

*I Mina'trentai Sietta Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
175-37 (COR) As substituted, and amended on the Floor	Christopher M. Dueñas Frank Blas, Jr. Jesse A. Lujan Thomas J. Fisher Dwayne T.D. San Nicolas	AN ACT TO AMEND § 48101, § 48104 (a), § 48104 (b)(3), § 48104 (b)(4), § 48104 (c) AND 48104 (d), AMEND AND RENUMBER §§ 48106, AND § 48112.1, ADD A NEW § 48112.1 (b) AND § 48112.2, REPEAL § 48125 AND 48126 (a), ADD NEW §§ 48125, 48126, 48127, AND 48128 ALL OF CHAPTER 48, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE NITROGEN REDUCING SYSTEMS, AND INTEGRATING THE PRIVATE SEWAGE DISPOSAL CODE.	9/27/23 9:23 a.m.	9/27/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 9/27/23  10/5/23	1/4/24 1:30 p.m.	6/26/24 10:33 a.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning.
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	6/24/24	AN ACT TO AMEND § 48101(c) AND ADD NEW §§ 48101 (f) THROUGH (j), TO AMEND §§ 48104(a), (b)(3) AND (4), (c) AND (d), AND ADD A NEW § 48104(c), TO AMEND AND RENUMBER §§ 48106 AND 48112.1, TO ADD NEW §§ 48112.1(b) AND 48112.2, TO REPEAL AND REENACT §§ 48125 AND 48126, AND TO ADD NEW §§ 48127, 48128, 48129, AND 48130, ALL OF CHAPTER 48, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING NITROGEN REDUCING SYSTEMS, ESTABLISHING AN ADMINISTRATIVE PROCESS, AND CREATING THE SEWAGE DISPOSAL ASSISTANCE AND THE NGLA STUDY FUND.	7/10/24	7/10/24	7/22/24	37-105	7/18/24	Received: 7/18/24 Messages and Communications Doc. No. 37GL-24-2363	

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN  
OFFICE OF THE GOVERNOR OF GUAM

**Transmitted via Email to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

July 18, 2024

**THE HON. THERESE M. TERLAJE**, *Speaker*  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37th Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

Doc Type: 37GL-24-2363  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

JUL 18 2024

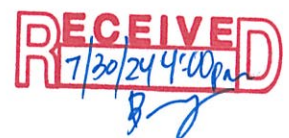
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Received: [Signature]

**Re: Substitute Bill No. 175-37 (COR) - AN ACT TO AMEND § 48101(c) AND ADD NEW §§ 48101 (f) THROUGH (I); TO AMEND §§ 48104(a), (b)(3) AND (4), (c) AND (d), AND ADD A NEW § 48104(e), TO AMEND AND RENUMBER §§ 48106 AND 48112.1, TO ADD NEW §§ 48112.1(b) AND 48112.2, TO REPEAL AND REENACT §§ 48125 AND 48126, AND TO ADD NEW §§ 48127, 48128, 48129, AND 48130, ALL OF CHAPTER 48, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING NITROGEN REDUCING SYSTEMS, ESTABLISHING AN ADMINISTRATIVE PROCESS, AND CREATING THE SEWAGE DISPOSAL ASSISTANCE AND THE NGLA STUDY FUND.**

*Håfa Adai* Madam Speaker,

The Northern Guam Lens Aquifer supplies 80% of our island's drinking water, an irreplaceable resource for our community today and in the future. The aquifer lies beneath a significant portion of Guam's land, much of which at this time cannot be connected to sewer lines. The cost of sewer connections are a serious hindrance to affordable housing. Current law allows two (2) septic tanks per acre. However, as housing on our island grows increasingly scarce, families seek to build homes above the aquifer, on lots that do not meet the minimum land area requirements for the use of septic systems. This has led to many residents being left with no real choice but to live in substandard housing without sewage or septic tanks.

Substitute Bill No. 175-37 was introduced to address our housing shortage while mitigating against the impact of conventional septic systems on the nitrate levels in our water wells. Modern advancements in septic technology have yielded nitrate-reducing systems, which promise to reduce nitrate pollutants compared to conventional septic systems by 50%. While the original bill ambitiously proposed allowing up to six (6) nitrate-reducing septic systems per acre, responding to concerns voiced by the Guam Environmental Protection Agency's ("GEPA") then-Chief Engineer, Captain Brian Bearden, the bill's sponsor Senator Chris Duenas adopted recommendations to limit the number of such systems to no more than four (4) per acre. I would like to recognize the efforts of Senator Duenas and the GEPA for their collaborative effort to ensure Bill No. 175-37 accomplishes our goal of proposing real solutions to our housing crisis, while ensuring pollutants to our aquifer are kept to reasonable levels.



