



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the Speaker

MARK FORBES

Date: 4/4/05
Time: 2:30
Rec'd by: Emg
Print Name: Ar Quichocho
28-05-0107

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

01 APR 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 20 (EC), "AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10 GUAM CODE ANNOTATED, ADD TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARD FILL," which I signed into law on March 9, 2005, as Public Law 28-11.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

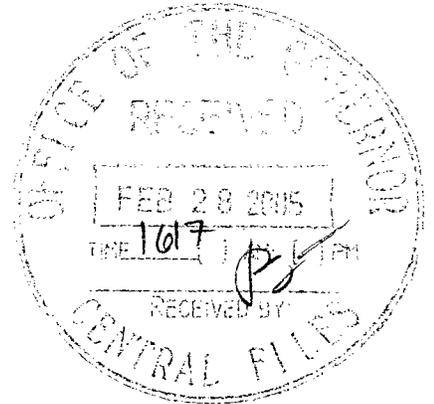
Senator Edward J.B. Calvo
ACKNOWLEDGEMENT RECEIPT
Rec'd by: [Signature]
Print Name & Initial
Time: 3:20 Date: 4-7-05

0107



**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

February 28, 2005



The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 15(LS), 17(LS), 35(EC), 36(EC), 37(EC), 47(EC), 48(EC); and Substitute Bill Nos. 7(LS), 10(LS), 20(EC) and 29(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on February 25, 2005.

Sincerely,

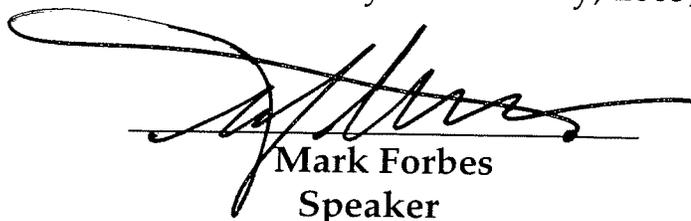
  
EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (11)

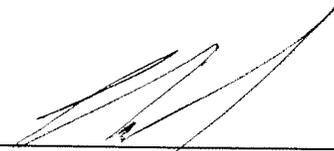
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 20 (EC), "AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10 GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL," was on the 25<sup>th</sup> day of February, 2005, duly and regularly passed.

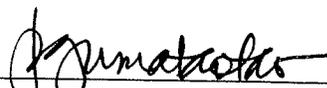
  
Mark Forbes  
Speaker

Attested:

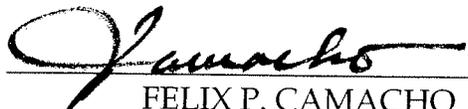


Edward J.B. Calvo  
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 28 day of February, 2005,  
at 16:17 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: March 9, 2005

Public Law No. 28-11

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

**Bill No. 20 (EC)**

As substituted by the Committee on  
Natural Resources, Utilities & Micronesia Affairs  
and amended on the Floor.

Introduced by:

J. M.S. Brown  
J. T. Won Pat  
F. B. Aguon, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
A. B. Palacios  
R. J. Respicio  
Ray Tenorio  
A. R. Unpingco

**AN ACT TO REPEAL AND REENACT SECTION 51102(20)  
AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10,  
GUAM CODE ANNOTATED, AND TO REPEAL AND  
REENACT SECTION 23102 OF ARTICLE 1 AND SECTION  
23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF  
ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES  
AND REGULATIONS FOR THE GUAM  
ENVIRONMENTAL PROTECTION AGENCY SOLID  
WASTE DISPOSAL TO PROHIBIT THE USE OF  
COMBUSTIBLE MATERIALS IN A HARDFILL.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the

1 inclusion of tree limbs, stumps, plastics and other types of combustible  
2 material in a hardfill has contributed to the ignition of underground fires that  
3 have created health and environmental hazards for island residents. Recent  
4 examples have included the Malojloj hardfill, owned and operated by the  
5 government of Guam, and a permitted hardfill located on private property in  
6 the village of Chalan Pago. These underground fires that have resulted from  
7 these hardfills have adversely affected the air quality for surrounding village  
8 residents and have required, in numerous cases, the temporary re-location of  
9 village residents away from their property and privately owned homes. In  
10 addition, hundreds of thousands of taxpayers' dollars have been spent to  
11 provide manpower, equipment and cover material to suppress these  
12 avoidable underground fires.

13 **Section 2. Section 51102(20) of Title 10 of the Guam Code**  
14 **Annotated is hereby *repealed* and *reenacted* to read as follows:**

15 **"Section 51102(20). 'Hardfill'** shall mean a method of compaction  
16 and earth cover of solid wastes other than those containing garbage or other  
17 putrescible (putrescent) waste, including, *but not limited to*, demolition  
18 material, and like materials not constituting a health or nuisance hazard,  
19 where cover need not be applied on a per day used basis. No combustible  
20 materials shall be deposited in a hardfill."

21 **Section 3. Section 51102(20)(i) is hereby *added* to Title 10 of the Guam**  
22 **Code Annotated to read as follows:**

23 **"(i) 'Combustible Materials'** shall mean any solid or liquid that may  
24 be ignited.

25 **(a) 'Combustible Solids',** as defined in Title 49 of the Code of

1 Federal Regulations, Chapter 1, Subtitle B, Part 173.124, are  
2 those capable of igniting and burning.

3 (b) ‘*Combustible Liquids*’, as defined in Title 29 of the Code of  
4 Federal Regulations, Chapter 17, Subtitle B, Part 1910.106,  
5 shall mean any materials having a flash point at or above 100  
6 degrees Fahrenheit (37.8 degrees Celsius), but below 200  
7 degrees Fahrenheit (93.3 degrees Celsius), except any  
8 mixture having components with flashpoints of 200 degrees  
9 Fahrenheit (93.3 degrees Celsius), or higher, the total volume  
10 of which make up ninety-nine percent (99%) or more of the  
11 total volume of the mixture;”

12 **Section 4.** Section 23102(44) of Article 1, Chapter 23, Division 4 of  
13 Title 22 of the Rules and Regulations for the Guam Environmental  
14 Protection Agency Solid Waste Disposal is hereby *repealed and reenacted* to  
15 read as follows:

16 “ ‘*Hardfill*’ shall mean a method of compaction and earth cover of  
17 solid wastes other than those containing garbage or other putrescible  
18 (putrescent) waste, including, *but not limited to*, demolition material, and  
19 like materials not constituting a health or nuisance hazard, where cover  
20 need not be applied on a per day used basis. A Hardfill shall *not* include  
21 any combustible material.”

22 **Section 5.** A new Section 23102(115) of Article 1, Chapter 23,  
23 Division 4 of Title 22 of the Rules and Regulations for the Guam  
24 Environmental Protection Agency Solid Waste Disposal is hereby *added* to  
25 read as follows:

1           **"Section 23102(115).** *'Combustible Materials'* shall mean any solid  
2 or liquid that may be ignited.

