

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**  
**2022 (SECOND) Regular Session**  
**VOTING RECORD**

<b>Bill No. 284-36 (LS)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building September 30, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	√					
Senator Frank Blas Jr.	√					
Senator Joanne Brown	√					
Senator Christopher M. Dueñas	√					
Senator James C. Moylan	√					
Vice Speaker Tina Rose Muña Barnes	√					
Senator Telen Cruz Nelson	√					
Senator Sabina Flores Perez	√					
Senator Clynton E. Ridgell	√					
Senator Joe S. San Agustin	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague	√					
Senator Jose "Pedro" Terlaje	√					
Speaker Therese M. Terlaje	√					
Senator Mary Camacho Torres	√					

**TOTAL**

**15**

**0**

Aye

Nay

Not  
Voting/  
Abstained

Out  
During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO  
 Clerk of the Legislature

I = Pass

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2022 (SECOND) Regular Session**

**Bill No. 284-36 (LS)**

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

\*

Introduced by:

Sabina Flores Perez  
Telo T. Taitague  
Jose “Pedo” Terlaje  
Tina Rose Muña Barnes

**AN ACT TO *AMEND* ARTICLE 3 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, TO CODIFY AND *AMEND* ARTICLE 3 OF CHAPTER 24, DIVISION 4, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROMOTING RECYCLING AND ZERO WASTE INITIATIVES.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the global recycling industry has changed significantly in the sixteen (16) years  
4 since the Recycling Revolving Fund (RRF) was established. While traditional  
5 recycling models are no longer financially sustainable, newer “zero waste”  
6 initiatives are proving successful. “Zero waste” expands upon principles of recycling  
7 by focusing on overall waste reduction, and the approach is a cost-effective means  
8 of preserving resources and building resiliency against the negative impacts of  
9 climate change.

10           With the drastic economic impacts of the global pandemic, measures must be  
11 taken now to improve the management of waste streams and reduce their financial

1 impact on our community. The Guam Zero Waste Act modernizes local statutes to  
2 catalyze island-wide implementation of recycling and zero waste programs,  
3 improves recycling and cleanup processes that are currently costly and inefficient,  
4 and establishes the Zero Waste Grants Program within the Recycling Revolving  
5 Fund to support innovative solutions that significantly divert materials from our  
6 landfill and gainfully employ our people.

7 *I Liheslatura* further finds that it is necessary to increase the Guam  
8 Environmental Protection Agency’s capacity to promote and implement recycling  
9 and zero waste programs within the government and the community through a self-  
10 sustaining and long-term approach that combines research, planning,  
11 implementation, and evaluation. To this end, it is necessary to fund studies to  
12 determine the effectiveness of existing recycling and zero waste initiatives, and  
13 research best practices for reducing and diverting different waste streams to reach  
14 fifty percent (50%) and seventy-five percent (75%) waste reduction by 2035 and  
15 2045, respectively. Additionally, it is essential to provide funding to support  
16 innovative solutions to significantly reduce our waste stream by repurposing  
17 materials and rethinking production in order to reduce the environmental and social  
18 impacts from the extraction, distribution, and use of raw materials.

19 *I Liheslatura* further finds that plastic has become the priority along with  
20 abandoned vehicles and white goods due to the uncertainty of global recyclers  
21 accepting plastics. Additionally, the increasing volume of non-biodegradable,  
22 single-use plastics imported into Guam poses cumulative environmental impacts,  
23 which can be addressed with proactive, upstream and other zero waste measures.

24 *I Liheslatura* further finds that promoting and coordinating with the Guam  
25 Solid Waste Authority (GSWA), a government-run utility, in recycling and zero  
26 waste initiatives is essential. The challenges of shipping plastics and other materials  
27 to off-island recyclers have become financially challenging or unsustainable and  
28 may significantly decrease the life of our landfill.



1           § 51304.     Administration of the Recycling Revolving Fund.

2           § 51305.     Levy and Collection of Recycling Fees.

3           § 51306.     Authorization for Department of Public Works and the  
4                     Mayors Council of Guam to Contract with Recycling  
5                     Companies.

6           § 51307.     Adjustment of Recycling Fees.

7           § 51308.     Recycling Industry Economic Stimulus Program.

8           § 51309.     Zero Waste Grant Program.

9           § 51310.     Guam Solid Waste Authority Residential Recycling  
10                    Program.

11           **§ 51301.     Definitions.**

12           As used in this Article, and except as otherwise provided, the following  
13           words and phrases shall mean:

14                   (a)    “Administrator” shall mean the Administrator of the  
15                   Guam Environmental Protection Agency, or his designee.

16                   (b)    “Beneficial Use” shall mean the substitution of materials,  
17                   either as generated or following additional processing, for some or all  
18                   of the virgin materials in a natural or commercial product in a way that  
19                   provides a functional benefit; meets product specifications; and does  
20                   not pose concerns to human health or the environment.

21                   (c)    “Best Available Technology” shall mean a recognized and  
22                   approved technology by the United States Environmental Protection  
23                   Agency.

24                   (d)    “Board” shall mean the Board of Directors of the Guam  
25                   Environmental Protection Agency.

26                   (e)    “Compost” or “Composting” shall mean a mixture,  
27                   consisting primarily of decayed organic matter and is used for

1 fertilizing and conditioning land or to converting a material, such as  
2 plant debris, to compost.

3 (f) “DPW” shall mean the Department of Public Works.

4 (g) “Director” shall mean the Director of the Department of  
5 Public Works.

6 (h) “Disaster Debris” shall mean any items and materials  
7 broken, destroyed, or displaced by a natural or man-made federally or  
8 locally declared disaster. Examples of disaster debris include, but are  
9 not limited to, trees, construction and demolition material, and personal  
10 property.

11 (i) “Disaster Debris Management” shall mean the removal  
12 and disposal of debris that was generated by a disaster and which  
13 presents an immediate threat to the public interest.

