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**GUAM'S RECYCLING
RULES AND REGULATIONS
Title 22, Division 4, Chapter 23, Article 5**

Part A

Section 23501 General Provisions

7 **Section 23501.1 Purpose, Scope, and Applicability**

8
9 (a) The purpose of this Article is to establish the minimum standards to implement
10 Guam's Recycling Law, Article 5 of Chapter 51, Division 2, Part 2, Title 10, Guam Code
11 Annotated (GCA).

12
13 (b) The scope of this Article is to establish minimum standards that provide a
14 mechanism for the collection of recycling fees levied on recyclable materials, for the
15 administering of the Recycling Revolving Fund ("the Fund"), and to foster redemption
16 systems that facilitate recycling of recyclable materials.

17
18 (c) This Article shall apply to:

- 19 (1) Any person engaged in the importation of recyclable materials, as
20 defined and listed in Section 23501.2(v), for resale, and wherein a
21 recycling fee has been established for such recyclable material in
22 Section 23503.1, unless otherwise specified in this Article, or as
23 specified in 10 GCA Chapter 51, Article 5, as amended.
- 24 (2) Any persons engaged in the operations of recycling centers and
25 recycling facilities.
- 26 (3) Any person who applies for a refund for the return of a recyclable
27 material.

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(d) This Article does not apply to any person who imports recyclable materials, as defined and listed in Section 23501.2(v), for personal use, subject to the Use Tax provisions of Section 28105 of Chapter 28 of Division 2, Title 11 of the Guam Code Annotated.

Section 23501.2 Definitions.

For the purposes of this Article, except as otherwise provided, the following words and phrases, together with all of the common derivations thereof, shall have the meaning ascribed to them as follows:

- (a) "Administrator" shall mean the Administrator of the Guam Environmental Protection Agency (GEPA), or his or her designee.
- (b) "Advance disposal fee" shall mean the "recycling fee" charged at the time of import or point of sale, where applicable, of a "recyclable material" that will eventually end up as solid waste.
- (c) "Appliances" shall mean the household or commercial device operated by gas or electric current.
- (d) "Consumer" shall mean any person who buys a recyclable material for final use.
- (e) "Dealer" shall mean any person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered by

1 the Department of Revenue and Taxation, in accordance to 16 GCA
2 Chapter 7.

3
4 (f) "Distributors" shall mean any person engaged in the sale of recyclable
5 materials to a retailer.

6
7 (g) "Electronic Waste" shall mean computers, circuit boards, televisions,
8 and portable telephones.

9
10 (h) "Enameled White Goods" or "White Goods" shall mean appliances,
11 with or without enamel, for home or commercial use including, but
12 not limited to, refrigerators, water heaters, air conditioners, washers,
13 dryers, and stoves.

14
15 (i) "GEPA" shall mean the Guam Environmental Protection Agency.

16
17 (j) "GEPA Recycling Refund Voucher" shall mean GEPA established
18 document provided to certified recycling centers, issued to persons
19 who returns recyclable material to certified recycling centers, for
20 which is proof for refund payments to such persons.

21
22 (k) "Gross Vehicle Weight" or "Gross Vehicle Weight Rating" shall mean
23 the value specified by the manufacturer as the loaded weight of a
24 single vehicle.

25
26 (l) "Heavy Equipment" shall mean any equipment, motor vehicle or
27 motor carrier, or non-road motor vehicle with a gross weight or gross
28 vehicle weight of five (5) tons or more.

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- (m) "Home Appliance" shall mean any small home appliance not listed as an *Enameled White Good*.
- (n) "Import" shall mean to bring, or accept delivery of recyclable materials from any source outside of Guam.
- (o) "Importer" shall mean any person who buys, brings, or accepts delivery of recyclable materials from outside the port of Guam for sale or resale to distributors, retailers, wholesalers, or consumers.
- (p) "Motor Vehicle" or "motorized vehicle" shall mean automobiles, automobile truck, automobile wagon, buses, trucks, motorcycles or other self propelled wheeled conveyance that will be primarily for use on Guam's public streets, roads, and highways that are required to be registered with the Motor Vehicles Division, Department of Revenue and Taxation, Government of Guam.
- (q) "Municipal Solid Waste" is a subset of solid waste and is defined as durable goods (e.g., appliance, batteries, tires), nondurable goods (e.g., newspapers, books, magazines), containers and packaging, food wastes, yard trimmings, and miscellaneous organic wastes from residential, commercial and industrial non-process sources.
- (r) "Imported Vehicle" or "Imported Motor Vehicle" shall mean a motor vehicle that has no prior record of having been registered in Guam.
- (s) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate,

1 or any agency, department, or instrumentality of the Federal or local
2 government, or any other legal representatives, agents or assigns.

3
4 (t) "Recovered Resources" shall mean material or solid waste that has
5 been diverted from disposal for the purpose of recycling or
6 bioconversion. This term does not include those materials that are
7 generated and normally reused on-site for manufacturing purposes.

8
9 (u) "Recycle" or "Recycling" means the method by which recovered
10 resources are converted for use as raw materials or feedstock to make
11 new products.

12
13 (v) "Recyclable Materials" means materials that still have useful physical
14 or chemical properties after serving a specific purpose for the same or
15 other purpose. Recyclable materials include the following:

- 16
17 (1) Batteries (i.e., lead-acid, portable computer batteries, nickel-
18 cadmium, sealed types for power backup);
19 (2) Automobiles, buses, and trucks or any form of motorized
20 vehicle;
21 (3) Tires (passenger/commercial);
22 (4) Enameled white goods;
23 (5) Home appliances (other small appliances that are not
24 considered enameled white goods);
25 (6) Glass and plastic bottles;
26 (7) Foam padding;
27 (8) Lead;
28 (9) Metals (ferrous/non-ferrous);

- 1 (10) Organic material (i.e., tree trimmings, palm fronds, grass, food
2 waste, soiled cardboard);
3 (11) Paper products;
4 (12) Wood pallets and scrap wood;
5 (13) Construction and demolition debris ('C&D');
6 (14) X-ray film;
7 (15) Automobile oil and fluids;
8 (16) Freon and other refrigerant gases;
9 (17) Electronic waste (i.e., computers, circuit boards, televisions,
10 and portable phones);
11 (18) Heavy equipment; and
12 (19) Other recyclable materials deemed recyclable by GEPA
13 pursuant to this Article.

14
15 (w) "Recycling Center" shall mean a GEPA certified operation, which
16 accepts from any person a recyclable material for recycling and
17 provides GEPA Recycling Refund Vouchers in accordance to Section
18 23506.

19
20 (x) "Recycling Company" shall mean any business licensed by the
21 Department of Revenue and Taxation, and issued a permit, as
22 required in Section 51104 of Chapter 51 of Title 10 of the Guam Code
23 Annotated, from the Guam Environmental Protection Agency to
24 conduct business on Guam.

25
26 (y) "Recycling Facility" shall mean all contiguous land, structures, and
27 other appurtenances, and improvements on the land used for the
28 collection, separation, recovery, and sale or reuse of recovered
29 resources that would otherwise be disposed of as municipal solid

1 waste, and is an integral part of a manufacturing process aimed at
2 producing a marketable product made of post consumer material.
3 Recycling Facility may be considered a "recycling center" upon
4 GEPA's approval.

5
6 (z) "Recycling Fee" shall mean an advanced disposal fee (ADF) imposed
7 on goods for the recycling and disposal of said goods.

