



Office of Vice-Speaker
Joanne M. Salas Brown
MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
28th GUAM LEGISLATURE

September 29, 2005

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho na Liheslaturan Guahan
28th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Dear Speaker Forbes:

The Committee on Natural Resources, Utilities & Micronesia Affairs to which was referred Bill 158(EC) "An act to disapprove the recycling rules and regulations for the Guam Environmental Protection Agency," has had the same under considered, and now wishes to report back the same with the recommendation TO DO PASS as Substituted by the Committee on Natural Resources, Utilities and Micronesia Affairs.

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

The Committee votes are as follows:

 9 To Do Pass
 0 Not To Pass
 3 Report Out
 0 Abstain
 0 Inactive File
 0 Off-Island

A copy of the Committee report and other pertinent documents are attached for your immediate reference information.

Should you have any questions, please do not hesitate to contact me at 472-3450/1.

(Attachments)


JOANNE M.S. BROWN

Chairwoman, Committee on Natural Resources,
Utilities & Micronesia Affairs

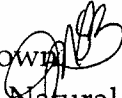


Office of Vice-Speaker
Joanne M. Salas Brown
MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
28th GUAM LEGISLATURE

September 15, 2005

Memorandum

To: Committee Members

From: Vice Speaker Joanne M.S. Brown 
Chairwoman, Committee on Natural Resources, Utilities & Micronesia Affairs

Subject: **Bill 158(EC) An act to approve or disapprove the recycling rules and regulations for the Guam Environmental Protection Agency as Substituted by the Committee on Natural Resources, Utilities and Micronesia Affairs.**

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

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Agenda
4. Bill 158(EC) Substituted
5. Bill 158(EC) Original
6. Public Hearing Sign sign-in sheet
7. Written Testimony
8. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your kind attention and cooperation in this matter is greatly appreciated.

Should you have any questions on the report and the accompanying documents, please do not hesitate to contact me at 472-3450/1.



MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
 COMMITTEE ON NATURAL RESOURCES,
 UTILITIES & MICRONESIAN AFFAIRS
 VICE SPEAKER JOANNE M.S. BROWN, CHAIRWOMAN

Bill No. 158 (EC) as substituted by the Committee on Natural Resources, Utilities & Micronesian Affairs

"AN ACT TO APPROVE OR DISAPPROVE THE RECYCLING RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY"

VOTING SHEET

MEMBERS	TO PASS	NOT TO PASS	REPORT OUT	ABSTAIN	INACTIVE FILE	INITIALS
Vice Speaker Joanne M. S. Brown, Chairwoman	✓					JMB
Senator Michael Cruz, Vice Chairman	✓					Mike Cruz
Senator Frank Aguon, Member	✓					Frank Aguon
Senator Edward J.B. Calvo, Member	✓					Ed Calvo
Senator Lawrence Kasperbauer, Member	X					Lawrence Kasperbauer
Senator Lou Leon Guerrero, Member			✓			Lou Leon Guerrero
Senator Jesse Lujan, Member	✓					Jesse Lujan
Senator Rory Respicio, Member			✓			Rory Respicio
Senator Ray Tenorio, Member	✓					Ray Tenorio
Senator Antonio Unpingco, Member	✓					Antonio Unpingco
Senator Judith Won Pat, Member			✓			Judith Won Pat
Speaker Mark Forbes, Ex-Officio Member	✓					Mark Forbes

**I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
28th GUAM LEGISLATURE**

**COMMITTEE ON NATURAL RESOURCES, UTILITES &
MICRONESIAN AFFAIRS**

**VICE SPEAKER JOANNE M.S. BROWN
CHAIRWOMAN**

**COMMITTEE REPORT
ON BILL 158(EC): AN ACT TO APPROVE OR DISAPPROVE THE
RECYCLING RULES AND REGULATIONS FOR THE GUAM
ENVIRONMENTAL PROTECTION AGENCY**

COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

BILL 158(EC): AN ACT TO APPROVE OR DISAPPROVE THE RECYCLING RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY

I. OVERVIEW

The Committee on Natural Resources, Utilities & Micronesian Affairs held a public hearing on Thursday, July 7, 2005 at 9:00 a.m. in the Public Hearing Room of the Guam Legislature, Hagåtña, Guam.

Committee Chairwoman, Vice Speaker Joanne M.S. Brown commenced hearing at 9:09 a.m. with welcoming remarks.

Senators Present:

Vice Speaker Joanne M. Brown, Chairwoman
Senator Lou Leon Guerrero, member
Senator Adolpho Palacios
Senator Benjamin Cruz

II. TESTIMONY

The following is a summary of written and oral testimony provided during the hearing:

- Mr. Randy Sablan, Acting Administrator, Guam Environmental Protection Agency, gave written testimony in favor of the bill with amendments to the recycling legislation to allow for better participation from all segments of our community.
- Mr. Ricardo Blas, Director, Guam Customs and Quarantine, is in support of the bill, but had some concerns, one of which would be cost recovery for implementation of the public law. Other issues include what entity would be responsible for fees that would be occurred for goods like tires, batteries, white goods and vehicles which are held at the port authority. These are some of the concerns that Customs and Quarantine stated which were not considered during drafting of the recycling laws. Mr. Blas stated that if the public law was to be implemented there would be a shortage of staff to carry out the agency's current duties of boarding vessels, safeguarding our borders, and collecting and processing fees.
- Mr. Joey Crisostomo, Guam Automobile Dealers Association, submitted written testimony in support of a Twenty-Five Dollar (\$25.00) fee attached to vehicle registrations, as opposed to the fee structure set into Public Law 27-38.

- Mr. Monty McDowell, Chairman, Guam Chamber of Commerce, provided written testimony which supports the position of the Guam Automobile Dealers Association which is also supported by the Guam Chamber of Commerce Board of Directors.

III. CONCERNS:

Senator Leon Guerrero questioned that the current law concerning recycling of vehicles states that the fee be assessed at the point of release, and not at the point of sale, as stated in the rules and regulations.

Ms. Barbara Torres, Supervisor, Solid Waste, Guam Environmental Protection Agency, clarified that P.L.27-38 mandated the fee for vehicles to be collected at the point of entry, but this was later changed by P.L. 27-148.

Senator Leon Guerrero was concerned with the difference with the sections of P.L. 28-07 and P.L. 27-148 pertaining to vehicles, stating that this would have a significant impact towards the dealers.

Senator Leon Guerrero asked if it was the recommendation of Mr. Sablan and Mr. McDowell to raise the current registration fee twenty-five dollars more.

Mr. McDowell stated that it was from the recommendation from the Guam Automobile Dealers Association looking for an additional Twenty-Five Dollars (\$25.00).

Vice Speaker Brown stated that the Twenty-Five Dollar (\$25.00) fee is an alternative to what the law already requires.

Mr. Sablan stated that we shouldn't be looking for a new recycling law but just revising the current law.

Vice Speaker Brown stated that we will need to come back to discuss the issue and come up with a better solution to the problems of the recycling law.

Mr. McDowell stated that we will need to track white goods from the base exchange since the bases already provide each family with the necessary white goods.

Vice Speaker concluded the hearing and scheduled a round table meeting for the August 11, 2005 to further discuss amendments needed to address the recycling law.

III. CONCLUSION:

Chairwoman Brown stated that the committee would hold a roundtable meeting with all government and private entities which are impacted by this legislation to discuss any amendments to the legislation.

The hearing was adjourned at 12:45p.m.