14 (j) “Electronic Waste” or “E-Waste” shall mean electrical and  
15 electronic equipment that is dependent on electric currents or  
16 electromagnetic fields to function (including all components,  
17 subassemblies and consumables, which are part of the original  
18 equipment at the time of discarding). E-waste may include, but is not  
19 limited to, consumer electronics, entertainment devices, televisions,  
20 DVD players and tuners, office devices, information and  
21 communications technology, computers, circuit boards, telephones, and  
22 mobile phones.

23 (k) “Enameled White Goods” shall mean appliances for home  
24 or commercial use, including, but not limited to, refrigerators, water  
25 heaters, air conditioners, washers, dryers, and stoves.

26 (l) “Extended User Responsibility” shall mean policies or  
27 practices that place a shared responsibility for end-of-life product

1 management on producers and other entities involved in the product  
2 chain.

3 (m) “GEPA” or “Guam EPA” shall mean the Guam  
4 Environmental Protection Agency.

5 (n) “Gross Vehicle Weight” or “Gross Vehicle Weight  
6 Rating” means the value specified by the manufacturer as the loaded  
7 weight of a single vehicle.

8 (o) “Heavy Equipment” shall mean any equipment, motor  
9 vehicle or motor carrier, or non-road motor vehicle with a gross weight  
10 or gross vehicle weight of five (5) tons or more.

11 (p) “Junk Vehicle” means a motor vehicle, regardless of  
12 operating condition, that the registered owner has declared to have no  
13 value or no use, or that is abandoned by being placed, discarded, or  
14 disposed of on public or private property without approval by the  
15 owners of said property, or that is no longer registered in accordance  
16 with Chapter 7 of Title 16 GCA.

17 (q) “Motor Vehicle” or “Motorized Vehicle” shall mean  
18 automobiles, automobile trucks, automobile wagons, buses, trucks,  
19 motorcycles, or other self-propelled wheeled conveyances that are  
20 primarily for use on Guam’s public streets, roads, and highways that  
21 are required to be registered with the Motor Vehicles Division,  
22 Department of Revenue and Taxation, Government of Guam.

23 (r) “Municipal Solid Waste” is a subset of solid waste and is  
24 defined as durable goods (e.g., appliances, batteries, tires), nondurable  
25 goods (e.g., newspapers, books, magazines), containers and packaging,  
26 food wastes, yard trimmings, and miscellaneous organic wastes from  
27 residential, commercial, and industrial non-process sources.

1 (s) "Person" or "Persons" shall mean any individual,  
2 partnership, co-partnership, firm, company, corporation, association,  
3 joint-stock company, trust, estate, or any agency, department, or  
4 instrumentality of the federal or local government, or any other legal  
5 representatives, agents or assigns.

6 (t) "Recovered Resources" shall mean material or solid waste  
7 that has been diverted from disposal for recycling, composting, or  
8 mulching. This term does not include incineration of those materials  
9 generated and normally reused on-site for manufacturing purposes.

10 (u) "Recyclable Materials" means materials which still have  
11 useful physical or chemical properties after serving a specific purpose  
12 for the same or other purpose. Recyclable materials are as follows:

13 (1) batteries (i.e., lead-acid, portable computer  
14 batteries, nickel-cadmium, sealed types for power backup);

15 (2) automobiles, buses, and trucks or any motor  
16 vehicle;

17 (3) tires (passenger/commercial);

18 (4) enameled white goods;

19 (5) home appliances (other small appliances that are not  
20 considered enameled white goods);

21 (6) glass and plastic bottles;

22 (7) foam padding;

23 (8) lead;

24 (9) metals (ferrous/non-ferrous);

25 (10) organic material (i.e., tree trimmings, palm fronds,  
26 grass, food waste, soiled cardboard);

27 (11) paper products;

28 (12) wood pallets and scrap wood;



- 1 (13) construction and demolition debris (“C&D”);  
2 (14) x-ray film;  
3 (15) automobile oil and fluids;  
4 (16) freon and other refrigerant gases;  
5 (17) electronic waste (i.e., computers, circuit boards,  
6 televisions, and portable phones);  
7 (18) heavy equipment;  
8 (19) abandoned derelict vessels; and  
9 (20) other recyclable materials deemed recyclable by  
10 Guam EPA pursuant to its rules and regulations.

11 (v) “Recycle or Recycling” means a method by which  
12 recovered resources are converted for use as raw materials or feedstock  
13 to make new products, as defined in § 51102(ii) of Chapter 51 of Title  
14 10 GCA.

15 (w) “Recycling Company” shall mean any business licensed  
16 by the Department of Revenue and Taxation, and permitted, as required  
17 in § 51104 of Chapter 51 of Title 10 GCA, by the Guam Environmental  
18 Protection Agency to conduct business on Guam.

19 (x) “Recycling Facility” shall mean all contiguous land,  
20 structures, and other appurtenances, and improvements on land used for  
21 the collection, separation, recovery, and sale or reuse of recovered  
22 resources that would otherwise be disposed of as municipal solid waste,  
23 and is an integral part of a manufacturing process aimed at producing a  
24 marketable product made of post-consumer material.

25 (y) “Recycling Fee” shall mean an annual fee levied upon the  
26 registered owner of a motor vehicle to assist in the recycling and  
27 disposal of motor vehicles and other recyclable materials in accordance  
28 with this Article.

1           (z) “Recycling Industry Economic Stimulus Program” shall  
2 mean a program that provides economic stimulus to local recycling  
3 companies that ship recyclable materials off-island.

4           (aa) “Reuse” shall mean to use again, including in a different  
5 way or after reclaiming or reprocessing.

6           (bb) “Solid Waste Management Facility” means any facility, or  
7 any machinery, equipment, vehicles, structures, or any part of  
8 accessories thereof installed or acquired for the primary purpose of  
9 collection, transportation, storage, recycling, processing or disposal of  
10 solid waste, and shall include sanitary landfills or resource recovery  
11 facilities.

12           (cc) “Stimulus Certification Form” shall mean a form officially  
13 issued by Guam EPA to be completed by an eligible recycling facility  
14 to disclose and certify the types and quantities of recyclable materials  
15 shipped off-island to a recycling facility.

