 schools separately.

1 **Section 5. Establishing a Program.** There is established within the
2 GEPA, under the Air and Land Division, a Solid Waste Management Program
3 (“SWMP”) for the purpose of this Act and other related Municipal Solid
4 Waste Management activities relevant to the function of GEPA. The program
5 shall include the following types and number of positions: (1) Environmental
6 Health Supervisor; (2) Environmental Health Specialist III; (3) Environmental
7 Health Specialist II; and (4) Environmental Health Specialist I. In addition, the
8 Air and Land Division shall have a Professional Engineer who is an
9 environmental specialist with landfill and other solid waste management
10 experience. The Administrator of GEPA and the Civil Service Commission
11 shall establish these positions. The funding shall be submitted through *I*
12 *Maga’lahen Guahan* for a budget request within ninety (90) days upon
13 enactment, or *I Maga’lahen Guahan* may use his transfer authority for funding
14 source. The SWMP shall be responsible for the following waste reduction
15 functions:

16 (a) monitor and enforce the mandates of Public Law Number
17 21-22 (The purchasing and use of biodegradable, reusable, recyclable or
18 recycled products by the General Services Agency (“GSA”) and other
19 government of Guam entities or agencies.); *and*

20 (b) coordinate efforts with the Office of Recycling at the
21 Department of Public Works the mandate of Public Law Number 24-272
22 (*Solid Waste Management Alternative Act, Bill No. 520*) to:

23 (1) establish and manage promotional programs for
24 recycling, composting and the recovery of resources; *and*

1 (2) plan, organize, coordinate and pursue the following
2 objectives:

3 A. publish and disseminate guidebooks, newsletters
4 and instruction manuals to promote recycling;

5 B. formulate and recommend other recycling
6 demonstration projects and initiatives;

7 C. identify economically priced products
8 manufactured of recycled material which are usable by the
9 government in the place of products manufactured of virgin
10 material;

11 D. study recycling techniques to determine the cost-
12 effective manner of collecting, processing, storing,
13 marketing, transporting or reusing recyclable materials;

14 E. establish a recycling telephone helpline serving
15 to take inquiries and disseminate information on recycling;

16 F. recommend new legislation through *I Maga'lahaen*
17 *Guahan* to facilitate recycling through planning, market
18 research, source separated waste, surcharges, fees,
19 operational subsidies, tax incentives and other similar
20 means;

21 G. identify and promote businesses that reuse or
22 convert recyclable materials, or make every effort to reduce
23 solid waste;

24 H. conduct media advertising, public opinion
25 surveys, seminars, workshops and community relation

1 campaigns to promote public awareness of the benefits and
2 methods of recycling, composting and source reduction; *and*

3 I. establish a recycling, composting, and source
4 reduction network with the Mayors, directors and school
5 principals.

6 **Section 6. Hazardous Waste Management Program.** The

7 Solid and Hazardous Waste Management Program (“SHWMP”) within GEPA
8 under the Air and Land Division shall be replaced as the Hazardous Waste
9 Management Program (“HWMP”). The HWMP shall maintain all existing
10 positions, and remaining duties and responsibilities relating to hazardous
11 waste and underground storage tanks and emergency response.

12 **Section 7. Authorization.** (a) GEPA is authorized to request and
13 accept funds from persons (“*persons*” as defined in P.L. No. 24-272), and to
14 disburse such funds for the administration and implementation of this Act.
15 The funds will be deposited into the Solid Waste Management Fund created
16 under Public Law Number 23-64. The Administrator of GEPA shall be
17 accountable and responsible for such funds.

18 (b) The Administrator, in accordance with the applicable
19 procurement laws, may solicit Requests for Proposals (“RFPs”) to implement
20 this Act.

21 **Section 8. Repeal.** Public Law Number 21-73 is hereby *repealed* in
22 its entirety.

23 **Section 9. Rules and Regulations.** GEPA shall establish rules and
24 regulations through the Administrative Adjudication Law for the purpose of
25 this Act within one hundred eighty (180) days after enactment. The rules and

1 regulations shall include, but not be limited to, the government to provide,
2 place and maintain suitable receptacles, conveniently located and separate
3 from ordinary trash receptacles, for the collection of used aluminum beverage
4 containers, paper and other recyclable products.



P.L. 24-261
384

Office of Senator
Joanne M. Salas Brown
Twenty-Fourth Guam Legislature

November 30, 1998

Speaker Antonio R. Unpingco
Twenty-Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

The Committee on Natural Resources, to which Bill 655 - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT." was referred, wishes to report back to the Legislature its recommendation **TO DO PASS.**

The voting sheet is as follows:

TO PASS	<u>6</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are enclosed.

Thank you for your attention to this matter.

Sincerely,

JOANNE M.S. BROWN
Senator

Enclosures



Office of Senator
Joanne M. Salas Brown
Twenty-Fourth Guam Legislature

November 30, 1998

MEMORANDUM

To: Committee Members

From: Chairperson, Committee on Natural Resources

Subject: Committee Report on Bill 655: An Act to Mandate the Government of Guam on the Reduction of Solid Waste by Providing incentives for Recycling, Source Reduction, and Composting for all Departments, Agencies, and Individual Schools and Assist the Community in getting Involved in Municipal Solid Waste Reduction and call this "The Solid Waste Reduction Act."

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

Please indicate your choice on the attached Voting Sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation in this matter is greatly appreciated.



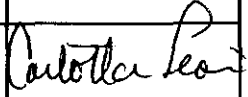

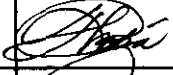


JOANNE M.S. BROWN

Attachments

Committee on Natural Resources
Joanne M.S. Brown
Chairperson

VOTING SHEET

Bill No. 655 As Amended - An Act To Mandate the Government of Guam on the Reduction of Solid Waste by Providing Incentives for Recycling, Source Reduction, and Composting for all Departments, Agencies, and Individual Schools and Assist the Community in getting Involved in Municipal Solid Waste Reduction and Call This "The Solid Waste Reduction Act."

MEMBER COMMITTEE	TO PLACE IN				SIGNATURE
	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE	
Joanne S. Brown Chairperson	✓				
Tony Lamorena Vice Chairman	→				
Tom Ada Member					
C. Leon Guerrero Member	✓				
Mark Forbes Member					
Francis Santos Member					
M. Charfauros Member					
Anthony Blaz Member	✓				
J. Won Pat-Borja Member	✓				
A.R. Unpingco Speaker Ex-Oficio Member					

COMMITTEE ON NATURAL RESOURCES

Senator Joanne M. S. Brown, Chairperson

PUBLIC HEARING

ON

**Confirmation of Jose L. G. Techaira
Member, Board of Directors, GEPA**

Bill 784

Bill 785

and

MARK-UP SESSION

Bill 655 (LS)

Friday, November 27, 1998
9:00 a.m.