IV. ROUNDTABLE MEETING:

Individuals present:

VICE SPEAKER JOANNE BROWN, Chairwoman

MR. RANDY SABLAN, Acting Administrator, Guam Environmental Protection Agency

MS. CLAIRE CRUZ, Guam Economic Development Commerce Authority

MR. RALPH SGAMBELLURI, Guam Customs and Quarantine Agency

MR. ANTHONY SANCHEZ, Acting Director, Bureau of Planning

MR. DAN CAMACHO, Guam Automobile Dealers Association

MR. STEVE AGUON, Revenue & Taxation, Motor Vehicle Division

MR. PAUL TOBIASON, Recycling Association of Guam

Vice Speaker Brown opened with brief information about concerns with fees associated with the disposal of materials. Vice Speaker Brown stated that the committee is faced with the decision to approve or disapprove the rules and regulations based on these concerns. She also stated that the committee wanted to receive feedback from the agencies that would have to implement these rules and regulations.

Mr. Randy Sablan, Acting Administrator, Guam Environmental Protection Agency; stated that the Guam Environmental Protection Agency(GEPA) supports the proposal by the Guam Automobile Dealers Association(GADA) to attach an annual charge to the registration of vehicles. Mr. Sablan also stated that by adopting this proposal, assessing the fees created in Public Law 27-38 & 27-148 would be much easier. According, to Mr. Sablan, GEPA has drafted the necessary changes to legislation to support the proposal from GADA. Mr. Sablan further stated that the proposal would include military personnel who have more than one vehicle per household.

Mr. Dan Camacho, President, Guam Automobile Dealers Association, explained how the association arrived with the Twenty-Five Dollar (\$25.00) fee. Mr. Camacho stated that adding the current disposal fees for batteries and tires per year for life span of each vehicle.

Mr. Paul Tobiason, Recycling Association of Guam, asked Mr. Sablan if there were other recycling facilities that were contacted when the proposed fees were formulated. He also questioned if there were enough recycling centers on island.

Mr. Sablan stated that there are currently about nine (9) centers on island and there are other companies in the process of obtaining permits.

Mr. Steve Aguon, Division of Motor Vehicles, Department of Revenue & Taxation; submitted a letter that was written by Mr. Artemio Illagan, Director of Revenue & Taxation (attached with testimonies).

Vice Speaker Brown asked GEPA for a breakdown of what would be a feasible volume of cars that would be moved around each year, so when DPW comes out to contract there is an intake system that would allow for sanitation and storage so that these same cars don't end up "back in the jungle."

Mr. Joey Crisostomo, GADA, stated that the only way that we can get the public to accept the Advance Disposal Fee is if we called it the "Guam Disposal Fee." Mr. Crisostomo questioned if the Abandoned Vehicle Streetlight fund was still being collected by Revenue & Taxation.

Mr. Steven Aguon stated that since the Advance Disposal Fee was not enacted Revenue & Taxation still collects for the Abandoned Vehicle Fund.

V. FINDINGS AND RECOMMENDATION:

The Committee finds that Bill No. 158 (EC) *"An act to approve or disapprove the Recycling Rules and Regulations for the Guam Environmental Protection Agency,"* is in line with efforts of previous laws passed intended to clean and beautify our island through responsible disposal methods and the reduction and recycling of waste streams. The Committee further finds – after several meetings with the Guam Environmental Protection Agency, Department of Public Works, Department of Revenue & Taxation, and Guam Customs and Quarantine – that there are several complexities found that have to be resolved before implementing the proposed recycling rules and regulations. The Committee additionally finds that if the proposed recycling rules and regulations were approved, consumers, businesses and governmental agencies would be heavily impacted by cost and an onset of technical perplexities.

One of the concerns would be the ability for Customs and Quarantine to receive funding to cover administrative fees to track and collect recycling fees. The issue also extends to the business community that would have additional administrative cost in implementing the fee schedule. Therefore, the added cost would be passed on to consumers. Another, concern would be the ability to track white goods sold by the Military Base Exchanges, which is not addressed in the recycling rules and regulations. As a result businesses in the local community that pay taxes would be at a disadvantage because the cost of their goods would be increased automatically as a result of the Advanced Disposal Fees.

The Committee also recognizes that the Solid Waste Disposal Rules and Regulations were required to change so that both rules and regulations would correspond with each other. With the opposition of the proposed recycling rules and regulations it is the Committees

recommendation also to disapprove the proposed changes to the solid waste rules and regulations.

Furthermore, pursuant to Article 3, Chapter 9, Section 9301(d) of Title 5, Guam Code Annotated, proposed rules and regulations under the Administrative Adjudication Law, shall include, as part of the promulgation of such rules or regulations, an economic impact statement, which must be completed and made available to the public prior to any required hearings on the proposed rules or regulations. Neither the proposed recycling nor solid waste rules and regulations were accompanied by an economic impact statement upon submission to *I Liheslaturan Guahan*. Additionally, as required by Public Law 28-58, the Bureau of Statistics and Plans was mandated to perform an economic impact statement, at the request of GEPA, which was to be submitted to *I Liheslaturan Guahan* with the regulations.

Therefore, it is the recommendation by the Committee on Natural Resources, Utilities and Micronesian Affairs which Bill No. 158 (EC) As Substituted by the Committee on Natural Resources, Utilities and Micronesian Affairs was referred, TO DO PASS, in order to disapprove the proposed rules and regulations.

I MINA BENTE OCHO NA LIHESLATURAN GUAHAN
COMMITTEE ON NATURAL RESOURCES, UTILITIES AND
MICRONESIAN AFFAIRS

VICE SPEAKER JOANNE M.S. BROWN
CHAIRWOMAN

Thursday, July 7, 2005

9:00 a.m.

Public Hearing Room

AGENDA

1. Confirmation of members to the Guam Environmental Protection Agency Board of Directors:
 - Mr. Alfred K.Y. Lam
 - Ms. Florida M. Sanchez

2. **Bill No. 115 (EC) "AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM USING PUBLIC FUNDS IN THE SITE-SPECIFIC DESIGN OF A NEW LANDFILL, UNTIL THE GOVERNMENT OF GUAM HAS OWNERSHIP OF A NEW LANDFILL SITE."**

3. **Bill No. 158 (EC) "AN ACT TO APPROVE OR DISAPPROVE THE RECYCLING RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY."**

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 158 (EC)

As Substituted by the Committee on Natural Resources,
Utilities and Micronesian Affairs

Introduced by:

J. M.S. Brown

**AN ACT TO DISAPPROVE THE RECYCLING
RULES AND REGULATIONS ADOPTED BY THE
GUAM ENVIRONMENTAL PROTECTION
AGENCY AND TO DISAPPROVE AMENDMENTS
TO THE SOLID WASTE DISPOSAL
REGULATIONS.**

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

2 **Section 1. Disapproval of Guam Environmental Protection Agency**
3 **Recycling Rules and Regulations.** The Recycling Rules and Regulations
4 for the Guam Environmental Protection Agency ("GEPA"), that were adopted
5 by the Board of Directors for GEPA on June 17, 2005, are hereby disapproved.
6 These rules and regulations are attached hereto and labeled as Exhibit A.

7 **Section 2. Disapproval of Amendments to the Guam Solid Waste**
8 **Disposal Rules and Regulations.** The amendments to the Guam Solid Waste
9 Disposal Rules and Regulations for GEPA that were adopted by the Guam
10 Environmental Protection Agency Board of Directors on June 17, 2005, in

- 1 order to renumber said regulations are hereby disapproved. These rules and
- 2 regulations are attached hereto as Exhibit B.



