

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

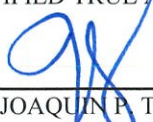
VOTING RECORD

Bill No. 175-37 (COR) As substituted; and amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building July 10, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett		✓				
Senator Frank Blas, Jr.	✓					
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

9	5			1	1
Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Clerk of the Legislature

I = Pass

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

Bill No. 175-37 (COR)

As substituted; and amended on the Floor.

*

Introduced by:

Christopher M. Dueñas

Frank Blas, Jr.

Jesse A. Lujan

Thomas J. Fisher

Dwayne T.D. San Nicolas

AN ACT TO *AMEND* § 48101(c) AND *ADD NEW* §§ 48101 (f) THROUGH (l); TO *AMEND* §§ 48104(a), (b)(3) AND (4), (c) AND (d), AND *ADD A NEW* § 48104(e), TO *AMEND* AND *RENUMBER* §§ 48106 AND 48112.1, TO *ADD NEW* §§ 48112.1(b) AND 48112.2, TO *REPEAL* AND *REENACT* §§ 48125 AND 48126, AND TO *ADD NEW* §§ 48127, 48128, 48129, AND 48130, ALL OF CHAPTER 48, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING NITROGEN REDUCING SYSTEMS, ESTABLISHING AN ADMINISTRATIVE PROCESS, AND CREATING THE SEWAGE DISPOSAL ASSISTANCE AND THE NGLA STUDY FUND.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the use of residential septic systems is one of several main threats to the Northern
4 Guam Lens Aquifer (NGLA) which supplies eighty percent (80%) of Guam's
5 drinking water. Studies by the University of Guam's Water and Environmental
6 Research Institute of the Western Pacific (WERI) from 2002 and 2020 reveal a
7 trending increase in nitrate concentrations attributable to the management of sewage.

1 *I Liheslatura*, therefore, intends to establish a new Type 4 toilet facility to
2 provide options for landowners who under existing laws cannot develop their
3 property where sewer is unavailable, to encourage sewer connections for existing
4 dwellings having access to new sewer lines, to empower GEPA to modernize the
5 regulation of onsite wastewater disposal on Guam and to authorize GEPA to permit
6 the installation, operation, and maintenance of Type 4 toilet facilities, and to
7 mandate GEPA to promulgate rules and regulations, further installation, operation,
8 and maintenance as soon as practicable, in order to protect our drinking water supply
9 and the health of our people.

10 **Section 2.** § 48101(c) of Chapter 48, Title 10, Guam Code Annotated, is
11 hereby *amended* to read:

12 “(c) *Septic tank* means a water-tight receptacle which receives the
13 discharge of untreated sewage designed and constructed so as to retain solids,
14 digest organic matter through a period of detention, and allows the liquids to
15 discharge into an exterior soil absorption system. They shall be fabricated or
16 constructed of welded steel, monolithic concrete, fiberglass or an approved
17 material. Tanks shall be watertight and fabricated to constitute an individual
18 structure and shall be designed and constructed to withstand anticipated loads.
19 The design of prefabricated septic tanks, the materials from which septic tanks
20 may be constructed or fabricated, and the approval of plans for site-
21 constructed tanks prior to construction shall be approved by the Guam EPA.”

22 **Section 3.** New §§ 48101(f) through (l) of Chapter 48, Title 10, Guam Code
23 Annotated, are hereby *added* to read:

24 “(f) *Administrator* for the purpose of this Chapter is the Administrator of
25 the Guam Environmental Protection Agency.

26 (g) *Board* for the purpose of this Chapter is the Board of Directors of the
27 Guam Environmental Protection Agency.

1 (h) *Fund* for the purpose of this Chapter means the Sewage Disposal
2 Assistance and the NGLA Study Fund formed pursuant to this Chapter.

3 (i) *GEPA* shall mean the Guam Environmental Protection Agency.