The Committee on Natural Resources held a Public Hearing on Friday, November 27, 1998, at 9:00 a.m., in the Legislative Public Hearing Room.

In attendance were: Senator Joanne M. S. Brown, Chairperson
 Senator Alberto "Tony" Lamorena, Vice Chairman

Committee on Natural Resources

Mark-up Session
November 27, 1998

Bill 655(LS): An Act To Mandate The Government of Guam On The Reduction Of Solid Waste By Providing Incentives For Recycling, Source Reduction, And Composting For All Departments, Agencies, And Individual Schools And Assist The Community In Getting Involved In Municipal Solid Waste Reduction And Call This "The Solid Waste Reduction Act."

Senator Brown began the mark-up meeting by calling those interested in testifying on Bill 655. Testimonials were heard from representatives of the Guam Environmental Protection Agency (GEPA) Mr. Jordan Kaye, Ms. Conchita Taitano, Mr. Betwin Aloka, Mr. Kin Cruz, Mr. Pete Cruz and Department of Education Board Representative and member, Mr. Mark Martinez.

Mr. Jordan Kaye commented that previous testimony on Bill 655, suggested to have 90 days to establish the rules and regulations because 60 days to short a time frame. He also mentioned that at present, GEPA is thinking of bringing on more people but mentioned that after the budget hearing, he heard that positions would be cut, he wants to look at this matter very closely. His major concern was that there is currently only recycling for aluminum on island. If the Government of Guam agencies collect paper, what are they going to do with it. He mentioned that there is another Bill that was introduced by Senator Pangelinan, if it is in effect, then he can see the purpose of collecting the paper. But if not, then he still questions what they are going to do with all of the paper.

Ms. Conchita Taitano made reference to page four (4), with regards to the positions, it reads six (6) positions, she asked that it be a maximum of five (5) positions because those positions will be for the Solid Waste Management program. Also, she requested that the language be changed to "in addition the position of one professional engineer who is an environmental specialist with landfill waste to energy experience shall be created under the air and land division." Another issue is paper. She mentioned that the way the bill is written it is up to the program in coordination with the office of recycling from DPW, to look at recycling

programs. Continuing with the concerned issues, under section 6, for the Hazardous Waste Management program, Ms. Taitano mentioned that it limits the program to hazardous waste. It does not include the existing duties and responsibilities which include underground storage tanks and emergency response. She asked if those can be included.

Senator Edwardo Cruz commented that waste paper is an issue on Guam and that it is most recyclable and there could be income coming in. He mentioned that the way paper is disposed of now, by burning it, is a total waste.

Ms. Taitano mentioned that she has been working with Senator Brown's Chief of Staff, Rowena Perez, on the issue of composting because of the fact that Guam has shut down their operations. Senator Brown mentioned that it does not take a lot of technology to compost. She continued that they have to look at other alternatives and also look at Senator Pangelinan's legislation that is now currently law.

Mr. Mark Martinez, a representative of the Department of Education Board, mentioned that he submitted a written testimony for the record, from the Board. Mr. Martinez mentioned that on August 21, 1998, the Board of Education is on record for opposing Bill 655. They support recycling, but asks that it not be mandated. (See attached testimony)

Senator Cruz, appreciated the testimony of Mr. Martinez. He stated that the single most important item is that they need to start recycling where the mind is set in this community. The only other best place to start rather than in the homes, is in the schools. He also mentioned that at the Public Hearing for this bill, he asked for recommendations if it seemed offensive, but has not received anything. Also, if it is on a voluntary basis with the schools, he has yet to see schools volunteer.

Mr. Betwin Aloka added that when he goes to the schools and does presentations, he is amazed at how excited the children are about doing the projects with composting. If the students can accept these concepts, then he feels that parents and administrators will be involved also.

Page 3 of 3

Re: Bill 655-November 27, 1998 Public Hearing

Senator Brown asked GEPA if this is something that is going to be in their study come December which they will elaborate on.

Ms. Taitano commented that in terms of composting, it is an issue and it is part of the Integrated Solid Waste Management Plan. Senator Cruz asked Mr. Martinez if they can work it out with the schools and maybe have it as part of the curriculum. Senator Cruz mentions to Mr. Martinez about the language and suggests the word "may," rather than "shall." Senator Brown states that they will comprise in the language and use the word "may."

Mr. Pete Cruz commented with regards to the waste stream and questioned the Department of Administration's General Services Agency(GSA) role in bidding out a significant amount of equipment(ie. paper) collected from the government agencies. Senator Brown commented that she has talked with GSA previously and that the current market is not good.

Senator Brown adjourned the Mark-up Session.

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs

Senator Mark Forbes, Chairman



JUL 02 1998
MEMORANDUM

TO: Chairperson
Committee on Natural Resources

FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

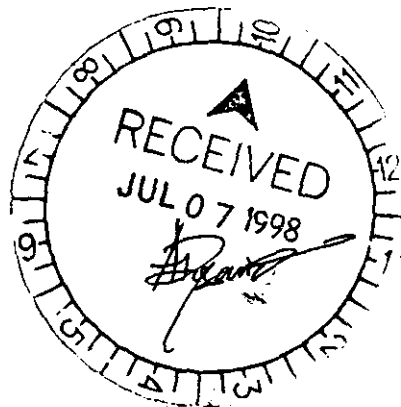
SUBJECT: Referral- Bill No. 655

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



MAY 21 1998

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 655(Ls)

Introduced by:

E. J. Cruz, MD

J. M.S. Brown

I. C. Salas

L. F. Kasperbauer

Felix P. Camacho

A. C. Blaz

Francisco P. Camacho

Frank B. Aguon, Jr.

W. B.S.M. Flores

**AN ACT TO MANDATE THE GOVERNMENT OF
GUAM ON THE REDUCTION OF SOLID WASTE
BY PROVIDING INCENTIVES FOR RECYCLING,
SOURCE REDUCTION, AND COMPOSTING FOR
ALL DEPARTMENTS, AGENCIES, AND
INDIVIDUAL SCHOOLS AND ASSIST THE
COMMUNITY IN GETTING INVOLVED IN
MUNICIPAL SOLID WASTE REDUCTION AND
CALL THIS "THE SOLID WASTE REDUCTION
ACT".**

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

2 **Section 1. Legislative Finding and Intent.** Public Law No. 21-73
3 provided for the recycling of aluminum beverage containers by the
4 government of Guam. *I Liheslaturan Guahan* has reaffirmed that recycling,
5 composting, and source reduction are effective and meaningful tools in the
6 preservation of natural resources and the management of municipal solid
7 waste. Public Law No. 24-139 (Solid Waste Management Act) establishes that

1 our community can achieve a minimum of twenty (20%) or more recycling of
2 all solid waste. It is the intent of *I Liheslaturan Guahan* to have the entire
3 government of Guam, the biggest consumer of recyclable products, lead the
4 community in reducing our solid waste for the protection of our environment
5 and health. Furthermore, *I Liheslaturan Guahan* is establishing policies to
6 promote and assist the community in solid waste reduction with special
7 consideration for the schools.

