

I Mina'trentai Sais 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
165-36 (COR)	Therese M. Terlaje Sabina Flores Perez	AN ACT TO <i>AMEND</i> §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.	7/30/21 11:16 a.m.	8/9/21	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	9/2/21 9:00 a.m.	9/15/21 10:26 a.m.	Request: 8/10/21 8/12/21	



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

September 8, 2021

The Honorable Therese M. Terlaje

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: The Honorable Amanda L. Shelton 
Acting Chairperson, Committee on Rules

RE: Committee Report on Bill No. 165-36 (COR)

Håfa adai Speaker Terlaje,

Transmitted herewith is the Committee Report on Bill No. 165-36 (COR) – Therese M. Terlaje, Sabina Flores Perez – **“AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.”**

Committee votes are as follows:

 4 TO DO PASS
 0 TO NOT PASS
 2 TO REPORT OUT ONLY
 0 TO ABSTAIN
 0 TO PLACE IN INACTIVE FILE

COMMITTEE ON RULES

RECEIVED:

September 8, 2021

11:07 A.M.



Si Yu'os ma'åse',

Sabina Flores Perez
Sabina Flores Perez



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

COMMITTEE REPORT

Bill No. 165-36 (COR)

**Introduced by: Therese M. Terlaje, Sabina
Flores Perez**

**“AN ACT TO AMEND §10115(a)(2) OF
CHAPTER 10, TITLE 22, GUAM
ADMINISTRATIVE RULES AND
REGULATIONS, RELATIVE TO REMOVING
THE CAP ON CIVIL PENALTY FOR
VIOLATIONS OF THE GUAM SOIL
EROSION AND SEDIMENT CONTROL
REGULATIONS.”**



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

September 8, 2021

MEMORANDUM

To: **All Members**
Committee on Environment, Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning

From: **Senator Sabina Flores Perez** *SFP*
Committee Chairperson

Subject: **Committee Report on Bill No. 165-36 (COR)**

Håfa Adai,

Transmitted herewith for your consideration is the Committee Report on Bill No. 165-36 (COR) – Therese M. Terlaje, Sabina Flores Perez – “**AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.**”

This report includes the following:

- COR Referral of Bill No. 165-36 (COR)
- Notices of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Committee Report Digest
- Bill No. 165-36 (COR)
- Fiscal Note Waiver
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÁTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

August 9, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Referral of Bill No. 165-36 (COR)**

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 165-36 (COR) - Therese M. Terlaje, Sabina Flores Perez - "AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS."

Please ensure that the subject bill is referred to the **Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning, chaired by Senator Sabina Flores Perez.**

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules



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Charlene Flores <charlene@senatorperez.org>

1st Notice of Virtual Public Hearing: Thursday, September 2, 2021, at 9:00 a.m.

Office of Senator Sabina Perez <office@senatorperez.org> Thu, Aug 26, 2021 at 8:00 AM
 To: reporters@kuam.com, Sabrina Salas Matanane <sabrina@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, joan@kuam.com, mindy@postguam.com, editor@postguam.com, John O'Connor <john@postguam.com>, Nick Delgado <nick@postguam.com>, reporters@postguam.com, news@sorensenmediagroup.com, news@guampdn.com, news@k57.com, rlimtiaco@guampdn.com, haidee@postguam.com, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofofguam.com>, reporter2@glimpsesofofguam.com, Guam Progress <guamprogress@yahoo.com>, colinperez@gmail.com, Gabejereza@gmail.com, "Alexandra Elizabeth T. Benavente" <aebenavente@gdoe.net>, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, mar_vic_cagurangan@yahoo.com, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <newsdirector@kuam.com>, slimtiaco@guampdn.com, raygibsonshow@gmail.com, pattiontheradio@yahoo.com, news@kanditnews.com
 Cc: phnotice@guamlegislature.org, "Leevin Camacho (ag@oagguam.org)" <ag@oagguam.org>, Guam MIS <mis@guamlegislature.org>, Geri Leon Guerrero <geri@senatorperez.org>, "Emelihter S. Kihleng" <emeli@senatorperez.org>

August 26, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
 Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Subject: **1st Notice of Virtual Public Hearing: Thursday, September 2, 2021, at 9:00 a.m.**

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning will be conducting a virtual public hearing on **Thursday, September 2, 2021, at 9:00 a.m.** This virtual public hearing will take place via Zoom Video Conference platform. The agenda is as follows:

9:00 a.m.

[Executive Appointment of Ms. Clare R. Delgado to serve as a Member \(Real Estate Broker Representative\) of the Guam Real Estate Commission.](#)

[Bill No. 162-36 \(COR\) – Sabina Flores Perez - AN ACT TO AMEND § 46116 OF CHAPTER 46, § 49107\(f\) OF CHAPTER 49, § 50119 OF CHAPTER 50, § 51204 OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 10019\(g\) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.](#)

[Bill No. 165-36 \(COR\) – Therese M. Terlaje, Sabina Flores Perez - AN ACT TO AMEND §10115\(a\) \(2\) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE](#)

TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org or via phone at 989-2968, no later than August 31, 2021, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at [163 Chalan Santo Papa, Hagåtña, Guam 96910](#), or via email to office@senatorperez.org, no later than 4pm September 8, 2021. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4, and stream online via *I Liheslaturan Guåhan*'s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning
I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

M: Guam Congress Building, [163 Chalan Santo Papa, Hagåtña, Guam 96910](#)

T: (671) 989-2968

E: office@senatorperez.org

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4 attachments

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OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

August 26, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson *SFP*
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics,
Research, and Planning

Subject: **1st Notice of Virtual Public Hearing: Thursday, September 2, 2021, at 9:00 a.m.**

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9:00 a.m.

Executive Appointment of Ms. Clare R. Delgado to serve as a Member (Real Estate Broker Representative) of the Guam Real Estate Commission.

Bill No. 162-36 (COR) – Sabina Flores Perez - AN ACT TO AMEND § 46116 OF CHAPTER 46, § 49107(f) OF CHAPTER 49, § 50119 OF CHAPTER 50, § 51204 OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 10019(g) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.

Bill No. 165-36 (COR) – Therese M. Terlaje, Sabina Flores Perez - AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

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Hackers release Belarus data in bid to topple Lukashenko

By Ryan Gallagher
Bloomberg

officials and spies, video footage gathered from police drones and detention centers and secret recordings of phone calls from a government wiretapping system, according to interviews with the hackers and documents reviewed by Bloomberg News.

Among the pilfered documents are personal details about Lukashenko's inner circle and intelligence officers. In addition, there are mortality statistics indicating that thousands more people in Belarus died from COVID-19 than the government has publicly acknowledged, the documents suggest.

In an interview and on social media, the hackers said they also sabotaged more than 240 surveillance cameras in Belarus and are preparing to shut

down government computers with malicious software named X-App.