4 (j) *Private sewage disposal system* means a sewage treatment and disposal
5 system serving a single structure with a septic tank and soil absorption field located
6 on the same parcel as the structure. This term also means an alternative sewage
7 disposal system, including a substitute for the septic tank or soil absorption field, a
8 holding tank, a system serving more than one structure, or a system located on a
9 different parcel than the structure. A private sewage disposal system is permitted to
10 be owned by the property owner. A private sewage disposal system excludes
11 cesspools.

12 (k) *Advanced nitrogen-reducing onsite disposal system* means an onsite
13 wastewater treatment and disposal system that reduces total nitrogen in effluent by
14 at least fifty percent (50%) and that is certified by the Guam Environmental
15 Protection Agency.

16 (l) *Soil absorption system* means a subsurface system of piping where
17 effluent from septic tanks and other approved treatment tanks may seep into the
18 surrounding porous soil by gravity. The piping is backfilled with the finished grade
19 blending into adjacent grade level. This term can encompass leaching systems, as
20 well as other systems for soil absorption.”

21 **Section 4.** § 48104(a) of Chapter 48, Title 10, Guam Code Annotated, is
22 hereby *amended* to read:

23 “(a) The following types of toilet facilities are permitted under the
24 terms and conditions as hereinafter provided:

25 Type 1: Toilets flushed with water and connected to a public
26 sewer.

27 Type 2: Toilets flushed with water and connected to a

1 private sewage disposal system, not including cesspools.

2 Type 3: Privy type, including pit privy, trench latrine and
3 bored hole latrine.

4 Type 4: Toilets flushed with water and connected to an
5 advanced nitrogen-reducing residential onsite disposal system.”

6 **Section 5.** § 48104(b)(3) and (4) of Chapter 48, Title 10, Guam Code
7 Annotated, are hereby *amended* to read:

8 “(b) (3) Any such building existing at the time a public sewer first
9 becomes available and being served by Type 2 or Type 4 toilet facilities which
10 are entirely adequate and without defect may continue to be served by such
11 existing facilities for a maximum period of two (2) years’ time upon the
12 following conditions:

13 (a) No additions of or to such buildings that generate
14 additional sewage loading will be permitted.

15 (b) Whenever any such toilet facility becomes defective or
16 inadequate, connection to the public sewer must be made within thirty
17 (30) days after notice given by the *Administrator*, who may, however,
18 upon application, extend the time to not more than six (6) months if
19 he/she finds that the defect or inadequacy is not hazardous to health.

20 (c) Whenever a public sewer becomes available, the
21 *Administrator*, as soon as possible, shall make or cause to be made an
22 inspection of all Type 2 or Type 4 facilities on lands abutting the road,
23 street, or other way or easement in which such sewer is located and
24 shall promptly notify the persons concerned of his determination of
25 which such facilities may continue to be used as above provided.

26 (d) In situations within the Groundwater Protection Zone
27 where the density of Type 2 and Type 4 facilities exceeds four (4) septic

1 tank and soil absorption systems per acre and public sewer is available,
2 in order to protect the groundwater, the *Administrator*, upon
3 documenting the feasibility of connecting the toilet facilities to the
4 sewer line, has discretion in requiring building owners to connect to the
5 public sewer within six (6) months of being served proper notice.

6 (4) The *Administrator* may inspect or cause to be inspected any toilet
7 facility at any time and shall make or have made suitable inspections with
8 such frequency as may be necessary to assure compliance with this Chapter.”