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

RECEIVED
DATE: 07/01/08
2:26pm

GUAM'S SOLID WASTE DISPOSAL RULES AND REGULATIONS (Renumbering of Regulations)

**AMENDED BY
GUAM EPA BOARD OF DIRECTORS**

Amendment Date: June 17, 2005

**John M. U. Jocson
Board Chairman**

**Attested To: Margaret P. Aguilar
Board Secretary**

EFFECTIVE DATE: _____

**RULES AND REGULATIONS
FOR THE
GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
SOLID WASTE DISPOSAL**

Title 22

Division 4

Chapter 23

Article 1

Solid Waste Management

Part A

General Provisions

Section 23101 - General Regulations

- §23101.1. Purpose, scope, and applicability.
- §23101.2. Definitions.
- §23101.3. Consideration of other federal laws.
- §23101.4. Solid waste management permit system.

Part B

Solid Waste Management Facilities

Section 23102 - Locations Restrictions

- §23102.1. Airport Safety.
- §23102.2. Flood plains.
- §23102.3. Wetlands.
- §23102.4. Fault areas.
- §23102.5. Seismic impact zones.

- §23102.6. Unstable areas.
- §23102.7. Closure of existing municipal solid waste landfill units.

Section 23103 - Operating criteria

- §23103.1. Solid wastes accepted.
- §23103.2. Solid wastes excluded.
- §23103.3. Procedures for excluding receipt of hazardous waste.
- §23103.4. Cover material requirements.
- §23103.5. Disease vector control.
- §23103.6. Explosive gases control.
- §23103.7. Air Criteria.
- §23103.8. Access requirements.
- §23103.9. Run-on/run-off control systems.
- §23103.10. Surface water requirements.
- §23103.11. Liquid restrictions.
- §23103.12. Recordkeeping requirements.
- §23103.13. Safety.

Section 23104 - Design criteria

- §23104.1. Design criteria for municipal solid waste landfill.
- §23104.2. Design criteria for solid waste disposal facilities other than MSWLFs.
- §23104.3. Table of maximum contaminant levels (MCL) for constituents at the relevant point of compliance.

Section 23105 - Ground-water monitoring and corrective action

- §23105.1. Applicability.
- §23105.2. Ground-water monitoring systems.
- §23105.3. (Reserved).
- §23105.4. Ground-water sampling and analysis requirements.
- §23105.5. Detection monitoring program.
- §23105.6. Assessment monitoring program.
- §23105.7. Assessment of corrective measures.
- §23105.8. Selection of remedy.
- §23105.9. Implementation of the corrective action program.

Section 23106 - Closure and post-closure care

- §23106.1. Closure criteria.
- §23106.2. Post-closure care requirements.

Section 23107 - Financial assurance criteria

- §23107.1. Applicability and effective date.
- §23107.2. Financial assurance for closure.
- §23107.3. Financial assurance for post-closure care.
- §23107.4. Financial assurance for corrective action.
- §23107.5. Allowable mechanisms.

Addendum A

Schedule of permit fees for all other solid waste management facilities.

Addendum B

Duration of permit fees for all other solid waste management facilities.

Addendum C

Administrative penalties.

Appendix I

Constituents for detection monitoring.

Appendix II

List for hazardous and organic constituents.



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

RECEIVED
DATE: 07/01/08
at 2:26 pm

GUAM'S RECYCLING RULES AND REGULATIONS

APPROVED AND ADOPTED BY
GUAM EPA BOARD OF DIRECTORS

Approval and Adopted Date: June 17, 2005

John M. U. Jocson
Board Chairman

Attested To: Margaret P. Aguilar
Board Secretary

EFFECTIVE DATE: _____

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**GUAM'S RECYCLING
RULES AND REGULATIONS**
Title 22, Division 4, Chapter 23, Article 5

TABLE OF CONTENTS

PART A		3
Section 23501	General Provisions	3
Section 23501.1	Purpose, Scope, and Applicability	3
Section 23501.2	Definitions.	4
Section 23501.3	GEPA Compliance and Inspections	10
Section 23501.4	Penalties and Fines	11
PART B		11
Section 23502	Recycling Revolving Fund	11
Section 23502.1	Administration of Recycling Revolving Fund	11
PART C		12
Section 23503	Recycling Fees	12
Section 23503.1	Schedule of Recycling Fees	12
Section 23503.2	Collection of Fees	12
Section 23503.3	Notice To Consumers of Recycling Fee Payment	14
PART D		14
Section 23504	Importers of Automobiles, Bus, and Trucks for Resale	14
Section 23504.1	Payment of Recycling Fees:	14
Section 23504.2	Registration Requirement	16
Section 23504.3	Recordkeeping Requirements	17
Section 23504.4	Reporting Requirements	18
PART E		18
Section 23505	Importers of Tires, Batteries, Heavy Equipments, and White Goods for Resale	18
Section 23505.1	Payment of Recycling Fees	18
Section 23505.2	Registration Requirement	20
Section 23505.3	Recordkeeping Requirements	21
Section 23505.4	Reporting Requirements	22

1	PART F		22
2	Section 23506	Recycling Centers	22
3	Section 23506.1	Acceptance of "recyclable materials" for recycling.	22
4	Section 23506.2	Requirements for Certified Recycling Centers	23
5	Section 23506.3	Application for Certification	25
6	Section 23506.4	Posting of Certification	25
7	Section 23506.5	Uncertified Recycling Activities	26
8	Section 23506.6	Load Inspection Requirements	26
9	Section 23506.7	Issuance of GEPA Recycling Refund Vouchers	28
10	Section 23506.8	Transport of "recyclable materials" to Recycling Centers for Export	28
11	Section 23506.9	Recordkeeping Requirements	29
12	Section 23506.10	Reporting Requirements	
13	PART G		30
14	Section 23507	Refunds	30
15	Section 23507.1	Refund Values	30
16	Section 23507.2	Payment of Refund Values	
17	PART H		31
18	Section 23508	Recycling Facilities	31
19	Section 23508.1	Permit Requirements	31
20	Section 23508.2	Load Inspections Requirements	32
21	Section 23508.3	Recordkeeping Requirements	32
22	Section 23508.4	Reporting Requirements	
23			
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GUAM'S RECYCLING

RULES AND REGULATIONS

Title 22, Division 4, Chapter 23, Article 5

Part A

Section 23501 General Provisions

Section 23501.1 Purpose, Scope, and Applicability

(a) The purpose of this Article is to establish the minimum standards to implement Guam's Recycling Law, Article 5 of Chapter 51, Division 2, Part 2, Title 10, Guam Code Annotated (GCA).

(b) The scope of this Article is to establish minimum standards that provide a mechanism for the collection of recycling fees levied on recyclable materials, for the administering of the Recycling Revolving Fund ("the Fund"), and to foster redemption systems that facilitate recycling of recyclable materials.

(c) This Article shall apply to:

- (1) Any person engaged in the importation of recyclable materials, as defined and listed in Section 23501.2(v), for resale, and wherein a recycling fee has been established for such recyclable material in Section 23503.1, unless otherwise specified in this Article, or as specified in 10 GCA Chapter 51, Article 5, as amended.
- (2) Any persons engaged in the operations of recycling centers and recycling facilities.
- (3) Any person who applies for a refund for the return of a recyclable material.

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(d) This Article does not apply to any person who imports recyclable materials, as defined and listed in Section 23501.2(v), for personal use, subject to the Use Tax provisions of Section 28105 of Chapter 28 of Division 2, Title 11 of the Guam Code Annotated.

Section 23501.2 Definitions.

For the purposes of this Article, except as otherwise provided, the following words and phrases, together with all of the common derivations thereof, shall have the meaning ascribed to them as follows:

- (a) "Administrator" shall mean the Administrator of the Guam Environmental Protection Agency (GEPA), or his or her designee.
- (b) "Advance disposal fee" shall mean the "recycling fee" charged at the time of import or point of sale, where applicable, of a "recyclable material" that will eventually end up as solid waste.
- (c) "Appliances" shall mean the household or commercial device operated by gas or electric current.
- (d) "Consumer" shall mean any person who buys a recyclable material for final use.
- (e) "Dealer" shall mean any person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered by

1 the Department of Revenue and Taxation, in accordance to 16 GCA
2 Chapter 7.