Belarus' interior ministry didn't respond to requests for comment. On July 30, the head of the country's KGB security agency, Ivan Tertel, said in a speech aired on state television that there had been "hacker attacks on personal data" and a "systematic collection of information," which he blamed on the work of "foreign special services," according to local news website Zerkalo.io.

While the immediate impact of the hack isn't entirely clear, experts said the long-term consequences could be significant, from undermining government proclamations to bolstering international efforts to sanction



MINSK RALLY: Belarus President Alexander Lukashenko gestures while giving a speech during a rally of his supporters in Independence Square in Minsk on Aug. 16, 2020. Evgeny Maloletka/Bloomberg

or prosecute Lukashenko and his subordinates.

"If ever Lukashenko ends up facing prosecution in the International Criminal Court, for example, these records are going to be incredibly important," said Tanya Lokot, an associate professor at Dublin City University who specializes in protest and digital rights issues in Eastern Europe.

Governors concerned over Bolsonaro support among military police

BRASILIA (Reuters) – Brazil's state governors are concerned about military police turning out in support of President Jair Bolsonaro in an upcoming march, minutes published on Tuesday showed, as the far-right former army captain continues to sow doubt about next year's presidential election.

500,000 military police, who report to state governors.

Active-duty military police are prohibited from making political demonstrations, but many are expected to show up at Sept 7 marches in support of Bolsonaro.

Critics say Bolsonaro, who trails former leftist President Luis Inacio Lula da Silva in most opinion polls, is seeking to marshal cops' support ahead of next year's vote.

His attacks on the electoral process have sparked fears he may not accept a potential loss. There is growing concern in Brazil about what role the armed forces and state police could play if Bolsonaro were to reject the election result.

Most experts believe the armed



Jair Bolsonaro

forces would defend the constitution and prioritize the peaceful handover of power, but some fear that state police officers could go on strike, essentially making the day-to-day running of states impossible for governors.

"It is essential to reaffirm the governors' commitment to ensure that the mission of the state police takes place within constitutional and legal limits," the minutes signed by 25 governors say.

The topic of Bolsonaro's support among military police was brought to

the meeting by Sao Paulo Gov. Joao Doria, a centrist rival to the president. On Monday, he fired a senior state police officer who posted publicly about his support of the president and his plans to appear at the march.

Doria said the upcoming "noisy demonstrations ... put democracy at risk."

A prosecutor in Brazil's capital on Monday requested word from the Military Police commander on what measures will be taken on Sept. 7 to secure the Congress and Supreme Court buildings, which some Bolsonaro supporters threaten to occupy.

DIPATTAMENTON I KAOHAO GUINAHAN CHAMORU BOARD OF TRUSTEES MEETING PUBLIC NOTICE

The Department of CHamoru Affairs Board of Trustees meeting will be held on **Thursday, September 2, 2021, at 10am**, at the Guam Museum Conf. Rm., via Zoom & Facebook Live.

Zoom link: <https://us02web.zoom.us/j/85106651124> Passcode: 788024

Facebook live: <https://www.facebook.com/dcaguam>

AGENDA: Call to order • Roll call • Approval of Minutes • President's Report • Old Business • New Business • Adjournment

Individuals requesting special accommodations, please contact Patti Hernandez at (671) 989-2426.

This ad was paid for by government funds

GUAM ENVIRONMENTAL PROTECTION AGENCY AHENSIAN PRUTEKSION LINA'LA GUAHAN

BOARD OF DIRECTORS VIRTUAL REGULAR BOARD MEETING: Thursday, September 2, 2021 • 4:00PM
Google Meet Platform: meet.google.com/uhc-xxhg-src | Live streamed on [youtube.com/guamepa](https://www.youtube.com/guamepa)

AGENDA: I. Call to Order; II. Approval of Agenda; III. Approval of August 2021 Meeting Minutes; IV. Proposal to utilize officially adopted map of Groundwater Protection Zone (GPZ) for determination of minimum lot sizes over the Northern Guam Lens Aquifer by Department of Land Management; V. Active NOV: Contrack Watts, Lin's Hardware, Su & Zheng Corp, Feiyang Construction & Engineering, Piti Failed Septic System, Dusit Thani, Sand Castle, Samsung NOV, JJ Pacific Dev & Primo's Heavy Equipment, GPPC Inc., Old Royal Palm Garage, Verona; VI. Administrator's Report: RRF, MCOG Program Update, Air Pollution: Findings of Failure to Submit State Implementation Plans update; VII. New Business: Nomination of a Vice Chairman for Guam EPA Board; VIII. New meeting date/adjournment

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Individuals requiring special accommodations, auxiliary aids or services may call Guam EPA at 300.4751/9 or email: arlene.acfalle@epa.guam.gov

SENATOR SABINA FLORES PEREZ
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Virtual Public Hearing
Thursday, September 2, 2021
Zoom Video Conference

9:00 A.M.

Executive Appointment of **Ms. Clare R. Delagdo** to serve as a **Member (Real Estate Broker Representative)** of the **Guam Real Estate Commission**.

Bill No. 162-36 (COR) - Sabina Flores Perez - AN ACT TO AMEND § 4616 OF CHAPTER 46, § 49107(F) OF CHAPTER 49, § 50119 OF CHAPTER 50, § 51204 OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 10019(g) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.

Bill No. 165-36 (COR) - Therese M. Tertaje, Sabina Flores Perez - AN ACT TO AMEND § 10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org or via phone at 989-2988, no later than August 31, 2021, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, Hagåtña, Guam 96910, or via email to office@senatorperez.org, no later than 4pm September 8, 2021. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2988. The hearing will broadcast on local television, G1A Channel 21, Docomo Channel 112-4, and stream online via I Liheslaturan Guåhan's live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!



Charlene Flores <charlene@senatorperez.org>

2nd Notice of Virtual Public Hearing: Thursday, September 2, 2021, at 9:00 a.m.

Office of Senator Sabina Perez <office@senatorperez.org> Tue, Aug 31, 2021 at 8:00 AM

To: reporters@kuam.com, Sabrina Salas Matanane <sabrina@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, joan@kuam.com, mindy@postguam.com, editor@postguam.com, John O'Connor <john@postguam.com>, Nick Delgado <nick@postguam.com>, reporters@postguam.com, news@sorensenmediagroup.com, news@guampdn.com, news@k57.com, rlimtiaco@guampdn.com, haidee@postguam.com, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofofguam.com>, reporter2@glimpsesofofguam.com, Guam Progress <guamprogress@yahoo.com>, colinperez@gmail.com, Gabejereza@gmail.com, "Alexandra Elizabeth T. Benavente" <aebenavente@gdoe.net>, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, mar_vic_cagurangan@yahoo.com, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <newsdirector@kuam.com>, slimtiaco@guampdn.com, raygibsonshow@gmail.com, pattiontheradio@yahoo.com, news@kanditnews.com
Cc: phnotice@guamlegislature.org, "Leevin Camacho (ag@oagguam.org)" <ag@oagguam.org>, Guam MIS <mis@guamlegislature.org>, Geri Leon Guerrero <geri@senatorperez.org>, "Emelihter S. Kihleng" <emeli@senatorperez.org>

