

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
35-37 (COR)	Sabina Flores Perez	AN ACT TO AMEND § 51111 (a)(9) OF ARTICLE 1, CHAPTER 51, DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE PROHIBITION OF OPEN DETONATION AND CLARIFYING THE IMPLEMENTATION OF SAFE ALTERNATIVES FOR THE PROTECTION OF GUAM'S AIR, WATER, LAND, AND THE HEALTH OF ITS PEOPLE.	2/9/23 9:05 a.m.						

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

Bill No. 35-37 (COR)

Introduced by:

Sabina Flores Perez *SFP*

AN ACT TO *AMEND* § 51111 (a)(9) OF ARTICLE 1, CHAPTER 51, DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE PROHIBITION OF OPEN DETONATION AND CLARIFYING THE IMPLEMENTATION OF SAFE ALTERNATIVES FOR THE PROTECTION OF GUAM'S AIR, WATER, LAND, AND THE HEALTH OF ITS PEOPLE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 recent prohibition of the open detonation of hazardous waste may not address all
4 situations in which safer alternatives for managing hazardous waste explosives are
5 not currently available.

6 It is the intent of *I Liheslaturan Guåhan* to update the current open detonation
7 regulations to allow for the treatment of hazardous waste explosives in case there is
8 a situation where no safe alternatives for management of that waste exist.

9 *I Liheslatura* further intends to require that all instances of open detonation
10 for the treatment of explosive hazardous wastes are reported within 30 days of taking
11 place to Guam EPA. These reports will be utilized by Guam EPA to assess and gage
12 the implementation of safer alternatives to open detonation for the protection of
13 Guam's air, water, land, and health of its people.

1 **Section 2.** § 51111 (a) (9) of Article 1, Chapter 51, Title 10, Guam Code
2 Annotated, is hereby *amended* to read as follows:

3 “**§ 51111. Prohibited Hazardous Waste Activities.**

4 (9) use open detonation (OD) to treat ~~hazardous waste, with the exception~~
5 ~~of World War II unexploded ordnances~~ explosive hazardous waste, except for those
6 hazardous waste explosives for which Guam EPA and USEPA have determined that
7 no safe alternative management options (including treatment or disposal
8 technologies, safe storage or transport) exist. At least annually, OD facilities must
9 re-evaluate whether safe alternative management options exist, subject to approval
10 of that determination by Guam EPA and USEPA. Where safe alternatives exist,
11 facilities must implement those alternatives that provide the most protection of
12 human health and the environment.

13 The Guam EPA shall require a protective permit for the OD of WWII UXO
14 and shall develop permitting rules and regulations promulgated through the
15 Administrative Adjudication Law found in Chapter 9 of Title 5, Guam Code
16 Annotated. Permits for OD shall be valid for no more than one year. All ODs under
17 a permit shall be reported to the Guam EPA within thirty (30) calendar days of each
18 OD. These reports shall include but not be limited to, the date and place of the open
19 detonation, the findings of the Explosive Ordnance Disposal (EOD)
20 technicians/specialists for why OD is permissible under the terms of the OD permit,
21 and any other information required by the Guam EPA.”

22 **Section 3. Promulgation of Rules and Regulations.** The Guam
23 Environmental Protection Agency shall promulgate rules and regulations consistent
24 with the provisions of this Act no later than one hundred (120) days after enactment
25 of this Act. Until such rules and regulations are promulgated, Guam EPA shall
26 follow USEPA rules and regulations.

27 **Section 4. Effective Date.** This Act shall be effective upon enactment.

28 **Section 5. Severability.** If any provision of this Act or its application to any
29 person or circumstance is found to be invalid or inorganic, such invalidity shall not

1 affect other provisions or applications of this Act that can be given effect without
2 the invalid provision or application, and to this end the provisions of this Act are
3 severable.