

*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
<b>165-37 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor	Sabina Flores Perez Chris Barnett Therese M. Terlaje Dwayne T.D. San Nicolas Joe S. San Agustin	AN ACT TO ADD A NEW ARTICLE 10 AND A NEW § 51A120 (c) ALL OF CHAPTER 51A, TITLE 10, AND A NEW § 14104 (p) TO CHAPTER 14, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM SOLID WASTE AUTHORITY ISLANDWIDE COLLECTION PLAN.	9/12/23 9:09 a.m.	9/14/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 9/14/23  9/25/23	11/16/23 1:00 p.m.	12/22/23 2:45 p.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>NOTES</b>			
	4/19/24	AN ACT TO ADD A NEW ARTICLE 11 AND A NEW § 51A120(g) TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED; AND ADD A NEW § 14104(p) TO CHAPTER 14 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM SOLID WASTE AUTHORITY ISLANDWIDE COLLECTION PLAN.	4/26/24	4/26/24	5/8/24				



**COPY**

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
Thirty-Seventh Guam Legislature

April 26, 2024

The Honorable Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*  
*Ufisinan I Maga'håga*  
*Hagåtña, Guam 96910*

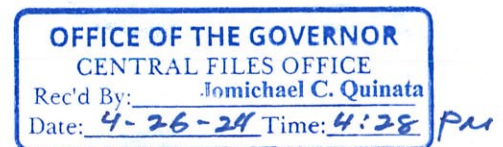
Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 85-37 (LS), 165-37 (COR), 198-37 (LS), 211-37 (COR), 234-37 (COR), 244-37 (COR), and 262-37 (LS)**, which were passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on April 26, 2024.

Sincerely,

AMANDA L. SHELTON  
Legislative Secretary


Enclosure (7)



*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
2024 (SECOND) Regular Session

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

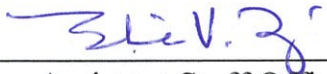
This is to certify that **Bill No. 165-37 (COR)**, “AN ACT TO *ADD A NEW ARTICLE 11 AND A NEW § 51A120(c) TO CHAPTER 51A OF TITLE 10, GUAM CODE ANNOTATED; AND ADD A NEW § 14104(p) TO CHAPTER 14 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM SOLID WASTE AUTHORITY ISLANDWIDE COLLECTION PLAN,*” was on the 26<sup>th</sup> day of April 2024, duly and regularly passed.

  
Therese M. Terlaje  
Speaker

Attested:

  
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 26<sup>th</sup> day of April,  
2024, at 4:28 o'clock P.M.

  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

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

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 165-37 (COR)**

As amended by the Committee on Environment,  
Revenue and Taxation, Labor, Procurement, and  
Statistics, Research, and Planning; and further  
amended on the Floor.

Introduced by:

Sabina Flores Perez  
Chris Barnett  
Therese M. Terlaje  
Dwayne T.D. San Nicolas  
Joe S. San Agustin  
Frank Blas, Jr.  
Joanne M. Brown  
Christopher M. Dueñas  
Thomas J. Fisher  
Jesse A. Lujan  
Tina Rose Muña Barnes  
William A. Parkinson  
Roy A. B. Quinata  
Amanda L. Shelton  
Telo T. Taitague

**AN ACT TO *ADD* A NEW ARTICLE 11 AND A NEW §  
51A120(c) TO CHAPTER 51A OF TITLE 10, GUAM CODE  
ANNOTATED; AND *ADD* A NEW § 14104(p) TO  
CHAPTER 14 OF TITLE 12, GUAM CODE ANNOTATED,  
RELATIVE TO ESTABLISHING THE GUAM SOLID  
WASTE AUTHORITY ISLANDWIDE COLLECTION  
PLAN.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that in 2004, the United States Environmental Protection Agency (USEPA)

1 implemented a consent decree with the government of Guam due to the government  
2 of Guam's violation of the Clean Water Act stemming from the *Ordot* landfill's  
3 leachate contamination. After ownership was transferred from the U.S. Navy to the  
4 government of Guam in 1950, the *Ordot* landfill constituted Guam's sole landfill for  
5 the island's population, including the U.S. Naval Base Guam and Andersen Air  
6 Force Base; and the creation of military landfill options in the 1970s reduced the  
7 *Ordot* landfill's capacity to that of a municipal landfill and the landfill continued to  
8 operate until its closure in 2011.