16           (dd) “Sustainable Materials Management” means a systemic  
17 approach to using and reusing materials more productively over their  
18 entire lifecycles.

19           (ee) “Upcycle” or “Upcycling” shall mean to recycle material  
20 in such a way that the resulting product is of a higher value than the  
21 component materials.

22           (ff) “Zero Waste” means a holistic approach to addressing the  
23 problem of unsustainable resource flows. Zero Waste encompasses  
24 waste eliminated at the source through product design and producer  
25 responsibility, and waste reduction strategies further down the supply  
26 chain such as recycling, upcycling, reuse and composting.

27       **§ 51302. Recycling Revolving Fund.**

1           There is hereby created the Recycling Revolving Fund (Fund), which  
2 shall be non-lapsing and maintained separate and apart from any other funds,  
3 including the General Fund of the government of Guam, and independent  
4 records and accounts shall be maintained thereof. The Recycling Revolving  
5 Fund shall not be commingled with the General Fund and shall be kept in a  
6 separate bank account. All revenue generated from recycling fees collected  
7 pursuant to this Article, including interest earned, shall be deposited into the  
8 Recycling Revolving Fund and shall be expended exclusively for the purposes  
9 authorized in Article 3 of Chapter 51 of Title 10, Guam Code Annotated. All  
10 monies in the Recycling Revolving Fund are hereby appropriated, and shall  
11 continue to be deemed appropriated, to the Guam Environmental Protection  
12 Agency to be expended in accordance with this Article. The Administrator of  
13 Guam Environmental Protection Agency shall present the budget to the GEPA  
14 Board of Directors and the expenditures shall be reported quarterly to *I*  
15 *Liheslaturan Guåhan*. The funds deposited into the Recycling Revolving  
16 Fund shall not be subject to the transfer authority of *I Maga'hågan Guåhan*.

17           **§ 51303. Continuing Appropriation and Use of Funds.**

18           (a) All revenues from the Recycling Revolving Fund are hereby  
19 appropriated to the Guam Environmental Protection Agency to fund the  
20 following:

21                   (1) Guam EPA Administration and Planning of the Zero  
22 Waste and Recycling Programs.

23                           (A) The Administrator is authorized to spend ten  
24 percent (10%) of the Fund to administer and implement this  
25 Article. Funds may be used for:

26                                   (i) operational costs directly related to recycling  
27 and zero waste for the Solid Waste Management Program,

1 which includes, but is not limited to, personnel, supplies,  
2 equipment, and training of staff;

3 (ii) compliance training for prospective  
4 recipients of funds from the Recycling Revolving Fund;

5 (iii) implementation of a zero waste and recycling  
6 program for the government and the community in  
7 accordance with this Article.

8 (B) In addition to amounts specified in § 51303  
9 (a)(1)(A), upon approval by the Board, the Administrator is  
10 authorized to spend up to Fifty Thousand Dollars (\$50,000) to  
11 either procure professional services, pursuant to the Guam  
12 Procurement Law, or fund grants for education and outreach to  
13 promote recycling and zero waste.

14 (C) In addition to amounts specified in § 51303  
15 (a)(1)(A), upon approval by the Board, the Administrator is  
16 authorized to spend up to Two Hundred Thousand Dollars  
17 (\$200,000) to either procure professional and technical services,  
18 pursuant to the Guam Procurement Law, or fund grants to update  
19 and further develop the Guam Zero Waste Masterplan and a  
20 holistic government and island-wide Zero Waste implementation  
21 plan to reach fifty percent (50%) and seventy-five percent (75%)  
22 waste reduction by 2035 and 2045, respectively; to evaluate the  
23 effectiveness of zero waste and recycling programs; and/or to  
24 research other areas deemed priority by the Administrator.  
25 Grants are awarded through a competitive process using  
26 established criteria by the Board and Administrator.

27 (D) General Terms and Conditions for Use of Funds.

1 (i) All proposals for use of funds shall be  
2 submitted to the Board and Administrator for review.  
3 Proposals must be approved by the Board and  
4 Administrator before the expenditure of funds, which are  
5 subject to availability.

6 (ii) Prior to submitting bids or grant proposals,  
7 potential recipients of funds shall obtain environmental  
8 regulatory compliance, ethics, and other relevant training  
9 provided by Guam EPA or a designated provider.  
10 Required permits shall be obtained as a condition of the  
11 use of the funds.

12 (iii) Performance Targets. Projects shall meet  
13 performance/waste diversion targets as determined by the  
14 Administrator.

15 (iv) Reporting Requirements. Reports and  
16 deliverables shall be presented biannually to the Board and  
17 posted on Guam EPA's website.

18 (v) Ethical Requirement. All persons utilizing  
19 funds from the Recycling Revolving Fund shall complete  
20 ethics training sponsored by the Ethics Commission, or a  
21 designated provider, and shall attest to spending funds  
22 according to ethical requirements by Guam law. Non-  
23 compliance of ethics, in addition to other remedies  
24 allowed under Guam law, may result in termination of the  
25 award and barring of future application for grants for a  
26 minimum period of two (2) years upon the findings of non-  
27 compliance by the Ethics Commission or, in the absence  
28 of the Ethics Commission, by the Board.

1 (2) Community Zero Waste and Recycling Programs.

2 (A) The Mayors Council of Guam (MCOG) Island-wide  
3 Environmental Cleanup Program (IECP) authorized in § 51306.

4 (B) The Recycling Industry Economic Stimulus  
5 Program authorized in § 51308.

6 (C) The Zero Waste Grant Program authorized in §  
7 51309.

8 (D) The Guam Solid Waste Authority Residential  
9 Recycling Program authorized in § 51310.

10 (3) All other purposes stipulated in Article 3; provided, that  
11 the rules and regulations regarding the Recycling Revolving Fund have  
12 been promulgated by the Guam Environmental Protection Agency and  
13 adopted in accordance with the Administrative Adjudication Law.

14 (b) The Department of Administration shall prepare and transmit to  
15 the Guam Environmental Protection Agency a weekly report on the current  
16 balance and transactions of the Recycling Revolving Fund. The Guam  
17 Environmental Protection Agency shall post this information on its website as  
18 it becomes available.