3
4 (f) "Distributors" shall mean any person engaged in the sale of recyclable
5 materials to a retailer.

6
7 (g) "Electronic Waste" shall mean computers, circuit boards, televisions,
8 and portable telephones.

9
10 (h) "Enameled White Goods" or "White Goods" shall mean appliances,
11 with or without enamel, for home or commercial use including, but
12 not limited to, refrigerators, water heaters, air conditioners, washers,
13 dryers, and stoves.

14
15 (i) "GEPA" shall mean the Guam Environmental Protection Agency.

16
17 (j) "GEPA Recycling Refund Voucher" shall mean GEPA established
18 document provided to certified recycling centers, issued to persons
19 who returns recyclable material to certified recycling centers, for
20 which is proof for refund payments to such persons.

21
22 (k) "Gross Vehicle Weight" or "Gross Vehicle Weight Rating" shall mean
23 the value specified by the manufacturer as the loaded weight of a
24 single vehicle.

25
26 (l) "Heavy Equipment" shall mean any equipment, motor vehicle or
27 motor carrier, or non-road motor vehicle with a gross weight or gross
28 vehicle weight of five (5) tons or more.

29

1 (m) "Home Appliance" shall mean any small home appliance not listed as
2 an *Enameled White Good*.

3
4 (n) "Import" shall mean to bring, or accept delivery of recyclable
5 materials from any source outside of Guam.

6
7 (o) "Importer" shall mean any person who buys, brings, or accepts
8 delivery of recyclable materials from outside the port of Guam for sale
9 or resale to distributors, retailers, wholesalers, or consumers.

10
11 (p) "Motor Vehicle" or "motorized vehicle" shall mean automobiles,
12 automobile truck, automobile wagon, buses, trucks, motorcycles or
13 other self propelled wheeled conveyance that will be primarily for use
14 on Guam's public streets, roads, and highways that are required to be
15 registered with the Motor Vehicles Division, Department of Revenue
16 and Taxation, Government of Guam.

17
18 (q) "Municipal Solid Waste" is a subset of solid waste and is defined as
19 durable goods (e.g., appliance, batteries, tires), nondurable goods
20 (e.g., newspapers, books, magazines), containers and packaging, food
21 wastes, yard trimmings, and miscellaneous organic wastes from
22 residential, commercial and industrial non-process sources.

23
24 (r) "Imported Vehicle" or "Imported Motor Vehicle" shall mean a motor
25 vehicle that has no prior record of having been registered in Guam.

26
27 (s) "Person" shall mean any individual, partnership, co-partnership, firm,
28 company, corporation, association, joint stock company, trust, estate,

1 or any agency, department, or instrumentality of the Federal or local
2 government, or any other legal representatives, agents or assigns.

3
4 (t) "Recovered Resources" shall mean material or solid waste that has
5 been diverted from disposal for the purpose of recycling or
6 bioconversion. This term does not include those materials that are
7 generated and normally reused on-site for manufacturing purposes.

8
9 (u) "Recycle" or "Recycling" means the method by which recovered
10 resources are converted for use as raw materials or feedstock to make
11 new products.

12
13 (v) "Recyclable Materials" means materials that still have useful physical
14 or chemical properties after serving a specific purpose for the same or
15 other purpose. Recyclable materials include the following:

- 16
17 (1) Batteries (i.e., lead-acid, portable computer batteries, nickel-
18 cadmium, sealed types for power backup);
19 (2) Automobiles, buses, and trucks or any form of motorized
20 vehicle;
21 (3) Tires (passenger/commercial);
22 (4) Enameled white goods;
23 (5) Home appliances (other small appliances that are not
24 considered enameled white goods);
25 (6) Glass and plastic bottles;
26 (7) Foam padding;
27 (8) Lead;
28 (9) Metals (ferrous/non-ferrous);

- 1 (10) Organic material (i.e., tree trimmings, palm fronds, grass, food
2 waste, soiled cardboard);
3 (11) Paper products;
4 (12) Wood pallets and scrap wood;
5 (13) Construction and demolition debris ('C&D');
6 (14) X-ray film;
7 (15) Automobile oil and fluids;
8 (16) Freon and other refrigerant gases;
9 (17) Electronic waste (i.e., computers, circuit boards, televisions,
10 and portable phones);
11 (18) Heavy equipment; and
12 (19) Other recyclable materials deemed recyclable by GEPA
13 pursuant to this Article.

14
15 (w) "Recycling Center" shall mean a GEPA certified operation, which
16 accepts from any person a recyclable material for recycling and
17 provides GEPA Recycling Refund Vouchers in accordance to Section
18 23506.

19
20 (x) "Recycling Company" shall mean any business licensed by the
21 Department of Revenue and Taxation, and issued a permit, as
22 required in Section 51104 of Chapter 51 of Title 10 of the Guam Code
23 Annotated, from the Guam Environmental Protection Agency to
24 conduct business on Guam.

25
26 (y) "Recycling Facility" shall mean all contiguous land, structures, and
27 other appurtenances, and improvements on the land used for the
28 collection, separation, recovery, and sale or reuse of recovered
29 resources that would otherwise be disposed of as municipal solid

1 waste, and is an integral part of a manufacturing process aimed at
2 producing a marketable product made of post consumer material.
3 Recycling Facility may be considered a "recycling center" upon
4 GEPA's approval.

5
6 (z) "Recycling Fee" shall mean an advanced disposal fee (ADF) imposed
7 on goods for the recycling and disposal of said goods.

8
9 (aa) "Redemption rate" shall mean the percentage of *recyclable material* per
10 type redeemed within a reporting period. The percentage shall be
11 calculated by dividing the number of *recyclable material* per type
12 redeemed by the number of *recyclable material* per type sold, and then
13 multiplying that number by one hundred (100).

14
15 (bb) "Refund value" shall mean the amount refunded to any persons upon
16 return of a recyclable material for which a recycling fee has been
17 imposed. Refund value for each recyclable material is established in
18 Section 23507.1.

19
20 (cc) "Remanufactured" shall mean to manufacture a used recyclable
21 material into a new or recycled material of the same after initial use of
22 such recyclable material.

23
24 (dd) "Responsible Official" shall mean

25 (1) For a corporation: a president, secretary, treasurer, or vice-
26 president of the corporation in charge of a principal business
27 function, or any other person who performs similar policy or
28 decision - making functions for the corporation, or an authorized
29 representative of such person if the representative is responsible

1 for the overall operation of one (1) or more manufacturing,
2 production or operation facilities applying for or subject to the
3 requirements of this Article.

4 (2) For a partnership or sole proprietorship: a general partner of the
5 proprietor, respectively; or

6 (3) For a municipality, state, federal, or other public agency: a
7 principal executive officer, ranking elected official, or an
8 authorized representative as approved by the Administrator.

9
10 (ee) "Retail" shall mean the sale of tangible personal property for use by
11 the purchaser and not for resale.

12
13 (ff) "Retailer" shall mean a business licensed with the Department of
14 Revenue and Taxation to do retail sales.

15
16 (gg) "Wholesale" shall mean the importation into or purchase on Guam
17 from a manufacturer or other wholesale license of tangible personal
18 property not for consumption or use by the purchaser but solely for
19 resale or retail wholesale or retail sellers.

