



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

14 OCT 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 158 (EC), "AN ACT TO DISAPPROVE AND REPEAL THE RECYCLING RULES AND REGULATIONS ADOPTED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY AND TO DISAPPROVE AND REPEAL AMENDMENTS TO THE SOLID WASTE DISPOSAL REGULATIONS " which I signed into law on October 14, 2005, as Public Law 28-70.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker

MARK FORBES

Date: 10/14/05

Time: 4:50 p

Rec'd by: [Signature]

Print Name: [Signature]

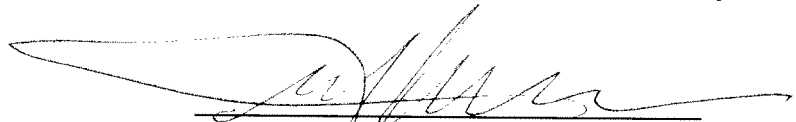
28-05-0398

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
399 Rcv'd by: Nikole
Print Name & Initial
Date: 10-20-05


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

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

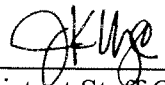
This is to certify that **Substitute Bill No. 158 (EC)**, "AN ACT TO DISAPPROVE AND REPEAL THE RECYCLING RULES AND REGULATIONS ADOPTED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY AND TO DISAPPROVE AND REPEAL AMENDMENTS TO THE SOLID WASTE DISPOSAL REGULATIONS," was on the 30th day of September, 2005, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 04th day of OCTOBER, 2005,
at 4:30 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 10/14/05

Public Law No. 28-70

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 and further
substituted and amended on the Floor.

Introduced by:

J. M.S. Brown
Ray Tenorio
F. B. Aguon, Jr.
Edward J.B. Calvo
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
J. A. Lujan
A. B. Palacios
A. R. Unpingco

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

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

2 **Section 1. Disapproval of the Guam Environmental Protection Agency**

3 **Recycling Rules and Regulations.** The Recycling Rules and Regulations for the

4 Guam Environmental Protection Agency (“GEPA”), that were adopted by the Board

1 of Directors for GEPA on June 17, 2005, are hereby *disapproved* and *repealed*.
2 These rules and regulations are attached hereto and labeled as **Exhibit A**.

3 **Section 2. Disapproval of Amendments to the Guam Solid Waste**
4 **Disposal Rules and Regulations.** The amendments to the Guam Solid Waste
5 Disposal Rules and Regulations for GEPA that were adopted by the Guam
6 Environmental Protection Agency Board of Directors on June 17, 2005, in order to
7 renumber said regulations are hereby *disapproved* and *repealed*. These rules and
8 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

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: _____

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

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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.

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

1
2 (d) Guam CQA may collect fees at any Guam CQA designated collection locations such
3 as :

- 4 (1) Jose D. Leon Guerrero Port Authority of Guam, or
- 5
- 6 (2) A. B Won Pat Guam International Airport, or
- 7
- 8 (3) Any designated or approved CQA collection agent or location
- 9

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

12
13 (f) CQA shall deposit all fees collected in accordance with its established rules and
14 procedures, utilizing *official* receipts authorized and issued by the Department of
15 Administration, Government of Guam.

16
17 (g) The Administrator of GEPA may allow exemptions of collection of recycling fees
18 for recyclable materials imported as remanufactured recyclable material that was once
19 exported from Guam, provided the importer submits request for exemption thirty (30)
20 days prior to the date of import. Approval of such exemptions will be based on the
21 following proof of documentations:

- 22 (1) GEPA Exemption Request Form submitted and signed by a "responsible
23 official"
- 24
- 25 (2) Copies of shipment records of exported recyclable material exported for
26 remanufacturing.
- 27
- 28 (3) Copies of shipment records, invoice, and specification of remanufactured
29 recyclable materials imported for resale.

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

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

Section 23503.3 Notice To Consumers of Recycling Fee Payment

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

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

Part D

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

Section 23504.1 Payment of Recycling Fees:

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

- 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 23505.3 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.
28

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.

1
2 (c) Certification shall be effective for a period of five (5) years following the date of
3 approval by GEPA.

4
5 (d) Applicants shall re-certify the recycling center thirty (30) days before expiration of
6 the current certification or the center shall not be eligible for the issuance of GEPA
7 Recycling Vouchers.

8
9 **Section 23506.3 Application for Certification**

10
11 (a) Upon the effective date of this Article, all proposed recycling centers must submit
12 an application for certification for each Recycling Center site. Applications for certification
13 shall be prepared on forms provided by GEPA and shall include, but not limited to, the
14 following information:

15
16 (1) All application forms must be completed and signed by the *responsible official* of
17 the recycling center. The application form must include, but is not limited to,
18 the following information:

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

- 28 1. Map identifying location of the recycling center

- 1 2. Recycling center site layout
- 2 3. Method of Incoming load inspection
- 3 4. Location and storage of recyclable materials
- 4 redeemed
- 5 5. Good House Keeping Practices
- 6 6. Recordkeeping and reporting
- 7 7. Method of issuance of GEPA Recycling Vouchers and
- 8 implementation plans for approval.
- 9 8. Packaging, transport, and delivery to recycling
- 10 centers for processing and shipment.
- 11 9. Other applicable scope of services provided
- 12 10. Other information the Administrator of GEPA
- 13 determines to be appropriate.
- 14

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

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

19

20 (1) Voucher Number

21

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

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

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

24

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

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.

25

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

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



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSAN PRUTEKSION LINA'LA GUAHAN

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

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

**AMENDED BY
GUAM EPA BOARD OF DIRECTORS**

Amendment Date: _____

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

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

EXHIBIT B

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.

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 9/30/05

VOTING SHEET

S Bill No. 158 (ec)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENCE
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.		✓			
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.		✓			
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.		✓			
TENORIO, Ray	✓				
UNPINGCO, Antonio R.				6	
WON PAT, Judith T.		✓			

TOTAL

10

4

1

CERTIFIED TRUE AND CORRECT:

[Signature]
Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

PL. 28-70