9 *I Liheslatura* finds that from 1986 to 2008, the government of Guam lacked  
10 the financial and administrative capacity to prevent leachate contamination from the  
11 *Ordot* landfill, of which includes contamination resulting from the U.S. military's  
12 usage of the landfill prior to the 1970s. The continued contamination of the *Ordot*  
13 landfill, its interrelated status as a Superfund site, and the associated costs  
14 culminated in the 2004 consent decree, the *Ordot* landfill's 2011 closure, and the  
15 ongoing post-closure cleanup. The *Ordot* landfill post-closure care continues to  
16 comprise a substantial amount of Guam Solid Waste Authority's (GSWA) total  
17 expenditures, with forty percent (40%) of GSWA's expenditures attributed to  
18 assigned contracts and *Ordot* landfill post-closure care for Fiscal Year 2021. The  
19 government of Guam has been the sole financier of the *Ordot* landfill's closure and  
20 cleanup to date, and consequently sued the U.S. Navy in 2017 for their contribution  
21 to the *Ordot* landfill's contamination and associated cleanup costs per Section  
22 113(f)(3)(B) of the Comprehensive Environmental Response, Compensation, and  
23 Liability Act (CERCLA).

24 *I Liheslatura* finds that the government of Guam's inability to fully fund  
25 operations concerning the *Ordot* landfill (i.e. closure and environmental protections)  
26 and the Layon landfill (i.e. construction) resulted in the U.S. District Court of  
27 Guam's 2008 appointment of a Federal Receiver (Receiver). The U.S. District Court

1 of Guam appointed solid waste management consultants Gershman, Brickner &  
2 Bratton, Inc. (GBB) as the Federal Receiver of the former Solid Waste Management  
3 Division of the Guam Department of Public Works to ensure the government of  
4 Guam's compliance with the 2004 consent decree. In enforcing the terms of the  
5 consent decree, the Receiver established tipping fees to compensate for the costs of  
6 improving the island's solid waste collection and disposal operations.

7 *I Liheslatura* finds that the Receiver's research and analysis determined that  
8 tipping fees would remain at a low cost; provided, that all Guam residents subscribed  
9 to garbage collection services. However, GSWA has indicated that eighteen  
10 thousand (18,000) of the island's residents are unregistered for curbside garbage  
11 collection services, further noting that their 2021 tonnage analysis paradoxically  
12 demonstrates Layon landfill as receiving most of the island population's refuse. The  
13 discrepancies between unsubscribed residents and tonnage received at Layon landfill  
14 suggest a multitude of avenues through which residents dispose of their garbage.  
15 While some unsubscribed residents choose to dispose of their garbage at transfer  
16 stations for a nominal fee, GSWA has also determined that some unsubscribed  
17 residents dump their garbage in residential or commercial trash bins (i.e.,  
18 "piggybacking"), with or without the subscriber's consent, or elect to illegally dump  
19 their trash in the environment. Both "piggybacking" and illegal dumping hold  
20 negative financial consequences for the island's collection and disposal program as  
21 they respectively compromise the program's financial and operational capacity  
22 through diminished subscription and associated costs of collecting illegally disposed  
23 waste.