9 **Section 6.** § 48104(c) and (d) of Chapter 48, Title 10, Guam Code
10 Annotated, are hereby *amended* to read:

11 “(c) Where water is available from a public water system as defined
12 by 10 GCA, Chapter 53, § 53102, but a public sewer is not available, toilet
13 facilities shall be of Type 2 or 4 pursuant to regulations promulgated by
14 GEPA. With respect to buildings in existence on the effective date of this Act,
15 this Subsection shall apply to all such buildings, except dwellings, from and
16 after six (6) months after the promulgation of rules and regulations by GEPA,
17 or after water becomes available, whichever is sooner. This Subsection shall
18 apply to dwellings from and after one (1) year after the promulgation of rules
19 and regulations by GEPA, or after water becomes available, whichever is
20 sooner. This Subsection shall not apply to any such existing building where
21 the size of the lot or the soil permeability of the lot, as may be determined by
22 the *Administrator*, is inadequate and unsuitable for the installation and
23 operation of toilet facilities of Type 2 or Type 4.

24 (d) In all other cases, toilet facilities shall be of Type 2 or Type 4
25 pursuant to regulations promulgated by GEPA. In no case shall the
26 construction of new cesspools be allowed.”

27 **Section 7.** A new § 48104(e) is hereby *added* to Chapter 48, Title 10, Guam

1 Code Annotated, to read:

2 “(e) Only for land covered by 21 GCA, Chapter 62, § 62104(a) (land which
3 is an asset of the estate of decedent) that is located within the Groundwater
4 Protection Zone (GPZ) as established under 10 GCA, Chapter 47, § 47108.1:

5 (1) the minimum lot size on which a Type 2 facility serving a single
6 dwelling unit shall be nineteen thousand two hundred (19,200) square feet;

7 (2) the minimum lot size on which a Type 4 nitrate reducing system
8 facility serving a single dwelling unit shall be nine thousand six hundred
9 (9,600) square feet.”

10 **Section 8.** § 48106 of Chapter 48, Title 10, Guam Code Annotated is hereby
11 *amended and renumbered* as § 48106(a), (b) and (c) to read:

12 “(a) No septic tank, soil absorption system, or privy be located within
13 a horizontal distance of three hundred (300) feet of any river, creek, pond,
14 reservoir, stream, well, spring, or body of fresh water, or within a horizontal
15 distance of five (5) feet of the boundary line of any lot or located in position
16 not easily accessible for emptying or cleaning. No septic tank or soil
17 absorption system shall be constructed, located, or maintained within a
18 horizontal distance of ten (10) feet and no privy shall be constructed, located,
19 or maintained within a horizontal distance of twenty (20) feet, of any dwelling,
20 school, public building, or a building used for commercial or industrial
21 purposes, or as a place of assembly.

22 (b) Additional location requirements for all other components of
23 Type 2 or Type 4 systems may be established pursuant to regulations
24 promulgated by GEPA.

25 (c) Provided, however, that the limitation with regard to location of
26 any privy, septic tank, or soil absorption system within five (5) feet of the
27 boundary line of any lot shall not apply to any privy, septic tank, or soil

1 absorption system now so located.”

2 **Section 9.** § 48112.1 of Chapter 48, Title 10, Guam Code Annotated, is
3 hereby *amended* and *renumbered* as § 48112.1(a) and (b) to read:

4 **“§ 48112.1. Ordering of Replacement, Repair, etc.: Procedure.**

5 (a) Any toilet or sewage facilities, sewage disposal system,
6 septic tank, soil absorption system, or privy which fails to comply with
7 the provisions of this Chapter, or which has become dangerous to
8 human life or health, shall be replaced, removed, repaired, altered,
9 cleaned, or emptied by the owner of the premises, as may be ordered
10 by the *Administrator*, so as to comply with the provisions of this
11 Chapter. If the owner of such premises does not comply within fifteen
12 (15) days after service of written notice of such order, upon the request
13 of the *Administrator* work shall be done by the Department of Public
14 Works, using the appropriations of the Agency. The Director of Public
15 Works shall determine a reasonable charge for such work and such
16 amount shall be entered upon the real estate tax duplicate, shall be a
17 lien upon such real estate from the date of entry, and shall be collected
18 in the same manner as real estate taxes.