August 31, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, Chairperson
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Subject: **2nd Notice of Virtual Public Hearing: Thursday, September 2, 2021, at 9:00 a.m.**

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Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning
I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

M: Guam Congress Building, [163 Chalan Santo Papa, Hagåtña, Guam 96910](#)

T: (671) 989-2968

E: office@senatorperez.org

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1543K



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

August 31, 2021

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Bill No. 165-36 (COR) – Therese M. Terlaje, Sabina Flores Perez - AN ACT TO *AMEND* §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org or via phone at 989-2968, no later than August 31, 2021, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, or via email to office@senatorperez.org, no later than 4pm September 8, 2021. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 112-4, and stream online via *I Liheslaturan Guåhan*'s live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

GUAM DAILY POST • TUESDAY, AUGUST 31, 2021

US strikes at Islamic State in Kabul

(Reuters) — A U.S. drone strike killed a suicide car bomber who Pentagon officials said was preparing to strike Kabul airport on Sunday, as American forces worked to complete a withdrawal that will end two decades of military involvement in Afghanistan.

The strike was the second by the U.S. military since an Islamic State suicide bomb outside the airport on Thursday killed 13 U.S. troops and scores of Afghan civilians desperate to flee the country's new Taliban rulers.



DESTROYED: General view of a residence house destroyed after a rocket attack in Kabul, Afghanistan, on Sunday. Reuters

The airport has been the scene of a massive airlift by U.S. and allied forces evacuating their citizens and at-risk Afghans that is due to wind up ahead of a Tuesday deadline set by U.S. President Joe Biden.

Officials said the strike targeted suspected militants from ISIS-K, a local affiliate of Islamic State that is an enemy of both the West and the Taliban movement that seized power on Aug. 15 after a lightning offensive.

One U.S. official said it was carried out by an unmanned aircraft and that secondary explosions showed the target had been carrying a substantial amount of explosives. Television footage showed black smoke rising into the sky.

U.S. officials had said they were particularly concerned about ISIS-K attacking the airport as American troops depart, in particular the threat from rockets and vehicle-borne explosives.

Biden said on Saturday that his military chiefs had told him another mili-

tant attack was highly likely.

The drone strike took place while remaining civilians waited at Hamid Karzai International Airport to be flown out before the last troops leave, a Western security official said. A U.S. official told Reuters on Saturday that fewer than 4,000 U.S. troops remained.

The Taliban said they had started their own investigations into the U.S. strike and whether the target was really a suicide bomber driving a vehicle loaded with explosives.

The United States and allies have taken about 114,400 people – including foreign nationals and vulnerable Afghans – out of the country in the past two weeks, but tens of thousands who want to go will be left behind.

"We tried every option because our lives are in danger. They (the Americans or foreign powers) must show us a way to be saved. We should leave Afghanistan, or they should provide a safe place for us," said one woman

outside the airport.

The airlift – one of the biggest such evacuation operations ever – marked the end of a 20-year Western mission in Afghanistan that began when U.S.-led forces ousted a Taliban government that had provided safe haven for the perpetrators of the Sept. 11, 2001, attacks on the United States.

The final chapter came after the United States and the Taliban made a deal last year to withdraw foreign troops. The Western-backed government and Afghan army then melted away as Taliban fighters swept across the country earlier this month.

A Taliban official told Reuters the Islamist group had engineers and technicians ready to take charge of the airport.

"We are waiting for the final nod from the Americans to secure full control over Kabul airport as both sides aim for a swift handover," said the official, speaking on condition of anonymity.

IAEA: Renewed activity at NKorea nuclear reactor

VIENNA/SEOUL (Reuters) — North Korea appears to have restarted a nuclear reactor that is widely believed to have produced plutonium for nuclear weapons, the U.N. atomic watchdog said in an annual report, highlighting the isolated nation's efforts to expand its arsenal.

The signs of operation at the 5-megawatt reactor, which is seen as capable of producing weapons-grade plutonium, were the first to be spotted since late 2018, the International Atomic Energy Agency said in the

report, dated Friday.

"Since early July 2021, there have been indications, including the discharge of cooling water, consistent with the operation," the IAEA report said of the reactor at Yongbyon, a nuclear complex at the heart of North Korea's nuclear program.

The IAEA has had no access to North Korea since Pyongyang expelled its inspectors in 2009. The country subsequently pressed ahead with its nuclear weapons program and soon resumed nuclear testing.

Its last nuclear test was in 2017.

The IAEA now monitors North Korea from afar, largely through satellite imagery.

Commercial satellite imagery shows water discharge, supporting the conclusion that the reactor is running again, said Jenny Town, director of the U.S.-based 38 North project, which monitors North Korea.

"No way to know why the reactor wasn't operating previously – although work has been ongoing on the water reservoir over the past year to ensure sufficient water for the cooling systems," she said.

"The timing seems a little strange to me, given the tendency for flooding in coming weeks or months that could affect reactor operations."

Last year 38 North said floods in August may have damaged pump houses linked to Yongbyon, highlighting how vulnerable the nuclear reactor's cooling systems are to extreme weather events.

Seasonal rains brought floods in some areas this year, state media have said, but there have been no reports yet of threats to the site, the Yongbyon Nuclear Scientific Research Center.

Key nuclear site

At a 2019 summit in Vietnam with then-U.S. President Donald Trump, North Korean leader Kim Jong Un offered to dismantle Yongbyon in exchange for relief from a range of international sanctions over nuclear weapons and ballistic missile programs.

At the time Trump said he rejected the deal because Yongbyon was only one part of the North's nuclear program, and was not enough of a concession to warrant loosening so many sanctions.

U.S. President Joe Biden's administration has said it reached out to the North Koreans to offer talks, but Pyongyang has said it has no interest in negotiating without a change in policy by the United States.



SENATOR SABINA FLORES PEREZ
Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Virtual Public Hearing
Thursday, September 2, 2021
Zoom Video Conference

9:00 A.M.

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Bill No. 162-36 (COR) - Sabina Flores Perez - AN ACT TO AMEND § 46116 OF CHAPTER 46, § 49107(F) OF CHAPTER 49, § 50119 OF CHAPTER 50, § 51204 OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 10019(g) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.

Bill No. 165-36 (COR) - Therese M. Terlaje, Sabina Flores Perez - AN ACT TO AMEND §1015(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

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OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

AGENDA
VIRTUAL PUBLIC HEARING
Thursday, September 2, 2021
Zoom Video Conference

The agenda is as follows:

9:00 a.m.