To: The Hon. Therese M. Terlaje, Speaker  
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam  
Date: July 18, 2024  
Re: Substitute Bill No. 175-37 (COR)

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As our population continues to grow, we must continue to study and leverage advances in technology that will support such growth while supporting our efforts to preserve our natural resources. To ensure the use of these new systems do not unreasonably impact our water, Bill No. 175-37 further requires close monitoring and reporting of nitrate levels in our water wells, as well as enhancing inspection and regulatory authority over such systems for the GEPA. Additionally, the bill contemplates that homes relying on septic systems will be efficiently transitioned to sewer services as such services become available.

On the whole, I believe that Bill No. 175 will promote housing security within our community as we work, as a government, to expand the availability of sewer services on our island, while maintaining the continued health and viability of our aquifer. For these reasons, I sign Bill No. 175 into law as **Public Law No. 37-105** and direct GEPA to expeditiously promulgate rules and regulations to implement the permitting of the nitrate-reducing systems provided therein.

*Senseramente,*



**LOURDES A. LEON GUERRERO**

*I Maga'hågan Guåhan*  
Governor of Guam

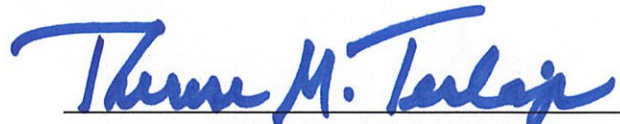
Enclosure(s): Substitute Bill No. 175-37 (COR) nka P.L. 37-105

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam  
Compiler of Laws

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
2024 (SECOND) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN**

This is to certify that Substitute Bill No. 175-37 (COR), "AN ACT TO AMEND § 48101(c) AND ADD NEW §§ 48101 (f) THROUGH (l); TO AMEND §§ 48104(a), (b)(3) AND (4), (c) AND (d), AND ADD A NEW § 48104(e), TO AMEND AND RENUMBER §§ 48106 AND 48112.1, TO ADD NEW §§ 48112.1(b) AND 48112.2, TO REPEAL AND REENACT §§ 48125 AND 48126, AND TO ADD NEW §§ 48127, 48128, 48129, AND 48130, ALL OF CHAPTER 48, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING NITROGEN REDUCING SYSTEMS, ESTABLISHING AN ADMINISTRATIVE PROCESS, AND CREATING THE SEWAGE DISPOSAL ASSISTANCE AND THE NGLA STUDY FUND," was on the 10<sup>th</sup> day of July 2024, duly and regularly passed.



Therese M. Terlaje  
Speaker

Attested:



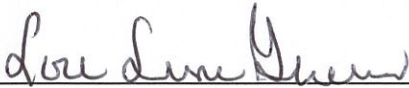
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 10<sup>th</sup> day of July,  
2024, at 4:22 o'clock P.M.



Evelyn C. Fejeran  
Assistant Staff Officer  
*Maga'håga's* Office

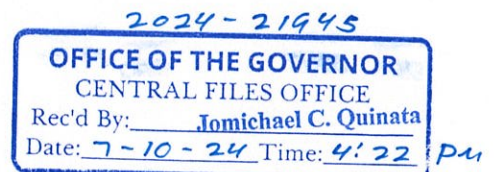
APPROVED:



Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: JULY 18, 2024

Public Law No. 37-105



***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 175-37 (COR)**

As substituted; and amended on the Floor.

Introduced by:

Christopher M. Dueñas  
Frank Blas, Jr.  
Jesse A. Lujan  
Thomas J. Fisher  
Dwayne T.D. San Nicolas  
Chris Barnett  
Joanne M. Brown  
Tina Rose Muña Barnes  
William A. Parkinson  
Roy A. B. Quinata  
Joe S. San Agustin  
Amanda L. Shelton  
Telo T. Taitague  
Therese M. Terlaje