8 **Section 2. Short Title.** This Act shall be known as the "The Solid
9 Waste Reduction Act."

10 **Section 3. General Provisions.** Within sixty (60) days of the
11 enactment of this Act, all government of Guam departments, agencies and
12 instrumentalities, including autonomous agencies, and any other government
13 of Guam entities (1) shall make every effort to solid waste reduction, (2) shall
14 provide, place and maintain suitable receptacles, conveniently located and
15 separate from ordinary trash receptacles, for the collection of used aluminum
16 beverage containers, paper, and other recyclable products, (3) shall make
17 every effort for source reduction, and (4) shall allow composting whenever
18 feasible.

19 Each director, manager or agency head shall ensure regular collection
20 periods and maintain a record of weight or volume, type of recyclable items
21 and amount of monies received. Monies received from the sales of such
22 collections shall be used to offset the cost of implementing this Act, to
23 contribute to an employees association fund, student activities fund, to

Committee on Natural Resources
 Senator Joanne M. S. Brown, Chairperson

Mark-Up Hearing for

Bill 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT."

Friday, November 27, 1998
 11:00 A.M.

PUBLIC HEARING ROOM

SIGN-IN SHEET

Names	Affiliation	Oral / Written
Michelle Tautam	Guam EPA	
JORDAN WAYE	GEPA	
Bethwyn Alok	GEPA	
Ben Machol	U.S. EPA	
Josquin Q. Coiro	GEPA	
Peter G. Cruz	Guam EPA	
Victoria Tammang	EPA	
Mark from Rep BDOZ ED	Rep BDOZ ED	Both



Office of Senator
Joanne M. Salas Brown
Twenty-Fourth Guam Legislature

PUBLIC HEARING
Friday, November 27, 1998
9:00 a.m.

AGENDA

1. Introduction of Committee Members

2. Commencement of Public Hearing

1. BILL 784 (COR) - AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY("GEPA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS

2. BILL 785 (COR) - AN ACT TO AMEND CHAPTER 51 OF 10 GUAM CODE ANNOTATED RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT

**3. CONFIRMATION OF JOSE L.G. TECHAIRA
MEMBER, BOARD OF DIRECTORS
GUAM ENVIRONMENTAL PROTECTION AGENCY**

At 11:00 a.m., Mark-Up Session for

4. BILL 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT."

3. Public Comment

4. Adjournment



GUAM BOARD OF EDUCATION
DEPARTMENT OF EDUCATION

P. O. Box DE, Agaña, GU 96932
Telephone: (671) 734-4902/3 FAX: (671) 734-4904



November 27, 1998

The Honorable Joanne M.S. Brown
Chairperson, Committee on Natural Resources
24th Guam Legislature

Re: Mark-Up on Bill 655 - School mandatory recycling.

Dear Senator Brown:

Gloria B. Nelson
Chairperson

Roque N. Aguon
Vice-Chairperson

Judith P. Guthertz, Ph. D.
Public Information Officer

Members:
Mary A. Gutierrez
Mark K. Martinez
Vicente C. Meno
Ione M. Wolf, Ed. D.
April D. Gascon

Ex-Officio Members:
Babara Askey
Doris A. Salas

Roland L.G. Taimanglo
Executive Secretary

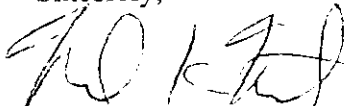
This is written on behalf of the Interim Board of Education. On August 21, 1998 at a regular board meeting the Board voted seven (7) to zero (0) in opposition to Bill 655. During the discussion Board Members strongly indicated that this is a legislative mandate on schools which we strongly objected. Senator, let the schools and DOE operate without legislative interference.

The last paragraph of page 2 of this bill will require each school principal to take time and effort on a regular basis working on this project. This legislative mandate therefore requires all school heads to do things not established by the governing body and the Director of Education. An effective recycling program should be the product of a commitment made by teachers, students, staff, administrators and the community not by a Legislative mandate.

During the Board's discussion on this topic, members indicated that they support recycling but that it should not be mandated. You do not have to get the Board or Director's permission to have a school recycle. School-based management must allow flexibility without dictation by someone outside of their organization. Senator Brown, in 1995 your office worked with many schools in the recycling program. Also, Power 98 last year, worked very successfully with the high schools in recycling. Those schools willingly made a commitment to participate.

Again Senator, it is not going to be successful if it is a legislative mandate. Let it be on a voluntary basis by each school and their community. You do not need the Legislature or the School Board or the Director to tell them when, how, why and what to do in order to be involved. Thank you.

Sincerely,


Mark K. Martinez-"paps"