20
21 (hh) "Wholesaler" shall mean a business licensed with the Department of
22 Revenue and Taxation to import or purchase on Guam tangible
23 personal property not for consumption or use by the purchaser but
24 solely for resale or retail wholesale or retail sales.

25

26 **Section 23501.3 GEPA Compliance and Inspections**

27
28 (a) GEPA is authorized to conduct inspections of recycling centers, recycling facilities,
29 and inspect and obtain records of importers and dealers, and any applicable facility or

1 documentations required to verify compliance with this Article. Inspections shall be
2 conducted by GEPA during the company's normal hours of operation.
3

4 **Section 23501.4 Penalties and Fines**

5
6 (a) Any person who violates any provision of this Article shall be subject to the
7 penalties provided for in Section 51115 of Article 1, Chapter 51, Division 2, Part 2 of Title
8 10 of the Guam Code Annotated.

9

10 **Part B**

11 **Section 23502 Recycling Revolving Fund**

12 **Section 23502.1 Administration of Recycling Revolving Fund**

13
14 (a) All revenues generated by the collection of the "recycling fees" in accordance with
15 Section 23503.2 of this Article, including interest earned, shall be deposited into the
16 "Recycling Revolving Fund", hereinafter referred to as "Fund".

17
18 (b) Monies in the Fund shall be administered, managed, and maintained by the GEPA
19 Administrator, or his designee, for the implementation of this Article.

20
21 (c) Monies in the Fund shall be used for payments of refund values to consumers upon
22 receipt of issued GEPA Recycling Refund Voucher by certified recycling centers and
23 submittal of application for payment, and upon verification of such applications as
24 established in Section 23507.2 of this Article.

25

1 (d) Monies in the Fund shall be used to fund recycling operations, recycling events, and
2 recycling projects, including contracts with recycling companies, project management,
3 administrative, and public outreach.

4
5 (e) The Administrator of GEPA may contract the services of a third party to administer,
6 collect, disburse, manage, maintain, and report the activities of the Recycling
7 Revolving Fund.

8
9 **Part C**

10 **Section 23503 Recycling Fees**

11 **Section 23503.1 Schedule of Recycling Fees**

12 (a) The recycling fees assessed on recyclable materials are specified in Article 5, of 10
13 GCA, Chapter 51, as amended.

14 **Section 23503.2 Collection of Fees**

15
16 (a) Guam Customs & Quarantine Agency ("CQA") shall be responsible for the
17 collection of the recycling fees assessed on those recyclable materials as specified in Article
18 5, 10 GCA, Chapter 51.

19
20 (b) For all automobiles, bus, and trucks, recycling fees are collected at the point of sale.
21 Payment of recycling fees shall be in accordance with Section 23504.1 of this Article.

22
23 (c) For all batteries, tires, white goods, and heavy equipments, recycling fees are
24 collected at the point of import and prior to the release of said recyclable materials.
25 Payment of recycling fees by importers shall be in accordance with Section 23505.1 of this
26 Article

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(d) Guam CQA may collect fees at any Guam CQA designated collection locations such as:

- (1) Jose D. Leon Guerrero Port Authority of Guam, or
- (2) A. B. Won Pat Guam International Airport, or
- (3) Any designated or approved CQA collection agent or location

(e) ~~CQA shall record~~ all payments of fees and provide importers and dealers copy of the paid "Recycling Fee Payment Form" as applicable.

(f) CQA shall deposit all fees collected in accordance with its established rules and procedures, utilizing *official* receipts authorized and issued by the Department of Administration, Government of Guam.

(g) The Administrator of GEPA may allow exemptions of collection of recycling fees for recyclable materials imported as remanufactured recyclable material that was once exported from Guam, provided the importer submits request for exemption thirty (30) days prior to the date of import. Approval of such exemptions will be based on the following proof of documentations:

- (1) GEPA Exemption Request Form submitted and signed by a "responsible official"
- (2) Copies of shipment records of exported recyclable material exported for remanufacturing.
- (3) Copies of shipment records, invoice, and specification of remanufactured recyclable materials imported for resale.

1
2 (h) The Administrator of GEPA may allow for credits of payment of recycling fees for
3 recyclable materials imported and then exported for resale to other islands, provided that
4 the importer requests for such credit. Approval of such credits will be based on the
5 following proof of documentations:

- 6 (1) GEPA Credit Request Form submitted and signed by a "responsible official"
7
8 (2) Copies of shipment records of exported recyclable materials for resale in
9 other islands.
10
11 (3) Copies of shipment records of receipt by imported receiving recyclable
12 material signed by responsible official of that importer or company.
13

14 **Section 23503.3 Notice To Consumers of Recycling Fee Payment**

15 All sales receipts or invoices issued to the consumer for each recyclable material for which
16 the recycling fee has been paid must include a statement that the recycling fee has been
17 paid. The statement must be substantially equivalent to the following:
18

19 "Recycling Fee Paid per Article 5 of Chapter 51 of 10 GCA"
20

21 **Part D**

22 **Section 23504 Importers of Automobiles, Bus, and Trucks for Resale**

23 **Section 23504.1 Payment of Recycling Fees:**

24 (a) Upon the effective date of this Article, dealers shall be responsible for the payment
25 of the recycling fee assessed on all imported automobiles, bus, and trucks at the point of
26 sale in accordance to fees established in Section 23503.1 of this Article.
27

- 1 (1) The recycling fee identified in Section 23503.1 shall be paid to the Guam
2 CQA at any designated CQA location as specified in Section 23503.2 of this
3 Article.
4
- 5 (2) Dealers must complete a Recycling Fee Payment Form provided by CQA and
6 present to CQA a copy of the proof of purchase, or invoice of said vehicle
7 which shall include, but is not limited to, the vehicle model, make, year,
8 engine number, and vehicle identification number (VIN).
9
- 10 (3) The recycling fee shall be made payable by cash, check, or money order to
11 the Treasurer of Guam c/o Recycling Revolving Fund.
12
- 13 (4) Upon receipt of such payment from Dealer, and upon verification of
14 documents, CQA must provide the dealer a copy of the Recycling Fee
15 Payment Form stamp "PAID". The Recycling Fee Payment Form issued
16 shall have the information of the vehicle model, make, year, engine number,
17 and vehicle identification number (VIN).
18
- 19 (5) Payment must be made prior to obtaining vehicle registration and Certificate
20 of Ownership issued by the Department of Revenue and Taxation, Division
21 of Motor Vehicles.
22
- 23 (6) The Department of Revenue and Taxation, Division of Motor Vehicles shall
24 withhold the issuance of the vehicle registration for any imported motor
25 vehicle sold through a dealer until the official receipt from CQA is presented
26 evidencing the payment of the recycling fee for said vehicle being registered.
27
- 28 (7) As per Section 23503.3, a statement of proof that such "recycling fee" has
29 been paid on the vehicle must appear as a separate line item on every

1 Annual Vehicle Registration Form and the Certificate of Ownership Form
2 issued for the vehicle by the Department of Revenue and Taxation, Division
3 of Motor Vehicle. The statement on these forms must substantially be
4 equivalent to the following:

5
6 "Recycling Fee Paid per Article 5 of Chapter 51 of 10 GCA"

7 **Section 23504.2 Registration Requirement**

8 (a) Within 30 days upon the effective date of this Article, all importers of automobiles,
9 trucks, and buses for resale, shall register with GEPA using the GEPA Registration Forms,
10 and shall notify GEPA of any change in address, or responsible official.

11
12 (b) Any person who desires to import automobiles, trucks, and buses for the purpose
13 of resale shall register with GEPA using the GEPA Registration Forms no later than one
14 month prior to the commencement of the business.