19 (b) Authority to Disconnect Water Service. If notice prior to
20 disconnecting is not feasible due to the existence of an emergency, the
21 *Administrator* shall notify the owner, the owner's authorized agent, or
22 the occupant of the building structure or service citizen in writing as
23 soon as practical thereafter. The *Administrator* shall notify the public
24 water system as defined by 10 GCA, Chapter 53, § 53102, and wherever
25 possible the owner or the owner’s authorized agent and occupant of the
26 building, structure or service system of the decision to disconnect prior
27 to taking such action. If not notified prior to disconnecting, the owner,

1 the owner's authorized agent or occupant of the building, structure or
2 service system shall be notified in writing, as soon as practical
3 thereafter."

4 **Section 10.** A new § 48112.2 is hereby *added* to Chapter 48, Title 10, Guam
5 Code Annotated, to read:

6 **"§ 48112.2. Hearings.**

7 (a) Any person who receives an order from the *Administrator*, as
8 authorized by this Chapter, and any person whose permit application is
9 disapproved or denied by the *Administrator*, may within fifteen (15) days of
10 the date of receipt of the order or disapproval, file a notice of intent to appeal
11 with the Board, setting forth in the notice the basis for the appeal.

12 (b) The Board shall, not more than sixty (60) days after filing of the
13 notice of appeal, hold a public hearing consistent with the Administrative
14 Adjudication Law. A decision shall be rendered by the Board within five (5)
15 working days of such a hearing.

16 (c) The Board shall either affirm, modify or revoke any action or
17 determination of the *Administrator* which is appealable, or issue an
18 appropriate order or orders for the prevention, abatement or control of the
19 sewage involved or for the taking of any other corrective action as may be
20 appropriate to prevent, abate or control the sewage of pollutants.

21 (d) In the same manner as services provided in civil actions any
22 person adversely affected by a decision of the Agency may have judicial
23 review by filing a petition with the Superior Court of Guam in accordance
24 with the Administrative Adjudication Law, and by simultaneously sending a
25 copy of the filing by serving the *Administrator*. The petitioner shall reimburse
26 the Agency for the expenses associated with the preparation of the record for
27 judicial review."

1 **Section 11.** §§ 48125 and 48126 of Chapter 48, Title 10, Guam Code
2 Annotated, are *repealed* and *reenacted* to read as follows:

3 **“§ 48125. Permitting of Type 4 Facilities and Holding Tanks.**

4 (a) Interim Permitting Authority.

5 (1) GEPA has the authority to grant construction and
6 operating permits for Type 4 facilities and holding tanks prior to the
7 issuance of regulations for such systems, pursuant to the requirements
8 under this Section.

9 (2) This authority, through GEPA, shall expire upon the
10 issuance of such regulations, and in no case no later than twelve (12)
11 months after enactment of this Section.

12 (3) Interim Fees. Applications for construction permits under
13 this Section shall be charged a fee of One Hundred Dollars (\$100.00),
14 payable to The Fund. The interim fee for an operating permit shall be
15 Forty Dollars (\$40.00), also payable to The Fund. The fees for
16 construction permit applications and operating permits shall be
17 established by GEPA after its due diligent inquiry into the
18 administrative expenses necessary for the administration of permits.

19 (b) Approval of Type 4 Facilities and Holding Tanks.

20 (1) All Type 4 facilities must be listed as approved under
21 NSF/ANSI Standard 245, Wastewater Treatment Systems – Nitrogen
22 Reduction.

23 (2) All applications for a holding tank must include a five (5)-
24 year economic cost analysis comparing the cost of constructing and
25 pumping the holding tank to the cost of connecting to public sewer.

26 (3) Holding Tanks. Construction of all holding tanks shall be
27 subject to the requirements of Section 805 of the International Private

1 Sewage Disposal Code, as adopted under 21 GCA, Chapter 67, §
2 67101.4.

3 (c) Operating Permits Required.