19 **§ 51304. Administration of the Recycling Revolving Fund.**

20 The Administrator shall administer the Fund and shall encumber all  
21 amounts available in the Fund as expeditiously as possible for the purposes of  
22 assisting and encouraging recycling of recyclable materials and zero waste  
23 initiatives. The Administrator shall administer the Fund in accordance with  
24 this Article to cause the following material/waste to be recycled or otherwise  
25 disposed according to the following priority:

26 (a) First Priority - junk vehicles, tires, batteries, waste oil,  
27 white goods/appliances, and plastic;

28 (b) Second Priority - paper, cardboard, and glass;

1 (c) Third Priority - other recyclable materials as determined  
2 by the Administrator and waste that can be reduced, reused, recycled,  
3 or prevented.

4 **§ 51305. Levy and Collection of Recycling Fees.**

5 The Director of Revenue and Taxation is hereby authorized to levy a  
6 Recycling Fee on individuals who are renewing their annual motor vehicle  
7 registration with the Department of Revenue and Taxation Division of Motor  
8 Vehicles, through the vehicle registration system. The Director of Revenue  
9 and Taxation shall collect the Recycling Fees mandated by this Article and  
10 transmit the fees to the Administrator for deposit in the Recycling Revolving  
11 Fund.

12 **§ 51306. Authorization for the Department of Public Works  
13 and the Mayors Council of Guam to Contract with Recycling Companies.**

14 (a) The Department of Public Works (DPW) and the Mayors Council  
15 of Guam (MCOG), in accordance with the applicable procurement laws and  
16 with the approval of the Administrator, are authorized to enter into contracts  
17 with recycling companies for the collection, recycling, zero waste initiatives,  
18 interim storage, disposal, and processing, or any combination thereof, of  
19 automobiles, buses, heavy equipment, trucks, batteries, tires, white goods, and  
20 other recyclable materials, and as required by, or in accordance with, Articles  
21 3 and 4 of Title 10 GCA, Chapter 51.

22 (b) At a minimum, DPW and MCOG shall require that all  
23 solicitations include proof of current approved permits, certification of  
24 compliance with Title 10, GCA, Chapter 51 from GEPA, and a plan to remove  
25 collected recyclable materials, including abandoned vehicles, from Guam's  
26 waste stream. Contractors employed under this Section shall perform all work  
27 under this Article in compliance with all applicable laws, including those of  
28 this Chapter, and the applicable rules and regulations of GEPA.

1 (c) The Guam Environmental Protection Agency shall promulgate  
2 the necessary rules and regulations, in accordance with the Administrative  
3 Adjudication Law, to properly implement this Article.

4 (d) It is at the discretion of the Administrator to approve DPW,  
5 MCOG, or both to contract for services as provided by this § 51306, and such  
6 approval may be revoked by the Administrator at any time.

7 **§ 51307. Adjustment of Recycling Fees.**

8 (a) The Administrator may establish new fees pursuant to the  
9 Administrative Adjudication Act.

10 (b) The Administrator shall review the fees authorized by §  
11 51305 and this Act, supra, every twenty-four (24) months, and is  
12 authorized to adjust the fees by not more than twenty-five percent  
13 (25%) in accordance with the Administrative Adjudication Law.

14 **§ 51308. Recycling Industry Economic Stimulus Program.**

15 There is hereby created a Recycling Industry Economic Stimulus  
16 Program (Program) to be administered by the Guam Environmental Protection  
17 Agency. The purpose of the Program is to provide economic stimulus funding  
18 to local recycling companies to support their recycling efforts. To qualify for  
19 this Program, a recycling company must be licensed to do business in Guam  
20 and hold a valid permit from the Guam Environmental Protection Agency for  
21 the processing, temporary storage, and beneficial reuse of recyclable materials  
22 solely generated on Guam. Recycling companies who qualify under this  
23 Program shall receive subsidies for the off-island shipment of recyclables to  
24 recycling facilities, pending funding availability and based on an economic  
25 sliding scale developed by Guam EPA that is based on factors such as fair  
26 market value and transportation. Qualified companies must provide  
27 documentation to Guam EPA evidencing proof of delivery of recyclable  
28 materials, such as with a bill of lading or similar document from off-island



1 recycling facilities confirming receipt of recyclable materials from Guam.  
2 Evidence of proof of delivery shall be submitted to Guam EPA no later than  
3 fourteen (14) days after recyclable materials are received by off-island  
4 recycling facilities. Solid waste or recyclables imported into Guam shall not  
5 qualify under this Program. The Administrator of the Guam Environmental  
6 Protection Agency shall make quarterly and annual reports to *I Maga'hågan*  
7 *Guåhan* and *I Liheslaturan Guåhan* on the condition of, and activity within,  
8 the Program.

9 **§ 51309. Zero Waste Grant Program.**

10 The Administrator is authorized to establish a Zero Waste Grant  
11 Program that is in accordance with the Guam Zero Waste Masterplan that  
12 targets fifty percent (50%) and seventy-five percent (75%) waste reduction by  
13 2035 and 2045, respectively.

14 (a) Funds may be used for development, infrastructure, and  
15 operations of waste reduction and/or diversion projects or other  
16 assistance for zero waste initiatives within the community, including,  
17 but not limited to, the following:

18 (1) development or deployment of technologies or  
19 practices to increase rates of waste prevention, re-cycling,  
20 composting, or product reuse;

21 (2) capital investment in infrastructure to start or  
22 expand waste prevention, recycling, composting, or product  
23 reuse programs; and

24 (3) partnerships with local businesses interested in  
25 incorporating new technologies or processes to reduce or prevent  
26 waste in production or packaging.

27 (b) With Board approval, the Administrator is authorized to  
28 spend up to Four Hundred Thousand Dollars (\$400,000) for zero waste

1 grants. With Board approval, the Administrator is authorized to award  
2 Tier 1, Tier 2, and/or Tier 3 level grants in the following manner:

3 (1) Tier 1 grants range are above \$50,000 but not to  
4 exceed \$100,000;

5 (2) Tier 2 grants are above \$25,000 but not to exceed  
6 \$50,000;

7 (3) Tier 3 grants are not to exceed \$25,000.