15
16 (b) GEPA Registration Forms shall include, but is not limited to, the following
17 information:

18 (1) The legal name (s), mailing address, business address, contact person's name
19 and position title, and telephone and fax numbers of the owner and, if applicable, or
20 its duly authorized representative.

21
22 (2) Tax Identification Number of Business

23
24 (3) Copy of the Guam's Business License
25

1 (4) Current inventory and type of imported motor vehicle existing in each car lot
2 awaiting to be sold by the company. Ensure to provide the location of each car lot
3 site used by the company.

4 (5) Process of payment of "recycling fee" upon sale of automobile, bus, or truck.

5
6 (6) Process of receipt of payment to consumer upon sale of automobile, bus, or
7 truck.

8
9 (7) Print and Signature of the businesses' "Responsible Official".

10
11 (d) Upon review of Registration Request and documentations received, GEPA shall,
12 within 30 days, approve and issue a GEPA Registered Recycling Material Importer of
13 Automobile, Bus, and or Truck Dealer.

14 **Section 23504.3 Recordkeeping Requirements**

15
16 (a) Records shall be maintained for at least five (5) years reflecting the following:

17
18 (1) Quantities and type of recyclable materials imported. Copies of shipment
19 records may be use to satisfy this requirement.

20
21 (2) Copies of paid receipts from CQA.

22
23 (3) Quantities and type of recyclable materials exported for distribution to other
24 islands. Copies of shipment records that verify date, type, and quantity
25 exported out of Guam may be used to satisfy this requirement.

26

1 (4) Quantities and type of recyclable materials exported for remanufacturing.
2 Copies of shipment records for these shipments that verify date, type, and
3 quantity exported may be use to satisfy this requirement. In addition, copies
4 of receipt by company receiving recyclable materials for remanufacturing
5 may be used to satisfy this requirement.

6
7 (5) Quantities of remanufactured recyclable materials imported for resale.
8 Copies of shipment records for these shipments that verify date, type, and
9 quantity imported may be used to satisfy this requirement.

10
11 (b) ---These records shall be made available, upon request, for inspection and copying by
12 GEPA, or its representative. Any information marked or clearly labeled proprietary
13 information shall be kept confidential by GEPA and shall not be disclosed to any person,
14 except as otherwise permitted by law.

15
16 **Section 23504.4 Reporting Requirements**

17
18 (a) Dealers shall submit, on or before January 15th of each year, annual summary
19 reports of the records required to be kept in Section 23504.3 for the previous year.

20
21 **Part E**

22 **Section 23505 Importers of Tires, Batteries, Heavy Equipments, and White Goods**
23 **for Resale**

24 **Section 23505.1 Payment of Recycling Fees**

25 (a) Upon the effective date of this Article, importers shall be responsible for the
26 payment of the recycling fee assessed on all imported refrigerators, water heaters, air

1 conditioners, washers, dryers, and stoves in accordance to fees established in Section
2 23503.1 of this Article.

3

4 (1) The recycling fee identified in Section 23503.1 shall be paid by the Importers
5 to the Guam CQA at any designated CQA location as specified in Section
6 23503.2 of this Article.

7

8 (2) Importers must complete a Recycling Fee Payment Form provided by CQA
9 and present to CQA a copy of the Bill of Lading or any applicable shipping
10 documents to verify quantity and type recyclable material imported for
11 resale.

12

13 (3) The recycling fee shall be made payable by cash, check, or money order to
14 the Treasurer of Guam c/o Recycling Revolving Fund.

15

16 (4) Upon receipt of such payment from Importer, and upon verification of
17 documents, and inspections, if necessary, CQA must provide the importer a
18 copy of the Recycling Fee Payment Form stamp "PAID". The Recycling Fee
19 Payment Form issued shall have the information of the quantity and type of
20 recyclable material and the total amount due.

21

22 (5) Payment must be made at the point of import and prior to release to the
23 importer.

24

25 (b) As per Section 23503.3, a statement of proof that such "recycling fee" payment has
26 been paid on each item for which a "recycling fee" has been paid by the importer must
27 appear as a separate line item on every sale receipt or invoice issued for such items. The
28 statement on these forms must be substantially equivalent to the following:

29

1 "Recycling Fee Paid per Article 5 of Chapter 51 of 10 GCA"

2

3 Section 23505.2 Registration Requirement

4

5 (a) Within 30 days upon the effective date of this Article, all importers of white goods,
6 batteries, tires, and heavy equipments for the purpose of resale, shall register with GEPA
7 using the GEPA Registration Forms, and shall notify GEPA of any change in address, or
8 responsible official.

9

10 (b) Any person who desires to import white goods, batteries, tires, and heavy
11 equipments for the purpose of resale shall register with GEPA using the GEPA
12 Registration Forms no later than one month prior to the commencement of the business.

13

14 (c) GEPA Registration Forms shall include, but is not limited to, the following
15 information:

16

17 (1) The legal name (s), mailing address, business address, contact person's name
18 and position title, and telephone and fax numbers of the owner and, if applicable, or
19 its duly authorized representative.

20

21 (2) Tax Identification Number of Business

22

23 (3) Copy of Guam's Business License

24

25 (4) Types of recyclable material imported for resale by your company.

26

1 (5) Process of receipt of payment to consumer upon sale of recyclable material.

2
3 (6) Print and Signature of the businesses' "Responsible Official".

4
5 (d) Upon review of Registration Request and documentations received, GEPA shall,
6 within 30 days, approve and issue a GEPA Registered Recycling Material Importer of the
7 specified recyclable material as stated in registration request.

8
9 **Section 29505.3 Recordkeeping Requirements**

10
11 (a) Records shall be maintained for at least five (5) years reflecting the following:

12 (1) Quantities and type of recyclable materials imported. Copies of
13 shipment records may be use to satisfy this requirement.

14
15 (2) Copies of paid receipts from CQA.

16
17 (3) Quantities and type of recyclable materials exported for distribution
18 to other islands. Copies of shipment records that verify date, type,
19 and quantity exported out of Guam may be used to satisfy this
20 requirement.

21
22 (4) Quantities and type of recyclable materials exported for
23 remanufacturing. Copies of shipment records for these shipments
24 that verify date, type, and quantity exported may be use to satisfy this
25 requirement. In addition, copies of receipt by company receiving
26 recyclable materials for remanufacturing may be used to satisfy this
27 requirement.

1 (5) Quantities of remanufactured recyclable materials imported for resale.
2 Copies of shipment records for these shipments that verify date, type,
3 and quantity imported may be used to satisfy this requirement.
4

5 (b) These records shall be made available, upon request, for inspection and copying by
6 GEPA, or its representative. Any information marked or clearly labeled proprietary
7 information shall be kept confidential by GEPA and shall not be disclosed to any person,
8 except as otherwise permitted by law.

9 **Section 23505.4 Reporting Requirements**
10

11 Importers shall submit, on or before January 15th of each year, annual summary reports of
12 the records required to be kept in Section 23505.3 for the previous year.
13

14 **Part F**

15 **Section 23506 Recycling Centers**

16 **Section 23506.1 Acceptance of "recyclable materials" for recycling.**

17 Effective 12 months after the implementation of this Article, GEPA certified recycling
18 centers shall accept "recyclable materials" for the purpose of recycling by persons who
19 verifies proof of payment of recycling fee on said recyclable material.

20 **Section 23506.2 Requirements for Certified Recycling Centers**

21 (a) Recycling centers shall be certified by the Guam EPA.
22

23 (b) Recycling centers shall have GEPA Solid Waste Management Permits issued in
24 accordance to Section 51114 of 10 GCA Chapter 51. GEPA Solid Waste Management
25 Permits applicable to the operations of the Certified Recycling Center, includes, but not
26 limited to, collections and storage permits.

