

*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
27-35 (COR) As amended by the Committee on Environment, Revenue and Taxation, and Procurement	Therese M. Terlaje Sabina Flores Perez Clynton E. Ridgell	AN ACT TO AMEND § 45105 OF ARTICLE 1, CHAPTER 45, AND ADD A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPA BOARD OF DIRECTORS.	1/22/19 12:17 p.m.	1/24/19	Committee on Environment, Revenue and Taxation, and Procurement	3/13/19 9:00 a.m.	3/15/19 4:20 p.m.	Request: 1/24/19  Fiscal Note Waiver: 1/31/19	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
3/21/19	AN ACT TO AMEND § 45105 OF ARTICLE 1, CHAPTER 45, AND ADD A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPA BOARD OF DIRECTORS.	3/21/19	3/28/19	4/9/19	35-6	4/5/19	Received: 4/5/19 Mess and Comm. Doc. No. 35GL-19-0330.		

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

April 5, 2019

Honorable Telena Cruz Nelson  
Acting Speaker  
*I Mina'trentai Singko Na Liheslaturan Guåhan*  
Guam Congress Building  
Hagåtña, Guam 96910

35GL-19-0330  
VICE SPEAKER  
TELENA CRUZ NELSON  
Date / Time: 4/5/19, 2:27  
Initials: *[Signature]*

2019 APR -5 PM 3:55

**RE:** *Bill No. 27-35 (COR), "An Act to Amend §45105 of Article 1, Chapter 45, and Add a New §50104(p) to Chapter 50, Both of Title 10, Guam Code Annotated; and to Add a New §22107(g) to Chapter 22 of Title 22, Guam Administrative Rules and Regulations, Relative to the Timely Publication of All Notices of Violation, Orders of Compliance, Notices of Defense, Voluntary Compliance Agreements, Settlement Agreements, and Referrals to the Office of the Attorney General for Prosecution issued by the Guam Environmental Protection Agency (GEPA), and to Require that all of the Above be Reported to the GEPA Board of Directors"*

Dear Madam Speaker:

I have always believed that the key to establishing trust with the public is by being transparent in the services we provide. It is for this reason that I have signed Bill 27-35 into law today as **Public Law 35-6**.

The Guam Environmental Protection Agency ("GEPA") is charged with safeguarding some of our most precious resources as an island community – water, air, and waste all fall within its purview. Publication of violations and timely reporting to the GEPA Board of Directors regarding resolutions of disputes with offenders under the areas regulated by GEPA will serve to advance the public's right to know how GEPA is addressing environmental concerns.

*Senseremente,*

*[Signature]*  
**LOURDES A. LEON GUERRERO**  
Maga'hågan Guåhan  
Governor of Guam

Speaker Tina Rose Muña Barnes

APR 05 2019  
Time 3:08 ( ) AM / P M  
Received By: *[Signature]*

0330

***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. 27-35 (COR), "AN ACT TO *AMEND* § 45105 OF ARTICLE 1, CHAPTER 45, AND *ADD* A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPa), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPa BOARD OF DIRECTORS,"** was on the 21<sup>st</sup> day of March 2019, duly and regularly passed.

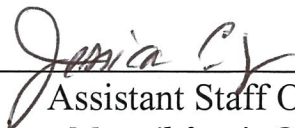
  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Speaker**

Attested:


  
\_\_\_\_\_

**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 28<sup>th</sup> day of March,  
2019, at 3:08 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

  
\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 4/5/2019

Public Law No. 35-6

Jessica Cruz  
2019-1693  
RCVD AT CENTRAL FILES  
MAR 28 '19 PM3:10

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

**Bill No. 27-35 (COR)**

Introduced by:

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

**AN ACT TO *AMEND* § 45105 OF ARTICLE 1, CHAPTER 45, AND *ADD* A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPa), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPa BOARD OF DIRECTORS.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that better communication of potential health risks associated with violations of  
4 environmental regulations is important to protecting the health of the community  
5 and ensuring compliance of environmental laws and regulations. Notices of  
6 Violation (NOV), Orders of Compliance, Notices of Defense, Voluntary  
7 Compliance Agreements, Settlement Agreements, and Referrals to the Office of the  
8 Attorney General for Prosecution are enforcement procedures put in place by the  
9 Guam Environmental Protection Agency (GEPA) to uphold compliance with  
10 Guam's environmental laws and regulations.