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OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

Virtual Public Hearing

Thursday, September 2, 2021, 9:00am

Zoom Video Conference

Bill No. 165-36 (COR) – Therese M. Terlaje, Sabina Flores Perez - AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
Michelle Lastimoza	Guam Environmental Protection Agency	✓		✓		
Brian Bearden	Guam Environmental Protection Agency	✓		✓		
Farron Taijeron	Community Member	✓		✓		



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 165-36 (COR) was introduced on July 30, 2021, by Senators Therese M. Terlaje and Sabina Flores Perez and was subsequently referred by the Committee on Rules to the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning on August 9, 2021.

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning convened a virtual public hearing on Bill No. 165-36 (COR) on Thursday, September 2, 2021, at 9:00 AM via Zoom Video Conference Platform.

Public Notice Requirements

Virtual Public Hearing notices were disseminated via email to all Senators and all main media broadcasting outlets on August 26, 2021, and again on August 31, 2021, fulfilling the 5-Day Notice and 48 Hour Notice of the Open Government Law requirements respectively.

Senators Present

Senator Sabina Flores Perez
Speaker Therese M. Terlaje
Senator Telo T. Taitague
Senator Clynton E. Ridgell
Senator Joanne Brown
Senator V. Anthony Ada

Committee Chairperson
Committee Vice-Chairperson
Committee Member
Legislative Member
Legislative Member
Legislative Member

II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 9:02 AM.

Chairperson Perez: The rules of the conduct of this virtual public hearing are as follows: the hosts will mute all participants until they are called upon; virtual background should not be utilized during this hearing; and participant's face must be visible at all times. When called to speak, please ensure that you're unmuted and that you're speaking into the microphone. Individuals testifying shall be first recognized by the chair before speaking and shall state their name for record-keeping purposes. Questions and testimony shall be confined to the substance or nature of the agenda.

Now on to the final agenda item, which is the public hearing for Bill No. 165-36 (COR), sponsored by Speaker Therese Terlaje and co-sponsored by me. It's an act to amend §10115(a)(2) of Chapter 10, Title 22, Guam Administrative Rules and Regulations, relative to removing the cap on civil penalty for violations of the Guam Soil Erosion and Sediment Control Regulations. Notices were

sent to Guam EPA and the chairperson of the board. The fiscal note says it appears to be administrative in nature by removing the \$125,000 cap on all violations that is Guam Erosion and Sediment Control Regulations. It says absent historical data from the Department, the Bureau is unable to determine the estimate of revenue collection or approximate fiscal impact. However, with the recent notice of violation, we can estimate at least with that incident the potential impact of lost fines which is in the millions. I would like to now invite the sponsor Speaker Therese Terlaje for her introduction of the bill.

Speaker Terlaje: Thank you, Madam Chair, and thank you for your co-sponsorship of this bill and for having this hearing so promptly. This bill is introduced to remove in the current rules and regulations of Guam EPA language that sets a cap. It literally strikes out the phrase “except that the minimum amount of any civil penalty under this section shall not exceed \$125,000.” This section that this phrase is in allows for a civil penalty that may not exceed \$10,000 per day per violation that the... as the violation continues and then sets that cap. The bill is to remove that cap, the \$125,000 and that is because what was brought to our attention of course in the Marbo Cave incident, is that the proposed penalty from Guam EPA in that particular matter. I’m going to read one paragraph from their notice of violation to the company and it says the time period over which GEPA is assessing the proposed \$10,000 penalty is for a period of 368 days, July 20, 2020 to July 23, 2021, for five total violations over a period of 368 days. This amounts to a total of \$18,400,000, however the total penalty that may be assessed by GEPA is limited by 22 GARR § 10114(b) to \$125,000 therefore the total penalty amount is \$125,000. I’m trying to remove that cap on the penalty to give the discretion to the Guam EPA to do what it thinks it should do, in this type of situation including to penalize for every day that they claim that there was a violation. I agreed with Mr. Tajeron earlier that we do need to make our penalties proportional to the level of violation in order to deter these violations in the future. Hopefully that’s the goal.

I also want to point out that this amendment would continue to give the Guam EPA Administrator discretion in many areas including the assessment of the violation and including in another subsection of the same section of the GARR, it gives the Administrator the discretion to determine the amount of any penalty assessed to take into account the nature, circumstances, extent, and gravity of the violation with respect to the violator, the ability to pay any prior history of violations, the degree of culpability, economic benefit, or savings resulting from the violation and any such other matters as justice may require. The current law or regulation also retains with the Administrator, the discretion to settle, modify or release with or without conditions any administrative penalty which may be imposed under this section. I think allowing his continued discretion, the Administrator’s continued discretion, will protect circumstances where discretion is required or where circumstances may be less compelling but still I think removing this cap on the penalty will help to serve the purpose of ensuring that companies who have to do a lot of the self-regulating and self-monitoring, compliance with Guam EPA permitting mandates that hopefully removing this cap and the potential liability to these companies will help them to comply and will help EPA in its enforcement mission. Thank you, Madam Chair. That’s the purpose of the bill.

Chairperson Perez: *Si Yu’os ma’åse’*, Speaker for your authorship of this bill and for the words that you’ve just mentioned. It’s important that whatever companies out there that damage that that’s done by certain entities, that we are able to enforce to the fullest extent. I think this change

is so important to ensure that, right now currently in law by having a cap it privileges the worst offenders, and that's something that needs to be changed. I do appreciate your leadership on that. We do have people here to testify. I'd like to give them the opportunity before we open it up to any kind of questions. Farron Taijeron, if you would like to provide additional testimony or for this bill.

Farron Taijeron, Community Member: Thank you, Madam Chair, thank you Senators for having me. *Håfa adai, guahu si* Farron Taijeron. I am a free diving instructor, avid hiker, and like all of you a child of *Guåhan* that deeply cares about the health of our island, herself. I am also an amateur documentarian of sorts and through my social media moniker, the Guam guy. I film short stories about the environment of Guam including the aftermath at *Sasayan* cave also known as Marbo cave. Shortly after the KEPCO disaster, we all saw pictures circulating around social media which showed the once clear water has become completely fouled with sediment and debris however as the word implies that was literally just the surface. By the next day some of the floating debris was cleared out but you cannot know how bad it really was and maybe still is unless you look underwater. If it pleases the honorable Senators, I'd like to play one of my videos to show the extent of the disaster.

Forgive my shirtlessness, I forgot about that. I don't hear the audio, so I'll just provide commentary. You can see underwater it's quite literally buried or partly buried in dirt. This particular part right here was nearly a foot deep of just muck, just sitting along the bottom. Obviously, there's a fish in addition to other freshwater species you'll find in there to include shrimp and eel and you can see just how high the muck came up to be inside the cave, as well. As you just saw the bottom of the cave is buried and after seeing the damage and knowing this was a fresh water supply for our ancestors. I can't help but feel shame that we didn't protect it. Yes. this is an environmental travesty, but I actually find myself feeling less offended for the environment and just more personally offended. Though important, it's not just a cave with freshwater species and such it's a part of our home and that sanctity of our home has been violated and the legacy of our ancestors has been literally polluted and just more personally than that. It's a place of nostalgia and memories and family, where kids learn to swim, and you go to on a date with someone you care about. Maybe it's hitting me a little harder since I actually went diving inside, in the aftermath but while I was still digesting what I had seen and then learning at what was assessed to be a multi-million dollar fine get knocked down to a measly \$125,000, I just felt insulted but now here we are with these two bills in front of us and I am hopeful that Bill's 162 and 165 will help protect our island or at the very least bring justice to violators and of course to better equip EPA to fulfill their mission. I'm here and thanks to you Senators for putting these bills forward and to offer my support for their passage. If doing the right thing isn't enough to compel compliance from violators, then maybe the fear of punishment proportional to their level of negligence will do it. *Saina ma'åse* for having me.