3           (a) *'Combustible Solids'*, as defined in Title 49 of the Code of  
4 Federal Regulations Chapter 1, Subtitle B, Part 173.124, are  
5 those capable of igniting and burning.

6           (b) *'Combustible Liquids'*, as defined in Title 29 of the Code of  
7 Federal Regulations Chapter 17, Subtitle B, Part 1910.106,  
8 shall mean any materials having a flash point at or above 100  
9 degrees Fahrenheit (37.8 degrees Celsius), but below 200  
10 degrees Fahrenheit (93.3 degrees Celsius), except any  
11 mixture having components with flashpoints of 200 degrees  
12 Fahrenheit (93.3 degrees Celsius), or higher, the total volume  
13 of which make up ninety-nine percent (99%) or more of the  
14 total volume of the mixture;"

15           **Section 6.** Section 23301(4)(A) of Article 3, Chapter 23, Division 4 of  
16 Title 22 of the Rules and Regulations for the Guam Environmental  
17 Protection Agency Solid Waste Disposal is hereby *repealed* and *reenacted* to  
18 read as follows:

19           **"Section 23301(4)(A). Operating Criteria.** Solid waste accepted:

20           (A) Demolition and construction debris, (bricks, concrete, stones,  
21 masonry materials, rocks, asphalt, rebar, corrugated steel, scrap  
22 metal, and paving materials);"

23           **Section 7.** Section 23302(4)(E) of Article 3, Chapter 23, Division 4 of  
24 Title 22 of the Rules and Regulations for the Guam Environmental  
25 Protection Agency Solid Waste Disposal is hereby *added* to read as follows:

1

**"Section 23302(4)(E). Operating Criteria. Solid waste excluded:**

2

**(4)(E) Any combustible materials."**

6

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

## 2005 (FIRST) Regular Session

Date: 2-25-05

### VOTING SHEET

SBill No. 20(EC)

Resolution No. \_\_\_\_\_

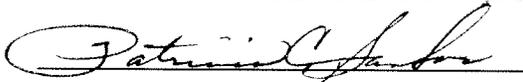
Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				EA
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14      0      0      0      1

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

PL 28-11

● Office of Vice-Speaker ●  
**Joanne M. Salas Brown**  
*MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN*  
*28<sup>th</sup> GUAM LEGISLATURE*

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February 10, 2005

The Honorable Mark Forbes  
Speaker  
*I Mina' Bente Ocho na Liheslaturan Guahan*  
28<sup>th</sup> Guam Legislature  
155 Hesler Street  
Hagatna, Guam 96910

Dear Speaker Forbes:

The Committee on Natural Resources, Utilities & Micronesia Affairs to which was referred Bill No. 20 (EC) "AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL," has had the same under considered, and now wishes to report back the same with the recommendation TO DO PASS *as substituted* by the Committee on Natural Resources, Utilities & Micronesia Affairs.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

The Committee votes are as follows:

  11   To Do Pass

    0   Not To Pass

    0   Abstain

    0   Inactive File

A copy of the Committee report and other pertinent documents are attached for your immediate reference information.

Should you have any questions, please do not hesitate to contact me at 472-3450/1.

Sincerely,



Joanne M.S. Brown  
Chairwoman, Committee on Natural Resources,  
Utilities & Military Affairs

(Attachments)

Office of Vice-Speaker  
**Joanne M. Salas Brown**

*MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN*  
*28<sup>th</sup> GUAM LEGISLATURE*

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February 10, 2005

**Memorandum**

To: Committee Members

From: Vice Speaker Joanne M.S. Brown   
Chairwoman, Committee on Natural Resources, Utilities & Micronesian Affairs

Subject: **Bill No. 20 (EC)** "AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL," *as substituted* by the Committee on Natural Resources, Utilities & Micronesian Affairs.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Agenda
4. Bill No. 20 (EC) as substituted by committee
5. Bill No. 20 (EC) as introduced
6. Public Hearing Sign sign-in sheet
7. Notice of Public Hearing
8. Written Testimony

Please take the appropriate action on the attached voting sheet. Your kind attention and cooperation in this matter is greatly appreciated.

Should you have any questions on the report and the accompanying documents, please do not hesitate to contact me at 472-3450/1.

(Attachments)

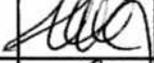
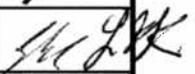
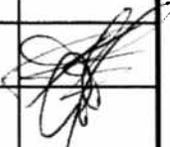
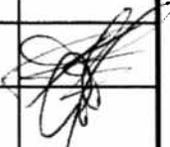
*MINA' BENTE OCHO NA LIHESLATURAN GUAHAN*

COMMITTEE ON NATURAL RESOURCES,  
 UTILITIES & MICRONESIAN AFFAIRS  
 VICE SPEAKER JOANNE M.S. BROWN, CHAIRWOMAN

**Bill No. 20 (EC) as substituted by the Committee on Natural Resources, Utilities & Micronesian Affairs**

"AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL."

**VOTING SHEET**

MEMBERS	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE	INITIALS
Vice Speaker Joanne M. S. Brown, Chairwoman	✓					
Senator Michael Cruz, Vice Chairman	✓					
Speaker Mark Forbes, Ex-Officio Member	✓					
Senator Frank Aguon, Member	✓					
Senator Edward Calvo, Member						
Senator Lawrence Kasperbauer, Member	✓	<del>✗</del>				
Senator Lou Leon Guerrero, Member	✓					
Senator Jesse Lujan, Member	✓					
Senator Rory Respicio, Member						
Senator Ray Tenorio, Member	✓					
Senator Antonio Unpingco, Member	✓					
Senator Judith Won Pat, Member	✓					

***I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN***  
**28<sup>th</sup> GUAM LEGISLATURE**

**COMMITTEE ON NATURAL RESOURCES, UTILITIES &  
MICRONESIAN AFFAIRS**

**VICE SPEAKER JOANNE M.S. BROWN  
CHAIRWOMAN**

**COMMITTEE REPORT  
BILL NO. 20 (EC)**

“AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL,”

***as substituted* by the Committee on Natural Resources, Utilities & Micronesian Affairs**

## **COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS**

Bill No. 20 (EC) "AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL."

### **I. OVERVIEW**

The Committee on Natural Resources, Utilities & Micronesian Affairs held a public hearing on Friday January 21, 2005 at 9:00 a.m. in the Public Hearing Room of the Guam Legislature in Hagåtña, Guam.

Committee Chairwoman, Vice Speaker Joanne M.S. Brown commenced hearing at 9:08 a.m with welcoming remarks.