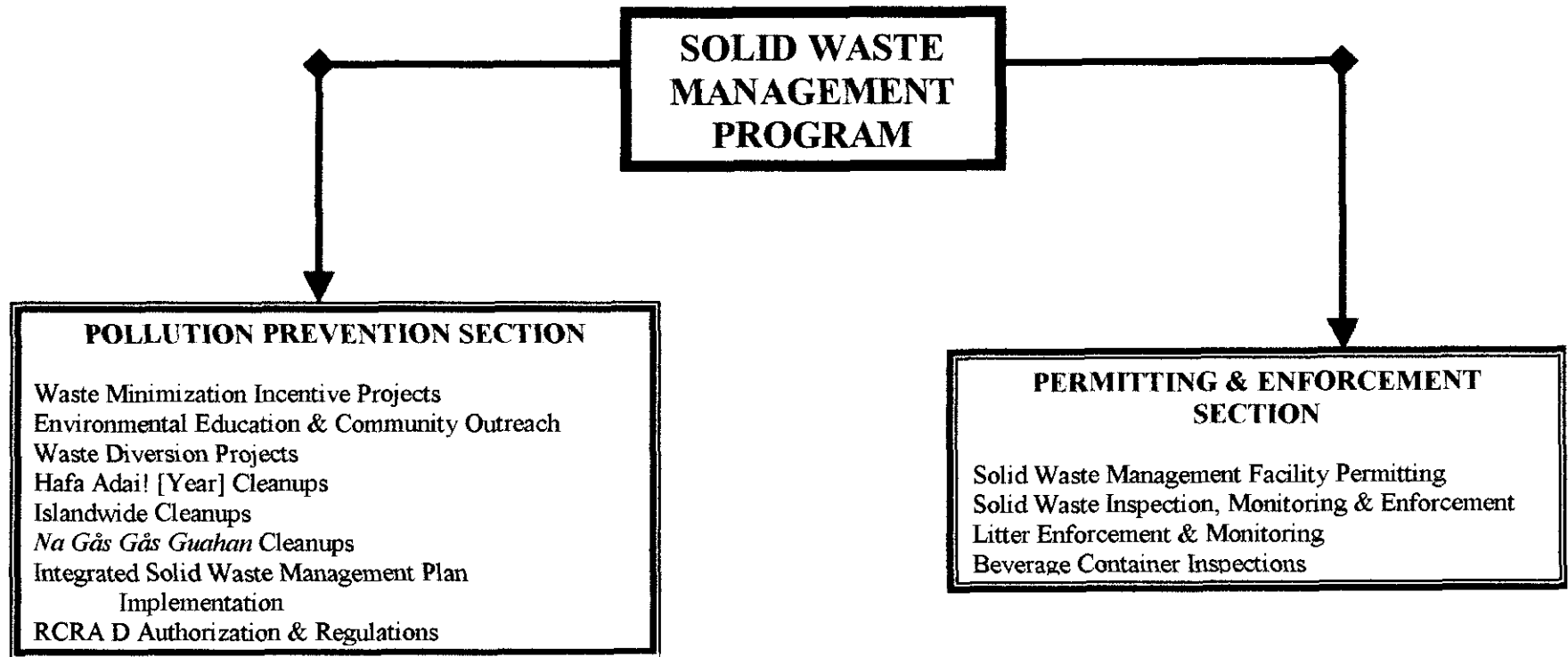


Figure 2. Proposed Solid Waste Management Program Responsibilities

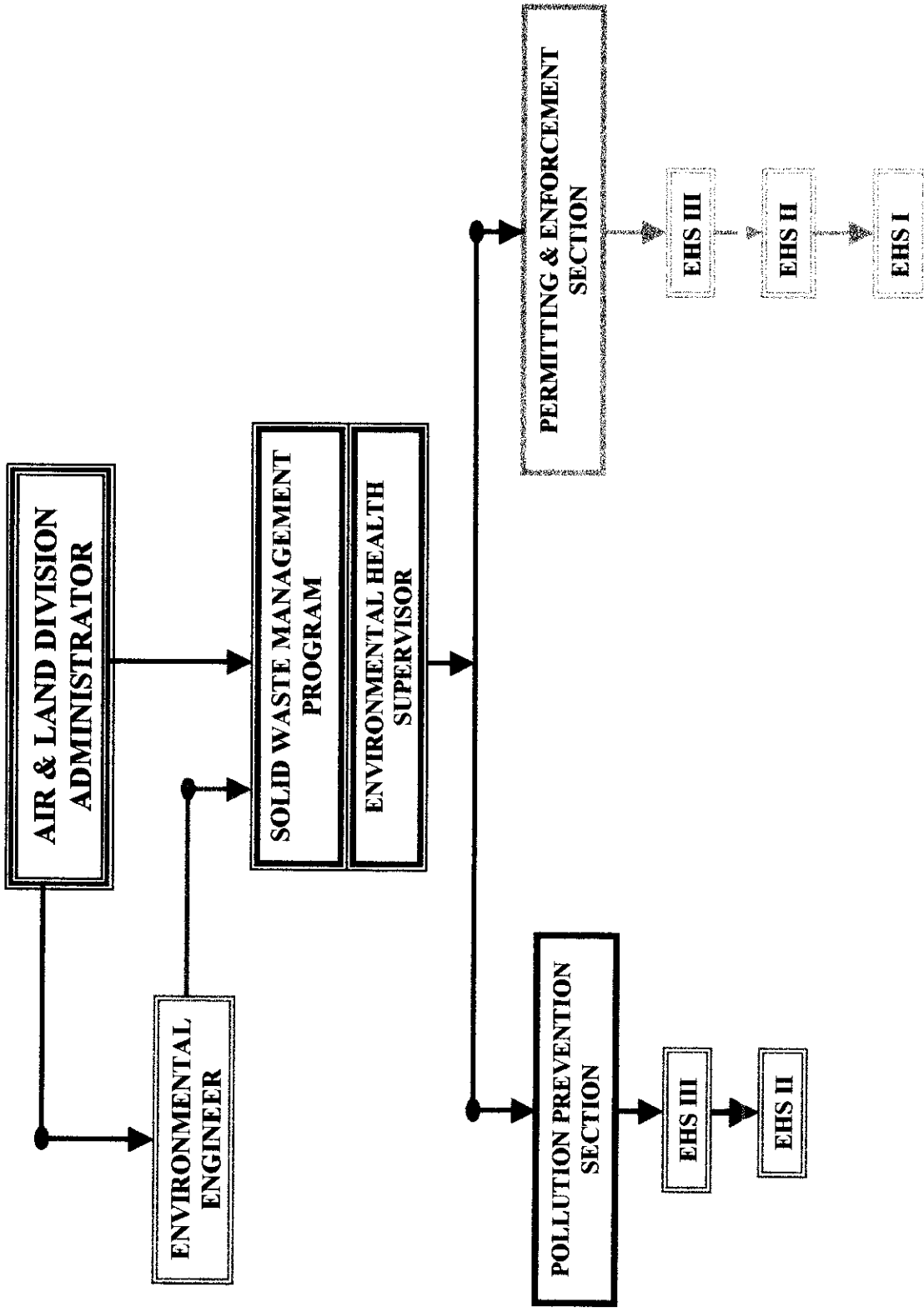


Figure 1. Proposed Solid Waste Management Program

legally entitled to
 this law on a non
 prove your identity and
 sort, naturalization card,
 hired.
 unity employer

(Refrigerator, stove and air
 condition)

Call 472-6837

HAGATNA, GUAM 96910
 TELEPHONE: 71475-3180 FAX: (671)477-9046
 CLERK'S OFFICE: (671)475-3147

1998

CE
 Administration (DEA).
 How were seized for
 81. Owners or lienor
 pursuant to 19 USC
 31 & 28 CFR 9.1-9.9
 Office of Chief
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The Department of Labor is currently seeking for individuals w/2 years exp. to fill the following positions:

