

*I Mina'trentai Siette 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
101-37 (COR)	Sabina Flores Perez	AN ACT TO <i>REPEAL AND REENACT</i> § 1310 OF ARTICLE 1, CHAPTER 1, TITLE 22 GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING UPDATED EMISSION STANDARDS FOR SULFUR OXIDES FROM FUEL COMBUSTION TO ENSURE THE ISLAND OF GUAM MEETS THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR SULFUR DIOXIDE TRANSMITTED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.	4/19/23 11:28 a.m.						

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

**Bill No. 101-37 (COR)**

Introduced by:

Sabina Flores Perez *SFP*

**AN ACT TO *REPEAL AND REENACT* § 1310 OF  
ARTICLE 1, CHAPTER 1, TITLE 22 GUAM  
ADMINISTRATIVE RULES AND REGULATIONS,  
RELATIVE TO ADOPTING UPDATED EMISSION  
STANDARDS FOR SULFUR OXIDES FROM FUEL  
COMBUSTION TO ENSURE THE ISLAND OF GUAM  
MEETS THE NATIONAL AMBIENT AIR QUALITY  
STANDARDS FOR SULFUR DIOXIDE TRANSMITTED  
BY THE GUAM ENVIRONMENTAL PROTECTION  
AGENCY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the Clean Air Act requires compliance with National Ambient Air Quality  
4 Standards (NAAQS) for criteria air pollutants which currently includes sulfur  
5 dioxide (SO<sub>2</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), Ozone (O<sub>3</sub>), Lead  
6 (Pb), and Particulate Matter (PM<sub>2.5</sub> and PM<sub>10</sub>). Furthermore, those areas not in  
7 compliance with and not attaining NAAQS levels are designated by the United  
8 States Environmental Protection Agency (USEPA) as nonattainment areas for the  
9 particular pollutant(s).

1            *I Liheslatura* further finds that the United States Environmental Protection  
2 Agency (USEPA) designated two (2) nonattainment areas on Guam. The Piti-Cabras  
3 area of Guam was designated as not attaining the 2010 SO<sub>2</sub> Primary NAAQS on  
4 January 9, 2018. The area of nonattainment is a 6.074-kilometer radius area from a  
5 point between Units 1 and 2 and Units 3 and 4 of the Guam Power Authority (GPA)  
6 Cabras Station. The other nonattainment area is a 3.5 kilometer or 2.2-mile radius  
7 area from the Tanguisson power plant, although the plant is no longer operating.

8            *I Liheslatura* finds, as required by Part D of the Clean Air Act, that Guam is  
9 required to show that it will be in attainment by the year 2023. To this end, GEPA  
10 has completed the baseline emissions inventory for 2020. In 2020, the emission  
11 inventory for SO<sub>2</sub> for Guam was 9197.04 tons. The estimated emissions inventory  
12 for SO<sub>2</sub> in 2023 is 3.336 tons - a reduction of 9,193.704 tons per year of SO<sub>2</sub>. Once  
13 the Guam Power Authority has commissioned the new combined cycle power plant  
14 and decommissioned Cabras 1 and 2, Guam will be in full attainment for the 2010  
15 SO<sub>2</sub> NAAQS.

16            *I Liheslatura* further finds that the Guam Environmental Protection Agency  
17 (GEPA) must prepare a State Implementation Plan (SIP) revision to show attainment  
18 of the standard within five (5) years of the effective designation date. Furthermore,  
19 the adoption of New Source Review Rule (NSRR) that is part of the requirements  
20 of the SIP Revision with the passage of Public Law 36-140 is one of the components  
21 of the SIP. The other component for the updated SIP is the adoption of the sulfur  
22 content.

23            *I Liheslatura Guåhan* therefore intends to adopt sulfur fuel content which will  
24 be included in the updated State Implementation Plan in order to administratively  
25 satisfy compliance with the United States Environmental Protection Agency's  
26 (USEPA) Clean Air Act Part D requirements for Nonattainment Areas for the 2010

1 SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS) and to avoid sanctions for  
2 failing to submit an attainment plan for the 2010 SO<sub>2</sub> NAAQS.