#### **Senators Present:**

Vice Speaker Joanne M. Brown, Chairwoman  
Senator Frank Aguon, Committee Member  
Senator Lou Leon Guerrero, Committee Member  
Senator Jesse Lujan, Committee Member  
Senator Lawrence Kasperbauer, Committee Member  
Senator Antonio Unpingco, Committee Member  
Senator Judith Won Pat, Committee Member  
Senator Adolfo Palacios  
Senator Robert Klitzkie

### **II. TESTIMONY**

The following is a summary of oral and written testimony provided during the hearing:

- **Franklin Taitague, Mayor, Inarajan**

In addition to oral testimony, Taitague provided written testimony. He stated he is in favor of the bill stating that it would protect and prevent future health and environmental hazards at future hardfill sites. He, however, did suggest further clarification on what demolition materials would be allowed in hardfills.

Taitague further noted that the Malojloj hardfill is a potential hazard to its surrounding community, stating that the hardfill may once again catch fire during the imminent dry season. He asked the legislature for assistance to ask the Executive Branch to assess the hardfill and excavate the combustible materials.

- **Tony Rabon, Asst. Fire Chief, Guam Fire Department**

Michael Uncangco, Fire Chief, Guam Fire Department, represented by Assistant Fire Chief Tony Rabon, provided written testimony. Rabon also gave oral testimony.

The Guam Fire Department supports the passage of Bill No. 20 as it will contribute to the abatement of uncontrolled fires, resulting in costly containment and displacement of neighboring citizens and their families. Rabon further pointed out other problems associated with the fires.

- **Ron McNinch, private citizen**

Supported the measure because of the positive changes it will bring. McNinch said the environment is everyone's business and it is the place we live, and the legislation will improve the environment.

- **Fred Castro, Administrator, Guam Environmental Protection Agency**

Testified that there is a real problem to be addressed, which goes beyond the definition of what goes into a hardfill, specifically that the bill has to address the procedural and regulatory aspects of hardfill operations. Castro pointed out an error in the section of the Guam Code Annotated cited in Bill No. 20(EC). He stated that GEPA will work with the Committee on Natural Resources, Utilities & Micronesian Affairs over the next two to three weeks to make the necessary amendments to the bill.

- **Randall Sablan, GEPA Deputy Administrator**

Pointed out historical notes of the Ordot and Malojloj hardfill. Sablan informed committee that the sites' permits were modified to take care of typhoon debris.

- **Pedro Borja, Mayor, Ordot Chalan Pago**

Stressed that a simple and economical approach has to be taken to address hardfill problems.

### **III. CONCERNS/QUESTIONS FROM COMMITTEE AND INDIVIDUALS WHO PRESENTED TESTIMONY:**

- Mr. Castro said the problems occurring now with fires in hardfills are the result of management inefficiencies. There are no regulations in place, which allow contractors to bring in large volumes of combustible materials, causing the fires.
- Mr. Sablan notified committee that an application for a hazard mitigation grant from the Federal Emergency Management Agency is being finalized and due summer 2005. This will allow for a comprehensive look by government of Guam agencies to mitigate hazard debris management post-typhoon.
- Sen. Klitzkie noted concerns relative to putresible waste causing fires.
- Mr. Rabon responded that it is manageable if they use established guidelines.
- Sen. Unpingco was concerned about how much interaction there is between government agencies to address the problem of the underground fires.

- Mr. Rabon said that Guam Fire Department welcomes the bill to highlight management and operational issues re: landfill. He noted compartmentalization – separating debris – would be ultimate goal.
- Mr. Castro said we have been in a reactive position rather than a proactive one relative to the fires. There is a need for a solid waste management authority, so GEPA can monitor hardfills to ensure effective management, and to issue regulatory citations.
- Sen. Lujan asked how many operational hardfills there are, and whether all landfills are subject to same regulations.
- Ms. Barbara Torres, program manager, GEPA Solid Waste Management, stated there are 6 however, 2 have been shut down for non-compliance. All are subject to same local regulatory standards. Those in violation are fined \$1,000/day per violation.
- Sen. Palacios commented that enforcement is difficult and asked if a mechanism was in place such as assurance bonding when getting a hardfill permit to ensure private companies pay for violations.
- Mr. Castro stated they do require financial bonding, but Mr. Sablan said the previous GEPA administration did not require financial assurance for the Santa Cruz hardfill, although it was required in regulations. They have since bought assurance. Mr. Castro noted that GEPA has already activated legal channels to deal with issues such as taking over land from private landowner and other aspects to “sue the landowner for.”
- Mr. Charles Ada, administrator, Office of Civil Defense informed committee that to date \$167,000 has been assessed for the Santa Cruz hardfill fires. This figure is inclusive of overtime cost for personnel, heavy equipment and relocation of displaced families and area residents.
- Sens. Leon Guerrero and Kasperbauer expressed concerns about illegal dump sites and lack of information about where to properly dispose of waste. People either don’t know where to dispose of the waste or are reluctant to pay fees for disposal service. Sen. Won Pat also expressed concerns that awareness campaign be expanded to schools.
- Mr. Castro stressed need for Integrated Solid Waste Plan.
- Mr. Frank Blas, Jr., Guam Office of Homeland Security, agreed that information dissemination is a problem, but public education is part of the hazard mitigation grant. Specifically, 5% initiative dedicated from grant for public awareness component.
- Mr. Castro informed committee that as they move further with consent decree the design and construction work, and operations of the hardfill will be privatized.

**IV. CONCLUSION:**

Vice Speaker Brown stated that she would like to expedite the work with the Guam Environmental Protection Agency on the amendments to the proposed legislation.

The hearing adjourned at 11:00 a.m.

**V. FINDINGS AND RECOMMENDATION:**

The Committee recommends to do pass Bill 20(EC) as substituted by the Committee on Natural Resources, Utilities & Micronesian Affairs.

**I MINA BENTE OCHO NA LIHESLATURAN GUAHAN**

**COMMITTEE ON NATURAL RESOURCES, UTILITIES  
& MICRONESIAN AFFAIRS**

**SENATOR JOANNE M.S. BROWN  
CHAIRPERSON**

**Public Hearing  
Friday, January 21, 2005  
9:00 a.m., Public Hearing Room  
155 Hesler Street, Hagatna**

**AGENDA**

- I. Commencement of Hearing
- II. Bill 20 (EC): An act to repeal and reenact section 51102.9 of Title 10, Guam Code Annotated to prohibit the use of combustible materials in a hardfill.
- III. Public Comments
- IV. Adjournment

2nd  
2-24-05

MINA BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (First) Regular Session

Bill No. 20 (EC)  
As substituted by the Committee on  
Natural Resources, Utilities & Micronesian Affairs

Introduced by:

J.M.S. BROWN

J. T. Wenlat Jr. F.B. Aguirre

Final FA2

**AN ACT TO REPEAL AND REENACT SECTION 51102(20) AND TO ADD A NEW SECTION 51102(20)(i) OF TITLE 10, GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT SECTION 23102 OF ARTICLE 1 AND SECTION 23301(4)(A) AND TO ADD A NEW SECTION 23302(4)(E) OF ARTICLE 3 OF CHAPTER 23, DIVISION 4, TITLE 22, RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY SOLID WASTE DISPOSAL TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that the  
3 inclusion of tree limbs, stumps, plastics and other types of combustible material in a  
4 hardfill has contributed to the ignition of underground fires that have created health and  
5 environmental hazards for island residents. Recent examples have included the Malojloj  
6 hardfill owned and operated by the Government of Guam and a permitted hardfill located  
7 on private property in the village of Chalan Pago. These underground fires that have  
8 resulted from these hardfills have adversely affected the air quality for surrounding  
9 village residents and have required in numerous cases the temporary re-location of village  
10 residents away from their property and privately owed homes. In addition, hundreds of  
11 thousands of taxpayers' dollars have been spent to provide manpower, equipment and  
12 cover material to suppress these avoidable underground fires.