8
9 (aa) "Redemption rate" shall mean the percentage of *recyclable material* per
10 type redeemed within a reporting period. The percentage shall be
11 calculated by dividing the number of *recyclable material* per type
12 redeemed by the number of *recyclable material* per type sold, and then
13 multiplying that number by one hundred (100).

14
15 (bb) "Refund value" shall mean the amount refunded to any persons upon
16 return of a recyclable material for which a recycling fee has been
17 imposed. Refund value for each recyclable material is established in
18 Section 23507.1.

19
20 (cc) "Remanufactured" shall mean to manufacture a used recyclable
21 material into a new or recycled material of the same after initial use of
22 such recyclable material.

23
24 (dd) "Responsible Official" shall mean

25 (1) For a corporation: a president, secretary, treasurer, or vice-
26 president of the corporation in charge of a principal business
27 function, or any other person who performs similar policy or
28 decision - making functions for the corporation, or an authorized
29 representative of such person if the representative is responsible

1 for the overall operation of one (1) or more manufacturing,
2 production or operation facilities applying for or subject to the
3 requirements of this Article.

4 (2) For a partnership or sole proprietorship: a general partner of the
5 proprietor, respectively; or

6 (3) For a municipality, state, federal, or other public agency: a
7 principal executive officer, ranking elected official, or an
8 authorized representative as approved by the Administrator.

9
10 (ee) "Retail" shall mean the sale of tangible personal property for use by
11 the purchaser and not for resale.

12
13 (ff) "Retailer" shall mean a business licensed with the Department of
14 Revenue and Taxation to do retail sales.

15
16 (gg) "Wholesale" shall mean the importation into or purchase on Guam
17 from a manufacturer or other wholesale license of tangible personal
18 property not for consumption or use by the purchaser but solely for
19 resale or retail wholesale or retail sellers.

20
21 (hh) "Wholesaler" shall mean a business licensed with the Department of
22 Revenue and Taxation to import or purchase on Guam tangible
23 personal property not for consumption or use by the purchaser but
24 solely for resale or retail wholesale or retail sales.

25
26 **Section 23501.3 GEPA Compliance and Inspections**

27
28 (a) GEPA is authorized to conduct inspections of recycling centers, recycling facilities,
29 and inspect and obtain records of importers and dealers, and any applicable facility or

1 documentations required to verify compliance with this Article. Inspections shall be
2 conducted by GEPA during the company's normal hours of operation.

3

4 **Section 23501.4 Penalties and Fines**

5

6 (a) Any person who violates any provision of this Article shall be subject to the
7 penalties provided for in Section 51115 of Article 1, Chapter 51, Division 2, Part 2 of Title
8 10 of the Guam Code Annotated.

9

10 **Part B**

11 **Section 23502 Recycling Revolving Fund**

12 **Section 23502.1 Administration of Recycling Revolving Fund**

13

14 (a) All revenues generated by the collection of the "recycling fees" in accordance with
15 Section 23503.2 of this Article, including interest earned, shall be deposited into the
16 "Recycling Revolving Fund", hereinafter referred to as "Fund".

17

18 (b) Monies in the Fund shall be administered, managed, and maintained by the GEPA
19 Administrator, or his designee, for the implementation of this Article.

20

21 (c) Monies in the Fund shall be used for payments of refund values to consumers upon
22 receipt of issued GEPA Recycling Refund Voucher by certified recycling centers and
23 submittal of application for payment, and upon verification of such applications as
24 established in Section 23507.2 of this Article.

25

1 (d) Monies in the Fund shall be used to fund recycling operations, recycling events, and
2 recycling projects, including contracts with recycling companies, project management,
3 administrative, and public outreach.
4

5 (e) The Administrator of GEPA may contract the services of a third party to administer,
6 collect, disburse, manage, maintain, and report the activities of the Recycling
7 Revolving Fund.
8

9 **Part C**

10 **Section 23503 Recycling Fees**

11 **Section 23503.1 Schedule of Recycling Fees**

12 (a) The recycling fees assessed on recyclable materials are specified in Article 5, of 10
13 GCA, Chapter 51, as amended.

14 **Section 23503.2 Collection of Fees**

15
16 (a) Guam Customs & Quarantine Agency ("CQA") shall be responsible for the
17 collection of the recycling fees assessed on those recyclable materials as specified in Article
18 5, 10 GCA, Chapter 51.
19

20 (b) For all automobiles, bus, and trucks, recycling fees are collected at the point of sale.
21 Payment of recycling fees shall be in accordance with Section 23504.1 of this Article.
22

23 (c) For all batteries, tires, white goods, and heavy equipments, recycling fees are
24 collected at the point of import and prior to the release of said recyclable materials.
25 Payment of recycling fees by importers shall be in accordance with Section 23505.1 of this
26 Article

1
2 (d) Guam CQA may collect fees at any Guam CQA designated collection locations such
3 as :

4 (1) Jose D. Leon Guerrero Port Authority of Guam, or

5
6 (2) A. B Won Pat Guam International Airport, or

7
8 (3) Any designated or approved CQA collection agent or location

9
10 (e) CQA shall record all payments of fees and provide importers and dealers copy of
11 the paid "Recycling Fee Payment Form" as applicable.

12
13 (f) CQA shall deposit all fees collected in accordance with its established rules and
14 procedures, utilizing *official* receipts authorized and issued by the Department of
15 Administration, Government of Guam.

16
17 (g) The Administrator of GEPA may allow exemptions of collection of recycling fees
18 for recyclable materials imported as remanufactured recyclable material that was once
19 exported from Guam, provided the importer submits request for exemption thirty (30)
20 days prior to the date of import. Approval of such exemptions will be based on the
21 following proof of documentations:

22 (1) GEPA Exemption Request Form submitted and signed by a "responsible
23 official"

24
25 (2) Copies of shipment records of exported recyclable material exported for
26 remanufacturing.

27
28 (3) Copies of shipment records, invoice, and specification of remanufactured
29 recyclable materials imported for resale.

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(h) The Administrator of GEPA may allow for credits of payment of recycling fees for recyclable materials imported and then exported for resale to other islands, provided that the importer requests for such credit. Approval of such credits will be based on the following proof of documentations:

- (1) GEPA Credit Request Form submitted and signed by a "responsible official"
- (2) Copies of shipment records of exported recyclable materials for resale in other islands.
- (3) Copies of shipment records of receipt by imported receiving recyclable material signed by responsible official of that importer or company.

Section 23503.3 Notice To Consumers of Recycling Fee Payment

All sales receipts or invoices issued to the consumer for each recyclable material for which the recycling fee has been paid must include a statement that the recycling fee has been paid. The statement must be substantially equivalent to the following:

"Recycling Fee Paid per Article 5 of Chapter 51 of 10 GCA"

Part D

Section 23504 Importers of Automobiles, Bus, and Trucks for Resale

Section 23504.1 Payment of Recycling Fees:

(a) Upon the effective date of this Article, dealers shall be responsible for the payment of the recycling fee assessed on all imported automobiles, bus, and trucks at the point of sale in accordance to fees established in Section 23503.1 of this Article.