- 15-CARPENTER.....\$11.25/hr.**
 Constructs, erects, installs and repairs structures and fixture of wood, plywood and wallboard using carpenters handtools and power tools, conforming to local building codes; studies blueprints, sketches or building plans for information pertaining to the type of material required such as lumber or fiberboard, and dimension of structure of fixture to be fabricated. Selects specific type of lumber or materials. Prepares layout using ruler, framing square of clippers. Marks cutting or assembly line on materials using pencil, chalk and marking gage. Shapes materials to prescribed measurements using saws, chisels and plans.
 - 05-CEMENT MASONS.....\$10.83/hr.**
 Smooths/finishes surfaces of poured concrete floors, walls, sidewalks, curbs to specified textures, using hand or power tools, including floats, trowels and screeds. Spreads concrete to specified depth and workable consistency using float to bring water to surface and produce soft topping. Levels, smooths, and shapes surfaces of freshly poured concrete, using straightedge and float or power screed. Finishes concrete surfaces using power trowel, and rubs concrete with abrasive stone to impart finish. Lays concrete blocks and mixes cement using shovel, handtools or mixing machines.
 - 09-PLASTERERS.....\$9.57/hr.**
 Applies coats of plaster to interior walls, ceiling & partitions of building to produce a finished surface, according to blueprints, architect's drawings, or oral instructions, using hand or portable power tools. Directs workers to mix plaster to desired consistency & to erect scaffolds. Spread plaster over lath or masonry base, using trowel, & smooths plaster with darby & float to attain uniform thickness. Create decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones. Install lathing, mix mortar, install guide wires on exterior surface of buildings to indicate thickness of plaster to be applied. May install precast ornamental plaster pieces by applying mortar to back of pieces & pressing pieces into place on wall or ceiling.
 - 04-REINFORCING METAL WORKER.....\$9.92/hr.**
 Positions and secures steel bars in concrete forms to reinforce concrete. Determines number, size, shapes and locations of reinforcing rods from blueprints, sketches, or oral instructions. Selects and place rods in forms, spacing and fastening them together using wire and pliers. Cut bars to required lengths, using hacksaw, bar cutter, or acetylene torch. May bend steel rods with handtools, or rod bending machine. May reinforce concrete with wire mesh, may weld reinforce bars together using arc-welds equipment.
 - 02-CAMP COOKS.....\$9.00/hr.**
 Prepares and cooks family style meals in quantities according to the menu and the number of persons to be served. Plans meals for the day. Keeps inventory of stock, orders and purchases supplies. Washes dishes, pots and pans. Keep kitchen in clean and sanitary condition according to health regulation. Must possess a health certificate upon hire.
- Interested applicants, please apply at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Crisostomo St. Suite 101 Tamuning, Guam 96911 (Sunny Plaza) (Ref. No. 281Q12)

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 GPA Central Office,
 Agana, Guam 96911.

Orlando
 Guam
 Ricardo S. Unpingco
 General Manager

TWENTY - FOURTH GUAM LEGISLATURE
 Committee on Natural Resources



Senator Joanne M. S. Brown
 Chairperson
**NOTICE OF
 PUBLIC HEARING**

The Committee on Natural Resources will be conducting a Public Hearing on Friday, November 27, 1998 at 9:00 a.m. at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna, on

BILL 784 (COR) - AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY ("GEPA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS;

BILL 785 (COR) - AN ACT TO AMEND CHAPTER 51 OF 10 GUAM CODE ANNOTATED RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT;

**CONFIRMATION OF JOSE L.G. TECHAIRA
 MEMBER, BOARD OF DIRECTORS GUAM
 ENVIRONMENTAL PROTECTION AGENCY;**

At 11:00 a.m., Mark-Up Session for

BILL 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT."

ADA Coordinator:

Mrs. Toni Gumataotao at 472-3450/51

The public is invited to attend.

Committee on Natural Resources
Senator Joanne M. S. Brown, Chairperson

PUBLIC HEARING
ON
BILLS 655

Friday, August 14, 1998
10:00 a.m.

Committee Report
Summary

The Committee on Natural Resources held a public hearing on Friday, August 14, 1998, 10:00 a.m. in the Legislative Public Hearing Room.

Present were : Senator Joanne M. S. Brown
 Senator Tony Lamorena
 Senator Carlotta Leon Guerrero
 Senator Edward Cruz
 Senator Frank Camacho
 Senator Frank Aguon
 Senator Tom Ada

Senator Brown commenced the hearing with Bill No. 655, An Act to Mandate the Government of Guam Reduction of Solid Waste with Regards to Recycling which will involved the department and agencies as well as the Department of Education. She also informed the committee members and those present that Bill No. 717, which sets up the rules and regulations for the build to transfer legislation which was passed to allow private companies to assist Guam Waterworks Authority in building their infrastructure and operating their system will be heard immediately, following Bill 655.

She call upon individuals who signed up to testify, namely, Mr. Mark Martinez, member Board of Education, Mr. Jordan Kaye, Chief Planner, Guam EPA, Ms. Conchita Taitano, Ms. Barbara Torres, Ms. Hacina Wan, GEPA staff and Mrs. Liz Cruz, GEPA legal counsel for GEPA, Mr. David Bush, Guahan Waste Control and Mr. Paul Tobiason, Recycling Association of Guam.

Senator Cruz gave a brief summary on Bill 655:

- The bill is an update of the recycling process with few new provisions occurring throughout the island, especially in government. In particular, Public Law 24-139, whose objective is to reduce the waste stream through a 24% reduction process in the solid waste collection.
- As a continuing attempt to get our community involved in the Recycling Act, this bill will not only mandate, but also give the flexibility of the reimbursement or the outcome of the Recycling Act that every agency and school does.
- In full supports Bill No. 655.

Senator Brown called upon Mr. Martinez to proceed with his testimony on Bill 655.

Mr. Martinez read his testimony opposing Bill No. 655. He stated that the Department of Education does not need another legislative mandate. This bill will treat each one of the 37 schools as an agency implementing this legislative program. (For more detailed information, see attached testimony).

Written testimonies were submitted by **Mr. Gus Diaz**, Acting Attorney General, and **Mr. Carl Aguon**, Director, Department of Land Management in support of Bill 655. (For more detailed information, see attached testimonies).

Viewpoints among the committee members were shared and discussed with reference to Mr. Martinez's testimony:

- Implementation of a \$.10 tax on aluminum cans would not alleviate the problem.
- Stores were not receptive to the idea of becoming a collection point. The recordkeeping and bookkeeping end would be very cumbersome.
- Repeal Public 22-42 -
- The sponsor would withdraw the portion of the bill if the Board of Education or the Administration have in place a recycling program.
- Board members who are off-island can still provide written testimony if they have any formal position on behalf of the Board.
- The legislature has to set some islandwide policies with reference to

recycling. This piece of legislation should not be looked at as providing another mandate for the Department of Education, but look at recycling as a viable option to disposing of our trash.