**AN ACT TO *AMEND* § 48101(c) AND *ADD NEW* §§ 48101 (f) THROUGH (l); TO *AMEND* §§ 48104(a), (b)(3) AND (4), (c) AND (d), AND *ADD A NEW* § 48104(e), TO *AMEND* AND *RENUMBER* §§ 48106 AND 48112.1, TO *ADD NEW* §§ 48112.1(b) AND 48112.2, TO *REPEAL* AND *REENACT* §§ 48125 AND 48126, AND TO *ADD NEW* §§ 48127, 48128, 48129, AND 48130, ALL OF CHAPTER 48, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING NITROGEN REDUCING SYSTEMS, ESTABLISHING AN ADMINISTRATIVE PROCESS, AND CREATING THE SEWAGE DISPOSAL ASSISTANCE AND THE NGLA STUDY FUND.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3       that the use of residential septic systems is one of several main threats to the Northern

1 Guam Lens Aquifer (NGLA) which supplies eighty percent (80%) of Guam’s  
2 drinking water. Studies by the University of Guam’s Water and Environmental  
3 Research Institute of the Western Pacific (WERI) from 2002 and 2020 reveal a  
4 trending increase in nitrate concentrations attributable to the management of sewage.

5 *I Liheslatura*, therefore, intends to establish a new Type 4 toilet facility to  
6 provide options for landowners who under existing laws cannot develop their  
7 property where sewer is unavailable, to encourage sewer connections for existing  
8 dwellings having access to new sewer lines, to empower GEPA to modernize the  
9 regulation of onsite wastewater disposal on Guam and to authorize GEPA to permit  
10 the installation, operation, and maintenance of Type 4 toilet facilities, and to  
11 mandate GEPA to promulgate rules and regulations, further installation, operation,  
12 and maintenance as soon as practicable, in order to protect our drinking water supply  
13 and the health of our people.

14 **Section 2.** § 48101(c) of Chapter 48, Title 10, Guam Code Annotated, is  
15 hereby *amended* to read:

16 “(c) *Septic tank* means a water-tight receptacle which receives the  
17 discharge of untreated sewage designed and constructed so as to retain solids,  
18 digest organic matter through a period of detention, and allows the liquids to  
19 discharge into an exterior soil absorption system. They shall be fabricated or  
20 constructed of welded steel, monolithic concrete, fiberglass or an approved  
21 material. Tanks shall be watertight and fabricated to constitute an individual  
22 structure and shall be designed and constructed to withstand anticipated loads.  
23 The design of prefabricated septic tanks, the materials from which septic tanks  
24 may be constructed or fabricated, and the approval of plans for site-  
25 constructed tanks prior to construction shall be approved by the Guam EPA.”

26 **Section 3.** New §§ 48101(f) through (l) of Chapter 48, Title 10, Guam Code  
27 Annotated, are hereby *added* to read:

1           “(f) *Administrator* for the purpose of this Chapter is the Administrator of  
2 the Guam Environmental Protection Agency.

3           (g) *Board* for the purpose of this Chapter is the Board of Directors of the  
4 Guam Environmental Protection Agency.

5           (h) *Fund* for the purpose of this Chapter means the Sewage Disposal  
6 Assistance and the NGLA Study Fund formed pursuant to this Chapter.

7           (i) *GEPA* shall mean the Guam Environmental Protection Agency.

8           (j) *Private sewage disposal system* means a sewage treatment and disposal  
9 system serving a single structure with a septic tank and soil absorption field located  
10 on the same parcel as the structure. This term also means an alternative sewage  
11 disposal system, including a substitute for the septic tank or soil absorption field, a  
12 holding tank, a system serving more than one structure, or a system located on a  
13 different parcel than the structure. A private sewage disposal system is permitted to  
14 be owned by the property owner. A private sewage disposal system excludes  
15 cesspools.

16           (k) *Advanced nitrogen-reducing onsite disposal system* means an onsite  
17 wastewater treatment and disposal system that reduces total nitrogen in effluent by  
18 at least fifty percent (50%) and that is certified by the Guam Environmental  
19 Protection Agency.

20           (l) *Soil absorption system* means a subsurface system of piping where  
21 effluent from septic tanks and other approved treatment tanks may seep into the  
22 surrounding porous soil by gravity. The piping is backfilled with the finished grade  
23 blending into adjacent grade level. This term can encompass leaching systems, as  
24 well as other systems for soil absorption.”

25           **Section 4.** § 48104(a) of Chapter 48, Title 10, Guam Code Annotated, is  
26 hereby *amended* to read:

27           “(a) The following types of toilet facilities are permitted under the

1 terms and conditions as hereinafter provided:

2 Type 1: Toilets flushed with water and connected to a public  
3 sewer.

4 Type 2: Toilets flushed with water and connected to a  
5 private sewage disposal system, not including cesspools.

6 Type 3: Privy type, including pit privy, trench latrine and  
7 bored hole latrine.

8 Type 4: Toilets flushed with water and connected to an  
9 advanced nitrogen-reducing residential onsite disposal system.”