I've already said my remarks for both bills previously. Just to add a caveat or rather a consideration, while I do fully support the bill, I'm just curious if there was reason why there was a cap in the first place and if we're missing out on something with that... if there isn't a good reason then it has my full support for removing the cap.

Chairperson Perez: Thank you so much. I know we have Guam EPA here present. I would like to recognize Deputy Director Michelle Lastimoza for any testimony and response to.

Michelle Lastimoza, Deputy Administrator, Guam Environmental Protection Agency: I don't have the information as to why the \$125,000 cap was placed in the law that's something that I would have to research and see whether or not there was testimony that limited that amount but I don't have that information at this time. I'm sorry Senator.

Chairperson Perez: Thank you for that but is there any testimony that Guam EPA would like to present regarding Bill 165 at this time.

Ms. Lastimoza: I did not prepare a testimony, I don't know whether or not the Administrator had submitted testimony, a written testimony but certainly at Guam EPA, we truly believe that the fines and penalties should be... should match violations and certainly with due diligence and consideration with all the factors involved in a violation. I'm sure that the Administrator along with the community will certainly make the best decisions for the agency in terms of environmental violations.

Chairperson Perez: Thank you, Michelle for that. Is there anyone else that would like to testify at this point?

Brian Bearden, Chief Engineer, Guam Environmental Protection Agency: Yes, Madam Chairman. I did come prepared to give testimony on behalf of our Administrator. Guam EPA definitely supports this bill and to eliminate the cap on the fees that we can charge under the soil erosion and sediment control regulations. We would like to point out that enforcement is extremely resource consuming activity for us. It's one thing to get out and inspect. It's a fairly simple and straightforward to issue notices of violation, but following up on these requires an enormous commitment of resources. We almost always receive an intent to appeal from any violator that we cite, which then requires us to hire a hearing officer, set up hearings with our Board, and the process drags on for months or even years. Since I've been here, we have worked with this law, which is a fantastic public law that became regulation, but it's still a very slow process. We've issued, I don't have the number with me, but probably around a dozen notices of violation and proposed penalties, and we've only been able to fully settle about three of those in that time period because they drag out for so long. We looked earlier this year before the Marbo Cave incident at trying to establish an enforcement program at Guam EPA that would be self-funding on the fees collected but our calculation was that we would have to be able to achieve at a minimum four of these complete \$125,000 capped fees a year just to be able to fund four people to help us follow up on these situations. The reality is because of the amount of resources that are involved, these are almost always settled. Once it gets into the hands of the hearing officer and the Attorney General's Office, they almost always settle for something less, so to be able to eliminate that cap on the fee is very critical to us because moving forward even if we are able to settle a larger amount would be able to truly make a great impact to Guam EPA to be able to fund future enforcement activities. If it's beyond the cap that we have right now we might be able to actually use that money to fund additional inspectors to get out there and be more proactive.

We greatly appreciate this effort, and we support it, but we do have one request. The request would be to not just amend these regulations. I kind of hinted at here when this particular regulation was passed it was passed as a public law, public law 25-152, and as a result of being passed as a public law it was able to include a completely different enforcement section and penalty amounts than were in our enabling uh statutes, which in this case... is the Guam Water Pollution Control Act, which is 10 GCA, Chapter 47. What we would like to request is that rather than just amend these regulations that the entire enforcement provisions of the regulations be moved into Chapter 47 with the elimination of the cap, which would allow us to kill multiple birds with the same stone, because not only would it improve this particular regulation but that would also affect our ability to enforce the water quality standards and the on-site septic system regulations as well. Right now with both of those two regulations, our only enforcement alternatives besides stop work orders is to work through the Attorney General's Office to issue misdemeanor criminal charges against a violator which I believe is excessive in most cases. If you imagine somebody with an overflowing septic tank in their yard, we don't want to have someone get a criminal charge for that violation and then that particular law is also limited to... its 1974 probably, limit of \$1,000 per violation per day. That's our request, would be to take that entire section, the enforcement provisions from public law 25-152 and move it into Chapter 47. We'll be providing this and writing to you with our recommendations on how to do this but that's our request, but we do support removing the cap absolutely. Thank you.

Chairperson Perez: Thank you so much, Mr. Bearden for that. I imagine that could be another bill forthcoming. I think removing the caps at this time is probably the critical thing. We'll definitely work more on that one. I'd like to recognize others that have come here today to present testimony. Missy Ngiraklang. I'm sorry if I'm mispronouncing your last name if she's present here today. I saw her earlier but I think she might have had technical difficulties. The next person on the list is Ryaee Anne Cosca, if you can hear me and turn on your video and un-mute yourself prior to giving testimony. Looks like she just left the room, but we are still accepting any kind of written testimony for any agenda items: Bill 162, Bill 165, this bill, via email or written testimony. I think I'm going to open up the floor to my colleagues for any questions or comments. Senator Telo Taitague.

Senator Taitague: *Si Yu'os ma'ãse'*, Madam Chair for the opportunity and I stand in full support of this measure. I think Senator Brown mentioned earlier on how we took a visit down to Marbo Cave to see the destruction it has caused and it just unbelievable to see this and then to know that there's some kind of cap related to even to repairing or mitigating the situation down there. My concern, Madam Chair, is as far as a legal perspective the Attorney General's Office does represent and if I can ask Captain Bearden if the Attorney General's Office does handle any concerns or when prosecuting that they do represent EPA, is that true?

Mr. Bearden: That is correct ma'am.

Senator Taitague: Does EPA have an attorney on currently at EPA that oversees him directly from the EPA, from the Attorney General's Office or is it something that's contracted outside?

Mr. Bearden: No, we have a full-time attorney from the Attorney General's Office that sits with us. She is in the office right next door to me.

Senator Taitague: That's very good to hear because even though with mitigations the cost for that is extremely high. Any type of... other kind of legal fees would be also a big issue going forward. Other than that, Madam Chair, again, I thank the author of this legislation, Speaker Terlaje and asked to be a co-sponsor of this legislation. I think during the time that we spend on the floor discussing this we might even make it a stronger piece of legislation to deter anybody, anyone coming to our island, when it comes to doing any kind of construction or building that first and foremost our environment must be protected at all times and if anything should happen that mitigation is at the forefront. Thank you, Madam Chair, for the opportunity.