4 (1) Operation of Type 4 facilities shall require issuance of an
5 operating permit at a frequency determined by the *Administrator* and
6 pursuant to § 48125(a)(3) of this Chapter. The operating permit shall
7 include conditions as required by regulation and shall require the owner
8 of the building to submit a maintenance contract with a GEPA-
9 approved contractor covering the oversight, maintenance and repairs of
10 the Type 4 facility for the time period covered by the permit subject to
11 regulations to be promulgated by GEPA pursuant to this Chapter.

12 (2) Operation of holding tanks shall require annual issuance
13 of an operating permit by the *Administrator*. The operating permit shall
14 include conditions as required by regulations promulgated by GEPA,
15 and shall also require the owner of the building to submit a pumping
16 and disposal contract with a GEPA - approved contractor to remove and
17 dispose of all wastewater as needed.

18 (3) Failure to timely renew an operating permit for a Type 4
19 facility shall be a violation of this Chapter.

20 (d) Permit Fees. GEPA shall establish fees for permits, inspections,
21 and related services by regulation.”

22 “§ 48126. **Service Utilities.**

23 (a) Connection of Service Utilities. No person shall make
24 connections from a water or sewer system to any building or system that is
25 regulated by this Chapter for which a permit is required until authorized in
26 writing by the *Administrator*.

27 (b) Temporary Connection. The *Administrator* shall have the

1 authority to authorize, in writing, the temporary connection of the building or
2 system to the water or sewer system for the purpose of testing systems or for
3 use under a temporary approval.”

4 **Section 12.** A new § 48127 is hereby *added* to Chapter 48 of Title 10, Guam
5 Code Annotated, to read:

6 “§ 48127. **Violations and Penalties.**

7 (a) Unlawful Acts. It shall be unlawful for any person, firm or
8 corporation to erect, construct, alter, repair, remove, demolish or use any toilet
9 facility, or cause same to be done, in violation of any of the provisions of this
10 Chapter.

11 (b) Notice of Violation. The *Administrator* shall serve a notice of
12 violation on (1) any person, firm, or corporation responsible for the erection,
13 installation, alteration, extension, repair, removal, or demolition of any toilet
14 facility in violation of the provisions of this Chapter; (2) any person, firm, or
15 corporation in violation of a detailed statement or the approved construction
16 documents thereunder; or (3) any person, firm, or corporation in violation of
17 a permit or certificate issued under the provisions of this Chapter. The
18 *Administrator* shall also issue an order directing the discontinuance of the
19 illegal action or condition and the abatement of the violation by the person,
20 firm, or corporation responsible.

21 (c) Prosecution of Violation. For violations not cured or abated
22 within the time prescribed by the *Administrator* in the notice of violation
23 order, the *Administrator* may request the Office of the Attorney General of
24 Guam to institute the appropriate proceeding at law or in equity to restrain,
25 correct or abate such violation, or to require the removal or termination of the
26 unlawful system in violation of the provisions of this Chapter or of the order
27 or direction made pursuant thereto.

1 (d) Administrative Penalties. Any person who shall violate a
2 provision of this Chapter or fail to comply with any of the requirements
3 thereof or who shall erect, install, alter or repair any toilet facility in violation
4 of the approved construction documents or directive of the *Administrator*, or
5 of a permit or certificate issued under the provisions of this Chapter, shall be
6 guilty of an administrative violation, punishable by a fine of not more than
7 One Thousand Dollars (\$1,000.00), payable to the Sewage Disposal
8 Assistance and the NGLA Study Fund. Each day that a violation continues
9 after due notice has been served shall be deemed a separate offense.