8 (c) Selection of proposals for grant awards and the tier levels  
9 will be based on selection criteria developed by Guam EPA with public  
10 input and approval by the Board of Directors.

11 (d) Proposals shall include performance waste diversion  
12 targets.

13 (e) Proposals shall be selected by the Board and the  
14 Administrator using criteria developed pursuant to § 51309(c).

15 **§ 51310. Guam Solid Waste Authority Residential Recycling**  
16 **Program.**

17 The Administrator is authorized to annually reimburse Guam Solid  
18 Waste Authority, as a government entity, up to Four Hundred Thousand  
19 Dollars (\$400,000) in accordance with the Guam Zero Waste Masterplan for  
20 expenses that includes, but is not limited to, curbside recycling, household  
21 hazardous waste, electronic, and white goods collection, processing, and  
22 marketing/shipping. GSWA shall submit a proposal, including total costs, to  
23 the Administrator and Board for approval.”

24 **Section 4.** Article 3 of Chapter 24, Division 4, Title 22, Guam  
25 Administrative Rules and Regulations, is hereby *codified* and *amended* to read as  
26 follows:

27 **“CHAPTER 24**

28 **GUAM RECYCLING REVOLVING FUND**

1 **RULES AND REGULATIONS**

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3 § 24301. GENERAL PROVISIONS

4 § 24301.1. Purpose and Applicability.

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26 § 24303.9. Guam Solid Waste Authority Residential Recycling Program.

27 **§ 24301. GENERAL PROVISIONS**

28 **§ 24301.1. Purpose and Applicability.**

1           The purpose of this Chapter is to clarify existing statute, provide a  
2 uniform competitive business environment to all, and establish the minimum  
3 standards to properly implement and administer Guam’s Recycling Revolving  
4 Fund in accordance with Title 10 GCA, Chapter 51, Article 3, under the  
5 authority granted by 10 GCA § 51306(c).

6           **§ 24301.2. Definitions.**

7           For the purposes of this Chapter, the terms defined in 10 GCA, Chapter  
8 51, Article 3, § 51301 shall have the meaning ascribed to them therein, and  
9 the following words and phrases, together with all of the common derivations  
10 thereof, shall have the meaning ascribed to them as follows:

11           (a) “Administrator” shall mean the Administrator of the  
12 Guam Environmental Protection Agency, or designee.

13           (b) “Beneficial Use” shall mean the substitution of materials,  
14 either as generated or following additional processing, for some or all  
15 of the virgin materials in a natural or commercial product in a way that  
16 provides a functional benefit, meets product specifications, and does  
17 not pose concerns to human health or the environment.

18           (c) “Best Available Technology” shall mean a recognized and  
19 approved technology by the United States Environmental Protection  
20 Agency.

21           (d) “Board” shall mean the Board of Directors of the Guam  
22 Environmental Protection Agency.

23           (e) “Compost” or “Composting” shall mean a mixture,  
24 consisting primarily of decayed organic matter and is used for  
25 fertilizing and conditioning land or converting a material, such as plant  
26 debris, to compost.

27           (f) “DPW” shall mean the Department of Public Works.

1 (g) “Director” shall mean the Director of the Department of  
2 Public Works.

3 (h) “Disaster Debris” shall mean any items and materials  
4 broken, destroyed, or displaced by a natural or man-made federally or  
5 locally declared disaster. Examples of disaster debris include, but are  
6 not limited to, trees, construction and demolition material, and personal  
7 property.

8 (i) “Disaster Debris Management” shall mean the removal  
9 and disposal of debris that was generated by a disaster and which  
10 presents an immediate threat to the public interest.

11 (j) “Electronic Waste” or “E-Waste” shall mean electrical and  
12 electronic equipment dependent on electric currents or electromagnetic  
13 fields to function (including all components, subassemblies and  
14 consumables, which are part of the original equipment at the time of  
15 discarding). E-waste may include, but is not limited to, consumer  
16 electronics, entertainment devices, televisions, DVD players and  
17 tuners, office devices, information and communications technology,  
18 computers, circuit boards, telephones, and mobile phones.

19 (k) “Enameled White Goods” shall mean appliances for home  
20 or commercial use including, but not limited to, refrigerators, water  
21 heaters, air conditioners, washers, dryers, and stoves.

22 (l) “Extended User Responsibility” shall mean policies or  
23 practices that place a shared responsibility for end-of-life product  
24 management on producers and other entities involved in the product  
25 chain.

26 (m) “GEPA” or “Guam EPA” shall mean the Guam  
27 Environmental Protection Agency.

1           (n) “Gross Vehicle Weight” or “Gross Vehicle Weight  
2 Rating” means the value specified by the manufacturer as the loaded  
3 weight of a single vehicle.

4           (o) “Heavy Equipment” shall mean any equipment, motor  
5 vehicle or motor carrier, or non-road motor vehicle with a gross weight  
6 or gross vehicle weight of five (5) tons or more.

7           (p) “Junk Vehicle” means a motor vehicle, regardless of  
8 operating condition, that the registered owner has declared to have no  
9 value or no use, or that is abandoned by being placed, discarded, or  
10 disposed of on public or private property without approval by owners  
11 of said property, or that is no longer registered in accordance with  
12 Chapter 7 of Title 16 GCA.

13           (q) “Motor Vehicle” or “Motorized Vehicle” shall mean  
14 automobiles, automobile trucks, automobile wagons, buses, trucks,  
15 motorcycles, or other self-propelled wheeled conveyances that are  
16 primarily for use on Guam’s public streets, roads, and highways that  
17 are required to be registered with the Motor Vehicles Division,  
18 Department of Revenue and Taxation, Government of Guam.

19           (r) “Municipal Solid Waste” is a subset of solid waste and is  
20 defined as durable goods (e.g., appliances, batteries, tires), nondurable  
21 goods (e.g., newspapers, books, magazines), containers and packaging,  
22 food wastes, yard trimmings, and miscellaneous organic wastes from  
23 residential, commercial, and industrial non-process sources.