10 **Section 5.** § 48104(b)(3) and (4) of Chapter 48, Title 10, Guam Code  
11 Annotated, are hereby *amended* to read:

12 “(b) (3) Any such building existing at the time a public sewer first  
13 becomes available and being served by Type 2 or Type 4 toilet facilities which  
14 are entirely adequate and without defect may continue to be served by such  
15 existing facilities for a maximum period of two (2) years’ time upon the  
16 following conditions:

17 (a) No additions of or to such buildings that generate  
18 additional sewage loading will be permitted.

19 (b) Whenever any such toilet facility becomes defective or  
20 inadequate, connection to the public sewer must be made within thirty  
21 (30) days after notice given by the *Administrator*, who may, however,  
22 upon application, extend the time to not more than six (6) months if  
23 he/she finds that the defect or inadequacy is not hazardous to health.

24 (c) Whenever a public sewer becomes available, the  
25 *Administrator*, as soon as possible, shall make or cause to be made an  
26 inspection of all Type 2 or Type 4 facilities on lands abutting the road,  
27 street, or other way or easement in which such sewer is located and



1 shall promptly notify the persons concerned of his determination of  
2 which such facilities may continue to be used as above provided.

3 (d) In situations within the Groundwater Protection Zone  
4 where the density of Type 2 and Type 4 facilities exceeds four (4) septic  
5 tank and soil absorption systems per acre and public sewer is available,  
6 in order to protect the groundwater, the *Administrator*, upon  
7 documenting the feasibility of connecting the toilet facilities to the  
8 sewer line, has discretion in requiring building owners to connect to the  
9 public sewer within six (6) months of being served proper notice.

10 (4) The *Administrator* may inspect or cause to be inspected any toilet  
11 facility at any time and shall make or have made suitable inspections with  
12 such frequency as may be necessary to assure compliance with this Chapter.”

13 **Section 6.** § 48104(c) and (d) of Chapter 48, Title 10, Guam Code  
14 Annotated, are hereby *amended* to read:

15 “(c) Where water is available from a public water system as defined  
16 by 10 GCA, Chapter 53, § 53102, but a public sewer is not available, toilet  
17 facilities shall be of Type 2 or 4 pursuant to regulations promulgated by  
18 GEPA. With respect to buildings in existence on the effective date of this Act,  
19 this Subsection shall apply to all such buildings, except dwellings, from and  
20 after six (6) months after the promulgation of rules and regulations by GEPA,  
21 or after water becomes available, whichever is sooner. This Subsection shall  
22 apply to dwellings from and after one (1) year after the promulgation of rules  
23 and regulations by GEPA, or after water becomes available, whichever is  
24 sooner. This Subsection shall not apply to any such existing building where  
25 the size of the lot or the soil permeability of the lot, as may be determined by  
26 the *Administrator*, is inadequate and unsuitable for the installation and  
27 operation of toilet facilities of Type 2 or Type 4.

1 (d) In all other cases, toilet facilities shall be of Type 2 or Type 4  
2 pursuant to regulations promulgated by GEPA. In no case shall the  
3 construction of new cesspools be allowed.”

4 **Section 7.** A new § 48104(e) is hereby *added* to Chapter 48, Title 10, Guam  
5 Code Annotated, to read:

6 “(e) Only for land covered by 21 GCA, Chapter 62, § 62104(a) (land which  
7 is an asset of the estate of decedent) that is located within the Groundwater  
8 Protection Zone (GPZ) as established under 10 GCA, Chapter 47, § 47108.1:

9 (1) the minimum lot size on which a Type 2 facility serving a single  
10 dwelling unit shall be nineteen thousand two hundred (19,200) square feet;

11 (2) the minimum lot size on which a Type 4 nitrate reducing system  
12 facility serving a single dwelling unit shall be nine thousand six hundred  
13 (9,600) square feet.”