10 (1) In determining the amount of any penalty assessed, the
11 severity of penalties shall be commensurate to the severity of
12 infractions. The *Administrator* shall take into account the nature,
13 circumstances, extent and gravity of the violation or violations and with
14 respect to the violator, ability to pay, good faith efforts to comply or an
15 agreement to a compliance schedule, any prior history of such
16 violations, the degree of culpability, economic benefit or savings if any
17 resulting from the violation, and such other matters as justice may
18 require. GEPA shall promulgate rules and regulations to further define
19 the nature and severity of violations and punitive actions,

20 (e) Criminal Penalties. Any person who knowingly violates any
21 provision of this Chapter, or any rule or regulation promulgated under this
22 Chapter, or who refuses or neglects to comply with any lawful order issued
23 by the *Administrator* in carrying out the provisions of this Chapter shall be
24 guilty of a misdemeanor and/or be fined not more than Five Thousand Dollars
25 (\$5,000) per day for each violation or noncompliance, payable to the Sewage
26 Disposal Assistance and the NGLA Study Fund, and shall make restitution.

27 (1) In determining the amount of any penalty assessed, the

1 severity of penalties shall be commensurate to the severity of
2 infractions.

3 (f) Abatement of Violation. The imposition of the penalties herein
4 prescribed shall not preclude the Office of the Attorney General of Guam from
5 instituting appropriate action to prevent unlawful construction, or to join in or
6 prevent unlawful construction, to restrain, correct or abate a violation, to
7 prevent illegal occupancy of a building, structure or premises, or to stop an
8 illegal act, conduct, business or use of any toilet facility on or about any
9 premises.

10 (g) Unsafe Systems. Any toilet facility regulated by this Chapter that
11 is unsafe or constitutes a health hazard, is in an unsanitary condition or is
12 otherwise dangerous to human life is hereby declared unsafe. Any use of toilet
13 facilities regulated by this Chapter constituting a hazard to safety, health or
14 public welfare by reason of inadequate maintenance, dilapidation,
15 obsolescence, disaster, damage or abandonment is hereby declared an unsafe
16 use. Any such unsafe equipment is hereby declared to be a public nuisance
17 and shall be abated by repair, rehabilitation, demolition or removal.”

18 **Section 13.** A new § 48128 is hereby *added* to Chapter 48, Title 10, Guam
19 Code Annotated, to read:

20 “§ 48128. **Stop Work Order.**

21 (a) Authority. Where the *Administrator* finds that any work
22 regulated by this Code is being performed in a manner contrary to the
23 provisions of this Chapter or in a dangerous or unsafe manner, the
24 *Administrator* is authorized to issue a stop work order.

25 (b) Service and Effect. The stop work order shall be in writing and
26 shall be given to the owner of the property, the owner’s authorized agent or
27 the person performing the work. Upon service of the stop work order, the cited

1 work shall immediately cease. The stop work order shall state the reason for
2 the order and the conditions under which the cited work is authorized to
3 resume.

4 (c) Failure to Comply. Any person who shall continue any work
5 after having been served with a stop work order, except such work as that
6 person is directed to perform to remove a violation or unsafe condition, shall
7 be subject to penalties as specified in § 48127.”

8 **Section 14.** A new § 48129 is hereby *added* to Chapter 48, Title 10, Guam
9 Code Annotated, to read:

10 **“§ 48129. Sewage Disposal Assistance and the NGLA Study Fund.**

11 There is established a non-lapsing fund, hereafter referred to as the “Sewage
12 Disposal Assistance and the NGLA Study Fund” (Fund), which shall be maintained
13 separate and apart from any other funds of the government of Guam, are not subject
14 to the transfer authority of *I Maga'hågan Guåhan*, and shall be administered by the
15 *Administrator* of the Guam Environmental Protection Agency. The *Administrator*
16 shall submit to the Guam Environmental Protection Agency Board of Directors a
17 quarterly report which shall include how such funds are being used in the
18 implementation of this Chapter; and independent records and accounts shall be
19 maintained in connection therewith. All fees, reimbursements, assessments, fines,
20 and other funds collected or received pursuant to this Chapter shall be deposited in
21 this Fund. The *Administrator* shall make every effort to apply for grants to provide
22 financial assistance to increase access to compliant sewage disposal systems or
23 sewer connections. Furthermore, the *Administrator* shall make every effort to apply
24 for grants to fund a comprehensive study of the Northern Guam Lens Aquifer
25 (NGLA) relative to evaluating nitrate levels in the NGLA, evaluating the levels of
26 other contaminants as determined by GEPA, the impacts of such levels upon the
27 aquifer, and for the purposes of revising minimum lot size for septic system density