13 **Section 2. Section 51102.20 of Title 10, Guam Code Annotated is**  
14 **hereby repealed and reenacted and shall read as follows:**

15 Section ~~51102.9.~~ 51102.20. Hardfill shall mean a method of compaction  
16 and earth cover of solid wastes other than those containing garbage or other putrescible  
17 (putrescent) waste, including, but not limited to, demolition material, and like materials  
18 not constituting a health or nuisance hazard, where cover need not be applied on a per  
19 day used basis. ~~A Hardfill shall not include any combustible material.~~ No combustible

① ✓



1 materials can be deposited in a hardfill.

2 **Section 3. Section 51102.20(i) is hereby added to Title 10, and shall**  
3 **read as follows:**

4 (i)‘Combustible materials’ shall mean any solid or liquid that may be  
5 ignited.

6 (a) Combustible solids, as defined in Title 49 of the Code  
7 of Federal Regulations Chapter 1 Subtitle B Part  
8 173.124, are those capable of igniting and burning.

9 (b) Combustible liquids, as defined in Title 29 Code of  
10 Federal Regulations Chapter 17 Subtitle B Part  
11 1910.106, shall mean any materials having a flash point  
12 at or above 100 degrees Farenheit (37.8 degrees  
13 Celcius), but below 200 degrees Farenheit (93.3 degrees  
14 Celcius), except any mixture having components with  
15 flashpoints of 200 degrees Farenheit (93.3 degrees  
16 Celcius), or higher, the total volume of which make up  
17 99 percent or more of the total volume of the mixture;

18 **Section 4. Section 23102(44) of Article 1, Chapter 23, Division 4 of**  
19 **Title 22 of the Rules and Regulations for the Guam Environmental Protection**  
20 **Agency Solid Waste Disposal is hereby repealed and reenacted to read as follows:**

21 ‘Hardfill’ shall mean a method of compaction and earth cover of solid wastes  
22 other than those containing garbage or other putrescible (putrescent) waste, including, but  
23 not limited to, demolition material, and like materials not constituting a health or  
24 nuisance hazard, where cover need not be applied on a per day used basis. A Hardfill  
25 shall not include any combustible material.

26 **Section 5. A new Section 23102(115) Article 1, Chapter 23, Division 4**  
27 **of Title 22 of the Rules and Regulations for the Guam Environmental Protection**  
28 **Agency Solid Waste Disposal is hereby added and shall read as follows:**

29 ‘Combustible Materials’ shall mean any solid or liquid that may be ignited by  
30 friction .

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**  
**Bill No. 20(EC) As substituted by Committee on Natural Resources,**  
**Utilities & Micronesian Affairs**

**Vice Speaker Joanne M.S. Brown**  
**Senator Proposing Amendment**

*(Below for Senator to complete)*

Section 5 Page ~~3~~ <sup>2</sup> Line ~~13~~ <sup>29</sup>; Delete from "Combustible" to "friction" and insert  
'Combustible materials' shall mean any solid or liquid that may be ignited.

- (a) Combustible solids, as defined in Title 49 of the Code of Federal Regulations Chapter 1 Subtitle B Part 173.124, are those capable of igniting and burning.
- (b) Combustible liquids, as defined in Title 29 Code of Federal Regulations Chapter 17 Subtitle B Part 1910.106, shall mean any materials having a flash point at or above 100 degrees Fahrenheit (37.8 degrees Celcius), but below 200 degrees Fahrenheit (93.3 degrees Celcius), except any mixture having components with flashpoints of 200 degrees Fahrenheit (93.3 degrees Celcius), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture;"

*(Below only for Clerk of Legislature's use and processing)*

Date 2/24 2005

Floor Amendment No. 7 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:**  \_\_\_\_\_

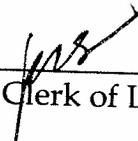
Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

  
AUTHOR OF AMENDMENT

Concur (initial)

  
Clerk of Legislature

\_\_\_\_\_  
Speaker

1                   **Section 6: Section 23301(4)(A) Article 3, Chapter 23, Division 4 of**  
2 **Title 22, Rules and Regulations for the Guam Environmental Protection Agency**  
3 **Solid Waste Disposal is hereby repealed and reenacted and shall read as follows:**

4                   Section 23301(4)(A) Operating criteria. Solid waste accepted:

5                   (A) Demolition and construction debris, (bricks, concrete, stones,  
6 masonry materials, rocks, asphalt, rebar, corrugated steel, scrap metal, paving materials),  
7 ~~and undecayed wood materials attached to the construction debris~~);

8                   **Section 7. Section 23302(4)(E) Article 3, Chapter 23, Division 4 of**  
9 **Title 22 of the Rules and Regulations for the Guam Environmental Protection**  
10 **Agency Solid Waste Disposal is hereby added and shall read as follows:**

11                   Section 23302(4)(E) Operating Criteria. Solid wasted excluded:

12                   (4)(E) Any combustible materials.

MINA BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (FIRST) Regular Session

Bill No. 20 (~~21~~)

Introduced by:

J.M.S. BROWN

AN ACT TO REPEAL AND REENACT SECTION 51102.9 OF TITLE 10,  
GUAM CODE ANNOTATED TO PROHIBIT THE USE OF  
COMBUSTIBLE MATERIALS IN A HARDFILL.

2005 JUN -3 PM 12:23  
Veneil

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

**Section 1. Legislative Findings.** I Mina Bente Ocho Na Liheslaturan Guahan finds that

the inclusion of tree limbs, stumps, plastics and other types of combustible material in a hardfill has contributed to the ignition of underground fires that have created health and environmental hazards for island residents. Recent examples have included the Malojloj hardfill owned and operated by the Government of Guam and a permitted hardfill located on private property in the village of Chalan Pago. These underground fires that have resulted from these hardfills have adversely affected the air quality for surrounding village residents and have required in numerous cases the temporary re-location of village residents away from their property and privately owned homes. In addition, hundreds of thousands of taxpayers dollars have been spent to provide manpower, equipment and cover material to suppress these avoidable underground fires.