- 1 (1) The recycling fee identified in Section 23503.1 shall be paid to the Guam
2 CQA at any designated CQA location as specified in Section 23503.2 of this
3 Article.
- 4
5 (2) Dealers must complete a Recycling Fee Payment Form provided by CQA and
6 present to CQA a copy of the proof of purchase, or invoice of said vehicle
7 which shall include, but is not limited to, the vehicle model, make, year,
8 engine number, and vehicle identification number (VIN).
- 9
10 (3) The recycling fee shall be made payable by cash, check, or money order to
11 the Treasurer of Guam c/o Recycling Revolving Fund.
- 12
13 (4) Upon receipt of such payment from Dealer, and upon verification of
14 documents, CQA must provide the dealer a copy of the Recycling Fee
15 Payment Form stamp "PAID". The Recycling Fee Payment Form issued
16 shall have the information of the vehicle model, make, year, engine number,
17 and vehicle identification number (VIN).
- 18
19 (5) Payment must be made prior to obtaining vehicle registration and Certificate
20 of Ownership issued by the Department of Revenue and Taxation, Division
21 of Motor Vehicles.
- 22
23 (6) The Department of Revenue and Taxation, Division of Motor Vehicles shall
24 withhold the issuance of the vehicle registration for any imported motor
25 vehicle sold through a dealer until the official receipt from CQA is presented
26 evidencing the payment of the recycling fee for said vehicle being registered.
- 27
28 (7) As per Section 23503.3, a statement of proof that such "recycling fee" has
29 been paid on the vehicle must appear as a separate line item on every

1 Annual Vehicle Registration Form and the Certificate of Ownership Form
2 issued for the vehicle by the Department of Revenue and Taxation, Division
3 of Motor Vehicle. The statement on these forms must substantially be
4 equivalent to the following:

5
6 **"Recycling Fee Paid per Article 5 of Chapter 51 of 10 GCA"**

7 **Section 23504.2 Registration Requirement**

8 (a) Within 30 days upon the effective date of this Article, all importers of automobiles,
9 trucks, and buses for resale, shall register with GEPA using the GEPA Registration Forms,
10 and shall notify GEPA of any change in address, or responsible official.

11
12 (b) Any person who desires to import automobiles, trucks, and buses for the purpose
13 of resale shall register with GEPA using the GEPA Registration Forms no later than one
14 month prior to the commencement of the business.

15
16 (b) GEPA Registration Forms shall include, but is not limited to, the following
17 information:

18 (1) The legal name (s), mailing address, business address, contact person's name
19 and position title, and telephone and fax numbers of the owner and, if applicable, or
20 its duly authorized representative.

21
22 (2) Tax Identification Number of Business

23
24 (3) Copy of the Guam's Business License
25

1 (4) Current inventory and type of imported motor vehicle existing in each car lot
2 awaiting to be sold by the company. Ensure to provide the location of each car lot
3 site used by the company.

4 (5) Process of payment of "recycling fee" upon sale of automobile, bus, or truck.

5
6 (6) Process of receipt of payment to consumer upon sale of automobile, bus, or
7 truck.

8
9 (7) Print and Signature of the businesses' "Responsible Official".

10
11 (d) Upon review of Registration Request and documentations received, GEPA shall,
12 within 30 days, approve and issue a GEPA Registered Recycling Material Importer of
13 Automobile, Bus, and or Truck Dealer.

14 **Section 23504.3 Recordkeeping Requirements**

15
16 (a) Records shall be maintained for at least five (5) years reflecting the following:

17
18 (1) Quantities and type of recyclable materials imported. Copies of shipment
19 records may be use to satisfy this requirement.

20
21 (2) Copies of paid receipts from CQA.

22
23 (3) Quantities and type of recyclable materials exported for distribution to other
24 islands. Copies of shipment records that verify date, type, and quantity
25 exported out of Guam may be used to satisfy this requirement.

26

1 (4) Quantities and type of recyclable materials exported for remanufacturing.
2 Copies of shipment records for these shipments that verify date, type, and
3 quantity exported may be use to satisfy this requirement. In addition, copies
4 of receipt by company receiving recyclable materials for remanufacturing
5 may be used to satisfy this requirement.

6
7 (5) Quantities of remanufactured recyclable materials imported for resale.
8 Copies of shipment records for these shipments that verify date, type, and
9 quantity imported may be used to satisfy this requirement.

10
11 (b) These records shall be made available, upon request, for inspection and copying by
12 GEPA, or its representative. Any information marked or clearly labeled proprietary
13 information shall be kept confidential by GEPA and shall not be disclosed to any person,
14 except as otherwise permitted by law.

15
16 **Section 23504.4 Reporting Requirements**

17
18 (a) Dealers shall submit, on or before January 15th of each year, annual summary
19 reports of the records required to be kept in Section 23504.3 for the previous year.

20
21 **Part E**

22 **Section 23505 Importers of Tires, Batteries, Heavy Equipments, and White Goods**
23 **for Resale**

24 **Section 23505.1 Payment of Recycling Fees**

25 (a) Upon the effective date of this Article, importers shall be responsible for the
26 payment of the recycling fee assessed on all imported refrigerators, water heaters, air

1 conditioners, washers, dryers, and stoves in accordance to fees established in Section
2 23503.1 of this Article.

3

4 (1) The recycling fee identified in Section 23503.1 shall be paid by the Importers
5 to the Guam CQA at any designated CQA location as specified in Section
6 23503.2 of this Article.

7

8 (2) Importers must complete a Recycling Fee Payment Form provided by CQA
9 and present to CQA a copy of the Bill of Lading or any applicable shipping
10 documents to verify quantity and type recyclable material imported for
11 resale.

12

13 (3) The recycling fee shall be made payable by cash, check, or money order to
14 the Treasurer of Guam c/o Recycling Revolving Fund.

15

16 (4) Upon receipt of such payment from Importer, and upon verification of
17 documents, and inspections, if necessary, CQA must provide the importer a
18 copy of the Recycling Fee Payment Form stamp "PAID". The Recycling Fee
19 Payment Form issued shall have the information of the quantity and type of
20 recyclable material and the total amount due.

21

22 (5) Payment must be made at the point of import and prior to release to the
23 importer.

24

25 (b) As per Section 23503.3, a statement of proof that such "recycling fee" payment has
26 been paid on each item for which a "recycling fee" has been paid by the importer must
27 appear as a separate line item on every sale receipt or invoice issued for such items. The
28 statement on these forms must be substantially equivalent to the following:

29

1 "Recycling Fee Paid per Article 5 of Chapter 51 of 10 GCA"

2

3 Section 23505.2 Registration Requirement

4

5 (a) Within 30 days upon the effective date of this Article, all importers of white goods,
6 batteries, tires, and heavy equipments for the purpose of resale, shall register with GEPA
7 using the GEPA Registration Forms, and shall notify GEPA of any change in address, or
8 responsible official.

9

10 (b) Any person who desires to import white goods, batteries, tires, and heavy
11 equipments for the purpose of resale shall register with GEPA using the GEPA
12 Registration Forms no later than one month prior to the commencement of the business.

13

14 (c) GEPA Registration Forms shall include, but is not limited to, the following
15 information:

16

17 (1) The legal name (s), mailing address, business address, contact person's name
18 and position title, and telephone and fax numbers of the owner and, if applicable, or
19 its duly authorized representative.

20

21 (2) Tax Identification Number of Business

22

23 (3) Copy of Guam's Business License

24

25 (4) Types of recyclable material imported for resale by your company.

26

1 (5) Process of receipt of payment to consumer upon sale of recyclable material.

2
3 (6) Print and Signature of the businesses' "Responsible Official".

4
5 (d) Upon review of Registration Request and documentations received, GEPA shall,
6 within 30 days, approve and issue a GEPA Registered Recycling Material Importer of the
7 specified recyclable material as stated in registration request.
8

9 **Section 23505.3 Recordkeeping Requirements**

10
11 (a) Records shall be maintained for at least five (5) years reflecting the following:

12 (1) Quantities and type of recyclable materials imported. Copies of
13 shipment records may be use to satisfy this requirement.