1 allowable within the Groundwater Protection Zone (GPZ) pursuant to 10 GCA,
2 Chapter 47, § 47108.1. Monies in the Fund shall be used for the following purposes:

3 (a) The administration and implementation of this Chapter
4 including, but not limited to, purchase of equipment, payment of personnel
5 costs, public outreach, training, and contracts.

6 (b) The provision of grants for a sewage disposal system or sewer
7 connection for eligible applicants.

8 (c) The provision of grants to fund a study of the NGLA relative to
9 evaluating its nitrate levels, the levels of other contaminants as determined by
10 GEPA, the impacts of such levels upon the aquifer, and for the purposes of
11 revising minimum lot size for septic system density allowable within the GPZ
12 pursuant to 10 GCA, Chapter 47, § 47108.1.

13 All monies in the Sewage Disposal Assistance and the NGLA Study Fund are
14 hereby appropriated, and shall continue to be deemed appropriated, to the Guam
15 Environmental Protection Agency (GEPA) to be expended in accordance with this
16 Chapter.”

17 **Section 15.** A new § 48130 is *added* to Chapter 48, Title 10, Guam Code
18 Annotated, to read:

19 “§ 48130. **Reporting of Nitrate Testing Results.**

20 (a) All tests of drinking water sources (ground water and surface
21 water) for nitrates shall be posted on the Guam Waterworks Authority (GWA)
22 and the Guam Environmental Protection Agency (GEPA) website and shall
23 be maintained for a period of not less than ten (10) years. The test shall
24 include, but not be limited to, tests performed by any agency of the
25 government of Guam including, but not limited to, GWA and GEPA and the
26 Water Environmental Research Institute (WERI). The report posted shall
27 include the date of test, the location of the water source (well or river) and the

1 quantity of nitrates in the tests sample expressed in milligrams per liter
2 (mg/L).

3 (b) In the event that any test sample reveals nitrate levels that exceed
4 five milligrams per liter (5 mg/L), GWA shall advise customers that are
5 supplied water from the affected source with notices, included with their
6 billings, of the dangers of excess nitrate ingestion and that nitrate levels may
7 be reduced or eliminated by home filtration systems including, but not limited
8 to, ion exchange units, reverse osmosis filters, or distillation units.”

9 **Section 16. Promulgation of Rules and Regulations.** GEPA shall
10 promulgate rules and regulations to permit the installation, maintenance, and
11 operation of Type 2 and Type 4 facilities as soon as practicable and no later than
12 twelve (12) months after the enactment of this Act.

13 **Section 17.** The Guam Compiler of Laws is authorized to update the table of
14 contents of Chapter 48, 10 GCA, consistent with the numbering within this Chapter.

15 **Section 18. Short Title.** This Act shall be known as the *Santos Land Act of*
16 *2024*.

17 **Section 19. Effective Date.** This Act shall be effective upon enactment.

18 **Section 20. Time Extension for Connection to Public Sewer.** The
19 timelines under § 48104(b) of Chapter 48, 10 GCA for connection to sewer for all
20 existing buildings shall not begin at the date public sewer originally became
21 available, but shall instead begin ninety (90) days following the effective date of
22 enactment of this Act.

23 **Section 21. Severability.** If any provision of this Act or its application to any
24 person or circumstance is found to be invalid or inorganic, such invalidity shall not
25 affect other provisions or applications of this Act that can be given effect without
26 the invalid provision or application, and to this end the provisions of this Act are
27 severable.