**Section 2. An act to repeal and reenact section 51102.9 of Title 10, Guam Code Annotated to prohibit the use of combustible materials in a hardfill.**

**Section 51102.9.** Hardfill shall mean a method of compaction and earth cover of solid wastes other than those containing garbage or other putrescible (putrescent) waste, including, but not limited to, ~~tree limbs and stumps~~, demolition material, and like materials not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis. *A Hardfill shall not include any combustible material.*

*I Mina Bente Ocho Na Liheslaturan Guahan*

COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

Friday January 21, 2005; 9:00 a.m.

Legislative Public Hearing Room

BILL 20(EC): AN ACT TO REPEAL AND REENACT SECTION 51102.9 OF TITLE 10, GUAM CODE ANNOTATED TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL.

**SIGN IN SHEET**

Name	Representing	Contact number
- Franklin Mens Taityua	Environ Mayor's Office	475-2507/10/11
TONY RABON	Fire CHIEF UNWANGCO 6FD	472 3311
Randel Sablan	GEPA	475-1658/9
Ron McNinch	self	735-2550
- Fred Castro	GEPA	475-1620
Ate Dorra	Mayor's Office (Charles Pigo)	472-1333

# ia Mall

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 candidate will also assist in  
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 and Cashier function. The  
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 merchandising operations.

**MINA' BENTE OCHO LIBELATURAN GUÅHAN**  
 Committee on Natural Resources,  
 Utilities & Micronesian Affairs  
 Vice Speaker Joanne M.S. Brown  
 Chairperson

The Committee on Natural Resources, Utilities & Micronesian Affairs will be holding a public hearing on **Friday, January 21, 2005, 9:00 a.m.**, at the **Legislative Building Public Hearing Room in Hagatna**, on the following:

**BILL 20(EC): AN ACT TO REPEAL AND REENACT SECTION 51102.9 OF TITLE 10, GUAM CODE ANNOTATED TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL.**

Individuals requiring special accommodations should contact Carl I. Quinata, A.D.A. Coordinator at 472-3450.

PAID FOR WITH GOVERNMENT FUNDS

**ELLEN'S REALTY**  
 PH: 647-0888/9  
 Suite B4, Cen-Tom Bldg, Tamuning

*Ellen Wilkinson, Principal Broker* *Thomas Zhang, Realtor*

<p><b>YONA BAZA GARDEN</b>                  3BD/2BA  <b>\$129,000</b>                  NEWLY RENOVATED HOUSE                  0 down \$784.23/m plus T&amp;I</p>	<p><b>ORDOT CHALAN PAGO</b>                  3BD/2BA HOUSE                  10,062 SQ. M. LAND  <b>\$135,000</b>                  0% down \$863.29/m plus T&amp;I</p>
<p><b>YIGO</b>                  Large 4BD 2/BA house w/1600 sf living space  <b>\$127,000</b>                  Newly renovated                  0 down \$773.42/m plus T&amp;I</p>	<p><b>OCEANVIEW HOUSE IN ASAN</b>                  3BD/2.5BA                  2 CARPORT  <b>\$250,000</b>                  w/ 1800 SF living area</p>

**MANGILAO**  
 Green Park Condo 250-1BA  
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 0 down \$426.46/m plus common area fee

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Deadline for bids to be submitted is on **January 20, 2005 by 12:00 p.m.**

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 Apply in Person  
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**TOCA**  
 TRUK ORGANIZATION for COMMUNITY ACTION  
 P.O. Box C Moen, Truk State E.C.I. 96942  
 Telephone: 630

**INVITATION FOR BID**  
 on four (4) brand new mini school bus vans for our COCA Office, Head Start Programs with the following condition:

1. U.S. Made (Standard)
2. 15 passengers seats
3. Air Conditioning
4. Secure Seat Belts
5. With Fire Extinguisher

Interested bidders are to submit / or forward their bids in a sealed envelope through the mailing address above and forward through the fax number above without any bid fee.

**NOTICE OF FILING 282A, TUMON, GUAM**

On December 30, 2004, Guam Broadcast Services, Incorporated, a Guam corporation, filed an application with the Federal Communications Commission in Washington, D.C. seeking FCC authority to obtain a construction permit for a new broadcast station operating on Channel 282A in Tumon, Guam. The following persons own 10% or more of the capital stock of Guam Broadcast Services, Incorporated: Gary W. Gumataotao, (President and Shareholder), Toyohito Yoneyama, (Vice President, Treasurer and Shareholder) and Yasunori Kawachi, (Secretary and Shareholder). The application seeks approval to operate the following facilities:

- Class A FM broadcast station operating on channel 282A
- Antenna radiation center height of 45.7 meters above mean sea level
- Effective radiated power of 0.85 kW (horizontal and vertical)
- Geographic coordinates: 13-30-37.3 N, 144-48-17.0 W (NAD83)
- Location of Studios: Guam Broadcast Services, Incorporated, La Casa de Colina, Third Floor, 200 Chichirien Street, Tamuning, GU 96913-4217, U.S.A.

Copies of the application, amendments, and related materials are available for public inspection at: Guam Broadcast Services, Incorporated, La Casa de Colina, Third Floor, 200 Chichirien Street, Tamuning, GU 96913-4217, U.S.A.

**GSA** General Services Agency  
 Administration Division  
 Department of Administration  
 Department of Education




**ELLIOTT WILKINSON**  
Principal Broker

**THOMAS ZHANG**  
Realtor

PH: 647-0888/9  
Suite B4, Cen-Iam Bldg., Tamuning

<p><b>YONA BAZA GARDEN</b> 3BD/2BA <b>\$129,000</b> NEWLY RENOVATED HOUSE 0 down \$1784.23/m plus TI</p>	<p><b>ORDOT CHALAN PAGO</b> 3BD/2BA HOUSE <b>\$135,000</b> 10,062 SQ. M. LAND 0% down \$983.29/m plus TI</p>
<p><b>MANGILAO</b> Green Park Condo 2BD/1BA <b>\$70,000</b> 0 down \$426.46/m plus common area fee</p>	<p><b>SANTA RITA APRA HEIGHTS AREA</b> Tin Roof Triplex Plus Modular House <b>\$55,000</b></p>
<p><b>YIGO</b> Large 4BD 2/BA house w/1600 sf living space <b>\$127,000</b> Newly renovated 0 down \$1713.42/m plus TI</p>	

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**Drivers:** G License or D License

All applicants must possess drivers license and have own transportation. Police clearance must be turned in with applications. Apply at Seawalker Tours, located in Piti, next to 7-11 store. No phone calls please.



**GUAM**  
ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY  
*Auritalad Ikaunhahan Yan Kamestion Guahan*

Felix Camacho  
Governor

Kaleo Moylan  
Lieutenant Governor

**REQUEST FOR PROPOSALS FOR TERRITORIAL ECONOMIST**  
RFP-05-006

The Guam Economic Development and Commerce Authority (GEDCA), is requesting proposals for a Territorial Economist.