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(c) Certification shall be effective for a period of five (5) years following the date of approval by GEPA.

(d) Applicants shall re-certify the recycling center thirty (30) days before expiration of the current certification or the center shall not be eligible for the issuance of GEPA Recycling Vouchers.

Section 23506.3 Application for Certification

(a) Upon the effective date of this Article, all proposed recycling centers must submit an application for certification for each Recycling Center site. Applications for certification shall be prepared on forms provided by GEPA and shall include, but not limited to, the following information:

(1) All application forms must be completed and signed by the *responsible official* of the recycling center. The application form must include, but is not limited to, the following information:

- i. The legal name(s), mailing address, street address, contact person's name and position title, and telephone and fax numbers of the owner and, if applicable, its duly authorized representative.
- ii. A copy of the Guam business license;
- iii. The specific type of *recyclable material* that will be accepted and provided a refund value;
- iv. Operation Plans of the Recycling Center must include, but not limited to,
 - 1. Map identifying location of the recycling center

2. Recycling center site layout
3. Method of Incoming load inspection
4. Location and storage of recyclable materials redeemed
5. Good House Keeping Practices
6. Recordkeeping and reporting
7. Method of issuance of GEPA Recycling Vouchers and implementation plans for approval.
8. Packaging, transport, and delivery to recycling centers for processing and shipment.
9. Other applicable scope of services provided
10. Other information the Administrator of GEPA determines to be appropriate.

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15 (b) GEPA Administrator shall approve or deny application request, if the application
16 and supporting information clearly shows that the issuance, thereof, does not pose a threat
17 to the environment, public health or welfare, or compliance with the implementation of
18 this Article.

19
20 (c) The GEPA issued certification is neither transferable nor assignable to any other
21 person, company, recycling center, or location.

22
23 (d) Applicants shall submit new applications to GEPA if:
24 i. The location of a recycling center changes
25 ii. The operator, owner, or responsible official changes; or
26 iii. Changes occur in operations of a redemption center
27 iv. Request must be submitted in forms established by GEPA and must be
28 signed by a responsible person.

29

1 (e) New applications shall be approved by GEPA before the recycling center changes
2 its operations or the applicant shall not be eligible for refund value.

3
4 (f) Applicants shall notify GEPA thirty (30) days prior to voluntary termination of
5 certified recycling center activities.

6
7 (g) The certificate shall be kept on file at the recycling center site.

8
9 (h) The certificate is property of GEPA and shall be returned to the department upon
10 decertification, revocation, invalidation, expiration of certification, or voluntary
11 termination.

12 **Section 23506.4 Posting of Certification**

13
14 (a) Copies of GEPA Certification of Recycling Centers shall be prominently displayed
15 where costumers approaching the center can view it.

16
17 (b) A certification sign shall not be displayed at a recycling center that is not certified
18 by GEPA.

19

20 **Section 23506.5 Uncertified Recycling Activities**

21 (a) Uncertified recycling centers shall not be eligible to issue GEPA Recycling Refund
22 Vouchers.

23

24 (b) GEPA Recycling Refund Vouchers received by uncertified recycling centers shall
25 pay all issued GEPA Recycling Refund Voucher issued by the recycling center during the
26 period of non-certifications.

1 **Section 23506.6 Load Inspection Requirements**

2

3 (a) Recycling Centers staff shall visually inspect each load of recyclable materials for
4 which is to be accepted by the recycling center. All inspections shall be recorded in an
5 incoming log sheet with the following information:

6

7 (1) Date and Time of incoming load.

8

9 (2) Vehicle license no. and license no. of the operator of the vehicle

10

11 (3) Type and Quantity of recyclable material being returned for refund.

12

13 (4) Name and signature of person inspecting load.

14 **Section 23506.7 Issuance of GEPA Recycling Refund Vouchers**

15

16 (a) Upon GEPA certification, Recycling Centers will be issued official GEPA Recycling
17 Refund Vouchers which should include, but is not limited to, the following:

18

19 (1) Voucher Number

20

21 (2) Blank area for the Name and mailing address of the person who returned the
22 "recyclable material" to the certified recycling center, to whom the refund
23 will be paid.

24

25

26 (3) Name of Certified Recycling Center

27

- 1 (4) Location of Certified Recycling Center
- 2
- 3 (5) GEPA Certification Number
- 4
- 5 (6) Blank area for the date upon which a recyclable material was received,
- 6
- 7 (7) Blank are to specify quantity and type of recyclable material received, and
- 8
- 9 (8) Blank area for the name and signature of the responsible official, or his
- 10 designee of the Recycling Center issuing GEPA Recycling Refund Voucher.
- 11
- 12 (b) Certified Recycling Centers shall issue a GEPA Recycling Refund Voucher to
- 13 persons, businesses, or his authorized representative, who delivers the following to the
- 14 Certified Recycling Center:
- 15
- 16 (1) The recyclable material for which is to be recycled,
- 17
- 18 (2) Copy of receipt, Motor Vehicle Registration, or any other applicable
- 19 document, which provides proof of payment of recycling fee as describe in
- 20 this Article.
- 21
- 22 (3) Proper picture identification, at a minimum, a valid Guam Drivers License,
- 23 Government of Guam Identification issued by the Guam Police Department,
- 24 or a valid passport. For a business, authorization from the business owner or
- 25 responsible official, shall also be provided.
- 26

1 (c) GEPA Recycling Refund Voucher shall not be issued unless an official receipt of the
2 payment of "recycling fee" is presented for the specific recyclable material.

3

4 **Section 23506.8 Transport of "recyclable materials" to Recycling Centers for Export**

5

6 (a) Final dispositions of collected and process recyclable materials shall be at any
7 GEPA Solid Waste Management Storage or Processing Permitted Facility, or off-island to a
8 recycling company. Recycling Centers shall provide documentation as to the final
9 disposition of recyclable material collected from recycling centers.

10

11 (b) Recycling centers who transport recyclable materials to recycling facilities or for
12 shipment shall do so in accordance with the GEPA Solid Waste Management Permit for
13 Collection, or may contract a GEPA Solid Waste Management Facility permitted for
14 collection.

15

16 (c) All transport of "recyclable materials" outside of the Recycling Center or for
17 shipment, shall record the date, time, recyclable material type and quantity being removed
18 from recycling center. Record of receipt of recyclable material by Recycling Facility must
19 be signed by a responsible official, or his or her designee. Trip Tickets may be used to
20 satisfy this requirement if the information specified are recorded.

21 **Section 23506.9 Recordkeeping Requirements**

22 (a) Records shall be maintained for at least three (3) years reflecting the following:

23

24 (1) Log sheets of incoming recyclable materials received by the recycling
25 company to include the information required in Section 23506.6 of this
26 Article.
27

28

1 (2) Records of GEPA Recycling Refund Vouchers issued by the certified
2 recycling center. Copies of issued vouchers may satisfy this
3 requirement.

4
5 (3) Quantities of recyclable material, weight, and type of recyclable
6 materials transported out of the certified recycling center to a GEPA
7 permitted recycling facility or transported for shipment to recycling
8 companies. Copies of trip tickets, shipment records, and receipt
9 records from the GEPA permitted facility or off-island recycling
10 company of final disposition, that verify date, type, and quantity may
11 be used to satisfy this requirement.

12
13 (b) These records shall be made available, upon request, for inspection and copying by
14 GEPA, or its representative. Any information marked or clearly labeled proprietary
15 information shall be kept confidential by GEPA and shall not be disclosed to any person,
16 except as otherwise permitted by law.