14
15 (2) Copies of paid receipts from CQA.

16
17 (3) Quantities and type of recyclable materials exported for distribution
18 to other islands. Copies of shipment records that verify date, type,
19 and quantity exported out of Guam may be used to satisfy this
20 requirement.

21
22 (4) Quantities and type of recyclable materials exported for
23 remanufacturing. Copies of shipment records for these shipments
24 that verify date, type, and quantity exported may be use to satisfy this
25 requirement. In addition, copies of receipt by company receiving
26 recyclable materials for remanufacturing may be used to satisfy this
27 requirement.
28

1 (5) Quantities of remanufactured recyclable materials imported for resale.
2 Copies of shipment records for these shipments that verify date, type,
3 and quantity imported may be used to satisfy this requirement.
4

5 (b) These records shall be made available, upon request, for inspection and copying by
6 GEPA, or its representative. Any information marked or clearly labeled proprietary
7 information shall be kept confidential by GEPA and shall not be disclosed to any person,
8 except as otherwise permitted by law.

9 **Section 23505.4 Reporting Requirements**

10
11 Importers shall submit, on or before January 15th of each year, annual summary reports of
12 the records required to be kept in Section 23505.3 for the previous year.
13

14 **Part F**

15 **Section 23506 Recycling Centers**

16 **Section 23506.1 Acceptance of "recyclable materials" for recycling.**

17 Effective 12 months after the implementation of this Article, GEPA certified recycling
18 centers shall accept "recyclable materials" for the purpose of recycling by persons who
19 verifies proof of payment of recycling fee on said recyclable material.

20 **Section 23506.2 Requirements for Certified Recycling Centers**

21 (a) Recycling centers shall be certified by the Guam EPA.
22

23 (b) Recycling centers shall have GEPA Solid Waste Management Permits issued in
24 accordance to Section 51114 of 10 GCA Chapter 51. GEPA Solid Waste Management
25 Permits applicable to the operations of the Certified Recycling Center, includes, but not
26 limited to, collections and storage permits.

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(c) Certification shall be effective for a period of five (5) years following the date of approval by GEPA.

(d) Applicants shall re-certify the recycling center thirty (30) days before expiration of the current certification or the center shall not be eligible for the issuance of GEPA Recycling Vouchers.

Section 23506.3 Application for Certification

(a) Upon the effective date of this Article, all proposed recycling centers must submit an application for certification for each Recycling Center site. Applications for certification shall be prepared on forms provided by GEPA and shall include, but not limited to, the following information:

(1) All application forms must be completed and signed by the *responsible official* of the recycling center. The application form must include, but is not limited to, the following information:

- i. The legal name(s), mailing address, street address, contact person's name and position title, and telephone and fax numbers of the owner and, if applicable, its duly authorized representative.
- ii. A copy of the Guam business license;
- iii. The specific type of *recyclable material* that will be accepted and provided a refund value;
- iv. Operation Plans of the Recycling Center must include, but not limited to,
 - 1. Map identifying location of the recycling center

2. Recycling center site layout
3. Method of Incoming load inspection
4. Location and storage of recyclable materials redeemed
5. Good House Keeping Practices
6. Recordkeeping and reporting
7. Method of issuance of GEPA Recycling Vouchers and implementation plans for approval.
8. Packaging, transport, and delivery to recycling centers for processing and shipment.
9. Other applicable scope of services provided
10. Other information the Administrator of GEPA determines to be appropriate.

(b) GEPA Administrator shall approve or deny application request, if the application and supporting information clearly shows that the issuance, thereof, does not pose a threat to the environment, public health or welfare, or compliance with the implementation of this Article.

(c) The GEPA issued certification is neither transferable nor assignable to any other person, company, recycling center, or location.

(d) Applicants shall submit new applications to GEPA if:

- i. The location of a recycling center changes
- ii. The operator, owner, or responsible official changes; or
- iii. Changes occur in operations of a redemption center
- iv. Request must be submitted in forms established by GEPA and must be signed by a responsible person.

1 (e) New applications shall be approved by GEPA before the recycling center changes
2 its operations or the applicant shall not be eligible for refund value.

3

4 (f) Applicants shall notify GEPA thirty (30) days prior to voluntary termination of
5 certified recycling center activities.

6

7 (g) The certificate shall be kept on file at the recycling center site.

8

9 (h) The certificate is property of GEPA and shall be returned to the department upon
10 decertification, revocation, invalidation, expiration of certification, or voluntary
11 termination.

12 **Section 23506.4 Posting of Certification**

13

14 (a) Copies of GEPA Certification of Recycling Centers shall be prominently displayed
15 where costumers approaching the center can view it.

16

17 (b) A certification sign shall not be displayed at a recycling center that is not certified
18 by GEPA.

19

20 **Section 23506.5 Uncertified Recycling Activities**

21 (a) Uncertified recycling centers shall not be eligible to issue GEPA Recycling Refund
22 Vouchers.

23

24 (b) GEPA Recycling Refund Vouchers received by uncertified recycling centers shall
25 pay all issued GEPA Recycling Refund Voucher issued by the recycling center during the
26 period of non-certifications.

1 **Section 23506.6 Load Inspection Requirements**

2

3 (a) Recycling Centers staff shall visually inspect each load of recyclable materials for
4 which is to be accepted by the recycling center. All inspections shall be recorded in an
5 incoming log sheet with the following information:

6

7 (1) Date and Time of incoming load.

8

9 (2) Vehicle license no. and license no. of the operator of the vehicle

10

11 (3) Type and Quantity of recyclable material being returned for refund.

12

13 (4) Name and signature of person inspecting load.

14 **Section 23506.7 Issuance of GEPA Recycling Refund Vouchers**

15

16

17 (a) Upon GEPA certification, Recycling Centers will be issued official GEPA Recycling
18 Refund Vouchers which should include, but is not limited to, the following:

19

20 (1) Voucher Number

21

22 (2) Blank area for the Name and mailing address of the person who returned the
23 "recyclable material" to the certified recycling center, to whom the refund
24 will be paid.

25

26 (3) Name of Certified Recycling Center

27

1 (4) Location of Certified Recycling Center

2

3 (5) GEPA Certification Number

4

5 (6) Blank area for the date upon which a recyclable material was received,

6

7 (7) Blank are to specify quantity and type of recyclable material received, and

8

9 (8) Blank area for the name and signature of the responsible official, or his
10 designee of the Recycling Center issuing GEPA Recycling Refund Voucher.

11

12 (b) Certified Recycling Centers shall issue a GEPA Recycling Refund Voucher to
13 persons, businesses, or his authorized representative, who delivers the following to the
14 Certified Recycling Center:

15

16 (1) The recyclable material for which is to be recycled,

17

18 (2) Copy of receipt, Motor Vehicle Registration, or any other applicable
19 document, which provides proof of payment of recycling fee as describe in
20 this Article.

21

22 (3) Proper picture identification, at a minimum, a valid Guam Drivers License,
23 Government of Guam Identification issued by the Guam Police Department,
24 or a valid passport. For a business, authorization from the business owner or
25 responsible official, shall also be provided.

26

1 (c) GEPA Recycling Refund Voucher shall not be issued unless an official receipt of the
2 payment of "recycling fee" is presented for the specific recyclable material.