3 **Section 2.** § 1310 of Article 1, Chapter 1, Title 22 Guam Administrative  
4 Rules and Regulations is hereby *repealed and reenacted* to read as follows:

5 ~~“§ 1310. Sulfur Oxides from Fuel Combustion.~~

6 ~~(a) No person shall burn any fossil fuel containing in excess of two~~  
7 ~~(2%) percent sulfur by weight, except for fuel used in ocean going vessels.~~

8 ~~(b) If there is an air quality violation attributable to a source(s) of~~  
9 ~~sulfur dioxide (SO<sub>2</sub>) in a current or prior SO<sub>2</sub> nonattainment area, the~~  
10 ~~source(s) must permanently reduce either its/their fuel sulfur content or output~~  
11 ~~capacity by the same percentage as the violation, (i.e. by the same percentage~~  
12 ~~as the measured violation is in excess of an applicable federal SO<sub>2</sub> ambient~~  
13 ~~air quality standard). Accordingly, the reduced fuel, output, or emission~~  
14 ~~limitation will become part of the modified operating permit.~~

15 ~~(c) Power Plants within the Cabras/Piti area must comply with the~~  
16 ~~Cabras/Piti Area Intermittent Control Strategy (CPAICS) as required by the~~  
17 ~~69.11 (a)(3)(i) of 40 CFR Part 69 Subpart A, as amended, and any~~  
18 ~~modification to the CPAICS approved by USEPA as defined in~~  
19 ~~69.11(a)(3)(ii).~~

20 ~~(d) If compliance with these standards is to be accomplished by~~  
21 ~~means of removal of sulfur dioxide from the flue gases, the owner or operator~~  
22 ~~of the source must provide for the necessary monitoring equipment, and~~  
23 ~~sample such emissions in accordance with methods specified by the~~  
24 ~~Administrator.~~

25 **§ 1310. Sulfur Oxides from Fuel Combustion.**

26 (a) Effective June 1, 2023, no person shall burn fossil fuel containing  
27 in excess of 15 parts per million (ppm) or 0.0015% percent sulfur by weight

1 except for fuel used in ocean-going vessels and the Cabras Units 1 and 2.  
2 Ocean-going vessels that supply electrical power for onshore use or  
3 consumption shall not burn fossil fuel for electrical generation containing in  
4 excess of 15 ppm or 0.0015%.

5 (b) Effective June 1, 2023, the Cabras Units 1 and 2 shall not burn  
6 any fossil fuel containing in excess of 2000 ppm or 0.2% of sulfur by weight.  
7 After the closure and decommissioning of the Cabras Units 1 and 2, no person  
8 shall burn fossil fuel containing in excess of 15 part per million (ppm) or  
9 0.0015% percent sulfur by weight except for fuel used in ocean-going vessels.

10 (c) Effective June 1, 2023, the sulfur content of all fuels used at Piti  
11 Units 8 and 9 and Cabras Units 1 and 2 shall be tested by the current  
12 owner/operator. The fuel shall be tested by sampling and analyzing each  
13 shipment of fuel to be used at these Units, both before it leaves its location of  
14 origin (e.g., Singapore) and after it arrives at the Apra Harbor unloading dock  
15 on Guam. The test methods contained in ASTM D2880 shall be used in  
16 ascertaining the sulfur content of these fuels. Records of the fuel sulfur content  
17 shall be maintained for at least five years from the date of testing, in a form  
18 suitable for inspections.

19 (d) Effective June 1, 2023, for each day Cabras Units 1 and 2 is  
20 operated, the operator shall create and maintain for at least five years, in a  
21 form suitable for inspections, a daily record showing the amount(s) (e.g.,  
22 gallons) and type(s) of fuel (e.g., Low Sulfur Residual Fuel Oil or RFO)  
23 used to power Cabras Units 1 and 2.

24 (e) By October 31, 2024, the owner/operator of Cabras Units 1 and  
25 2 shall permanently retire Cabras Units 1 and 2.”

26 **Section 3. Severability.** If any provision of this Act or its application to any  
27 person or circumstance is found to be invalid or inorganic, such invalidity

1 shall not affect other provisions or applications of this Act that can be given  
2 effect without the invalid provision or application, and to this end the  
3 provisions of this Act are severable.