- When it comes to the environment and our community, we need to educate, involve and incorporate our children in this recycling aspect.
- When you try to educate the entire community, it is always good to start with our children.
- The issue of the deposit of our pop cans and bottle are still being considered.
- The Legislature wants to work with DOE and the community because of the importance of recycling and re-use of reduction of materials.
- The Legislature does not want to impose, but to communicate and work with DOE to pass this legislation.
- Suggested that the Chairperson send a letter to the Board of Education and the Director and ask for suggestions with what to do for recycling. If they do not respond, to go ahead and pass this legislation.
- Mark-up meeting can be schedule to have the Board of Education come in and talk about the bill.

Mr. Jordan Kaye, Chief Planner and Conchita Taitano from Guam EPA testified orally in support of Bill No. 655. The following is the Guam Environmental Protection Agency's testimonies:

- Bill 655 fits into the future expansion plan of GEPA, which is the establishment of an Enforcement Division and gives the solid waste management the attention it needs.
- The sixty (60) day period is not sufficient time to come up with the staffing pattern and budget and requested for a ninety (90) day extension.
- The Pollution Prevention Section should be looked into so that it will address waste minimization incentive projects which will improve the environmental education and community outreach programs.
- GEPA is dealing with the issue of the closure of the Ordot landfill and the opening of the new landfill as well as other processing facilities.

Discussion with committee members and GEPA staff:

- Future plans of GEPA would be for enforcement in all areas.
- The Recycling Program fits in the direction the Agency is heading because enforcement can be administered now.
- GEPA has no particular division for Recycling or Environmental Recycle of Solid Waste.
- The assignment of positions in this bill would be for the Recycling Solid Waste division.
- The sponsor of bill wants it understood that the recycling of solid waste is his priority.
- Littering is also one of the biggest problem on the island and would like to work through expanding the resources of the agency to provide more enforcement ability.
- Will get in contact with staff at GEPA to set a time to discuss the educational programs within schools and community in addition to Bill No. 655.
- Hazardous Management Program as it relates to the duties and responsibilities does not include the management of underground storage tanks.
- GEPA will provide written testimony later.
- Request for consideration for the professional engineer to be placed under the Air & Land Division Administrator so that if the individual is not working on landfill or solid waste issues, he can be utilized for the air pollution control program.
- Follow-up language needs to be provided to be incorporated in the bill. No major objections seen.
- **Public Law 21-73, An Act to Institute a Painless Government of Guam Aluminum Can Recycling Program is being repealed in its entirety. Excerpts from P. L. 21-73** called "for each department and agency director, manager or chief officer of the government of Guam to provide, place and maintain receptacles, conveniently located at or near the workplace and separate from ordinary trash receptacles, suitable for the collection of used aluminum beverage containers. Furthermore, each director, manager or chief officer shall ensure monthly collection and maintain, by weight, an accounting thereof. The containers collected shall then be delivered to a

recycling center for sale and processing. Monies received from the sales of such collections shall be used to offset the cost of implementing this Act, to contribute to an employees' association fund or a combination thereof, at the discretion of each responsible director, manager or chief officer". This law was never implemented.

Mr. David Bush from Guahan Waste Control testified in support of Bill 655. He stated the government of Guam should lead the way for the community in recycling and reduction of waste. (For detailed information, see attached testimony.

He made references to some issues discussed earlier.

- Power 98, Burger King and Coca Cola sponsored a competition between high school and put up money to pay for the winning school.
- Guahan Waste Control participated by purchasing the aluminum cans from the schools. 30,000 lbs of aluminum cans were brought in and netted over \$6,000.
- Another promotion is being considered to include the elementary and middle school this year.
- Aluminum is the only product you can gain money from.
- There is something wrong if you have to pay for any kind of recycling.
- The goal is to reduce the waste going into Ordot.
- Do a cost analysis of reducing waste versus paying to ship it off island, using the incinerator or utilizing space at the landfill.
- Recycling can not be looked at as a profit making measure.
- Issues have to be looked from the standpoint of total solid waste management, not just recycling, incinerator or landfill.
- Agreed that educating our children is the key to the recycling.

Senator Cruz commented:

- Bill 557 led the way that recycling was not a business to make money, and was used as the model legislation for Bill 655.
- \$150,000 was allocated to the successful bidder for taking waste paper product.

- Next bill he will introduce is to promote recycling that will identify the same type of analogy, under broad spectrum where any successful bidder for recycling, solid waste products and reduce the waste stream would be given a supplemental through a request for proposal.

Mr. Paul Tobiason from the Recycling Association of Guam testified orally in support of Bill 655:

- Bill 655 will serve to act as an education tool.
- Need to add some wordings as one of the objective is avoiding materials going to either a landfill or incinerator, if there was every one.
- Very important that lawmakers set the policy and tone.
- Uncertain how the directors are going to be made to comply.

Senator Brown responded with reference as to how the directors are going to be made to comply.

- Ask the Governor to call the director or agency head and tell him he either complies or look for a new job.
- It is a question we would assume that when the legislator passes policy for the island, the administration would implement it.
- Assumed that the Governor or future governors would be supportive of addressing solid waste issues on Guam.

Mr. Tobiason stated:

- Publish the top five (5) government agencies who are doing a good job with waste reduction.
- E-mailed to all senators encouraging the lawmakers to override the veto of Bill 520.
- The island needs the Hasso Clean-up.
- Referred to an article which showed proof of communities achieving and sustaining a 65% waste diversion.
- EPA has a publication which will be available later this year to delineate how the communities and government can reduce and cut their waste stream in half.

- Step in the right direction and supports Bill 655.

Senator Cruz thanked Mr. Tobiason for his support of Bill 655:

- Will remind Madame Chair that whenever an agency head or director comes up for confirmation or board confirmation, the question will be asked of “What are they doing about recycling”?
- We can hold that to the directors and agency heads when the publication comes out showing that their agency is in the bottom and asked what are they doing about it.

Senator Brown commented Senator Cruz is a strong advocate of recycling and thought he might reconsider his vote on the incinerator.

Senator Cruz responded he never thought incineration was good thing, but thought as solid management facilities as a needed thing.

Senator Lamorena commented:

- The intent of the author to publish the top five and bottom five for the purposes of service incentives for government agencies can create a disincentive.
- GEPA needs to come up with the criteria taking into consideration, how many small, medium or large agencies are there. A small agency will obviously never be able to compete against a large agency, but per employee, they may be recycling more than a large agency.
- What will happen to a small agency is they will not do it because they will never be recognized because of their size, and likewise with schools based on population. If we are trying to create an incentive for people to do things then give them the opportunity to be recognized for it.