24 *I Liheslaturan Guåhan* finds that if all of Guam's residents subscribe to  
25 GSWA garbage collection services the economies of scale will result in lower rates  
26 per subscriber and simultaneously ensure that every resident's garbage will be  
27 collected and properly disposed of. The implementation of islandwide collection

1 would greatly mitigate the financial and logistical challenges posed by  
2 “piggybacking” and illegal dumping. Islandwide collection services for Guam would  
3 also parallel the initiatives of other domestic and international jurisdictions that have  
4 instituted mandatory garbage collection services. Studies such as the 2020 Public  
5 Utilities Commission Final Report on the Management Audit of the Guam Solid  
6 Waste Authority demonstrate Guam as one of a very small number of similarly sized  
7 jurisdictions that do not institute mandatory garbage collection services, indicating  
8 that a majority of similar jurisdictions (i.e., similarly sized government and  
9 population) have established mandatory garbage collection services. Such  
10 implementation would include a Customer Assistance Program to financially  
11 support the costs of services for eligible community members. Ultimately, the  
12 implementation of mandatory garbage collection on Guam would mirror domestic  
13 and international initiatives determined to increase the efficiency of garbage  
14 collection services, prevent the detrimental financial consequences of  
15 “piggybacking,” and reduce illegal dumping.

16 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement an  
17 Islandwide Collection Plan that will be administered by the Guam Solid Waste  
18 Authority.

19 **Section 2.** A new Article 11 is *added* to Chapter 51A of Title 10, Guam  
20 Code Annotated, to read as follows:

21 **“ARTICLE 11**

22 **ISLANDWIDE COLLECTION PLAN**

- 23 § 51A1101. Purpose.  
24 § 51A1102. Islandwide Collection Plan Goals.  
25 § 51A1103. Subscription for, and Mandatory Provision for, Garbage  
26 Collection Services.  
27 § 51A1104. Exemptions.

1           § 51A1105.           Penalties for Failure to Subscribe.

2           **§ 51A1101.    Purpose.**

3           *I Liheslaturan Guåhan* finds that if all of Guam’s residents subscribe to  
4 GSWA garbage collection services, the economies of scale will result in lower rates  
5 per subscriber and simultaneously ensure that every resident’s garbage will be  
6 collected and properly disposed of. The implementation of islandwide collection  
7 would greatly mitigate the financial and logistical challenges posed by  
8 “piggybacking” and illegal dumping. Islandwide collection services for Guam would  
9 also parallel the initiatives of other domestic and international jurisdictions that have  
10 instituted mandatory garbage collection services. Such implementation would  
11 include a Customer Assistance Program to financially support the costs of services  
12 for eligible community members. Ultimately, the implementation of islandwide  
13 collection services on Guam would mirror domestic and international initiatives  
14 determined to increase the efficiency of garbage collection services, prevent the  
15 detrimental financial consequences of “piggybacking,” and reduce illegal dumping.  
16 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement an Islandwide  
17 Collection Plan that will be administered by the Guam Solid Waste Authority.

18           **§ 51A1102.    Islandwide Collection Plan Goals.**

19           The goals and objectives of the Islandwide Collection Plan include:

- 20                   (a)   municipal garbage collection for all residential buildings  
21                   comprised of four (4) units or less;
- 22                   (b)   collection of unwanted appliances, electronics, and most  
23                   types of batteries;
- 24                   (c)   integration of public and private garbage collection  
25                   services;
- 26                   (d)   reduction in tipping fees and disposal fees for old  
27                   electronics and batteries; and



1 (e) reduction of littering and dumping violations.

2 **§ 51A1103. Subscription for, and Mandatory Provision of, Garbage**  
3 **Collection Services.**

4 All owners of residential buildings shall subscribe to and obtain public  
5 or private garbage collection services, except as provided in § 51A1104 of  
6 this Article, under the following conditions:

7 (a) Applicants for new service and existing customers of the  
8 Guam Waterworks Authority (GWA) shall be enrolled in garbage  
9 collection services with the Guam Solid Waste Authority (GSWA) or a  
10 private hauler. GWA shall provide any GSWA forms or applications to  
11 implement this Section, and provide the applicant's enrollment forms  
12 to GSWA. The applicant shall be solely responsible for establishing  
13 solid waste collection services.

14 (b) The subscribed owner shall pay for garbage  
15 collection services rendered to their occupied residential  
16 building.