Chairperson Perez: Thank you so much, Senator Taitague. Thank you, Speaker, I know you have another meeting that's coming up, so I appreciate your leadership in this and your participation today. *Si Yu'os ma'ase'*. I'd like to recognize Senator Joanne Brown if she has any questions or comments or sorry Speaker did you want to say anything before you leave? Senator Brown you're recognized.

Senator Brown: Thank you very much, Madam Chair. I don't have a problem with lifting the cap. I think we need to recognize each situation certainly dependent upon what circumstances occurred and the degree of environmental degradation or damage that occurred. Again, I don't want to use this as an excuse Madam Chair for Guam EPA not fulfilling its obligations and its responsibilities. I'll save the main bulk of my comments when we do have the oversight here with regards to the Marbo Cave incident, but I also have to say that in the issuing of these penalties we also have to ensure that our government partner which is primarily Guam EPA is the environment enforcer in our communities is also actively engaged. I don't buy the explanation about the limitations and granted I know Guam EPA has limitations. We were there at a time of tremendous growth and development on the island, where we had no more personnel than 30 years ago than we have today. But key projects, large-scale projects, I think we can understand smaller projects backyard situations, overflowing septic tanks and things of that nature, how every project isn't going to be in the forefront of Guam EPA's minds but major development projects certainly anything the size and the magnitude of the Marbo Cave project, Guam EPA should have been far more engaged in doing field inspections to verify, always verify when they issue of these conditions that the developers following them especially because its primary role is to ensure the protection of the environment and to ensure our water quality. I believe the agency failed with regards to that so I'm supportive of this legislation to increase the cap.

I think we also need to recognize when the government itself is not fulfilling its obligation and its responsibility to ensure the public interest. I do support this and I'm sure we'll have further discussion on it and certainly would like to also be included as a co-sponsor on this bill. As I said I don't have any problem issuing penalties to anyone who's violated, committed any type of environmental violations but I think we need to balance that and also ensure that the government is fulfilling its obligations to regulate these projects, to minimize the damage because sometimes... once the damage is done and certainly as we see the damage of what's happened to Marbo Cave and no doubt of the increased amount of sedimentation that went into our coastal waters as a result of it, sometimes that damage cannot be mitigated or we can't restore things back. There are consequences as a result of it. I think even when the government did the construction of the road down south and that was back during the late 1980s, early 90s, when they constructed the new

roadway down south, the amount of damage to our coastline and our coral resources, some of those corals were there for over 200 years that were devastated and destroyed as a result of lack of proper erosion and sediment control being put in place, and Guam EPA is the, is the government entity that's supposed to regulate that. I just want to take note of it, because I think it's critically important. I speak from a position of experience. I know better. I know better having worked there with the men and women of Guam EPA in getting enforcement work done. I had no reservations in doing it if these violations occurred, but we need to also ensure that the government is living up and meeting its responsibilities to properly regulate these projects and deservedly. If anyone violates these requirements by all means they should face the responsibility and the consequences of fines that are issued but I think we need to know it's a partnership and we need to know and have some comfort that Guam EPA is out there looking out for our interests and for the interests of our natural resources. With that, Madam Chair, thank you for the opportunity to comment on this bill.

Chairperson Perez: Thank you so much, Senator Brown. Looking forward to your collaboration in regard to ensuring that our agencies have agency, when it comes to enforcement. I think enforcement is one of those things that has been in need of a lot of support and improvement. I do agree with that. We will have a hearing; oversight hearing forthcoming and we'll delve further into this. In regard to this bill, I think we want to focus the attention on the verbiage of this bill itself and removing the caps. Thank you. At this time, Senator Tony Ada, if you have any questions or comments.

Senator Ada: Thank you, Madam Chair and good morning, everyone. I don't have any questions, Madam Chair. Just like to thank the author for the introduction of this bill. I think it's about time that we update our statutes and more importantly keep our environment and our natural resources protected. I look forward to this bill going to the floor and having my vote so that we can continue to protect our island and hold those that are responsible, accountable and giving EPA the resources that they need to continue to enforce protection for our island and our people. Thank you, Madam Chair. Thank you to the EPA.

Chairperson Perez: Thank you Senator Ada. Dr. Jenson I realize you are here. I was wondering if you wanted to provide any kind of testimony regarding Bill 165-36.

Dr. John W. Jenson, WERI Director, Water and Environmental Research Institute of the Western Pacific University of Guam: Thank you, Madam Chair. I'll just say I'm in support of it. Guam EPA and GWA are our agency partners and the work they do is the work we support. I think this is an important step forward as Captain Bearden mentioned here, to provide Guam EPA the resources that they need to do their job. I just like to add that as a geologist and having kind of worked on the natural resources here on [INAUDIBLE] and other universities out here, sometimes we take for granted how outstanding the resources are that we have here. [INAUDIBLE]

Chairperson Perez: I'm sorry Dr. Jenson but you are breaking up a little bit. We lost you at this time so perhaps we can receive written testimony. We appreciate your presence and participation today. I'd like to now open the floor to my other colleagues. Senator Ridgell, if you have any questions or comments regarding Bill 165.

Senator Ridgell: Thank you, Madam Chair. No questions just some comments. Of course, I support the bill. I thank the author for introducing it. I think it's about time. I think this has been a long time in the making and something that we should have done a long time ago and had this cap not been there then Guam EPA would have been able to fine KEPCO that 18 million or whatever figure it is they came up with. I support the bill. I think it's about time. I also want to thank Farron for all the work he does out in the community. I'm an avid follower of his pages, have been for a long time now. I really appreciate it because it's a very valuable service to the community. Hey, Guam EPA should hire you maybe to be one of its inspectors to go out and make sure that these places are following them, the regulations they're supposed to follow. Full support of the bill. I don't feel bad at all for a company like KEPCO, if they're to be fined 18 million dollars. \$125,000, in the words of Chris Barnett to paraphrase what he said, is not even a slap on the wrist for a multi-billion-dollar, multinational corporation, the largest power producer in South Korea. This is not even a slap on the wrist. It's not even *átilek* of the ear and that's something that Chris Barnett said on his show. I agree with him it's really not. It's ridiculous to even think \$125,000 would have any effect on a multi-billion-dollar, multinational corporation. It's nothing to them. We need to make the fines appropriate and so lifting this cap will allow that to happen and hopefully that'll help hold violators more accountable. Thank you, Madam Chair.

Chairperson Perez: Thank you, Senator Ridgell for your comments. Senator Taitague you had a further follow-up question.

