

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
198-35 (LS)	Sabina Flores Perez	AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY RECYCLING REVOLVING FUND.	8/29/19 8:51 a.m.	8/29/19	Committee on Environment, Revenue and Taxation, and Procurement	9/6/19 10:30 a.m.	9/24/19 10:02 a.m.	Request: 8/29/19 9/10/19	Exhibit A
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	9/30/19	AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE RECYCLING REVOLVING FUND AS TRANSMITTED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.	9/30/19	9/30/19	10/11/19	35-37	10/3/19	Received: 10/3/19 Mess and Comm. Doc. No. 35GL-19-1074.	



LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

October 3, 2019

HONORABLE TINA MUNA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96932

35GL-19-1074
Speaker Tina Rose Muña Barnes

OCT 03 2019
Time 1:02 (AM/PM)
Received By: Maff

2019 OCT -3 PM 1:32

PRC

Re: Bill No. 198-35 (LS) – An Act to Adopt the Rules and Regulations for the Recycling Revolving Fund as Transmitted by the Guam Environmental Protection Agency

Dear Madame Speaker:

I have previously reviewed these rules and regulations for the Recycling Revolving Fund with the Lieutenant Governor back in July of this year. While serving as *Åkto Maga'låhen Guåhan*, the Lieutenant Governor approved these rules and regulations as to policy. Today, I sign them into law as **Public Law No. 35-37**.

This is a much-needed step towards executing recycling initiatives on Guam. Without a doubt, our natural resources are our most precious. We are extremely behind in protecting them and must devote more attention to our island. This effort will allow us to lessen impacts to our landfill and remove blight from all our villages. I appreciate the momentum that Senator Perez has provided us with the passage of this bill, and I know that the Lieutenant Governor is working with her towards more initiatives.

I would appreciate any assistance from the Legislature to help me support these efforts.

Senseremente,

LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 198-35 *nka* Public Law 35-37

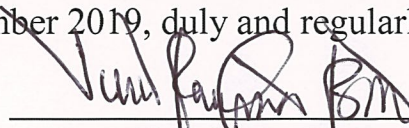
cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

Tina Sanchez

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

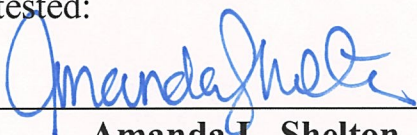
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 198-35 (LS)**, “**AN ACT TO ADOPT THE RULES AND REGULATIONS FOR THE RECYCLING REVOLVING FUND AS TRANSMITTED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY,**” was on the 30th day of September 2019, duly and regularly passed.



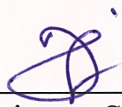
Tina Rose Muña Barnes
Speaker

Attested:



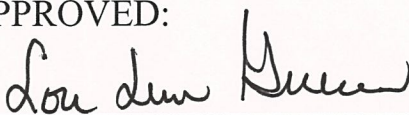
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 30th day of September,
2019, at 3:47 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/3/2019

Public Law No. 35-37

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

Bill No. 198-35 (LS)

Introduced by:

Sabina Flores Perez
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose “Pedo” Terlaje
Therese M. Terlaje
Mary Camacho Torres

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

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

2 **Section 1.** *I Mina'trentai Singko Na Liheslaturan Guåhan* does hereby
3 adopt the Rules and Regulations for the Recycling Revolving Fund, as transmitted
4 by the Guam Environmental Protection Agency and attached as “Exhibit A.”

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

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

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

25 **SECTION 24301. GENERAL PROVISIONS**

26 §24301.1 Purpose and Applicability

27 The purpose of this Chapter is to clarify existing statute, provide a uniform competitive business
28 environment to all, and establish the minimum standards to properly implement and administer
29 Guam's Recycling Revolving Fund in accordance with Title 10 of the Guam Code Annotated
30 (GCA), Chapter 51, Article 3, under the authority granted by 10 GCA §51307(c).
31

32 §24301.2 Definitions

33 For the purposes of this Chapter, the terms defined in 10 GCA, Chapter 51 Article 3, §51301 shall
34 have the meaning ascribed to them therein, and the following words and phrases, together with all
35 of the common derivations thereof, shall have the meaning ascribed to them as follows:
36

- 37 (a) **"Beneficial Use"** shall mean the substitution of materials, either as generated or
38 following additional processing, for some or all of the virgin materials in a natural or
39 commercial product in a way that: provides a functional benefit; meets product
40 specifications; and does not pose concerns to human health or the environment.
- 41 (b) **"Best Available Technology"** shall mean a recognized and approved technology by
42 United States Environmental Protection Agency.
- 43 (c) **"Board"** shall mean the Board of Directors of the Guam Environmental Protection
44 Agency.
- 45 (d) **"Disaster Debris"** shall mean any items and materials broken, destroyed, or displaced
46 by a natural or man-made federally or locally declared disaster. Examples of disaster
47 debris include, but are not limited to, trees, construction and demolition material, and
48 personal property.

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

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

91

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

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

106

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

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

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

125
126 (b) In each fiscal year, prior to any collection, processing, or storage of recyclable materials
127 under a contract pursuant to this section, a comprehensive *Operation Plan* for the
128 contractual work described in §24303.1(a) must be submitted by the MCOG to Guam EPA
129 and receive approval from the Administrator. The Administrator shall only approve the
130 *Operation Plan* if the *Operation Plan* contains in detail the operational systems that address
131 collection, processing, storage, emergency procedures, health and safety, reporting and
132 closeout procedures for each municipality.

133
134 (c) The Administrator may use funds to support the recycling initiatives in this Section subject
135 to the following conditions:

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

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

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

144

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

154

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

158

159 §24303.3. Recycling Industry Economic Stimulus Program Payment Calculation

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

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

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