14 **Section 8.** § 48106 of Chapter 48, Title 10, Guam Code Annotated is hereby  
15 *amended and renumbered* as § 48106(a), (b) and (c) to read:

16 “(a) No septic tank, soil absorption system, or privy be located within  
17 a horizontal distance of three hundred (300) feet of any river, creek, pond,  
18 reservoir, stream, well, spring, or body of fresh water, or within a horizontal  
19 distance of five (5) feet of the boundary line of any lot or located in position  
20 not easily accessible for emptying or cleaning. No septic tank or soil  
21 absorption system shall be constructed, located, or maintained within a  
22 horizontal distance of ten (10) feet and no privy shall be constructed, located,  
23 or maintained within a horizontal distance of twenty (20) feet, of any dwelling,  
24 school, public building, or a building used for commercial or industrial  
25 purposes, or as a place of assembly.

26 (b) Additional location requirements for all other components of  
27 Type 2 or Type 4 systems may be established pursuant to regulations

1 promulgated by GEPA.

2 (c) Provided, however, that the limitation with regard to location of  
3 any privy, septic tank, or soil absorption system within five (5) feet of the  
4 boundary line of any lot shall not apply to any privy, septic tank, or soil  
5 absorption system now so located.”

6 **Section 9.** § 48112.1 of Chapter 48, Title 10, Guam Code Annotated, is  
7 hereby *amended* and *renumbered* as § 48112.1(a) and (b) to read:

8 **“§ 48112.1. Ordering of Replacement, Repair, etc.: Procedure.**

9 (a) Any toilet or sewage facilities, sewage disposal system,  
10 septic tank, soil absorption system, or privy which fails to comply with  
11 the provisions of this Chapter, or which has become dangerous to  
12 human life or health, shall be replaced, removed, repaired, altered,  
13 cleaned, or emptied by the owner of the premises, as may be ordered  
14 by the *Administrator*, so as to comply with the provisions of this  
15 Chapter. If the owner of such premises does not comply within fifteen  
16 (15) days after service of written notice of such order, upon the request  
17 of the *Administrator* work shall be done by the Department of Public  
18 Works, using the appropriations of the Agency. The Director of Public  
19 Works shall determine a reasonable charge for such work and such  
20 amount shall be entered upon the real estate tax duplicate, shall be a  
21 lien upon such real estate from the date of entry, and shall be collected  
22 in the same manner as real estate taxes.

23 (b) Authority to Disconnect Water Service. If notice prior to  
24 disconnecting is not feasible due to the existence of an emergency, the  
25 *Administrator* shall notify the owner, the owner's authorized agent, or  
26 the occupant of the building structure or service citizen in writing as  
27 soon as practical thereafter. The *Administrator* shall notify the public

1 water system as defined by 10 GCA, Chapter 53, § 53102, and wherever  
2 possible the owner or the owner's authorized agent and occupant of the  
3 building, structure or service system of the decision to disconnect prior  
4 to taking such action. If not notified prior to disconnecting, the owner,  
5 the owner's authorized agent or occupant of the building, structure or  
6 service system shall be notified in writing, as soon as practical  
7 thereafter."

8 **Section 10.** A new § 48112.2 is hereby *added* to Chapter 48, Title 10, Guam  
9 Code Annotated, to read:

10 **"§ 48112.2. Hearings.**

11 (a) Any person who receives an order from the *Administrator*, as  
12 authorized by this Chapter, and any person whose permit application is  
13 disapproved or denied by the *Administrator*, may within fifteen (15) days of  
14 the date of receipt of the order or disapproval, file a notice of intent to appeal  
15 with the Board, setting forth in the notice the basis for the appeal.

16 (b) The Board shall, not more than sixty (60) days after filing of the  
17 notice of appeal, hold a public hearing consistent with the Administrative  
18 Adjudication Law. A decision shall be rendered by the Board within five (5)  
19 working days of such a hearing.

20 (c) The Board shall either affirm, modify or revoke any action or  
21 determination of the *Administrator* which is appealable, or issue an  
22 appropriate order or orders for the prevention, abatement or control of the  
23 sewage involved or for the taking of any other corrective action as may be  
24 appropriate to prevent, abate or control the sewage of pollutants.

25 (d) In the same manner as services provided in civil actions any  
26 person adversely affected by a decision of the Agency may have judicial  
27 review by filing a petition with the Superior Court of Guam in accordance

1 with the Administrative Adjudication Law, and by simultaneously sending a  
2 copy of the filing by serving the *Administrator*. The petitioner shall reimburse  
3 the Agency for the expenses associated with the preparation of the record for  
4 judicial review.”

5 **Section 11.** §§ 48125 and 48126 of Chapter 48, Title 10, Guam Code  
6 Annotated, are *repealed* and *reenacted* to read as follows:

7 **“§ 48125. Permitting of Type 4 Facilities and Holding Tanks.**

8 (a) Interim Permitting Authority.