17 Nothing in this Section is intended to prevent an arrangement, or the  
18 continuance of an existing arrangement, under which payments for garbage  
19 collection services are made by a lessee, or lessee's agent, on behalf of the  
20 owner; however, any such arrangement shall not affect the owner's obligation  
21 to ensure subscription for garbage collection services and the associated  
22 payment for such services, or for any customer assistance or lifeline rate  
23 programs created and operated by or managed by the Authority.

24 **§ 51A1104. Exemptions.**

25 GSWA shall exempt from the requirements of § 51A1103 of this  
26 Article any owner who shows, and only so long as the owner can continue to  
27 show:

1 (a) the owner of a residential building comprised of four (4)  
2 units or less, or other qualifying building, may forgo subscription if  
3 the lessee is obligated, by the lease contract, to subscribe for garbage  
4 collection services;

5 (b) if the building with a valid occupancy permit is vacant;

6 (c) if the building is occupied but not expected to generate  
7 any form of municipal solid waste;

8 (d) if there is a contract for weekly collection services with a  
9 permitted private collection hauler; or

10 (e) if the owner or lessee of a residential building registers  
11 with GSWA as a self-hauler and utilizes the Residential Transfer  
12 Stations.

13 Any owner who meets the requirements of this Section may petition the  
14 GSWA for an exemption. The exemption eligibility shall be renewed annually  
15 from the date the initial exemption is granted.

16 **§ 51A1105. Penalties for Failure to Subscribe.**

17 Penalties for failure to subscribe, failure to pay tipping fees, late  
18 payment fees and any other fees, shall be established by the Guam Solid Waste  
19 Authority Board of Directors pursuant to Chapter 9, Title 5, Guam Code  
20 Annotated, and in conjunction with the tipping fees established by § 51A301  
21 of this Chapter.”

22 **Section 3.** A new § 51A120(c) is *added* to Article 1 of Chapter 51A, Title  
23 10, Guam Code Annotated, to read as follows:

24 “(c) Customer Assistance Program. GSWA is authorized to establish a  
25 Customer Assistance Program to provide financial assistance to eligible ratepayers.  
26 GSWA shall establish income eligibility standards for the residential class ratepayer

1 to receive financial assistance, which shall include a reduction or waiver of fees,  
2 subject to the approval of the Guam Public Utilities Commission.”

3 **Section 4.** A new § 14104(p) is *added* to Article 1 of Chapter 14, Title 12,  
4 Guam Code Annotated, to read as follows:

5 “(p) The Guam Waterworks Authority shall share customer information  
6 with the Guam Solid Waste Authority as necessary to be used for establishing solid  
7 waste collection services. The Guam Waterworks Authority shall not be held liable  
8 for any damages or disputes resulting from the sharing of customer information.”

9 **Section 5. Revision of Rates and Fees.** GSWA shall review and revise  
10 rates as needed to account for the implementation of Section 2 of this Act.

11 **Section 6. Promulgation of Rules and Regulations.** GSWA shall revise  
12 its administrative rules and regulations to comply with the mandates of Chapter 51A,  
13 Title 10, Guam Code Annotated, pursuant to Chapter 9 of Title 5, Guam Code  
14 Annotated, and Chapter 51A of Title 10, Guam Code Annotated, within one hundred  
15 eighty (180) days of enactment of this Act. The default approval provisions of 5  
16 GCA, Chapter 9, Article 3, § 9303(c) shall not apply to this Act.

17 **Section 7. Implementation.** The Islandwide Collection Plan set forth in  
18 Section 2 of this Act shall be implemented twelve (12) months after *I Liheslaturan*  
19 *Guåhan*’s approval and adoption of the rules and regulations as promulgated  
20 pursuant to Section 6 of this Act.

21 **Section 8. Effective Date.** This Act shall be effective upon enactment.

22 **Section 9. Severability.** If any provision of this Act or its application to any  
23 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
24 affect other provisions or applications of this Act that can be given effect without  
25 the invalid provision or application, and to this end the provisions of this Act are  
26 severable.