**MINA' BENTE OCHO NA LIHESLATURAN GU'AHAN**  
Committee on Natural Resources, Utilities & Micronesia Affairs  
*Vice Speaker Joanne M.S. Brown*  
Chairperson

The Committee on Natural Resources, Utilities & Micronesia Affairs will be holding a public hearing on Friday, January 21, 2005, 9:00 a.m., at the Legislative Building Public Hearing Room in Hagatna, on the following:

**BILL 20(EC): AN ACT TO REPEAL AND REENACT SECTION 51102.9 OF TITLE 10, GUAM CODE ANNOTATED TO PROHIBIT THE USE OF COMBUSTIBLE MATERIALS IN A HARDFILL.**

Individuals requiring special accommodations should contact Carl I. Quinata, A.D.A. Coordinator at 472-3450.  
*PAID FOR WITH GOVERNMENT FUNDS*



**GUAM**  
ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY  
*Auritalad Ikaunhahan Yan Kamestion Guahan*

Felix Camacho  
Governor

Kaleo Moylan  
Lieutenant Governor

**REQUEST FOR PROPOSALS FOR STORM WATER MANAGEMENT PLAN**  
RFP-05-005

The Guam Economic Development and Commerce Authority (GEDCA) is requesting interested applicants to submit proposals to develop a Storm Water Management Plan for the E. T. Calvo Memorial Industrial Park, Tamuning, Guam.

Request for Proposals (RFP) packages may be obtained at GEDCA, Suite 511, ITC Bldg., 590 S. Marine Drive, Tamuning, Guam, between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. **Deadline for submission for all proposals is 4:00 p.m., Friday, February 4, 2005. Guam Standard Time.** All proposals must be received at the Administrator's Office.

For additional information, contact George Bamba at (671) 647-4332 or via fax (671) 649-4146.

*/s/ Gerald S.A. Perez*  
Administrator

*Pursuant to Public Law 26-12, this ad was paid by (GEDCA) General Fund.*

**JOIN THE TEAM! COLLECTION MANAGER**

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**BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

GUAM TELECOMMUNICATIONS DOCKET 05-02  
CERTIFICATE OF 2004-GRANDFATHER CERTIFICATES

**NOTICE**

The Guam Telecommunications Act of 2004 [P.L. 27-110] [Act] provides that no person shall provide or resell intra-Guam telecommunications services [telecom services] without a certificate of authority issued by the Guam Public Utilities Commission [PUC]. The Act became effective on December 31, 2004. A certificate is not required to provide or resell commercial mobile service.

Pursuant to the Act, any person who was providing or reselling telecom services in Guam on December 31, 2004, is entitled to receive a Grandfathered Certificate [Certificate] from PUC upon proper application.

PUC is required by the Act, upon proper application, to issue a Certificate within sixty days of December 31, 2004. Applications for Certificates are available at PUC's office [Suite 207 GCIC Building, 414 W. Soledad Ave. Hagatna, Guam 96910] and upon request will be emailed or mailed to applicants.

Questions regarding this notice should be directed to PUC in writing by mail; by fax [472-1917]; or by e-mail [guam.puc@kuentos.guam.net].

January 10, 2005



GOVERNOR  
Felix P. Camacho  
LT GOVERNOR  
Kaleo S. Moylan



DIRECTOR  
Joseph W. Duñas  
DEPUTY DIRECTOR  
Michael C. James

Written Testimony for :

Bill 20(EC): An Act to repeal and reenact section 51102.9 of Title 10 Guam Code Annotated to prohibit the use of combustibile materials in a hardfill.

For the record, the Department of Public Works is in full support of the intent of Bill 20(EC). The elimination of tree limbs and stumps which are properly categorized as green waste, and other combustibile materials from all hardfills should greatly reduce the potential for underground fires. DPW is not in support of Bill 20(EC) as it is currently written.

DPW's experience with the last fire at the Malojloj hardfill in addition to staff training from FEMA in the latest Debris Management Plan concepts provides the recognition of impact Bill 20(EC) will provide for the health and safety of our island residents. However, it is this same experience and training that propels our request to expand Bill 20(EC) to not only eliminate the green waste and combustibles from the hardfill, but to identify the acceptable alternative methods of disposal for these wastes.

While, Public Law 24-272 acknowledges that source reduction shall include a conservation and recycling program and that it shall also include the disposal of green waste through mulching or composting, or the recovery of resources through recycling of the green waste. It further states that the Solid Waste Management Plan shall address typhoon and other disaster recovery waste.

The reality today is that our island residents are without a government sanctioned facility and plan to dispose of their green waste and combustibles on a daily basis.

A possible short term solution for the reduction and recycling of green waste is a suggestion for the Department of Parks and Recreation to expand their seasonal tree mulching program to more than once a year. The Department of Agriculture is another agency that has potential for implementing a tree mulching program.

In light of the challenges that the Department of Public Works faces in the closure of the Ordot Dump and the opening of a new Municipal Solid Waste Facility, DPW would be remiss in it's duty to support Bill 20(EC) without an identified alternative for disposal of green waste and combustibles.

Respectfully,

Joseph W. Duñas

**RECEIVED**

DATE: 02-04-05

Jim 11:38



# GUAM ENVIRONMENTAL PROTECTION AGENCY



## AHENSIAŃ PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

JAN 26 2005

Senator Joanne M.S. Brown  
Vice Speaker of the 28<sup>th</sup> Guam Legislature  
Chairperson Committee of Natural Resources, Utilities, and Micronesian Affairs  
155 Hessler Street  
Hågatña, Guam 96910

Subject: Bill 20 (EC): An Act To Repeal And Reenact Section 51102(9) Of Title 10, Guam Code Annotated To Prohibit The Use Of Combustible Materials In A Hardfill

Dear Senator Brown:

The Guam Environmental Protection Agency appreciates the opportunity to provide comment on the proposed amendment in Bill 20 (EC). According to Bill 20 (EC), a modification to the definition for hardfill is being recommended to prohibit the disposal of any combustible material at these facilities. After careful review and through discussions with permitting, enforcement and compliance staff, this Agency offers the following comments:

1. Based on our research, it appears that the language cited, §51102(9) in Bill 20 (EC), has been superseded and originates from Public Law 23-64. Public Laws 24-139 and 24-272 amended Public Law 23-64.

Instead, the definition of a hardfill is currently §51102(20), states "*Hardfill means a method of compaction and earth cover of solid waste, other than those containing garbage or other putrescible (putrescent) waste, including, but not limited to, demolition waste and like waste not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis*".

2. In addition, Guam's *Solid Waste Disposal Rules and Regulations (GSWDRR)*, Article 3, §23301(b)(4) and §23302(c)(4), further describes the solid wastes accepted and excluded, respectively, in a Solid Waste Hardfill Facility. More specifically, §23302(c)(4)(B) lists various organic solid waste to be excluded from a Solid Waste Hardfill Facility.