Senator Taitague: Thank you, Madam Chair. Madam Chair, I ask if the committee can also seek any kind of recommendations from the Attorney General's Office, as well. I haven't seen anything from there regarding this legislation and not just for the lifting the cap but any other recommendations to help mitigate the issue. There's one thing paying the fine, but mitigation is another area that we need to look into just like when there's an oil spill they have to go and clean up what the damage that they cause so I appreciate it. I'd like to thank Mr. Taijeron as well for all that you're doing for the community. Your advocacy is very helpful especially for Senators like us who look to the public for their input, and you've definitely provided that for us here today. I greatly appreciate it and please continue to do so *Si Yu'os ma'áse'*. Thank you, Madam Chair. I appreciate any input from the Attorney General's Office.

Chairperson Perez: Thank you so much, Senator Taitague, yes for all the questions that are still unanswered the committee will follow up with Guam EPA as well as the AG's office and we'll definitely include that in our committee report and perhaps make any amendments based on this public hearing. I do want to thank everybody who's come here today to present testimony and participate in this hearing. We do look forward to more testimonies to help strengthen our laws and make it work for our people and to ensure that we are deterring these types of damages, prevent any kind of damage, first of all. I prefer much to prevent this type of damage from happening and should that damages occur, we need to enforce to the fullest extent especially to these egregious offenses to our environment. Thanks again to everyone here. We need your support as a community. Together, we can make Guam a better place. *Si Yu'os ma'áse'*. This committee is now adjourning this public hearing. *Si Yu'os ma'áse'* and have a great day.

Chairperson Perez adjourned the public hearing for Bill No. 165-36 (COR) at 10:37 a.m.

Written Testimonies:

NONE

III. FINDINGS AND RECOMMENDATION

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning received the following testimony for Bill No. 165-36 (COR) at the public hearing:

- Guam EPA request other than amend these regulations that the entire enforcement provisions of the regulations be moved into Chapter 47 with the elimination of the cap. It would improve this particular regulation but would also affect their ability to enforce the water quality standards and the on-site septic system regulations as well. With both of those regulations, Guam EPA's only enforcement alternatives besides stop work orders is to work through the Attorney General's Office to issue misdemeanor criminal charges against a violator. The request would be to take that entire section, the enforcement provisions from Public Law 25-152 and move it into Chapter 47.
- Recommendation was made of seeking Attorney General guidance in strengthening mitigation requirements of those that violate erosion and sediment control regulations.

The Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning hereby reports out Bill No. 165-36 (COR) - Therese M. Terlaje, Sabina Flores Perez - "AN ACT TO *AMEND* §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.," with the recommendation **To Do Pass.**

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

Bill No. 165-36 (COR)

Introduced by:

Therese M. Terlaje *Tmt*
Sabina F. Perez *SFP*

**AN ACT TO *AMEND* §10115(a)(2) OF CHAPTER 10,
TITLE 22, GUAM ADMINISTRATIVE RULES AND
REGULATIONS, RELATIVE TO REMOVING THE CAP
ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM
SOIL EROSION AND SEDIMENT CONTROL
REGULATIONS.**

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

2 **Section 1.** §10115(a)(2) of Chapter 10, Title 22, Guam Administrative
3 Rules and Regulations, is hereby *amended* to read:

4 “§ 10115. Penalties, Liability, and Severability Clause.

5 (a) Penalties.

6 (1) Field Citations. Any person violating the Water Pollution Control
7 Act or these regulations may be served by the officer or inspector with a
8 pollution citation.

9 (A) Water Pollution citation violations shall be settled by amount
10 of no less than One Hundred Fifty Dollars (\$150.00) per violation and
11 not more than Three Thousand Dollars (\$3,000.00) per violation.

12 (B) Cost to take corrective action and community service in lieu
13 of all or a portion of the fine may be accepted by the Board. The Agency

1 will establish a scale amount to assist in determining the penalty amount
2 for settlement.

3 (C) The Board must hold a public hearing to establish and notify
4 the public of the monetary citation fines under this subsection before
5 fines can be imposed.

6 (D) The citation will provide that the violator can request a
7 hearing with the Guam Environmental Protection Agency Board of
8 Directors (the "Board").

9 (E) The Board can impose a fine up to Three Thousand Dollars
10 (\$3,000.00) per violation noted in the citation. Costs of corrective
11 action and community service in lieu of all or a portion of the fine may
12 be accepted by the Board.

13 (F) Fines imposed and collected under this Section will be
14 deposited into the Water Protection Fund. Judicial review may be had
15 of any Board decision by any party affected adversely by it.

16 (G) If the Board decision is not in accordance with law or not
17 supported by substantial evidence, the Court shall remand the Board to
18 take action according to law or the evidence.

19 (2) Administrative. Whenever on the basis of any information available
20 the Administrator reasonably determines that any person has violated the
21 provisions of this rules and regulations or a lawful order, or has violated any
22 permit condition or limitation, the Administrator may assess a civil penalty
23 that may not exceed Ten Thousand Dollars (\$10,000.00) per day per violation
24 that the violation continues, ~~except that the maximum amount of any civil~~
25 ~~penalty under this Section shall not exceed One Hundred Twenty five~~
26 ~~Thousand Dollars (\$125,000.00).~~

1 (A) Before issuing an order assessing a civil penalty, the
2 Administrator shall give to the person to be assessed such penalty,
3 written notice of the Administrator's proposal to issue such order and
4 the opportunity to request, within thirty (30) days of the date the notice
5 is received by such person, a hearing on the proposed order. Hearing
6 will be conducted as provided under the Administrative Adjudication
7 Law (AAL). In lieu of an order, the Agency may require that alleged
8 violator or violators appear before the Agency for a hearing at a time
9 and place specified in the notice and answer the charges complained of,
10 or the Agency may initiate action pursuant to Section 10114 of this
11 regulations.

12 (i) If, after a hearing held pursuant to the AAL, the Board
13 finds that a violation or violations have occurred, it shall affirm
14 or modify the order previously issued or issue an appropriate
15 order or orders for the prevention, abatement, or control of the
16 pollution or discharges involved or for the taking of such other
17 correction action as may be appropriate.

18 (ii) If, after hearing on an order contained in a notice, the
19 Board finds that no violation has occurred or is occurring, it shall
20 rescind the order.

21 (iii) Any order issued as part of a notice or after hearing
22 may prescribe the date or dates by which the violation or
23 violations shall cease may prescribe timetables for the necessary
24 action in preventing, abating or controlling the pollution or
25 discharge.

26 (B) In determining the amount of any penalty assessed, the
27 Administrator shall take into account the nature, circumstances, extent

1 and gravity of the violation or violations and with respect to the
2 violator, ability to pay, any prior history of such violations, the degree
3 of culpability, economic benefit or savings if any resulting from the
4 violation, and such other matters as justice may require.

5 (C) If any person fails to pay an assessment of a civil penalty
6 after the order making the assessment has become final, or after a Court
7 in an action has entered a final judgment in favor of the Administrator,
8 the Administrator shall request the Attorney General to bring a civil
9 action to recover the amount assessed. In such an action, the validity,
10 amount, and appropriateness of such penalty shall not be subject to
11 review.