17
18 **Section 23506.10 Reporting Requirements**

19 On a monthly basis, recycling centers shall submit monthly summary reports to GEPA
20 using report forms prescribed by the Agency. Report information shall include, but not be
21 limited to, the following:

22
23 (1) The quantity or weight of each type of recyclable material accepted at the
24 recycling facility for the previous month.

- 1 (2) A summary of GEPA Recycling Refund Vouchers issued to include, voucher
2 numbers, date of issuance, name and mailing address of persons issued the
3 voucher, and the quantity and type of material voucher is issued for.
4 (3) A summary of the quantity or weight of each recyclable material type
5 transported out of the recycling center and received by a GEPA Permitted
6 Recycling Facility; or exported to a recycling company.
7

8 **Part G**

9 **Section 23507 Refunds**

10 **Section 23507.1 Refund Values**

11
12 (a) Within six (6) months upon the effective date of this Article, and, at least, yearly
13 thereafter, the Guam EPA Administrator shall establish the refund value for each
14 "recyclable material" returned to a certified recycling center.
15

16 (b) The Administrator of GEPA or his designated agent shall cause to publish the
17 established refund value for the period of October 1 - September 30 of the applicable year.

18 **Section 23507.2 Payment of Refund Values**

19 (a) Payments of refunds shall be available 12 months after the effective date of these
20 regulations.
21

22 (b) Application for Refunds must be submitted to GEPA along with application forms
23 established by GEPA, and a valid "GEPA Recycling Refund Voucher". Applications shall
24 include, but is not limited to, the name of applicant, contact no. of applicant, mailing
25 address to where the refund will be sent, and signature of applicant.

1 (c) Any persons who presents a valid "GEPA Recycling Refund Voucher" to the
2 Administrator of GEPA, or his designated agent, and completes the application for
3 payment, shall receive a refund as determined by the Administrator upon verification that
4 the voucher was issued by a certified recycling center.

5

6

7

Part H

8

Section 23508 Recycling Facilities

9

Section 23508.1 Permit Requirements

10 (a) All recycling facilities receiving "recyclable materials" from recycling centers shall
11 have GEPA Solid Waste Management Permits issued in accordance to Section 51114 of 10
12 GCA Chapter 51. GEPA Solid Waste Management Permits applicable to the operations of
13 the Recycling Facility, includes, but not limited to, collections, storage, and processing
14 permits.

15

16

Section 23508.2 Load Inspections Requirements

17

18 (a) Recycling Centers staff shall visually inspect each load of recyclable materials for
19 which is to be accepted by the recycling center. All inspections shall be recorded in an
20 incoming log sheet with the following information:

21

22

(1) Date and Time of incoming load

23

24

(2) Vehicle license no. and license no. of the operator of the vehicle

25

26

(3) Type and Quantity of recyclable material being returned for refund.

1
2 (4) Name and signature of person inspecting load.

3 **Section 23508.3 Recordkeeping Requirements**

4
5 (a) Records shall be maintained for at least three (3) years reflecting the following:

6
7 (1) Log sheets of incoming recyclable materials received by the recycling
8 facility from a certified recycling center to include the information
9 required in Section 23508.2 of this Article.

10
11 (2) Quantities of recyclable material, by weight, and type of recyclable
12 materials received by certified recycling center.

13
14 (3) Quantities of recyclable material, by weight, and type of recyclable
15 material, transported to a GEPA permitted recycling facility or
16 transported for shipment to recycling companies. Copies of trip
17 tickets, shipment records, and receipt records from the GEPA
18 permitted facility or off-island recycling company of final disposition,
19 that verify date, type, and quantity may be used to satisfy this
20 requirement.

21
22 (b) These records shall be made available, upon request, for inspection and copying by
23 GEPA, or its representative. Any information marked or clearly labeled proprietary
24 information shall be kept confidential by GEPA and shall not be disclosed to any person,
25 except as otherwise permitted by law.

26
27 **Section 23508.4 Reporting Requirements**

1 (a) On a monthly basis, recycling facilities shall submit monthly summary reports to
2 GEPA using report forms prescribed by the GEPA. Report information shall include, but
3 not be limited to, the following:

4 (1) A summary of the quantity or weight of each type of recyclable material
5 accepted at the recycling facility for the previous month from certified recycling
6 centers.

7
8 (2) A summary of the quantity or weight of each recyclable material type
9 transported out of the recycling facility and received by a GEPA Permitted
10 Recycling Facility; or exported to a recycling company.

11
12

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 158 (EC)

Introduced by:

J. M.S. Brown 

**AN ACT TO APPROVE OR DISAPPROVE THE
RECYCLING RULES AND REGULATIONS FOR
THE GUAM ENVIRONMENTAL PROTECTION
AGENCY**

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

2 **Section 1. Approval of Guam Environmental Protection Agency**
3 **Recycling Rules and Regulations.** The Recycling Rules and Regulations
4 for the Guam Environmental Protection Agency ("GEPA"), that were adopted
5 by the Board of Directors for GEPA on June 17, 2005, are hereby approved,
6 with further changes made by *I Liheslaturan Guåhan*. These rules and
7 regulations are attached, labeled as Exhibit A, and incorporated herein.

8 Changes to these rules and regulations are being made in accordance
9 with Article 5 to Chapter 51 of Division 2 of Part 2 of Title 10 of the Guam
10 Code Annotated and the Administrative Adjudication Law.

11 **Section 2. Amendments to the Guam Solid Waste Disposal Rules and**
12 **Regulations.** The following amendments to the Guam Solid Waste Disposal

1 Rules and Regulations for GEPA are attached, labeled as Exhibit B, and
2 incorporated herein.

3 Changes to these rules and regulations are being made in accordance
4 with Article 5 to Chapter 51 of Division 2 of Part 2 of Title 10 of the Guam
5 Code Annotated and the Administrative Adjudication Law.



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

GUAM'S RECYCLING RULES AND REGULATIONS

**APPROVED AND ADOPTED BY
GUAM EPA BOARD OF DIRECTORS**

Approval and Adopted Date: _____

**John M. U. Jocson
Board Chairman**

**Attested To: Margaret P. Aguilar
Board Secretary**

EXHIBIT A

EFFECTIVE DATE: _____

"ALL LIVING THINGS OF THE EARTH ARE ONE"

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6

GUAM'S RECYCLING

RULES AND REGULATIONS

Title 22, Division 4, Chapter 23, Article 5

TABLE OF CONTENTS

7	PART A		3
8	Section 23501	General Provisions	3
9	Section 23501.1	Purpose, Scope, and Applicability	3
10	Section 23501.2	Definitions	4
11	Section 23501.3	GEPA Compliance and Inspections	10
12	Section 23501.4	Penalties and Fines	11
13	PART B		11
14	Section 23502	Recycling Revolving Fund	11
15	Section 23502.1	Administration of Recycling Revolving Fund	11
16	PART C		12
17	Section 23503	Recycling Fees	12
18	Section 23503.1	Schedule of Recycling Fees	12
19	Section 23503.2	Collection of Fees	12
20	Section 23503.3	Notice To Consumers of Recycling Fee Payment	14
21	PART D		14
22	Section 23504	Importers of Automobiles, Bus, and Trucks for Resale	14
23	Section 23504.1	Payment of Recycling Fees:	14
24	Section 23504.2	Registration Requirement	16
25	Section 23504.3	Recordkeeping Requirements	17
26	Section 23504.4	Reporting Requirements	18
27	PART E		18
28	Section 23505	Importers of Tires, Batteries, Heavy Equipments, and White Goods for Resale	18
29	Section 23505.1	Payment of Recycling Fees	18
30	Section 23505.2	Registration Requirement	20
31	Section 23505.3	Recordkeeping Requirements	21
32	Section 23505.4	Reporting Requirements	22