3

4 **Section 23506.8 Transport of "recyclable materials" to Recycling Centers for Export**

5

6 (a) Final dispositions of collected and process recyclable materials shall be at any
7 GEPA Solid Waste Management Storage or Processing Permitted Facility, or off-island to a
8 recycling company. Recycling Centers shall provide documentation as to the final
9 disposition of recyclable material collected from recycling centers.

10

11 (b) Recycling centers who transport recyclable materials to recycling facilities or for
12 shipment shall do so in accordance with the GEPA Solid Waste Management Permit for
13 Collection, or may contract a GEPA Solid Waste Management Facility permitted for
14 collection.

15

16 (c) All transport of "recyclable materials" outside of the Recycling Center or for
17 shipment, shall record the date, time, recyclable material type and quantity being removed
18 from recycling center. Record of receipt of recyclable material by Recycling Facility must
19 be signed by a responsible official, or his or her designee. Trip Tickets may be used to
20 satisfy this requirement if the information specified are recorded.

21 **Section 23506.9 Recordkeeping Requirements**

22

23 (a) Records shall be maintained for at least three (3) years reflecting the following:

24

25 (1) Log sheets of incoming recyclable materials received by the recycling
26 company to include the information required in Section 23506.6 of this
27 Article.

28

1 (2) Records of GEPA Recycling Refund Vouchers issued by the certified
2 recycling center. Copies of issued vouchers may satisfy this
3 requirement.

4
5 (3) Quantities of recyclable material, weight, and type of recyclable
6 materials transported out of the certified recycling center to a GEPA
7 permitted recycling facility or transported for shipment to recycling
8 companies. Copies of trip tickets, shipment records, and receipt
9 records from the GEPA permitted facility or off-island recycling
10 company of final disposition, that verify date, type, and quantity may
11 be used to satisfy this requirement.

12
13 (b) These records shall be made available, upon request, for inspection and copying by
14 GEPA, or its representative. Any information marked or clearly labeled proprietary
15 information shall be kept confidential by GEPA and shall not be disclosed to any person,
16 except as otherwise permitted by law.

17
18 **Section 23506.10 Reporting Requirements**

19 On a monthly basis, recycling centers shall submit monthly summary reports to GEPA
20 using report forms prescribed by the Agency. Report information shall include, but not be
21 limited to, the following:

22
23 (1) The quantity or weight of each type of recyclable material accepted at the
24 recycling facility for the previous month.

25

- 1 (2) A summary of GEPA Recycling Refund Vouchers issued to include, voucher
2 numbers, date of issuance, name and mailing address of persons issued the
3 voucher, and the quantity and type of material voucher is issued for.
- 4 (3) A summary of the quantity or weight of each recyclable material type
5 transported out of the recycling center and received by a GEPA Permitted
6 Recycling Facility; or exported to a recycling company.

7
8 **Part G**

9 **Section 23507 Refunds**

10 **Section 23507.1 Refund Values**

11
12 (a) Within six (6) months upon the effective date of this Article, and, at least, yearly
13 thereafter, the Guam EPA Administrator shall establish the refund value for each
14 "recyclable material" returned to a certified recycling center.

15
16 (b) The Administrator of GEPA or his designated agent shall cause to publish the
17 established refund value for the period of October 1 - September 30 of the applicable year.

18 **Section 23507.2 Payment of Refund Values**

19 (a) Payments of refunds shall be available 12 months after the effective date of these
20 regulations.

21
22 (b) Application for Refunds must be submitted to GEPA along with application forms
23 established by GEPA, and a valid "GEPA Recycling Refund Voucher". Applications shall
24 include, but is not limited to, the name of applicant, contact no. of applicant, mailing
25 address to where the refund will be sent, and signature of applicant.

1 (c) Any persons who presents a valid "GEPA Recycling Refund Voucher" to the
2 Administrator of GEPA, or his designated agent, and completes the application for
3 payment, shall receive a refund as determined by the Administrator upon verification that
4 the voucher was issued by a certified recycling center.
5

6 **Part H**
7

8 **Section 23508 Recycling Facilities**

9 **Section 23508.1 Permit Requirements**

10 (a) All recycling facilities receiving "recyclable materials" from recycling centers shall
11 have GEPA Solid Waste Management Permits issued in accordance to Section 51114 of 10
12 GCA Chapter 51. GEPA Solid Waste Management Permits applicable to the operations of
13 the Recycling Facility, includes, but not limited to, collections, storage, and processing
14 permits.
15

16 **Section 23508.2 Load Inspections Requirements**
17

18 (a) Recycling Centers staff shall visually inspect each load of recyclable materials for
19 which is to be accepted by the recycling center. All inspections shall be recorded in an
20 incoming log sheet with the following information:
21

22 (1) Date and Time of incoming load
23

24 (2) Vehicle license no. and license no. of the operator of the vehicle
25

26 (3) Type and Quantity of recyclable material being returned for refund.

1
2 (4) Name and signature of person inspecting load.

3 **Section 23508.3 Recordkeeping Requirements**

4 (a) Records shall be maintained for at least three (3) years reflecting the following:

5
6 (1) Log sheets of incoming recyclable materials received by the recycling
7 facility from a certified recycling center to include the information
8 required in Section 23508.2 of this Article.

9
10 (2) Quantities of recyclable material, by weight, and type of recyclable
11 materials received by certified recycling center.

12
13 (3) Quantities of recyclable material, by weight, and type of recyclable
14 material, transported to a GEPA permitted recycling facility or
15 transported for shipment to recycling companies. Copies of trip
16 tickets, shipment records, and receipt records from the GEPA
17 permitted facility or off-island recycling company of final disposition,
18 that verify date, type, and quantity may be used to satisfy this
19 requirement.

20
21 (b) These records shall be made available, upon request, for inspection and copying by
22 GEPA, or its representative. Any information marked or clearly labeled proprietary
23 information shall be kept confidential by GEPA and shall not be disclosed to any person,
24 except as otherwise permitted by law.
25
26

27 **Section 23508.4 Reporting Requirements**

28

1 (a) On a monthly basis, recycling facilities shall submit monthly summary reports to
2 GEPA using report forms prescribed by the GEPA. Report information shall include, but
3 not be limited to, the following:

4 (1) A summary of the quantity or weight of each type of recyclable material
5 accepted at the recycling facility for the previous month from certified recycling
6 centers.

7
8 (2) A summary of the quantity or weight of each recyclable material type
9 transported out of the recycling facility and received by a GEPA Permitted
10 Recycling Facility; or exported to a recycling company.

11
12



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAŃ PRUTEKSION LINA'LA GUAHAN

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

GUAM'S SOLID WASTE DISPOSAL RULES AND REGULATIONS (Renumbering of Regulations)

**AMENDED BY
GUAM EPA BOARD OF DIRECTORS**

Amendment Date: _____

**John M. U. Jocson
Board Chairman**

**Attested To: Margaret P. Aguilar
Board Secretary**

EXHIBIT B

EFFECTIVE DATE: _____

"ALL LIVING THINGS OF THE EARTH ARE ONE"

**RULES AND REGULATIONS
FOR THE
GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
SOLID WASTE DISPOSAL**

Title 22

Division 4

Chapter 23

Article 1

Solid Waste Management

Part A

General Provisions

Section 23101 - General Regulations

- §23101.1. Purpose, scope, and applicability.
- §23101.2. Definitions.
- §23101.3. Consideration of other federal laws.
- §23101.4. Solid waste management permit system.

Part B

Solid Waste Management Facilities

Section 23102 - Locations Restrictions

- §23102.1. Airport Safety.
- §23102.2. Flood plains.
- §23102.3. Wetlands.
- §23102.4. Fault areas.
- §23102.5. Seismic impact zones.