9 (1) GEPA has the authority to grant construction and  
10 operating permits for Type 4 facilities and holding tanks prior to the  
11 issuance of regulations for such systems, pursuant to the requirements  
12 under this Section.

13 (2) This authority, through GEPA, shall expire upon the  
14 issuance of such regulations, and in no case no later than twelve (12)  
15 months after enactment of this Section.

16 (3) Interim Fees. Applications for construction permits under  
17 this Section shall be charged a fee of One Hundred Dollars (\$100.00),  
18 payable to The Fund. The interim fee for an operating permit shall be  
19 Forty Dollars (\$40.00), also payable to The Fund. The fees for  
20 construction permit applications and operating permits shall be  
21 established by GEPA after its due diligent inquiry into the  
22 administrative expenses necessary for the administration of permits.

23 (b) Approval of Type 4 Facilities and Holding Tanks.

24 (1) All Type 4 facilities must be listed as approved under  
25 NSF/ANSI Standard 245, Wastewater Treatment Systems – Nitrogen  
26 Reduction.

1           (2) All applications for a holding tank must include a five (5)-  
2 year economic cost analysis comparing the cost of constructing and  
3 pumping the holding tank to the cost of connecting to public sewer.

4           (3) Holding Tanks. Construction of all holding tanks shall be  
5 subject to the requirements of Section 805 of the International Private  
6 Sewage Disposal Code, as adopted under 21 GCA, Chapter 67, §  
7 67101.4.

8 (c) Operating Permits Required.

9           (1) Operation of Type 4 facilities shall require issuance of an  
10 operating permit at a frequency determined by the *Administrator* and  
11 pursuant to § 48125(a)(3) of this Chapter. The operating permit shall  
12 include conditions as required by regulation and shall require the owner  
13 of the building to submit a maintenance contract with a GEPA-  
14 approved contractor covering the oversight, maintenance and repairs of  
15 the Type 4 facility for the time period covered by the permit subject to  
16 regulations to be promulgated by GEPA pursuant to this Chapter.

17           (2) Operation of holding tanks shall require annual issuance  
18 of an operating permit by the *Administrator*. The operating permit shall  
19 include conditions as required by regulations promulgated by GEPA,  
20 and shall also require the owner of the building to submit a pumping  
21 and disposal contract with a GEPA - approved contractor to remove and  
22 dispose of all wastewater as needed.

23           (3) Failure to timely renew an operating permit for a Type 4  
24 facility shall be a violation of this Chapter.

25           (d) Permit Fees. GEPA shall establish fees for permits, inspections,  
26 and related services by regulation.”

27 **“§ 48126. Service Utilities.**

1 (a) Connection of Service Utilities. No person shall make  
2 connections from a water or sewer system to any building or system that is  
3 regulated by this Chapter for which a permit is required until authorized in  
4 writing by the *Administrator*.

5 (b) Temporary Connection. The *Administrator* shall have the  
6 authority to authorize, in writing, the temporary connection of the building or  
7 system to the water or sewer system for the purpose of testing systems or for  
8 use under a temporary approval.”

9 **Section 12.** A new § 48127 is hereby *added* to Chapter 48 of Title 10, Guam  
10 Code Annotated, to read:

11 **“§ 48127. Violations and Penalties.**

12 (a) Unlawful Acts. It shall be unlawful for any person, firm or  
13 corporation to erect, construct, alter, repair, remove, demolish or use any toilet  
14 facility, or cause same to be done, in violation of any of the provisions of this  
15 Chapter.

16 (b) Notice of Violation. The *Administrator* shall serve a notice of  
17 violation on (1) any person, firm, or corporation responsible for the erection,  
18 installation, alteration, extension, repair, removal, or demolition of any toilet  
19 facility in violation of the provisions of this Chapter; (2) any person, firm, or  
20 corporation in violation of a detailed statement or the approved construction  
21 documents thereunder; or (3) any person, firm, or corporation in violation of  
22 a permit or certificate issued under the provisions of this Chapter. The  
23 *Administrator* shall also issue an order directing the discontinuance of the  
24 illegal action or condition and the abatement of the violation by the person,  
25 firm, or corporation responsible.

26 (c) Prosecution of Violation. For violations not cured or abated  
27 within the time prescribed by the *Administrator* in the notice of violation

1 order, the *Administrator* may request the Office of the Attorney General of  
2 Guam to institute the appropriate proceeding at law or in equity to restrain,  
3 correct or abate such violation, or to require the removal or termination of the  
4 unlawful system in violation of the provisions of this Chapter or of the order  
5 or direction made pursuant thereto.