Senator Brown stated Senator Lamorena’s point is very well taken and inquired:

- Where do we go and what do we do once the materials are collected?
- What is the current market?
- Is there something we can do for businesses that actually get in this

field?

- What incentive can we offer them?
- If we consider solid waste to be a major problem on this island and rank environmental problems, it is right up there. The only way we can do it is either through penalty or incentives to encourage change. This is something that needs to be explored further beyond where we are at with discussion here.
- She will schedule a mark-up meeting with this bill in particular, because there is so much comment with regards to how we can continue to improve the bill and will send notices to all of you who have testified here and invitation to what is workable with most people's schedule and sit down and go over and provide comments on how we can enhance and improve the bill.
- Members will be informed if they would like to attend. It is a very good concept. How do we take this, which we keep saying is important, and how do we actually encourage change in the community, so we have a bigger job ahead of us and this is an important step towards it.
- Knows that Senator Cruz wants to make sure the job gets done, so I'm sure that the government agencies comply with his legislation.

Senator Cruz stated he obligated both himself and Senator Brown to ask that question when confirmation time comes up for board members and agency heads.

There being no further discussion on Bill 655, Senator Brown brought to a close this portion of the public hearing at 11:10 a.m.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 655 (LS)
 Amendatory Bill: Yes

Date Received: August 07, 1998
 Date Reviewed: August 13, 1998

Department/Agency Affected: Guam Environmental Protection Agency
 Department/Agency Head: Jesus Salas
 Total FY Appropriation to Date: \$1,175,843 General Fund

Bill Title (preamble): AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT".

Change in Law: Repeals P.L. 21-73

Bill's Impact on Present Program Funding:
 Increase _____ Decrease _____ Reallocation _____ No Change XXX

Bill is for:
 Operations XXX Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	1/					
OTHER						
TOTAL						

RESOURCES ADEQUATE TO COVER INTENT OF THE BILL? N/A - IF NO, ADD'L AMOUNT REQUIRED \$ _____
 AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					
OTHER						
TOTAL						

ANALYST [Signature] DATE 8/13/98 DIRECTOR [Signature] DATE _____
 [Signature] Joseph E. Rivera, Acting

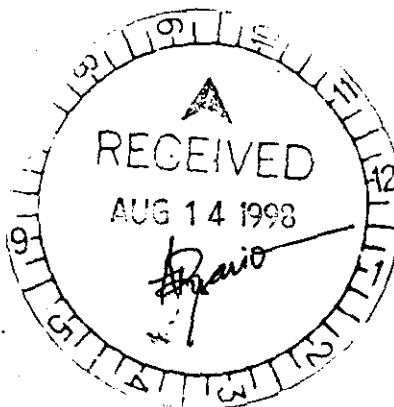
1/ Bill number 655(LS) seeks to establish the "Solid Waste Reduction Act". The Bill establishes within the Air and Land Division of the Guam Environmental Protection Agency, a Solid Waste Management Program (SWMP) for the purposes of this Act and other related Municipal Solid Waste Management activities relevant to the function of GEPA. The SWMP shall be lead by a program manager and additional staff of no more than six (6), one of which shall be a professional engineer who is an environmental specialist with landfill and waste to energy experience. The Administrator of GEPA, along with the CSC, shall establish these positions. Funding for these positions shall be requested through a budget request within sixty (60) days of enactment.

Additionally, the Bill changes the Solid and Hazardous Waste Management Program, of the GEPA, to the Hazardous Waste Management Program. It also authorizes GEPA to request, accept and disburse funds for the implementation of this Act. All funds will be deposited into the Solid Waste Management Fund created in P.L. 23-64. Lastly, the Bill seeks to repeal P.L. 21-73 which is the GovGuam Aluminum Container Recycling Act.

General Fund Appropriation Status

Fiscal Year 1998 General Fund adopted revenues available for appropriation, as adopted in Public Law 24-59, is \$353,292,790 (includes \$7,600,000 Autonomous Agency Fund, \$7,000,000 Use Tax \$3,200,000 & Custom & Immigration Reimbursement). The current appropriation level against the General Fund up to P.L. 24-205 and continuing appropriations for debt service total \$390,353,559. This leaves a fiscal year budgetary shortfall of \$37,060,769. Additionally, the prospects of collecting the \$7,600,000 Autonomous Agency Fund and the \$7,000,000 Use Tax is not likely to be realized. As such, the budgetary shortfall may increase by another \$14,000,000 adding to the budgetary shortfall.

Fiscal Year 1998 Revenues (P.L. 24-59)	\$353,292,790
Less: Appropriation to date	<u>390,353,559</u>
Revenue available for appropriation	<u>(\$37,060,769)</u>





INTERIM GOVERNING BOARD
GUAM DEPARTMENT OF EDUCATION



Mark "Paps" Martinez, Elected Member

P. O. Box DE, Agana, GU 96932 Telephone: (671) 734-4902/3 FAX: (671) 734-4904

District 3: *Tamuning • Agana • Agana Heights • Mongmong-Toto-Maite*

August 14, 1998

Joanne M.S. Brown
Chair, Committee on Natural Resources
Twenty-Fourth Guam Legislature

Dear Senator Brown

School Districts

As an elected Member of the Governing Board of the Department of Education (DOE) I come here to testify **against** bill 655. An Act to **mandate** recycling in Guam's schools. DOE and it's 37 schools do not need another legislative mandate. This bill will treat each one of the 37 schools as an agency in implementing this legislative program. Such Act takes time away from school administrators and staff in educating our children. Existing law makes the elected school board not the Legislature decide school curriculum and policies for school activities.

Elementary

L.B. Johnson

Tamuning

Agana Heights

J.Q. San Miguel

High School

John F. Kennedy

This bill is political interference in the operation of our school system. All it does is make legislators "tell schools how to operate". Leave the schools alone. In just the past year this School Board has been very effective in leaving the schools alone. When a certain school wants a certain program, it comes from them and they come to us.

If you are serious about recycled materials then have the courage to pass into law an Act that will: require a 10¢ refundable deposite on each can of soft drink and beer. Such act will educate our children and greatly reduce empty cans on the grounds of Guam. Again do not pass this. Do not **mandate** what our schools are do to in day to day operations. This is non needed legislative interference. Thank You.

Sincerely,

Mark K. Martinez (paps)

Our Educational Community:
Promotes excellence

Prepares students for life

Provides support



GUAHAN WASTE CONTROL, INC.