24           (s) “Person” or “Persons” shall mean any individual,  
25 partnership, co-partnership, firm, company, corporation, association,  
26 joint stock company, trust, estate, or any agency, department, or  
27 instrumentality of the federal or local government, or any other legal  
28 representatives, agents or assigns.

1           (t) “Priority Materials” shall mean all those materials  
2 identified by the Fund, in the order specified in § 24302.1(b) of this  
3 Chapter.

4           (u) “Recovered Resources” shall mean material or solid waste  
5 that has been diverted from disposal for the purpose of recycling,  
6 composting or mulching. This term does not include incineration or  
7 those materials that are generated and normally reused on-site for  
8 manufacturing purposes.

9           (v) “Recyclable Materials” means materials that still have  
10 useful physical or chemical properties after serving a specific purpose  
11 for the same or other purpose. Recyclable materials are as follows:

- 12           (1) batteries (i.e., lead-acid, portable computer  
13           batteries, nickel-cadmium, sealed types for power  
14           backup);
- 15           (2) automobiles, buses, and trucks or any motor  
16           vehicle;
- 17           (3) tires (passenger/commercial);
- 18           (4) enameled white goods;
- 19           (5) home appliances (other small appliances that are not  
20           considered enameled white goods);
- 21           (6) glass and plastic bottles;
- 22           (7) foam padding;
- 23           (8) lead;
- 24           (9) metals (ferrous/non-ferrous);
- 25           (10) organic material (i.e., tree trimmings, palm fronds,  
26           grass, food waste, soiled cardboard);
- 27           (11) paper products;
- 28           (12) wood pallets and scrap wood;

- 1 (13) construction and demolition debris ('C&D');
- 2 (14) x-ray film;
- 3 (15) automobile oil and fluids;
- 4 (16) freon and other refrigerant gases;
- 5 (17) electronic waste (i.e., computers, circuit boards,
- 6 televisions, and portable phones);
- 7 (18) heavy equipment;
- 8 (19) abandoned derelict vessels; and
- 9 (20) other recyclable materials deemed recyclable by
- 10 Guam EPA pursuant to its rules and regulations.

11 (w) "Recycle or Recycling" means a method by which  
12 recovered resources are converted for use as raw materials or feedstock  
13 to make new products, as defined in § 51102(ii) of Chapter 51 of Title  
14 10 GCA.

15 (x) "Recycling Company" shall mean any business licensed  
16 by the Department of Revenue and Taxation, and permitted, as required  
17 in § 51104 of Chapter 51 of Title 10 GCA, by the Guam Environmental  
18 Protection Agency to conduct business on Guam.

19 (y) "Recycling Facility" shall mean all contiguous land,  
20 structures, and other appurtenances, and improvements on land used for  
21 the collection, separation, recovery, and sale or reuse of recovered  
22 resources that would otherwise be disposed of as municipal solid waste,  
23 and is an integral part of a manufacturing process aimed at producing a  
24 marketable product made of post-consumer material.

25 (z) "Recycling Fee" shall mean an annual fee levied upon the  
26 registered owner of a motor vehicle to assist in the recycling and  
27 disposal of motor vehicles and other recyclable materials in accordance  
28 with this Chapter.



1 (aa) “Recycling Industry Economic Stimulus Program” shall  
2 mean a program that provides economic stimulus to local recycling  
3 companies that ship recyclable materials off-island.

4 (bb) “Solid Waste Management Facility” means any facility, or  
5 any machinery, equipment, vehicles, structures, or any part of  
6 accessories thereof installed or acquired for the primary purpose of  
7 collection, transportation, storage, recycling, processing or disposal of  
8 solid waste, and shall include sanitary landfills or resource recovery  
9 facilities.

10 (cc) “Stimulus Certification Form” shall mean a form officially  
11 issued by Guam EPA to be completed by the Economic Stimulus  
12 Program Participants to disclose and certify the types and quantities of  
13 recyclable materials shipped off-island to a recycling facility.

14 (dd) “Sustainable Materials Management” means a systemic  
15 approach to using and reusing materials more productively over their  
16 entire lifecycles.

17 (ee) “Special Waste” means white goods, household hazardous  
18 waste, automotive batteries, and abandoned vehicles.

19 (ff) “Upcycle” or “Upcycling” shall mean to recycle material  
20 in such a way that the resulting product is of a higher value than the  
21 component materials.

22 (gg) “Zero Waste” means a holistic approach to addressing the  
23 problem of unsustainable resource flows. Zero Waste encompasses  
24 waste eliminated at the source through product design and producer  
25 responsibility, and waste reduction strategies further down the supply  
26 chain such as recycling, upcycling, reuse and composting.

27 **§ 24301.3. Fees.**

1           The Recycling Fees authorized in § 51305 of Article 3, Chapter 51,10  
2 GCA are hereby imposed as follows:

3           (a) Twenty-Five Dollars (\$25.00) annually for each  
4 automobile, bus, and truck registered by the Department of Revenue  
5 and Taxation through the annual vehicle registration system.

6           (b) Three Dollars (\$3.00) for each motorcycle and trailer  
7 registered by the Department of Revenue and Taxation through the  
8 annual vehicle registration system.

9           (c) Thirty Dollars (\$30.00) for each piece of heavy equipment  
10 registered by the Department of Revenue and Taxation through the  
11 annual vehicle registration system.

12           (d) The Recycling Fee in Subsection (a) shall be waived upon  
13 initial issuance and subsequent renewal of vehicle license and  
14 registration for any veteran determined by the U.S. Department of  
15 Veterans Affairs (USDVA) to be 100% Disabled or Individually  
16 Unemployable due to military service-connected injuries. The fee shall  
17 be waived for one (1) non-commercial passenger vehicle, which  
18 includes sedans, coupes, pick-up trucks, motorcycles, and station  
19 wagons manufactured primarily to carry passengers, and including  
20 those passenger cars pulling other light trailers registered to the veteran,  
21 or legal guardian applying for benefits under this Section. A document  
22 issued by the USDVA or a U.S. military ID card, which certifies the  
23 disability rating, must be furnished to the Department of Revenue and  
24 Taxation in order to waive the annual Recycling Fee.