6 (d) Administrative Penalties. Any person who shall violate a  
7 provision of this Chapter or fail to comply with any of the requirements  
8 thereof or who shall erect, install, alter or repair any toilet facility in violation  
9 of the approved construction documents or directive of the *Administrator*, or  
10 of a permit or certificate issued under the provisions of this Chapter, shall be  
11 guilty of an administrative violation, punishable by a fine of not more than  
12 One Thousand Dollars (\$1,000.00), payable to the Sewage Disposal  
13 Assistance and the NGLA Study Fund. Each day that a violation continues  
14 after due notice has been served shall be deemed a separate offense.

15 (1) In determining the amount of any penalty assessed, the  
16 severity of penalties shall be commensurate to the severity of  
17 infractions. The *Administrator* shall take into account the nature,  
18 circumstances, extent and gravity of the violation or violations and with  
19 respect to the violator, ability to pay, good faith efforts to comply or an  
20 agreement to a compliance schedule, any prior history of such  
21 violations, the degree of culpability, economic benefit or savings if any  
22 resulting from the violation, and such other matters as justice may  
23 require. GEPA shall promulgate rules and regulations to further define  
24 the nature and severity of violations and punitive actions,

25 (e) Criminal Penalties. Any person who knowingly violates any  
26 provision of this Chapter, or any rule or regulation promulgated under this  
27 Chapter, or who refuses or neglects to comply with any lawful order issued



1 by the *Administrator* in carrying out the provisions of this Chapter shall be  
2 guilty of a misdemeanor and/or be fined not more than Five Thousand Dollars  
3 (\$5,000) per day for each violation or noncompliance, payable to the Sewage  
4 Disposal Assistance and the NGLA Study Fund, and shall make restitution.

5 (1) In determining the amount of any penalty assessed, the  
6 severity of penalties shall be commensurate to the severity of  
7 infractions.

8 (f) Abatement of Violation. The imposition of the penalties herein  
9 prescribed shall not preclude the Office of the Attorney General of Guam from  
10 instituting appropriate action to prevent unlawful construction, or to join in or  
11 prevent unlawful construction, to restrain, correct or abate a violation, to  
12 prevent illegal occupancy of a building, structure or premises, or to stop an  
13 illegal act, conduct, business or use of any toilet facility on or about any  
14 premises.

15 (g) Unsafe Systems. Any toilet facility regulated by this Chapter that  
16 is unsafe or constitutes a health hazard, is in an unsanitary condition or is  
17 otherwise dangerous to human life is hereby declared unsafe. Any use of toilet  
18 facilities regulated by this Chapter constituting a hazard to safety, health or  
19 public welfare by reason of inadequate maintenance, dilapidation,  
20 obsolescence, disaster, damage or abandonment is hereby declared an unsafe  
21 use. Any such unsafe equipment is hereby declared to be a public nuisance  
22 and shall be abated by repair, rehabilitation, demolition or removal.”

23 **Section 13.** A new § 48128 is hereby *added* to Chapter 48, Title 10, Guam  
24 Code Annotated, to read:

25 “§ 48128. **Stop Work Order.**

26 (a) Authority. Where the *Administrator* finds that any work  
27 regulated by this Code is being performed in a manner contrary to the

1 provisions of this Chapter or in a dangerous or unsafe manner, the  
2 *Administrator* is authorized to issue a stop work order.

3 (b) Service and Effect. The stop work order shall be in writing and  
4 shall be given to the owner of the property, the owner's authorized agent or  
5 the person performing the work. Upon service of the stop work order, the cited  
6 work shall immediately cease. The stop work order shall state the reason for  
7 the order and the conditions under which the cited work is authorized to  
8 resume.

9 (c) Failure to Comply. Any person who shall continue any work  
10 after having been served with a stop work order, except such work as that  
11 person is directed to perform to remove a violation or unsafe condition, shall  
12 be subject to penalties as specified in § 48127.”