- §23102.6. Unstable areas.
- §23102.7. Closure of existing municipal solid waste landfill units.

Section 23103 - Operating criteria

- §23103.1. Solid wastes accepted.
- §23103.2. Solid wastes excluded.
- §23103.3. Procedures for excluding receipt of hazardous waste.
- §23103.4. Cover material requirements.
- §23103.5. Disease vector control.
- §23103.6. Explosive gases control.
- §23103.7. Air Criteria.
- §23103.8. Access requirements.
- §23103.9. Run-on/run-off control systems.
- §23103.10. Surface water requirements.
- §23103.11. Liquid restrictions.
- §23103.12. Recordkeeping requirements.
- §23103.13. Safety.

Section 23104 - Design criteria

- §23104.1. Design criteria for municipal solid waste landfill.
- §23104.2. Design criteria for solid waste disposal facilities other than MSWLFs.
- §23104.3. Table of maximum contaminant levels (MCL) for constituents at the relevant point of compliance.

Section 23105 - Ground-water monitoring and corrective action

- §23105.1. Applicability.
- §23105.2. Ground-water monitoring systems.
- §23105.3. (Reserved).
- §23105.4. Ground-water sampling and analysis requirements.
- §23105.5. Detection monitoring program.
- §23105.6. Assessment monitoring program.
- §23105.7. Assessment of corrective measures.
- §23105.8. Selection of remedy.
- §23105.9. Implementation of the corrective action program.

Section 23106 - Closure and post-closure care

- §23106.1. Closure criteria.
- §23106.2. Post-closure care requirements.

Section 23107 - Financial assurance criteria

- §23107.1. Applicability and effective date.
- §23107.2. Financial assurance for closure.
- §23107.3. Financial assurance for post-closure care.
- §23107.4. Financial assurance for corrective action.
- §23107.5. Allowable mechanisms.

Addendum A

Schedule of permit fees for all other solid waste management facilities.

Addendum B

Duration of permit fees for all other solid waste management facilities.

Addendum C

Administrative penalties.

Appendix I

Constituents for detection monitoring.

Appendix II

List for hazardous and organic constituents.

I Mina Bente Ocho Na Liheslaturan Guahån

COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

Thursday, July 7, 2005; 9:00 a.m.
Legislative Public Hearing Room

PUBLIC HEARING

Bill No. 158(EC): "AN ACT TO APPROVE OR DISAPPROVE THE RECYCLING RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY."

SIGN IN SHEET

<i>Name</i>	<i>Representing</i>	<i>Contact number</i>
Randy Sablan	GEPA	
Andrew C. Park	GEPA	649-8141
RICK BLAS	CUSTOMS	475 6202
Monty McDowell	Guam Chamber of Commerce	472 6311
Jay Christano	GADA	.

written only

RLS
**Testimony of
Randel L. Sablan, Acting Administrator
Guam Environmental Protection Agency**

**Bill 158 (EC)
“An act to approve or disapprove the Recycling Rules and Regulations
for the Guam Environmental Protection Agency”**

**28th Guam Legislature
July 7, 2005**

Buenas yan Hafa Adai!

Honorable Mark Forbes, Speaker, Honorable Joanna Brown, Vice-Speaker,
Honorable members of the Committee on Natural Resources, Utilities and
Micronesian Affairs.

Thank you for the opportunity to provide testimony on Bill 158 (EC).

The Agency developed these Guam Recycling Rules and Regulations as
required by Public Law 28-07. Absent further amendments these rules will
permit the implementation of P.L. 28-07, pending completion of an
Economic Impact Statement.

We recall that although the development and passage of the original version
of this law involved limited stakeholder input and dialogue, Public Law 27-
38 authored by Senator Rory Respicio was a pivotal event in Guam’s solid
waste management history. The journey to recycling fees has been at times
an arduous one full of high expectations and every manner of growing pain.
We see these as signs of progress and that the recycling legislation is
evolving for the better.

Just this past spring, while engaging a number of industry and community
stakeholders on these proposed rules, we learned that the interest and
support for recycling was growing at a very rapid rate. There are more
advocates for recycling today than ever before. While many expressed
concerns for the approach the recycling law has taken, very encouraging
community consensus has emerged that we continue to improve on the
framework initiated as P.L. 27-38.

Guam EPA would like to propose that amendments be made to the P.L. 28-07 to incorporate ideas and concerns expressed by many of the stakeholders during the last round of meetings on these rules. The following are major points we would like to address:

- Shift from “advanced disposal fees” to a comprehensive recycling fee associated with annual vehicle registration – *this would make paying for recycling a simple and annual “one-stop” transaction.*
- Ensure priority recycling of junk vehicles, tires, batteries, waste oil, and white goods/appliances – *the law would identify a general priority for recycling of these to facilitate additional recycling of historically difficult waste streams*
- Allow for grants and loans from the fund – *Grants to non-prifits can support changes in social behavior to benefit social needs (e.g. school programs, and other). Loans also encourage market stability and small business development.*
- Allow funds to used to handle other recyclable materials – *once priority wastes are covered, funds could be used to facilitate recycling of any other recyclable material, which could support smaller or start-up recycling business ventures*
- Permit a phased implementation and corresponding fee adjustments as recycling cost data is developed and in response to market conditions – *the law should allow for some degree of administrative flexibility to allow a phased implementation approach and possibly annual and mid-year fee adjustments, within a stated range or percentage, to address market conditions or emerging issues*
- Provide for incentives – *incentives always help the process along such as a refund. The ability to obtain and amount of refund should also be adjustable based on prevailing recycling rates*



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DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guahan

FELIX P. CAMACHO, Governor Maga'lahi
KALEO S. MOYLAN, Lt. Governor Tiñente Gubetradora

ARTEMIO B. ILAGAN, Director
Direktot
JOHN P. CAMACHO, Deputy Director
Segundo Direktot

July 20, 2005

Senator Joanne M. Salas Brown
Office of the Vice Speaker
Committee Chairwoman
Committee on Natural Resources, Utilities and Micronesian Affairs
155 Hesler Street
Hagatna, Guam 96910

Re: Bill No. (EC) 158 "An Act To Approve or Disapprove the Recycling Rules and Regulations for the Guam Environmental Protection Agency"

Dear Vice Speaker and Members of the Committee:

Thank you for this opportunity to present the Department's concerns regarding the alternate proposal pertaining to the Advance Disposal Fees (ADF). To provide some background, it was understood during the first and second quarters of FY2003, the Abandoned Vehicle and Streetlight Fund (AVSF) was not generating enough revenue for junk car removal and the installation and operation of public streetlights. Therefore every car owner on Guam including those car owners who reside off-island but continue to register their vehicle(s) locally already know, with the passing of the Budget Bill in March of 2003 (Public Law 27-5), the AVSF was increased from \$10 to \$25 on March 5, 2003 and again to \$40 on April 1st, 2004. So for just over a year, the Department has billed and the Department of Administration has collected roughly \$375,000 (\$4 x 94,000 average number of vehicles registered per year) for the Abandoned Vehicles alone. What was once only \$94,000 (10% of the previous \$10 fee) collected annually is now four times more.

Under the ADF established in Public Law 27-38 for abandoned vehicles of \$200 per vehicle and being conservative with \$350,000 collected annually, there would be roughly 1,750 vehicles (\$350,000/\$200) that can be disposed of right now. If this is only the tip of the iceberg, what total number of abandoned vehicles are we talking about? It is understood that each year results in an additional number of abandoned vehicles, is it greater than 1,750 per year? If \$350,000 is not enough, what amount is needed?