The prohibition of organic solid wastes in hardfill facilities is two-fold. First, Guam EPA is aware of the risk posed by spontaneous combustion, which occurs naturally as a result of the decomposition process associated with organic matter. This is further supported by the written testimony provided by Fire Chief Michael F. Uncangco from the Guam Fire Department. In addition, without a continuous and full-proof compliance monitoring program to ensure facilities properly combine inert and organic materials and

provide capping, the risk for spontaneous combustion increases, as evidenced in the Malojloj and Chalan Pago (Santa Cruz) hardfill fires. Second, consistent with Guam's *Integrated Solid Waste Management Plan*, this Agency encourages the diversion of organic materials from disposal facilities to support recycling through composting.

The Guam Environmental Protection Agency fully supports the exclusion of any combustible material from all solid waste hardfill facilities. To provide additional clarification to the law, we recommend that the definition of *combustible material* be included as part of Bill 20 (EC).

3. As of December 2004, the following is a status of solid waste hardfill facilities on Guam:

Name	Location	Status	Permit Expiration Date	Other
Eddie J. Cruz	Yigo	Active	2/17/05	None
Hawaiian Rock Products	Mangilao	Active – Interim Approval	1/13/04	Application Received; Limited Use
Kajiyama Hardfill/J & E Equipment	Chalan Pago (Santa Cruz)	Closed	7/25/04	Under Enforcement Action
J & E Equipment	Mangilao	Closed	8/28/04	Permit Expired
Northern Hardfill	Yigo	Active – Interim Approval	8/26/04	Financial Assurance Under Review
SmithBridge Guam, Incorporated	Yigo	Active	12/03/05	Limited Use
AAFB Hardfill	Yigo	Active	10/18/04	Application Received; Limited Use

Following discussions with compliance and enforcement staff, the most prevalent challenge lies in the area of operation and allowances of these facilities. For example, a provision within the current regulations could include an exemption for inert materials such as concrete (without lead-based paint or asbestos) and asphalt, to support reuse and recycling of these viable backfill materials for land reclamation and cost cutting measures.

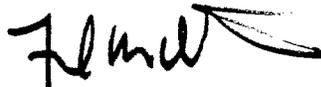
In addition, to ensure green wastes generated from large development projects are diverted from disposal facilities, your office may wish to consider a requirement for all individuals requiring a clearing and grading permit to grind and compost all vegetative wastes.

In closing, this Agency also understands that debris management after a natural disaster has often led to exemptions for some of the excluded waste to be placed in a solid waste hardfill. To remedy this situation, Guam EPA is in the process of developing

a Guam Debris Management Plan through funding from a Hazard Mitigation Grant. Furthermore, this Agency is updating its Integrated Solid Waste Management Plan to incorporate current waste management practices and lessons learned following natural disasters.

Thank you for this opportunity to comment, should you have any questions, please feel free to contact Ms. Conchita S.N. Taitano or Ms. Barbara F. Torres from my office.

Sincerely,



FRED M. CASTRO  
Administrator

Testimony by  
Fire Chief Michael F. Uncangco  
Guam Fire Department  
On Bill 20 (EC)  
To the Committee on Natural Resources, Utilities, &  
Micronesian Affairs  
The Honorable Joanne M.S. Brown,  
Vice-Speaker and Chairperson

Friday, January 21, 2005

9:00 a.m.

Mina' Bente Ocho na Liheslaturan Guåhan  
Giya Hågatña

Hafa Adai yan Buenas!

Madam Chairperson, distinguished members of the committee:

(INTRO)

The Guam Fire Department supports the repeal and reenactment of Section 51102.9 of Title 10 Guam Code Annotated to prohibit the use of combustible materials in a *hard fill*.

The passage of this measure certainly will contribute to the abatement of uncontrolled fires, either intentionally set or spontaneously combusting which has resulted in costly containment and required the evacuation, displacement, relocation, and sheltering of our citizens and neighbors living adjacent to the affected areas. Not to mention the possibility of *leachate*, a serious problem resulted from rain or water percolating through the debris and carrying possible harmful bacteria and hazardous chemicals into the groundwater and nearby river.

By eliminating and prohibiting the co-mixing of vegetation debris and other combustible materials we would also minimize the occurrence of pyrolysis, a natural dynamic decomposition process of vegetation and organic materials causing combustion or fire.

Inside a landfill, innumerable microorganisms are hard at work. These microbes may be fungi or microscopic bacteria. Microbes feeding on the organic matter in the landfill transform the matter into smaller and smaller particles this rotting or decaying process is called decomposition.

The odor prevalent at the landfill is caused by gases created by the microorganisms as they break down organic material. Thus, you have LFG

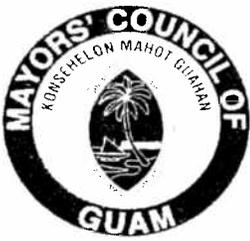
(Land Fill Gas). It is created as a result of the decomposition that is dynamically occurring. Left uncontrolled, LFG will migrate out of the landfill and into the atmosphere creating odor, safety, and environmental problems. LFG is composed of methane (50-55%), carbon dioxide (45-50%), and trace amounts of other gases such as oxygen, nitrogen, and hydrogen sulfide.

The methane component of LFG is of particular concern and must be controlled by the landfill operators, in this case, the Department of Public Works (DPW), for several reasons. Although the gas itself is odorless, it suspends other gases with unpleasant odors (hydrogen sulfide), is highly flammable and will explode if trapped. In addition the methane in a cubic foot of LFG is believed to be 20 to 30 times as powerful a contributor to global warming as an equivalent amount of carbon dioxide.

There are different systems employed by most sanitary landfills to vent or collect methane which if recovered, can serve as a viable alternative energy source. Currently, permeable gravel trenches, or a combined system of pipes and gravel trenches are used to draw gas out of the landfill. When LFG is recovered it can be burned-off in a process called flaring, or captured to generate power.

Taking positive steps to enhance Guam's Solid Waste Management System will translate into a safer, cleaner, island home.

Thank you for the opportunity to express the Guam Fire Department's position on this measure.



OFFICE OF THE MAYOR  
MUNICIPALITY OF INARAJAN  
P.O. Box 786, Hagatna, Guam 96932  
Tel: (671) 475-2509/10/11/12 Fax: (671) 828-2543

Mayor Franklin M. Taitague



TESTIMONY OF MAYOR FRANKLIN M. TAITAGUE

BUENASI MY NAME IS MAYOR FRANKLIN M. TAITAGUE FROM THE HISTORICAL VILLAGE OF INALAHAN.

ON BEHALF OF THE GREAT CITIZENS OF THIS ISLAND, SI YU'OS MA'ASE FOR BILL 20.