13 **Section 14.** A new § 48129 is hereby *added* to Chapter 48, Title 10, Guam  
14 Code Annotated, to read:

15 **“§ 48129. Sewage Disposal Assistance and the NGLA Study Fund.**

16 There is established a non-lapsing fund, hereafter referred to as the “Sewage  
17 Disposal Assistance and the NGLA Study Fund” (Fund), which shall be maintained  
18 separate and apart from any other funds of the government of Guam, are not subject  
19 to the transfer authority of *I Maga'hågan Guåhan*, and shall be administered by the  
20 *Administrator* of the Guam Environmental Protection Agency. The *Administrator*  
21 shall submit to the Guam Environmental Protection Agency Board of Directors a  
22 quarterly report which shall include how such funds are being used in the  
23 implementation of this Chapter; and independent records and accounts shall be  
24 maintained in connection therewith. All fees, reimbursements, assessments, fines,  
25 and other funds collected or received pursuant to this Chapter shall be deposited in  
26 this Fund. The *Administrator* shall make every effort to apply for grants to provide  
27 financial assistance to increase access to compliant sewage disposal systems or

1 sewer connections. Furthermore, the *Administrator* shall make every effort to apply  
2 for grants to fund a comprehensive study of the Northern Guam Lens Aquifer  
3 (NGLA) relative to evaluating nitrate levels in the NGLA, evaluating the levels of  
4 other contaminants as determined by GEPA, the impacts of such levels upon the  
5 aquifer, and for the purposes of revising minimum lot size for septic system density  
6 allowable within the Groundwater Protection Zone (GPZ) pursuant to 10 GCA,  
7 Chapter 47, § 47108.1. Monies in the Fund shall be used for the following purposes:

8 (a) The administration and implementation of this Chapter  
9 including, but not limited to, purchase of equipment, payment of personnel  
10 costs, public outreach, training, and contracts.

11 (b) The provision of grants for a sewage disposal system or sewer  
12 connection for eligible applicants.

13 (c) The provision of grants to fund a study of the NGLA relative to  
14 evaluating its nitrate levels, the levels of other contaminants as determined by  
15 GEPA, the impacts of such levels upon the aquifer, and for the purposes of  
16 revising minimum lot size for septic system density allowable within the GPZ  
17 pursuant to 10 GCA, Chapter 47, § 47108.1.

18 All monies in the Sewage Disposal Assistance and the NGLA Study Fund are  
19 hereby appropriated, and shall continue to be deemed appropriated, to the Guam  
20 Environmental Protection Agency (GEPA) to be expended in accordance with this  
21 Chapter.”

22 **Section 15.** A new § 48130 is *added* to Chapter 48, Title 10, Guam Code  
23 Annotated, to read:

24 “§ 48130. **Reporting of Nitrate Testing Results.**

25 (a) All tests of drinking water sources (ground water and surface  
26 water) for nitrates shall be posted on the Guam Waterworks Authority (GWA)  
27 and the Guam Environmental Protection Agency (GEPA) website and shall

1 be maintained for a period of not less than ten (10) years. The test shall  
2 include, but not be limited to, tests performed by any agency of the  
3 government of Guam including, but not limited to, GWA and GEPA and the  
4 Water Environmental Research Institute (WERI). The report posted shall  
5 include the date of test, the location of the water source (well or river) and the  
6 quantity of nitrates in the tests sample expressed in milligrams per liter  
7 (mg/L).

8 (b) In the event that any test sample reveals nitrate levels that exceed  
9 five milligrams per liter (5 mg/L), GWA shall advise customers that are  
10 supplied water from the affected source with notices, included with their  
11 billings, of the dangers of excess nitrate ingestion and that nitrate levels may  
12 be reduced or eliminated by home filtration systems including, but not limited  
13 to, ion exchange units, reverse osmosis filters, or distillation units.”

14 **Section 16. Promulgation of Rules and Regulations.** GEPA shall  
15 promulgate rules and regulations to permit the installation, maintenance, and  
16 operation of Type 2 and Type 4 facilities as soon as practicable and no later than  
17 twelve (12) months after the enactment of this Act.

18 **Section 17.** The Guam Compiler of Laws is authorized to update the table of  
19 contents of Chapter 48, 10 GCA, consistent with the numbering within this Chapter.

20 **Section 18. Short Title.** This Act shall be known as the *Santos Land Act of*  
21 *2024*.

22 **Section 19. Effective Date.** This Act shall be effective upon enactment.

23 **Section 20. Time Extension for Connection to Public Sewer.** The  
24 timelines under § 48104(b) of Chapter 48, 10 GCA for connection to sewer for all  
25 existing buildings shall not begin at the date public sewer originally became  
26 available, but shall instead begin ninety (90) days following the effective date of  
27 enactment of this Act.

1           **Section 21. Severability.** If any provision of this Act or its application to any  
2 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
3 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.