

I Mina'trentai Sais Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
213-36 (COR)	Joe S. San Agustin	AN ACT TO ADD NEW §§8119(A) TO CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, ESTABLISHING AN EXEMPTION FOR THE CONSTRUCTION OF NEW FORTY-ONE MEGAWATT CABRAS ULTRA LOW SULFUR DIESEL UNITS ON LOT 261 AND 257, U.S. NAVY APRA HARBOR RESERVATION.	10/12/21 4:20 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 213-36 (COR)

Introduced by:

Joe S. San Agustin 

**AN ACT TO ADD NEW §§8119(A) TO CHAPTER 8,
TITLE 12, GUAM CODE ANNOTATED,
ESTABLISHING AN EXEMPTION FOR THE
CONSTRUCTION OF NEW FORTY-ONE
MEGAWATT CABRAS ULTRA LOW SULFUR
DIESEL UNITS ON LOT 261 AND 257, U.S. NAVY
APRA HARBOR RESERVATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

1 finds that Guam Power Authority (“GPA”), pursuant to a Consent Decree with the
2 U.S. Environmental Protection Agency and U.S. Department of Justice, is required
3 to construct the Ukudu power plant and associated Forty-one (41) Megawatts (MW)
4 diesel units by April 30, 2024. The diesel units were required to be relocated to the
5 Cabras industrial area on Lot 261 to ensure that the Ukudu power plant could be
6 constructed using a minor source permit.
7

8 *I Liheslaturan Guåhan* further finds that the proposed construction area
9 on Lot 261 is within 1,200 feet of Jose Rios Middle School. The new 41MW diesel
10 plant is for emergency/peaking use, and will use clean burning Ultra Low Sulfur
11 Diesel. This site is within the Cabras industrial area, and was deeded to GPA by
12 the U.S. Navy in March 1976 for operation of fuel oil storage and a steam power
13 plant. An exemption is needed for the construction on Lot 261, as §8119 provides
14 that “no power generation facility, with a capacity in excess of One (1) Megawatt

1 and utilizing fossil fuels, may be constructed within One Thousand Five Hundred
2 (1,500) feet of a school.”

3 It is therefore, the intent of *I Liheslaturan Guåhan*, to ensure compliance
4 with the Consent Decree with the U.S. Environmental Protection Agency and U.S.
5 Department of Justice, by authorizing an exemption in §8119 of Chapter 8, Title
6 12, Guam Code Annotated to the Guam Power Authority.

7 **Section 2.** A new §8119(a) is hereby *added* to Chapter 8, Title 12 of
8 Guam Code Annotated, to read:

9 **“§ 8119(a). Exemption.**

10 The construction of the new Forty-one (41) Megawatt diesel
11 units burning Ultra Low Sulfur Diesel on Lot 261 and 257, U.S. Navy Apra Harbor
12 Reservation, is hereby authorized, and is exempt from the provisions of §8119,
13 Chapter 8, of Title 12, Guam Code Annotated.”

14 **Section 3. Severability.** If any provision of this Act, or its application
15 to any person or circumstance, is found to be invalid or contrary to law, such
16 invalidity shall not affect other provisions or applications, and to this end the
17 provisions of the Act are severable.

18 **Section 4. Effective Date.** This Act *shall* become effective upon
19 enactment.