Let's Keep Guam Clean

P.O. Box 20044 GMF, Barrigada, Guam USA tel: (671) 649-2783 fax: (671) 649-4826

**WRITTEN TESTIMONY IN FAVOR OF BILL 655
AUGUST 14, 1998**

Guahan Waste Control Inc. wishes to present our support of Bill 655. The Government of Guam should lead the way for the community in recycling and reduction of waste.

There is, however, one area that needs to be brought to the awareness of everyone on the island. The recycled commodities market is not strong at all. In fact, prices paid by the mills for these products are less than half of the value that they were able to command in early 1996. Our market is the Asian mills, and the economic conditions within our region are certainly well understood here on Guam. In fact, due to the artificially high shipping rates that are promoted through the Jones Act and maritime policies that affect us, it has been difficult to market the commodities at all. As with any endeavor for private enterprise, the costs associated with that effort cannot exceed the potential for income. Expectations of payment by the Government for recycled materials at this time is unrealistic and should not be counted on to be a potential source of revenue. There are some materials that at this time have virtually no demand and are not desirable as commodities. They can be recycled, but must be done so with all costs weighed against the benefit of not utilizing space at the Ordot Dump, and in the future at the new landfill. This is certainly a consideration given the current state at Ordot and the desirability of source reduction as a part of overall waste management.

In conclusion, Bill 655 is a step in the right direction with the goal of promoting the conservation of our island and community resources.

Respectfully submitted,

**David L. Bush
General Manager**

Carl T.C. Gutierrez
Maga'lahi
Governor



Gus F. Dia
Hinirát Abugao, Ak
Attorney General, Acting

Madeleine Z. Bordallo
Tiñente Gubetnadora
Lt. Governor

**Ufisinan Hinirát Abugao
Guáhan**

**Office of the Attorney General
Guam**

**Testimony of
Gus F. Diaz
Attorney General, Acting
Department of Law
Before the Committee on Natural Resources**

Hearing on Bill 655 (LS): An Act to Mandate the Government of Guam on the Reduction of Solid Waste by Providing Incentives for Recycling, Source Reduction, and Composting for all Departments, Agencies, and Individual Schools and Assist the community in Getting Involved in Municipal Solid Waste Reduction and Call this "the Solid Waste Reduction Act".

August 14, 1998

Hafa Adai!

This Office has reviewed Bill 655 and supports the intent of this Bill. We agree that the government of Guam is the biggest consumer of recyclable products and therefore should take the lead to endorse recycling, source reduction and composting. Aluminum beverage containers, paper and other recyclable products are thrown in the trash everyday. This takes up landfill space and does not help the Department of Public Works to stretch the capacity of the overburdened Ordot Landfill or help to extend the future capacity of the eventual new Subtitle D landfill. Not only does Bill 655 provide incentives to endorse recycling and source reduction, it also is promoting keeping our island clean and beautiful.

Bill 655 creates a Solid Waste Management Program and provides additional staff and delineates responsibilities. Solid waste will always be an issue that the island must address. With Guam



Commonwealth Now!

Testimony of Gus F. Diaz, Acting Attorney General
Re: Bill 655
Page 2 of 2

EPA's limited resources they have tried their best to enforce their environmental mandates. Additional staff is a step forward to meeting their objectives for clean air, water, and land. Guam EPA will be able to meet this mandate and has already demonstrated this ability with implementing, compiling and presenting the results of their quarterly Hasso Guam program that receives household hazardous waste at no cost to those that bring in items like batteries, motor oil, paint, and lightbulbs, etc. Although an expensive undertaking, the Administrator of Guam EPA supports and believes this type of community outreach is beneficial to the island.

Authorizing Guam EPA to request and accept funds to implement the Solid Waste Reduction Act empowers the Guam EPA to consider expanding the items recyclable under the Hasso Guam Program and to be able to effectively accomplish the responsibilities listed for the Solid Waste Management Program in Section 5. Providing Guam EPA with additional staff and budget has been a desire of Guam EPA's for a long time. This Office supports this continued assistance by the Legislature so that compliance and enforcement are firmly maintained on the island.

Dãngkolo Na Agradesimiento, Madam Chairwomen and your members for the opportunity to testify before your committee on Bill 655.

A handwritten signature in black ink, appearing to read 'G. F. Diaz', with a large, stylized flourish at the end.

GUS F. DIAZ

bill.655
EC\st



DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')
Government of Guam
P.O. Box 2950
Agana, Guam 96910



CARL T. C. GUTIERREZ
Governor

Tel: (671) 475-LAND • Fax: (671) 477-0883

CARL J. C. AGUON
Director

MADELEINE Z. BORDALLO
Lieutenant Governor

FRANCISCO P. SAN NICOLAS
Deputy Director

August 14, 1998

Senator Joanne M. S. Brown
Chairperson, Committee on
Natural Resources
Suite 200, 130 Aspinall Street
Agana, Guam 96910

Dear Senator Brown:

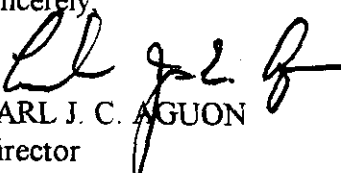
I am submitting my written testimony in favor of passing Bill No. 655:

"An Act to Mandate the Government of Guam on the Reduction of solid waste by providing incentives for recycling, source reduction, and composting for all departments, agencies, and individual schools and assist the community in getting involved in municipal solid waste reduction and call this "The Solid Waste Reduction Act".

Not only will the monies received from the sales of collections mentioned in the Act help fund some of the activities for the employees of this department, but will help relieve the island with illegal disposal of waste.

This legislation will truly enhance the beauty of our island if everyone contributes 100% toward fulfilling the intent of this Act.

Sincerely


CARL J. C. AGUON
Director



Commonwealth Now!

TWENTY-FOURTH GUAM LEGISLATURE
Committee on Natural Resources
Senator Joanne M. S. Brown
Chairperson



NOTICE OF PUBLIC HEARING

The Committee on Natural Resources will be conducting a Public Hearing on Friday, August 14, 1998 at the Legislative Public Hearing Room, 155 Hester Street, Hagatna. The hearing has been rescheduled to 10:00 a.m. on the following bills:

BILL 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS THE SOLID WASTE REDUCTION ACT.
BILL 717 (COR) - AN ACT TO ESTABLISH THE RULES AND REGULATIONS FOR THE BUILD-OPERATE-TRANSFER PLAN FOR THE GUAM WATER WORKS AUTHORITY.
ADA Coordinator:
Mrs. Toni Gamble at 472-3450/51
The public is invited to attend.