Basically, the Department's position is with the increases in the AVSF in the last two years still fresh on the registration bill, consider other options before settling with the Guam Chamber of Commerce and GEPA's increase in the vehicle registration. Not only examine the increased amount of \$350,000 per year, but also whether the increase in the Streetlight Fund from roughly \$846,000 per year (\$9 x 94,000 registered vehicles) to over \$3.3 million per year (\$36 x 94,000) is sufficient. What exactly does it cost to operate and install streetlights per year? In the likelihood that the \$3.3 million is more than enough, maybe a changing of the percentages would be considered first before raising fees. For example, instead of the current percentages of 10% and 90%, perhaps 25% (\$940,000) for junk cars and 75% (\$2.8 million) for the Streetlight Fund. If \$15 of the proposed \$25 fee is for junk cars, adjust the percentages accordingly. It is suggested that language in the



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ARTEMIO B. ILAGAN, Director
Direktor
JOHN P. CAMACHO, Deputy Director
Segundo Direktor

Bill allow for the legislature to adjust these percentages depending on the island's current needs, ex: after a natural disaster.

Testimony has concentrated on the ADF pertaining to abandoned vehicles. With the alternate proposal of \$25 per vehicle registration to include the disposal of enameled white goods and other materials unrelated to vehicles results in punishing the car owner. For example, burdening a car owner, who may be fortunate to have three or more vehicles in his/her name, with paying three times the disposal fee of the unrelated materials is unfair. It is suggested these fees be unattached to vehicle registrations but would be more suitable being an addition to DPW's Tipping Fee or through GPA (refrigerators, stoves, computers, etc.) or GWA (washing machines). If the ADF were assessed by one of these agencies, corporations, small businesses, non-profit organizations that do not have company cars would be included and, thus, equally treated. Using the entire proposed \$25 to generate funding for the disposal of these other materials (no junk cars) and spreading this payment over 12 months amounts to just over two (\$2) dollars a month and is more financially manageable for the public.

One final note, military personnel who maintain their registrations from their Home of Record through the Soldiers and Sailors Act are not required to pay a local registration fee. This alternate proposal will not require the payment of the ADF from this growing section of the population. Presently, it is at just under 900 registrations. With the suggestion of having the ADF attached to a utility bill, this group would be addressed.

Thank you again for this opportunity to provide input pertaining to the Advanced Disposal Fees.

Sincerely,

ARTEMIO B. ILAGAN

Director

cc: John P. Camacho, Deputy Director



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

June 13, 2005

VICE SPEAKER JOANNE S. BROWN
Chairperson, Committee on Natural Resources
Utilities and Micronesia Affairs
28th Guam Legislature
155 Hessler Place
Hagåtña, Guam 96910

SENATOR EDWARD J.B. CALVO
Chairperson, Committee on Finance & Taxation
28th Guam Legislature
155 Hessler Place
Hagåtña, Guam 96910

RE: PUBLIC LAW NO. 27-38 – RECYCLING REVOLVING FUND

Dear Vice Speaker Brown and Senator Calvo,

On behalf of the Guam Chamber of Commerce Board of Directors, we would like to provide additional comments to the Guam Automobile Dealers Association's (GADA) position on the collection of recycling fees as outlined in Public Law 27-38.

The Chamber is in agreement with GADA's position that the fee collection process outlined in the law is cumbersome and would make its objectives more difficult to achieve. We concur with GADA's proposal to amend P.L. 27-38 to assess a \$25 additional charge to the annual vehicle registration. While GADA estimates the additional \$25 fee would raise about \$2.3 million, which should be sufficient for the disposal/recycling of motor vehicles, tires and batteries, the Chamber is of the opinion that this same \$25 additional fee should include the disposal/recycling of white goods negating the need to charge a separate fee for these items.

Further, the Guam Customs and Quarantine Agency would not have to be involved and require funds from the fee for administrative expenses since the amount would be collected by the Department of Revenue and Taxation and turned over to a Recycling Fund. This approach would include military residents as they already register their vehicle at Revenue & Tax.

It is believed that the disposal of the backlog of abandoned vehicles could take place within two to three years. We request that the proposed amendment also include a sunset provision that the \$25 additional fee be revisited in five years for adjustment.

The Chamber continues to be an advocate of recycling efforts and sound management of our solid-waste system on Guam. The amendments to P.L. 27-38 as discussed herein would provide an immediate cash flow to the Recycling Revolving Fund, reduce costs to government and businesses because of the streamlined process, and result in a cleaner Guam. We look forward to working with you on this issue.

Sincerely,

MONTY A. McDOWELL
Chairman of the Board

ELOISE R. BAZA
President

Cc: Dan Camacho, President, Guam Automobile Dealers Association

April 19, 2005

The Honorable Joanne S. Brown, Vice Speaker
Chairperson, Committee on Natural Resources
Utilities and Micronesia Affairs
28th Guam Legislature
155 Hessler Place
Hagåtña, Guam 96910

The Honorable Edward J. B. Calvo, Senator
Chairperson, Committee on Finance
Taxation & Commerce
28th Guam Legislature
155 Hessler Place
Hagåtña, Guam 96910

Dear Vice Speaker Brown and Senator Calvo,

This letter represents the unified opinion of the Guam Automobile Dealers Association (GADA) as well as the vehicle tire and battery retailers whose names appear at the end of this document.

While we are collectively in support of recycling efforts, cleaning up our island and protecting our environment, and we also support the basic concepts proposed in Public Law 27-38, we have come to the conclusion that that law calls for a fee collection process that is extremely cumbersome and may make its objectives more difficult to achieve. During our discussions we came up with a plan that we believe will benefit the consumers, the government and our island. We respectfully propose that Public Law 27-38 be amended in the following manner:

Instead of involving the Guam Customs and Quarantine Agency in the collection of recycling fees for vehicles, tires and batteries, we propose that the Government of Guam add an annual non refundable assessment of \$25 to the registration of each vehicle for this purpose. This collection method has a number of advantages:

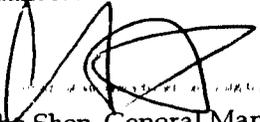
- a. All vehicles registered (including those brought in by both the civilian and military communities) would be captured, not just the new vehicles, so more owners will contribute to the recycling process;
- b. A higher amount of fees would be collected annually (93,882 vehicles registered in FY 2004 would have paid \$2,347,050 into the Recycling revolving Fund as opposed to 8,476 new vehicle owners who would have remitted \$ 1,695,200 less refunds). The larger amount would cover vehicle tires and batteries (industry average is one tire per year and one battery every two years per vehicle. This comes to \$281,646 (less refunds) collected to dispose of tires and \$234,705 (less refunds) collected to dispose of batteries).
- c. The revenue stream would be much steadier and more predictable - year-to-year vehicle registrations have not varied more than 4% (FY'01 vs. FY'02) over the past 10 years, while year-to-year new vehicle sales have varied as much as 48% (FY'02 vs. FY'03).
- d. The small excess in collections (it would have been \$ 135,499 in FY '04) could be utilized for a variety of purposes including offering more incentives to recycle, funding a recycling education program, funding additional clean-up programs, etc.
- e. The impact to new car buyers would be spread over several years, while existing car owners would face a reasonable increase to their licensing fees, and more importantly, they would also contribute toward the recycling process.
- f. There would be lower costs involved in administering the program because the Department of Revenue and Taxation already has a process to collect the fees.

g. It would be a more streamlined process and would also be more practical and less expensive for government and businesses to implement.

