

**I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

Bill No. 339-326R

Introduced by:

Aline A. Yamashita, PhD

**AN ACT TO ADD A NEW ARTICLE 6B TO CHAPTER 51A OF  
10 GCA, RELATIVE TO THE ESTABLISHMENT OF A  
COMMERCIAL RECYCLING PROGRAM.**

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

2           **Section 1.     Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds the enabling  
3 legislation creating the Guam Solid Waste Authority included an article creating a municipal  
4 recycling program. *I Liheslaturan Guåhan* intends for this new Article 6B to mirror the definitions  
5 contained in the existing Municipal Recycling Program contained in Article 6 of 10 GCA, but focus  
6 on those waste streams being produced by commercial entities. As an example, a significant  
7 percentage of the wet garbage being transported to Guam's landfill is sourced at commercial users  
8 such as restaurants, hotels and other food and beverage outlets. The Recycling Association of Guam  
9 estimates more than 17,802 tons of wet garbage are produced on Guam on an annual basis. While  
10 some of the wet garbage is utilized as a food source for livestock, the bulk of the wet garbage makes  
11 its way to the Layon landfill and contributes to the filling of the cells in use, as opposed to being  
12 utilized in a more beneficial manner. The conversion of wet garbage into other usable forms is a  
13 desirable outcome and *I Liheslatura* intends to create a program that encourages the diversion of  
14 recyclable items from the waste stream to accomplish that end. The successful implementation of

2014 MAY 12 PM 1:50

1 this program could reduce Guam's waste stream by as much as forty percent (40%) and extend the  
2 life of the Layon Landfill.

3 **Section 2.** *A new Article 6B is added to Chapter 51A of 10 GCA to read:*

4 **"ARTICLE 6B**

5 **COMMERCIAL RECYCLING PROGRAM**

6 **§ 51A601B. Definitions.**

7 **§ 51A602B. Program, established.**

8 **§ 51A603B. Program Guidelines.**

9 **§ 51A604B. Timeline for Implementation.**

10 **§ 51A605B. Funding.**

11 **§ 51A606B. Administrative Guidelines.**

12 **§ 51A601B. Definitions.** For purposes of this Article, except as otherwise provided, the  
13 following words and phrases, together with all of the common derivatives thereof, shall have the  
14 meaning ascribed to them as follows:

15 (a) GEPA means the Guam Environmental Protection Agency.

16 (b) Recycling means the process by which recovered resources are transformed into new  
17 products in such a manner that products lose their initial identity, as defined in § 51102(r) of Chapter  
18 51 of Title 10 of the Guam Code Annotated.

19 (c) Recyclable materials means materials which still have useful physical or chemical  
20 properties after serving a specific purpose for the same or other purpose. Recyclable materials are as  
21 follows:

- 1 (1) batteries (i.e., lead-acid, portable computer batteries, nickel-cadmium, sealed
- 2 types for power backup);
- 3 (2) automobiles, buses, and trucks or any form of motorized vehicle;
- 4 (3) tires (passenger/commercial);
- 5 (4) enameled white goods;
- 6 (5) home appliances (other small appliances that are not considered enameled white
- 7 goods);
- 8 (6) glass and plastic bottles;
- 9 (7) foam padding;
- 10 (8) lead;
- 11 (9) metals (ferrous/non-ferrous);
- 12 (10) organic material (i.e., tree trimmings, palm fronds, grass, food waste, soiled
- 13 cardboard);
- 14 (11) paper products;
- 15 (12) wood pallets and scrap wood;
- 16 (13) construction and demolition debris („C&D“);
- 17 (14) x-ray film;
- 18 (15) automobile oil and fluids;
- 19 (16) Freon and other refrigerant gases;
- 20 (17) electronic waste (i.e., computers, circuit boards, televisions, and portable
- 21 phones);
- 22 (18) heavy equipment; and

1 (19) other recyclable materials deemed recyclable by GEPA pursuant to the Rules  
2 and Regulations.

3 (d) Recycling Company means any business licensed by the Department of Revenue and  
4 Taxation, and issued a permit, as required in § 51104 of Chapter 51 of Title 10 of the Guam Code  
5 Annotated, from the Guam Environmental Protection Agency to conduct business  
6 on Guam.

7 **§ 51A602B. Program, established.** There is hereby created a Commercial Recycling Program  
8 within the Guam Solid Waste Authority. Its focus shall be to identify items within the commercial  
9 waste stream that can be recycled and used for other purposes and, by doing so, maximize the use of  
10 the solid waste cells in the Layon Landfill.

11 **§ 51A603B. Program Guidelines.** The Guam Solid Waste Authority shall develop the program  
12 guidelines, which shall include:

13 (1) identifying the sources of commercial waste, and estimating the number of tons  
14 of waste generated on a monthly basis;

15 (2) determining the type of items within the commercial waste stream and  
16 estimating the percentage of items that are recyclable;

17 (3) calculating the costs of disposal for all sources of commercial waste;

18 (4) determining if a market exists for recycled items;

19 (5) crafting strategies to ensure compliance with the Guam EPA mission to reuse,  
20 recycle and properly dispose of commercial waste;

21 (6) ensuring sufficient operators are in place to receive and recycle commercial waste;

22 (7) creating rules and regulations for the implementation of the program; and

1 (8) establishing a phased-in approach for the implementation of the Program.

2 **§ 51A604B. Timeline for Implementation.** Following the completion and approval of the  
3 program guidelines, the Guam Solid Waste Authority shall develop a timeline for the  
4 implementation of the various phases of the program.

5 **§ 51A605B. Funding.** The Guam Solid Waste Authority is authorized to utilize the existing  
6 tipping fee schedule to fund the various phases of the program. This authorization is not meant to  
7 increase the existing tipping fee schedule, but to utilize the same tipping fees a commercial user  
8 would normally be charged for disposal of waste items at the Layon Landfill.

9 **§ 51A606B. Administrative Guideline.** The promulgation of any rule, regulation, or program  
10 guideline shall be in conformance with the Administrative Adjudication Law."

11 **Section 3. Effective Date for Completion of Program Guidelines.** Upon enactment  
12 into law of this Act, the Guam Solid Waste Authority shall have One Hundred Eighty (180) days to  
13 develop the program guidelines and any associated rule and regulation.