25           **§ 24301.4. General Terms and Conditions for Use of Recycling**  
26 **Revolving Funds.**

27           (a) All proposals for use of funds shall be submitted to the Board  
28 and Administrator for review and approval, before the expenditure of funds

1 that are subject to availability. Award amounts are final. Reimbursement for  
2 additional costs are not allowed.

3 (b) Prior to submitting bids or grant proposals, potential recipients  
4 of funds shall obtain environmental regulatory compliance, ethics, and other  
5 relevant training provided by Guam EPA or a designated provider. Required  
6 permits shall be obtained as a condition for the use of funds.

7 (c) Performance Targets. Projects shall meet performance/waste  
8 diversion targets as determined by the Administrator.

9 (d) Reporting Requirements. Reports and deliverables shall be  
10 presented biannually to the Board and posted on Guam EPA's website.

11 (e) Ethical Requirement. All recipients of funds from the Recycling  
12 Revolving Fund shall complete ethics training sponsored by the Ethics  
13 Commission, or a designated provider, and shall attest to spending funds  
14 according to ethical requirements under Guam law. Non-compliance of ethics,  
15 in addition to other remedies allowed under Guam law, can result in  
16 termination of the award and barring of future application for grants for a  
17 minimum period of two (2) years upon the findings of non-compliance by the  
18 Ethics Commission or, in the absence of the Ethics Commission, by the Board.

19 **§ 24302. ADMINISTRATION AND PLANNING OF THE**  
20 **RECYCLING REVOLVING FUND**

21 **§ 24302.1. Administration of Recycling Revolving Fund.**

22 (a) Monies in the Recycling Revolving Fund shall be administered,  
23 managed, and maintained by the GEPA Administrator to implement 10 GCA  
24 Chapter 51, Article 3, in accordance with the requirements of the Article.

25 (b) The Administrator may use the Fund for the purposes described  
26 under §§ 24302 and 24303 of this Chapter with the following priorities:

27 (1) First Priority: junk vehicles, tires, batteries, waste oil,  
28 white goods/appliances, and plastic;

1 (2) Second Priority: paper, cardboard, and glass; and

2 (3) Third Priority: other recyclables as determined by the  
3 Administrator.

4 (c) The Administrator shall determine the funding for each recycling  
5 and zero waste initiatives and submit the determination to the Guam EPA  
6 Board of Directors for approval by March 31st of the current fiscal year, and  
7 the approved funding will be effective in the following fiscal year.

8 (d) The Administrator is authorized to spend ten percent (10%) of  
9 the Fund to administer and implement this Chapter. Funds may be used for:

10 (1) operational costs directly related to recycling and zero  
11 waste initiatives for the Solid Waste Management Program, which  
12 includes, but is not limited to, personnel, supplies, equipment, and  
13 training of staff;

14 (2) compliance training for prospective recipients of funds of  
15 the Recycling Revolving Fund; and the

16 (3) implementation of a zero waste and recycling program for  
17 government and the community in accordance with Article 3, Chapter  
18 51 of Title 10 Guam Code Annotated.

19 **§ 24302.2. Planning of Recycling Revolving Fund.**

20 (a) The Administrator may approve contracts between the  
21 Department of Public Works (DPW) or the Mayors Council of Guam  
22 (MCOG) and recycling companies for the collection, recycling, zero waste  
23 initiatives, interim storage, disposal and processing, or any combination  
24 thereof, of automobiles, buses, heavy equipment, trucks, batteries, tires, white  
25 goods, and other recyclable materials in accordance with Articles 3 and 4 of  
26 Chapter 51, Title 10 GCA, and § 24303.1(b) of this Chapter, to implement an  
27 Island-wide Environmental Cleanup Program (IECP) on behalf of the Mayors  
28 Council of Guam with the following conditions:

1 (b) In addition to amounts specified in 10 GCA, Chapter 51, §  
2 51303(a)(1)(A), upon approval by the Board, the Administrator is authorized  
3 to spend up to Two Hundred Thousand Dollars (\$200,000) to either procure  
4 professional and technical services, pursuant to the Guam Procurement Law,  
5 or to fund grants to update and further develop the Guam Zero Waste  
6 Masterplan and holistic implementation plan to reach zero waste targets of  
7 fifty percent (50%) and seventy-five percent (75%) waste reduction by 2035  
8 and 2045, respectively; to evaluate the effectiveness of zero waste and  
9 recycling programs; and/or to research other areas deemed a priority by the  
10 Administrator. Grants are awarded through a competitive process using  
11 established criteria by the Board and Administrator.

12 **§ 24303. COMMUNITY ZERO WASTE AND RECYCLING**  
13 **INITIATIVES.**

14 **§ 24303.1. Mayors Council of Guam (MCOG) Island-wide**  
15 **Environmental Cleanup Program (IECP).**

16 (a) The Administrator may approve contracts between the  
17 Department of Public Works (DPW) or the Mayors Council of Guam  
18 (MCOG) and recycling companies for the collection, recycling, zero waste  
19 initiatives, interim storage, disposal and processing or any combination  
20 thereof, of automobiles, buses, heavy equipment, trucks, batteries, tires, white  
21 goods, and other recyclable materials in accordance with Articles 3 and 4 of  
22 Title 10 GCA, Chapter 51, and § 24303.1(b) of this Chapter, to implement an  
23 Island-wide Environmental Cleanup Program (IECP) on behalf of the Mayors  
24 Council of Guam with the following conditions:

25 (1) all applicable procurement laws must be followed;

26 (2) each contract must be conditioned upon proof that the  
27 recycling company has current permits for the work it is to perform,  
28 including, but not limited to, solid waste facility permits, solid waste

1 collection permits, certifications, or other permits or licenses required  
2 to collect, remove, recycle or dispose of solid waste;

3 (3) each contract must be conditioned upon compliance with  
4 all solid waste rules and regulations; and

5 (4) each contract must require the recycling company to report  
6 all recyclables collected per village under this program to Guam EPA  
7 upon submittal of invoices to DPW or MCOG, as outlined in the  
8 contract approved by the Administrator, for payment.