12 (D) The Administrator may settle, modify or release, with or
13 without conditions, any administrative penalty which may be imposed
14 under this Section."



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÁTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

August 12, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Fiscal Note on Bill No. 165-36 (COR)**

Håfa adai,

Attached, please find the fiscal note for the following bill:

Bill No. 165-36 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 165-36 (COR)**

AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Environmental Protection Agency	Dept./Agency Head: Walter Leon Guerrero, Administrator
Department's General Fund (GF) appropriation(s) to date:	\$0
Department's Other Fund (Specify) appropriation(s) to date: Air Pollution Control Fund (\$162,292), Guam Env. Trust Fund (\$464,261), Pesticide Management Fund (\$94,989), Water Protection Fund (\$71,950), Water Research & Development Fund (\$66,411), Solid Waste Operations Fund (\$202,992), Tourist Attraction Fund (\$46,903), Recycling Revolving Fund (\$2,365,523)	\$3,475,321
Total Department/Agency Appropriation(s) to date:	\$3,475,321

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2021 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2022 Appro. (P.L. 35-99 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2022 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Water Protection Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / / No 1/
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / / N/A 1/
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date / / Other:

Analyst: J. Blaz	Date: 8/13/21	Director: Lester L. Carlson, Jr., Director	Date: AUG 11 2021
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Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
 COMMENTS ON BILL NO. 165-36 (COR)

The proposed legislation intends to amend §10115(a)(2) of Chapter 10, Title 22, Guam Administrative Rules and Regulations.

Section	§10115(a)(2)	Bill No. 165-36
(a)(2)	Administrative. Whenever on the basis of any information available the Administrator reasonably determines that any person has violated the provisions of this rules and regulations or a lawful order, or has violated any permit condition or limitation, the Administrator may assess a civil penalty that may not exceed Ten Thousand Dollars (\$10,000) per day violation that the violation continues, except that the maximum amount of any civil penalty under this Section shall not exceed One Hundred Twenty-five Thousand Dollars (\$125,000).	Administrative. Whenever on the basis of any information available the Administrator reasonably determines that any person has violated the provisions of this rules and regulations or a lawful order, or has violated any permit condition or limitation, the Administrator may assess a civil penalty that may not exceed Ten Thousand Dollars (\$10,000) per day violation that the violation continues, except that the maximum amount of any civil penalty under this Section shall not exceed One Hundred Twenty-five Thousand Dollars (\$125,000).

The Bill appears to be administrative in nature by removing the \$125,000 cap on violations. Absent any historical data or information from the Department affected, the Bureau is unable to determine any estimate of revenue collection or an approximate fiscal impact at this time.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, Labor,
Procurement, and Statistics, Research, and Planning

I Mina'trentai Sais Na Liheslaturan Guåhan • 36th Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 165-36 (COR) – Therese M. Terlaje, Sabina Flores Perez - “AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS.”

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR SABINA FLORES PEREZ Chairperson	<i>SFP</i> 9/7/2021	✓				
SENATOR THERESE M. TERLAJE Vice Chairperson	E-Vote 9.8.21	✓				
VICE SPEAKER TINA ROSE MUÑA BARNES Member	E-Vote 9.8.21	✓				
SENATOR TELENA CRUZ NELSON Member	E-Vote 9.8.21			✓		
SENATOR JOE S. SAN AGUSTIN Member						
SENATOR TELO T. TAITAGUE Member	E-Vote 9.8.21	✓				
SENATOR JAMES C. MOYLAN Member	E-Vote 9.8.21			✓		



Charlene Flores <charlene@senatorperez.org>

Request for E-VOTE: Bill No. 165-36 (COR)

6 messages

Charlene Flores <charlene@senatorperez.org>

Wed, Sep 8, 2021 at 8:07 AM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>
Cc: Sabina Perez <sabina@senatorperez.org>
Bcc: Evan San Nicolas <evan@senatorperez.org>

Håfa Adai Committee Members,

Please see attached Committee Report for **Bill No. 165-36 (COR) - "AN ACT TO AMEND §10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTY FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS."**

Please indicate your preferred action, based on the following options:

- To Do Pass;
- To Not Pass;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet for Bill No. 165-36 (COR), which will be filed with the Committee on Rules.

--
Charlene Flores
Office of Senator Sabina Perez
I Mina'trentai Sais na Liheslaturan Guåhan - 36th Guam Legislature
671.989.2968

 **Committee Report - Bill No. 165-36 (COR).pdf**
7567K

Senator Telo Taitague <senatortelot@gmail.com>

Wed, Sep 8, 2021 at 8:25 AM

To: Charlene Flores <charlene@senatorperez.org>

To Do Pass

Sent from my iPhone

On Sep 8, 2021, at 8:07 AM, Charlene Flores <charlene@senatorperez.org> wrote:

[Quoted text hidden]

<Committee Report - Bill No. 165-36 (COR).pdf>

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Sep 8, 2021 at 9:35 AM

To: Charlene Flores <charlene@senatorperez.org>, Sabina Perez <sabina@senatorperez.org>

Hafa adai,

To do pass.

Thank you,
TMT

On Sep 8, 2021, at 8:07 AM, Charlene Flores <charlene@senatorperez.org> wrote:

Hâfa Adai Committee Members,

[Quoted text hidden]

[Quoted text hidden]

Office of Senator Moylan Guam Legislature

Wed, Sep 8, 2021 at 10:07

<officeofsenatormoylan@guamlegislature.org>

AM

To: Charlene Flores <charlene@senatorperez.org>

To report out only.

SYM.

[Quoted text hidden]

Office of Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Wed, Sep 8, 2021 at 11:08 AM

To: Charlene Flores <charlene@senatorperez.org>

Cc: Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Office of Senator Moylan Guam Legislature <officeofsenatormoylan@guamlegislature.org>, Sabina Perez <sabina@senatorperez.org>

- Report Out Only

[Quoted text hidden]

--



The Office of Senator Telena Cruz Nelson

Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature

173 Aspinnall Avenue, Suite 202A Ada Plaza Center, Hagåtña, Guam 96910

Phone: (671) 989-7696/4678

Email: senatortcnelson@guamlegislature.org

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Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org> Wed, Sep 8, 2021 at 10:58 AM
To: Charlene Flores <charlene@senatorperez.org>

To do pass.



Sinseru yan Minagåhet,

Office of the Vice Speaker • Tina Rose Muña Barnes

Committee on Rules

Committee on Public Accountability, Human Resource, Guam Buildup, Hagåtña Revitalization, Regional Affairs, Public Library, Telecommunications, and Technology

36th Guam Legislature

I Mina'trentai Sais na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagåtña, GU 96910

senatormunabarnes@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmamente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as senatormunabarnes@guamlegislature.org yan despues destrosa todú siha I kopian mensåhi. Si Yu'os ma'åse'.

On Wed, Sep 8, 2021 at 8:07 AM Charlene Flores <charlene@senatorperez.org> wrote:

[Quoted text hidden]