11           *I Liheslaturan Guåhan* finds that GEPA is not mandated by law to inform the  
12 public of violations unless a violation poses an immediate threat to the health and  
13 safety of the community. Presently, public inquiries for GEPA enforcement  
14 documents require a formal request to the GEPA Administrator or the submission of  
15 a Freedom of Information Act (FOIA) request. However, GEPA, in an effort towards  
16 transparency and open governance, announced on its website that starting October  
17 1, 2018, all Notices of Violations issued by the agency will be published on the  
18 agency's website. *I Liheslaturan Guåhan* finds that to support GEPA's commitment  
19 towards increased transparency and open governance, and to encourage compliance  
20 with Guam's environmental laws and regulations, GEPA should, on a timely basis,  
21 publish all NOV's, Orders of Compliance, Notices of Defense, Voluntary  
22 Compliance Agreements, Settlement Agreements, and Referrals to the Office of the  
23 Attorney General for Prosecution.

24           It is also the intent of *I Liheslaturan Guåhan* to increase the level of checks  
25 and balances of the enforcement process at GEPA by requiring that all settlement  
26 agreements be reported to the GEPA Board of Directors.

1       **Section 2.** § 45105 of Chapter 45, Title 10, Guam Code Annotated, is  
2 hereby *amended* to read:

3       **“§ 45105. Powers and Duties.**

4               The Guam Environmental Protection Agency *shall* be responsible for  
5 the implementation of the Guam Food, Drug and Cosmetic Act, 10 GCA  
6 Chapter 40; the Toxic Substances Exposure Compensation Act, 10 GCA  
7 Chapter 41; the Guam Beverage Container Recycling Act of 2010, 10 GCA  
8 Chapter 44; the Water Resources Conservation Act, 10 GCA Chapter 46; the  
9 Water Pollution Control Act, 10 GCA Chapter 47; the Toilet Facilities and  
10 Sewage Disposal Act, 10 GCA Chapter 48; the Air Pollution Control Act, 10  
11 GCA Chapter 49; the Guam Pesticides Act, 10 GCA Chapter 50; the Solid  
12 Waste Management and Litter Control Act, 10 GCA Chapter 51; the Water  
13 and Wastewater Operator’s Mandatory Certification Act, 10 GCA Chapter 52;  
14 the Safe Drinking Water Act, 10 GCA Chapter 53; the Guam Lead Ban Act,  
15 10 GCA Chapter 53A; the Environmental Pollution Control Act, 10 GCA  
16 Chapter 54; the Guam Oil Spill Responder Act, 10 GCA Chapter 54A; the  
17 Choose to Reuse: *Munga Ma Ayek I Plastek* Act of 2018, 10 GCA Chapter  
18 54B; the Underground Storage of Regulated Substances Act, 10 GCA Chapter  
19 76; and the Above Storage of Regulated Substances Act, 10 GCA Chapter  
20 76A.

21               The Guam Environmental Protection Agency *shall* publish all Notices  
22 of Violation, Orders of Compliance, Notices of Defense, Voluntary  
23 Compliance Agreements of the Guam Pesticides Act and the Guam Beverage  
24 Container Recycling Act of 2010, Settlement Agreements, and Referrals to  
25 the Office of Attorney General for Prosecution *no later than* fifteen (15) days  
26 from service, and *shall* report all settlement agreements to the GEPA Board  
27 of Directors at the next scheduled regular board meeting.

1           **Section 3.** A new § 50104(p) is hereby *added* to Chapter 50 of Title 10,  
2 Guam Code Annotated, to read:

3           “(p) Publish all Notices of Violation, Orders of Compliance, Notices  
4 of Defense, Voluntary Compliance Agreements, Settlement Agreements, and  
5 Referrals to the Office of Attorney General for Prosecution issued to any  
6 agency or persons in violation of any of the acts on its website *no later than*  
7 fifteen (15) days from service, and *shall* report all of the above to the GEPA  
8 Board of Directors at the next scheduled regular board meeting.”

9           **Section 4.** A new § 22107(g) is hereby *added* to Chapter 22 of Title 22, Guam  
10 Administrative Rules and Regulations, to read:

11           “(g) **Public Notice.** The Guam Environmental Protection Agency  
12 Administrator *shall* publish all Notices of Violation, Orders of Compliance,  
13 Notices of Defense, Voluntary Compliance Agreements, Settlement  
14 Agreements, and Referrals to the Office of Attorney General for Prosecution  
15 on its website *no later than* fifteen (15) days from service, and *shall* report all  
16 of the above to the GEPA Board of Directors at the next scheduled regular  
17 board meeting.”

18           **Section 5. Severability.** If any provision of this Act or its application to any  
19 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*  
20 *not* affect other provisions or applications of this Act that can be given effect without  
21 the invalid provision or application, and to this end the provisions of this Act are  
22 severable.

23           **Section 6. Effective Date.** This Act *shall* become effective upon enactment.