Given the advantages of easier implementation, a more streamlined process, getting military vehicle owners to participate in cleaning up our island, reduced costs to the government and businesses, and more immediate and predictable cash flow versus Public Law 27-38, we feel that Guam will be cleaner should these amendments be made. We hope you agree and we will be happy to work with you on drafting the language to amend the Public Law.

Sincerely,


Dan Camacho, President
Guam Automobile Dealers Association

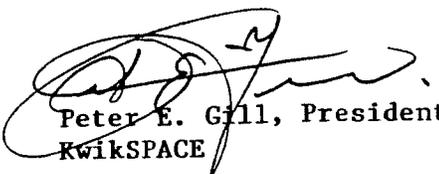

John Shen, General Manager
Prestige Automobiles


Vincent Cabrera, General Manager
Proline Automotive

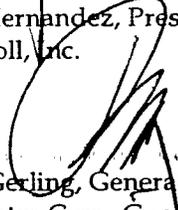

Ted Shen, General Manager
Good Year Tire Center

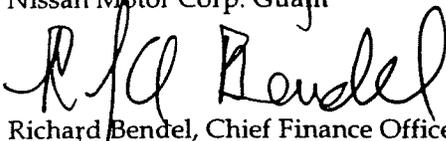

Torgun Smith, General Manager
Morrico Equipment LLC


Paul F. Galvez, Vice President
Mark's Motors Co. Inc.


Peter E. Gill, President
KwikSPACE

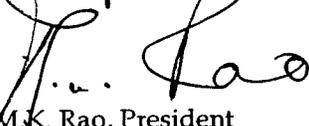

Robert J. Hernandez, President
Atkins Kroll, Inc.


Philippe Gerling, General Manager
Nissan Motor Corp. Guam


Richard Bendel, Chief Finance Officer
Cars Plus


Jeff Jones, Executive Vice President
Triple J Enterprises


Joseph Hsu, President
United Tire


M.K. Rao, President
NAPA Auto Parts
Commercial Tire Center
Pacific Tyre
Mid Pac Far East


FSL Leonard Kaae,
Black Construction

cc: Monte McDowell, Chamber of Commerce
All Senators, 28th Guam Legislature

Imperial couple honor war dead, pray for peace

anzai' and
Iafa Adai'
ray for the
nperor and
empress

By Jude O. Merfil
Variety News Staff

SAIPAN — The visiting Japanese imperial couple began their second day on Saipan by going to the beach at the back of Hotel Nikko Saipan in San Roque.

After having breakfast, Emperor Akihito and Empress Michiko proceeded to Marpi to visit the Japanese War Memorial, as well as the Banzai and Suicide Cliffs, where scores of Japanese soldiers and civilians jumped to their deaths rather than surrender to the American forces more than 60 years ago.

The couple's visit to these sites was somber. The emperor and empress hardly smiled as they bowed toward the sea while white birds flew by.

In a statement released to the media on Monday, the emperor said: "On soil beyond our shores, we will once again mourn and pay tribute to all those who lost their lives in the war, and we will remember the difficult path the bereaved families had to follow, and we wish to pray for world peace."

It was raining when the couple flew in from Tokyo on Monday afternoon, and the sky was again overcast as they arrived shortly before noon yesterday at American Memorial Park, where the public was invited to witness the event.

Despite the rain, the emperor and empress prayed for the war dead and placed a wreath of white flowers at the park that commemorates the bravery and sacrifices of American soldiers who perished here during the Battle of Saipan.

Toward the end of the ceremony, the couple spoke with two 16-year-old students of Marianas High School — Janelle Reyes and Yvonne DeLeon Guerrero.



The imperial couple wave at the crowd that gathered — despite the rain — at American Memorial Park in Garapan yesterday afternoon.
Photo by Jacqueline Hernandez

Gemma Q. Casas
Variety News Staff

PAN — A crowd waited only within a cordoned area at American Memorial Park yesterday, unmindful of the rain, eager to get even a glimpse of visiting Japanese Emperor Akihito and Empress Michiko.

Shortly before noon, Saipan's 11 guests arrived on a bulletproof limousine and escorted by military agents of the U.S. and Japanese governments.

Anna Noble said she and her husband came to the park as early as 6 a.m.

Noble said the long hours of waiting were worth it. After all, she added, the emperor and the empress only make rare appearances in public.

Noble said she considers herself very lucky to have been given the opportunity to see the imperial couple even from a distance.

Japanese executives and employees who reside on Saipan took time off from their busy schedules to distribute Japanese gifts to the crowd.

They shouted "banzai!" as the emperor and empress walked toward the park's Court of Honor and Flag Circle.

The empress momentarily stopped walking and waved at the crowd.

Locals who were at the park to welcome the imperial couple shouted "hafa adai!"

There was a downpour but it did not deter the excitement of the crowd.

Many Japanese believe that rain is a good sign from the spirits of the departed.

One of them said the spirits must be crying over the imperial couple's prayers for world peace.

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
Committee on Natural Resources,
Utilities & Micronesian Affairs
Vice Speaker Joanne M.S. Brown
Chairwoman

The Committee on Natural Resources, Utilities & Micronesian Affairs will hold a public hearing on **Thursday, July 7, 2005, 9:00 a.m.**, in the Legislative Building's Public Hearing Room in Hagåtña, on the following:

Confirmations:

- Mr. Alfred K.Y. Lam; to serve as a member on the Guam Environmental Protection Agency Board of Directors
- Ms. Florida M. Sanchez; to serve as a member on the Guam Environmental Protection Agency Board of Directors

Bills:

- Bill No. 115 (EC) - An Act To Prohibit The Government Of Guam From Using Public Funds In The Site-Specific Design Of A New Landfill, Until The Government Of Guam Has Ownership Of A New Landfill Site.
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MINA' BENTE OCHO NA LIBERATURAN GUAMAN
 Committee on Natural Resources,
 Utilities & Micronesian Affairs
 Vice Speaker Joanne M.S. Brown
 Chairwoman

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

Bill No. 158 (EG)

Introduced by:

J. M.S. Brown 

**AN ACT TO APPROVE OR DISAPPROVE THE
RECYCLING RULES AND REGULATIONS FOR
THE GUAM ENVIRONMETNAL PROTECTION
AGENCY**

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

2 **Section 1. Approval of Guam Environmental Protection Agency**
3 **Recycling Rules and Regualtions.** The Recycling Rules and Regulations
4 for the Guam Environmental Protection Agency ("GEPA"), that were adopted
5 by the Board of Directors for GEPA on June 17, 2005, are hereby approved,
6 with further changes made by *1 Liheslaturan Guåhan*. These rules and
7 regulations are attached, labeled as Exhibit A, and incorporated herein.

8 Changes to these rules and regulations are being made in accordance
9 with Article 5 to Chapter 51 of Division 2 of Part 2 of Title 10 of the Guam
10 Code Annotated and the Administrative Adjudication Law.

11 **Section 2. Amendments to the Guam Solid Waste Disposal Rules and**
12 **Regulations.** The following amendments to the Guam Solid Waste Disposal

1 Rules and Regulations for GEPA are attached, labeled as Exhibit B, and
2 incorporated herein.

3 Changes to these rules and regulations are being made in accordance
4 with Article 5 to Chapter 51 of Division 2 of Part 2 of Title 10 of the Guam
5 Code Annotated and the Administrative Adjudication Law.