THIS PIECE OF LEGISLATION WILL PROTECT AND PREVENT FUTURE HEALTH AND ENVIRONMENTAL HAZARDS AT FUTURE HARDFILL SITES. HOWEVER, ON SUBSECTION 51102.9 OF THE BILL, I ONLY SUGGEST WE DEFINE FURTHER OR BE MORE SPECIFIC OF WHAT DOMOLITION MATERIALS ARE ALLOWED AT THE HARDFILL. FURTHERMORE, IN RESPECT TO SECTION 1 OF THE BILL, I WISH TO GO ON RECORD THAT THE MALOJLOJ HARDFILL IS STILL A POTENTIAL HAZARD TO ITS NEIGHBORING RESIDENTS. I PREDICT THAT DURING THE HOT AND DRY SEASON, THIS HARDFILL WILL IGNITE AGAIN. TO DATE, GFD IS THE ONLY STANDBY SOLUTION TO THE HARDFILL'S UNPREDICTABLE CONDITION. I WISH TO SOLICIT YOUR ASSISTANCE IN PERHAPS SEEKING THE EXECUTIVE BRANCH TO DETERMINE ITS PROBABILITY OF FUTURE FIRES AND IF THE PROBABILITY STILL EXIST, TO IDENTIFY THE FUNDING NECESSARY FOR THE EXCAVATION AND REMOVAL OF THE COMBUSTIBLE MATERIALS. THE NEIGHBORING RESIDENTS WILL SURELY BE AT PEACE OF FUTURE HEALTH RISK AND THE DREADED RE-LOCATION FROM THEIR HOMES.

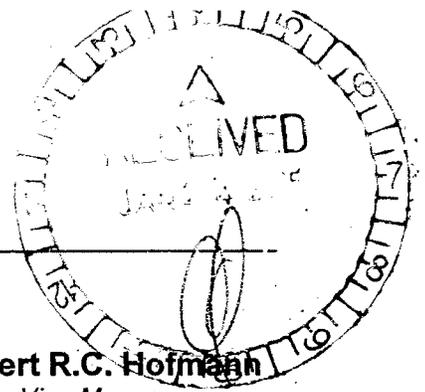
THANK YOU AND SI YU'OS MA'ASE FOR THE OPPORTUNITY!

*Franklin M. Taitague*  
*Mayor of Inarajan*



**Municipality of Sinajana**  
**Mayors' Council of Guam**  
*Konshelon Mahot Guahan*

P.O. Box 786 Hagåtña, Guam 96932



**Roke B. Blas**  
Mayor

**Robert R.C. Hofmann**  
Vice Mayor

January 21, 2005

The Honorable  
Joanne M. Salas Brown  
Vice Speaker and Chairperson  
Committee on Natural Resources, Utilities  
And Micronesian Affairs  
*I Mina' Bente Ocho Na Liheslaturan Guahan*  
155 Hesler Street,  
Hagatna, Guam 96910

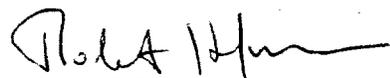
Dear Vice Speaker:

*Buenas yan Hafa Adai!* Thank for your invitation to your public hearing and we deeply apologize for not attending. We are submitting this letter as official testimony for Bill No. 20. We applaud the Committee on its efforts to ensure a safer landfill however, by prohibiting the dumping of trees and limbs we as mayors are faced with the task of finding a proper area to dispose of this material. We urge the 28<sup>th</sup> Guam Legislature to provide an alternative site where the trees, stumps and limbs can be brought to be shredded. A possible solution may be designating an area within the confines of the Ordot Landfill for items such as these thus saving manpower and fuel for those tasked to dispose of them or these hardfill fires could be prevented if the Legislature provided more funding to the Department of Public Works solid waste division so they may properly cover and compact the refuse on a regular basis.

We recall a project several years ago in which typhoon debris such as limbs and stumps were shredded and offered to the public at large for compost. Perhaps the legislature could revisit this issue and write a more sensible bill that would take into account the tremendous tasks the village mayor's have in maintaining and beautifying the village. For now, we cannot support legislation such as this that limit our ability and provides no alternative. *Si Yu'os Ma'ase!*

*Senseramenté,*

  
**ROKE B. BLAS**  
MAYOR

  
**ROBERT D.C. HOFMANN**  
VICE MAYOR

cc: *All Committee Members*  
*All Mayors*

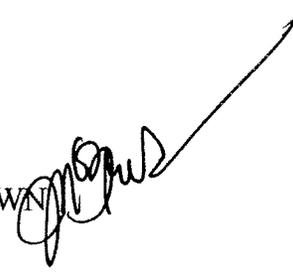
OFFICE OF THE MAYOR  
OFFICE: (671) 472-6707/477-3323 FAX: 472-5084

MINA BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (FIRST) Regular Session

Bill No. 20 (COR)

Introduced by:

J.M.S. BROWN



AN ACT TO REPEAL AND REENACT SECTION 51102.9 OF TITLE 10,  
GUAM CODE ANNOTATED TO PROHIBIT THE USE OF  
COMBUSTIBLE MATERIALS IN A HARDFILL.

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

**Section 1. Legislative Findings.** I Mina Bente Ocho Na Liheslaturan Guahan finds that

the inclusion of tree limbs, stumps, plastics and other types of combustible material in a hardfill has contributed to the ignition of underground fires that have created health and environmental hazards for island residents. Recent examples have included the Malojloj hardfill owned and operated by the Government of Guam and a permitted hardfill located on private property in the village of Chalan Pago. These underground fires that have resulted from these hardfills have adversely affected the air quality for surrounding village residents and have required in numerous cases the temporary re-location of village residents away from their property and privately owed homes. In addition, hundreds of thousands of taxpayers dollars have been spent to provide manpower, equipment and cover material to suppress these avoidable underground fires.

**Section 2. An act to repeal and reenact section 51102.9 of Title 10, Guam Code Annotated to prohibit the use of combustible materials in a hardfill.**

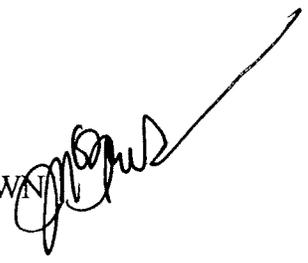
**Section 51102.9.** Hardfill shall mean a method of compaction and earth cover of solid wastes other than those containing garbage or other putrescible (putrescent) waste, including, but not limited to, ~~tree limbs and stumps~~, demolition material, and like materials not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis. *A Hardfill shall not include any combustible material.*

MINA BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (FIRST) Regular Session

Introduced  
Bill No. 20  
JAN 03 2005  
Introduced by:  
P. B. B. (Handwritten initials)

EC  
(COR)

J.M.S. BROWN



AN ACT TO REPEAL AND REENACT SECTION 51102.9 OF TITLE 10,  
GUAM CODE ANNOTATED TO PROHIBIT THE USE OF  
COMBUSTIBLE MATERIALS IN A HARDFILL.

2005 JAN 27 PM 12:22  
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