9 (b) In each fiscal year, prior to any collection, processing, or storage  
10 of recyclable materials under contract pursuant to this Section, a  
11 comprehensive *Operation Plan* for the contractual work described in  
12 §24303.1(a) must be submitted by DPW or MCOG, as outlined in the contract  
13 approved by the Administrator, to Guam EPA and receive approval from the  
14 Administrator. The Administrator shall only approve the *Operation Plan* if  
15 the *Operation Plan* contains in detail the operational systems that address  
16 collection, processing, storage, emergency procedures, health and safety,  
17 reporting, and closeout procedures for each municipality.

18 (c) The Administrator may use funds to support the recycling and  
19 zero waste initiatives in this Section subject to the following conditions:

20 (1) funds may be expended only in accordance with valid  
21 contracts approved under this Section;

22 (2) no funds shall be disbursed prior to the Administrator's  
23 approval of the *Operation Plan* described in § 24303.1(b); and

24 (3) unused funds must be returned to the Recycling Revolving  
25 Fund every fiscal year.

26 **§ 24303.2. Recycling Industry Economic Stimulus Program;**  
27 **Applicability and Eligibility.**

1 (a) Potential Recycling Industry Economic Stimulus Program  
2 participants must establish eligibility by meeting all of the following criteria:

3 (1) possess a valid license from the Guam Department of  
4 Revenue and Taxation to conduct business on Guam;

5 (2) possess a valid solid waste management facility permit  
6 from Guam EPA for processing and storage;

7 (3) provide a bill of lading or similar documentation detailing  
8 the types of recyclable materials shipped, quantity in tons, and name of  
9 receiving facility;

10 (4) complete and submit all applicable Stimulus Certification  
11 Forms provided by Guam EPA; and

12 (5) remain in compliance with all solid waste rules and  
13 regulations.

14 (b) Only recyclable materials generated on Guam are eligible for  
15 payments under this Section. Recyclable materials imported into Guam for  
16 purposes such as, but not limited to, transit, transshipment, or consolidation  
17 shall not qualify under this Program.

18 **§ 24303.3. Recycling Industry Economic Stimulus Program;**  
19 **Payment Calculation.**

20 (a) Recycling Industry Economic Stimulus Program participants  
21 who establish eligibility by meeting all the criteria specified in § 24303.2(a)  
22 may receive an economic stimulus payment for each ton of recyclable material  
23 transported off Guam to a recycling facility.

24 (b) Stimulus payments will be made in the order that completed  
25 forms are received by Guam EPA until approved funding has been exhausted.

26 (c) By March 31<sup>st</sup> of each year, the Administrator may select the  
27 eligible recycling materials for the next fiscal year based on global market  
28 trends, and submit a written recommendation to the Board for its approval. If

1 the Board does not approve any eligible recycling materials for a particular  
2 year, no stimulus payments will be made in that year.

3 (d) Each year, the Administrator may determine the dollar amount  
4 per recyclable material to be disbursed to the eligible recycling facilities and  
5 submit a written recommendation to the Board for its approval. The dollar  
6 amount per recyclable material shall be based on factors, including the  
7 prioritization of materials, market conditions, economic analyses, and  
8 operational, transportation, and processing costs in its assessment, and:

9 (1) A base stimulus payment calculation per recyclable  
10 material expressed as follows: Base Stimulus Payment [dollars per ton]  
11 = Shipping Cost - Market Price.

12 (A) “Shipping Cost” is calculated using the World  
13 Freight Rates Freight Calculator or comparable shipping cost  
14 resource for port-to-port containerized ocean shipments and the  
15 USEPA Office of Resource Conservation and Recovery  
16 Volume-to-Weight Conversion Factors.

17 (B) “Market Price” is equivalent to the RecycleNet  
18 scrap index or comparable market index material sale price on  
19 the first day of the quarter preceding the start of the next fiscal  
20 year.

21 (2) A stimulus payment may be issued for recyclable  
22 materials when the calculated Stimulus Payment exceeds zero dollars  
23 (\$0.00) per ton (i.e., stimulus will not be paid when the recycled  
24 material is revenue positive).

25 (3) The Administrator shall determine the funding levels of  
26 stimulus payments to be paid subject to the availability of funds and  
27 funding priorities.



1 (e) For the fiscal year beginning October 1, 2019, the Administrator  
2 may select the eligible materials, subject to Board approval and applicable  
3 stimulus payments.

4 § 24303.4. **Guam Beverage Container Recycling - RESERVE**

5 § 24303.5. **Integrated Solid Waste Management Plan - RESERVE**

6 § 24303.6. **Green Waste Plan – Composting and Organics -**  
7 **RESERVE**

8 § 24303.7. **Disaster Debris Management – RESERVE**

9 § 24303.8. **Zero Waste Grant Program— RESERVE**

10 § 24303.9. **Guam Solid Waste Authority Residential Recycling**  
11 **Program—RESERVE”**

12 **Section 5.** Notwithstanding any other provision of law, funds appropriated  
13 to the Mayors Council of Guam in Fiscal Year 2022 from the Recycling Revolving  
14 Fund shall not lapse and shall continue to be available until expended.

15 **Section 6. Promulgation of Rules and Regulations for the *Guam Zero***  
16 ***Waste Act.*** Guam EPA shall promulgate rules and regulations for the Green Waste  
17 Plan - Composting and Organics, the Zero Waste Grant Program, and the Guam  
18 Solid Waste Authority Residential Recycling Program no later than one (1) year  
19 upon enactment of this Act.

20 **Section 7. Effective Date.** This Act shall be effective upon enactment.

21 **Section 8. Severability.** If any provision of this Act or its application to any  
22 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
23 not affect other provisions or applications of this Act that can be given effect without  
24 the invalid provision or application, and to this end the provisions of this Act are  
25 severable.