

# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

## 2023 (FIRST) Regular Session

### VOTING RECORD

<b>Bill No. 101-37 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research and Planning; and substituted and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building June 30, 2023					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	√					
Senator Frank Blas, Jr.		III √				
Senator Joanne Brown	√					
Senator Christopher M. Dueñas	√					
Senator Thomas J. Fisher	√					
Senator Jesse A. Lujan	√					
Vice Speaker Tina Rose Muña Barnes	√					
Senator William A. Parkinson	√					
Senator Sabina Flores Perez	√					
Senator Roy A. B. Quinata	√					
Senator Joe S. San Agustin	√					
Senator Dwayne T. D. San Nicolas	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague	√					
Speaker Therese M. Terlaje	√					

**TOTAL**

**14**

**1**

Aye

Nay

Not  
Voting/  
Abstained

Out  
During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE  
Substitute Clerk of the Legislature

I = Pass

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**2023 (FIRST) Regular Session**

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

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

\*

Introduced by:

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

**AN ACT TO *REPEAL AND REENACT* § 1310 OF ARTICLE 3, 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 BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.**

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

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

9           *I Liheslatura* further finds that the USEPA designated two (2) nonattainment  
10 areas on Guam. The Piti-Cabras area of Guam was designated as not attaining the  
11 2010 SO<sub>2</sub> Primary NAAQS on January 9, 2018. The area of nonattainment is a  
12 6.074-kilometer radius area from a point between Units 1 and 2 and Units 3 and 4 of  
13 the Guam Power Authority (GPA) Cabras Station. The other nonattainment area is  
14 a 3.5 kilometer or 2.2-mile radius area from the Tanguisson power plant, although  
15 the plant is no longer operating.

16           *I Liheslatura* finds, as required by Part D of the Clean Air Act, that Guam is  
17 required to show that it will be in attainment by the year 2023. To this end, the Guam  
18 Environmental Protection Agency (GEPA) has completed the baseline emissions  
19 inventory for 2020. In 2020, the emission inventory for SO<sub>2</sub> for Guam was 9197.04  
20 tons. The estimated emissions inventory for SO<sub>2</sub> in 2025 is 3.336 tons - a reduction  
21 of 9,193.704 tons per year of SO<sub>2</sub>. Once GPA has commissioned the new combined  
22 cycle power plant and decommissioned Cabras 1 and 2, Guam will be in full  
23 attainment for the 2010 SO<sub>2</sub> NAAQS.

24           *I Liheslatura* further finds that GEPA must prepare a State Implementation  
25 Plan (SIP) revision to show attainment of the standard within five (5) years of the  
26 effective designation date. Furthermore, the adoption of a New Source Review Rule  
27 (NSRR) that is part of the requirements of the SIP Revision with the passage of

1 Public Law 36-140 is one of the components of the SIP. The other component for  
2 the updated SIP is the adoption of the sulfur content limits on fuel oil.

3 *I Liheslatura Guåhan*, therefore, intends to adopt the sulfur fuel content limits  
4 which will be included in the updated SIP in order to administratively satisfy  
5 compliance with the USEPA Clean Air Act Part D requirements for Nonattainment  
6 Areas for the 2010 SO<sub>2</sub> NAAQS and to avoid sanctions for failing to submit an  
7 attainment plan for the 2010 SO<sub>2</sub> NAAQS.

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

10 **“§ 1310. Sulfur Oxides from Fuel Combustion.**

11 (a) Effective July 13, 2023, no person shall burn fossil fuel containing in  
12 excess of 15 parts per million (ppm) or 0.0015% percent sulfur by weight except for  
13 fuel used in ocean-going vessels and the Cabras Units 1 and 2. Ocean-going vessels  
14 that supply electrical power for onshore use or consumption shall not burn fossil fuel  
15 for electrical generation containing in excess of 15 ppm or 0.0015%.

16 (b) Effective July 13, 2023, the Cabras Units 1 and 2 shall not burn any  
17 fossil fuel containing in excess of 2000 ppm or 0.2% of sulfur by weight.

18 (c) Effective July 13, 2023, the sulfur content of all fuels used at Piti Units  
19 7, 8 and 9 and Cabras Units 1 and 2 shall be tested by the current owner/operator.  
20 The fuel shall be tested by sampling and analyzing each shipment of fuel to be used  
21 at these Units, both before it leaves its location of origin (e.g., Singapore) and after  
22 it arrives at the Apra Harbor unloading dock on Guam. The test methods contained  
23 in ASTM D2880 shall be used in ascertaining the sulfur content of these fuels.  
24 Alternatively, the test methods contained in ASTM D5453 or ASTM D7039 shall  
25 be used in ascertaining the sulfur content of Diesel Fuel Oil No. 2 (Ultra Low Sulfur  
26 Diesel) and ASTM D4294 or ASTM D2622 shall be used in ascertaining the sulfur  
27 content of Residual Fuel Oil No. 6 (Low Sulfur Residual Fuel Oil). Records of the

1 fuel sulfur content shall be maintained for at least five (5) years from the date of  
2 testing, in a form suitable for inspections.

3 (d) Effective July 13, 2023, for each day Cabras Units 1 and 2 are operated,  
4 the operator shall create and maintain for at least five (5) years, in a form suitable  
5 for inspections, a daily record showing the amount(s) (e.g., gallons) and type(s) of  
6 fuel (e.g., Low Sulfur Residual Fuel Oil or RFO) used to power Cabras Units 1 and  
7 2.

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