

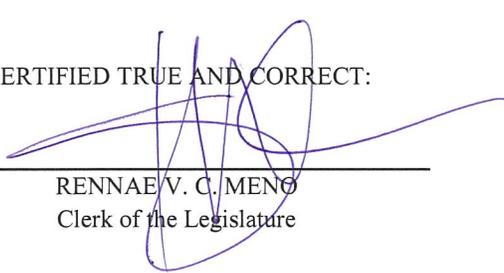
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
VOTING RECORD

Bill No. 213-36 (COR) As substituted and amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building April 1, 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 Telena 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 "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje		✓				
Senator Mary Camacho Torres					✓	✓

TOTAL

9	3			3	3
Aye	Nay	Not	Out	Absent	Excused
		Voting/	During		
		Abstained	Roll Call		

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 213-36 (COR)

As substituted and amended on the Floor.

*

Introduced by:

Joe S. San Agustin
Tina Rose Muña Barnes
Christopher M. Dueñas
Joanne Brown
V. Anthony Ada
Jose "Pedo" Terlaje

AN ACT TO *ADD* NEW SUBSECTIONS (a) AND (b) TO § 8119 OF ARTICLE 1, CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN EXEMPTION TO THE GUAM POWER AUTHORITY FOR THE CONSTRUCTION OF NEW FORTY-ONE (41) MEGAWATT ULTRA-LOW SULFUR DIESEL UNITS ON LOTS 261 AND 257, U.S. NAVY APRA HARBOR RESERVATION, AND BE REQUIRED TO COMPLY WITH THE AIR QUALITY AND EMISSIONS LIMITATIONS CONTAINED IN THE U.S. ENVIRONMENTAL PROTECTION AGENCY CLEAN AIR ACT OF 1990.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Power Authority (GPA), pursuant to a consent decree with the U.S.
4 Environmental Protection Agency and the U.S. Department of Justice, is required to
5 construct the *Ukudu* Power Plant and the associated forty-one (41) megawatt (MW)
6 diesel units by April 30, 2024. The diesel units were required to be relocated to the

1 Cabras industrial area on Lot 261 to ensure that the *Ukudu* Power Plant could be
2 constructed using a minor source permit.

3 *I Liheslaturan Guåhan* further finds that the proposed construction area on
4 Lot 261 is within one thousand two hundred feet (1,200') of Jose Rios Middle
5 School. The new 41MW diesel plant is for emergency/peaking use and will use clean
6 burning ultra-low sulfur diesel. This site is within the Cabras industrial area and was
7 deeded to GPA by the U.S. Navy in March 1976 for the operation of a fuel oil storage
8 and a steam power plant. An exemption is needed for the construction on Lot 261 as
9 § 8119 of Article 1, Chapter 8, Title 12, GCA provides that “No power generation
10 facility, with a capacity in excess of one (1) megawatt and utilizing fossil fuels, may
11 be constructed within one thousand five hundred feet (1,500') of a school.”

12 It is, therefore, the intent of *I Liheslaturan Guåhan* to ensure compliance with
13 the consent decree with the U.S. Environmental Protection Agency and the U.S.
14 Department of Justice by authorizing an exemption in § 8119 of Article 1, Chapter
15 8, Title 12, Guam Code Annotated, to the Guam Power Authority.

16 **Section 2.** New Subsections (a) and (b) are hereby *added* to § 8119 of
17 Article 1, Chapter 8, Title 12, Guam Code Annotated, to read:

18 “(a) Exemption. The construction of the new forty-one (41) megawatt
19 diesel units burning ultra-low sulfur diesel on Lots 261 and 257, U.S. Navy
20 Apra Harbor Reservation, shall be exempt from this Section.

21 (b) GPA shall be required to comply with the Air Quality and
22 Emissions Limitations contained in the U.S. Environmental Protection
23 Agency Clean Air Act of 1990, Chapter 85 of Title 42, United States Code,
24 Section 7401 et seq. (Clean Air Act). GPA shall install air quality monitors,
25 or such other device specified in the Clean Air Act necessary to measure air
26 quality emissions from the forty-one (41) megawatt diesel units construction
27 on Lots 261 and 257 and ensure compliance with the Clean Air Act.”

1 **Section 3. Severability.** If any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity shall
3 not affect other provisions or applications of this Act that can be given effect without
4 the invalid provision or application, and to this end the provisions of this Act are
5 severable.

6 **Section 4. Effective Date.** This Act shall be effective upon enactment.